



# Indiana Office of Utility Consumer Counselor

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June 14, 2023

Bradford Hines  
Assistant General Counsel  
Indiana Utility Regulatory Commission  
101 W. Washington St. Suite 1500E  
Indianapolis IN 46204

Re: RM 22-04, Thirty-day filing rule revisions.

Dear Mr. Hines,

The Indiana Office of Utility Consumer Counselor (“OUCC”) hereby submits its recommendations on the April 18, 2023 version of the proposed revisions to the thirty-day filing (“TDF”) rule.

1. *Proposed revision to objection deadlines in 170 Ind. Admin. Code 1-6-7(b)(1).*

The OUCC appreciates the Commission’s desire to tighten time frames surrounding the resolution of TDFs. However, the proposed revision to 170 I.A.C. 1-6-7(b)(1) includes a new requirement that any objections to a proposed TDF be filed within twenty (20) calendar days of the filing. Under a 20-calendar-day timeframe, the OUCC and any other party that may object to a 30-day filing would be left with only fourteen (14) business days (and even fewer if state holidays occur within the timeframe) within which to review the filing. The OUCC respectfully requests the Commission modify this requirement to twenty (20) **business** days. Even though *ex parte* rules do not apply to TDFs, OUCC communications with utilities on a given TDF may occur over a period of weeks, and may consume more time than the designated 20 calendar days. The OUCC therefore requests the Commission consider this modification.

*2. Removal of System Development Charges (“SDCs”) from Prohibited Filings.*

The OUCC notes the removal of the definition of an SDC as well as a concurrent removal of SDCs from prohibited filings. The OUCC respectfully asks that those changes be reversed, allowing the SDC to remain on the list of prohibited filings.

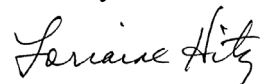
The Commission has considered eight (8) SDC requests in standalone dockets since 2016, not including proposed SDCs and SDC changes in general rate cases. In more than half of the standalone dockets, the OUCC raised concerns including accuracy or application of calculations, sufficient levels of detail in a utility’s case-in-chief, and questions regarding whether a certain project’s costs are appropriate for recovery through a SDC.

Proposals to create or modify SDCs require greater attention than the level anticipated by the 30-day filing process. Because of the often-contested nature of SDC cases, administrative efficiency would not be well-served by qualifying SDCs for consideration in 30-day filings. The OUCC therefore suggests that the Commission retain the definition of SDCs and retain SDCs as a prohibited TDF.

*3. Closing.*

The OUCC thanks the Commission for the opportunity to comment and looks forward to the completion of this rule.

Sincerely,



Lorraine Hitz  
Deputy Consumer Counselor