

ORIGINAL

TDA  
RB  
AM  
Korb

STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF AN ORDER )  
APPROVING UTILITY ARTICLES )  
PURSUANT TO 170 IAC 1-6. )

APPROVED:

APR 27 2011

The Indiana Administrative Code provides for Thirty-Day Administrative Filing Procedures and Guidelines pursuant to the authority of Ind. Code 8-1-1-3 and Ind. Code 8-1-2-42. The thirty-day filing process is available for certain routine and non-controversial requests to facilitate expedited consideration of these matters by the Commission. The rule sets forth the requirements for the thirty-day administrative filings.

The thirty-day filings received pursuant to 170 IAC 1-6 and ripe for Commission action are attached hereto and collectively referred to as the Utility Articles. There are no controversial filings in the Utility Articles approved today.

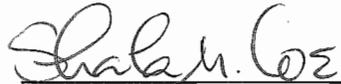
Pursuant to the rule, the Commission Technical Divisions have submitted their recommendations to the Commission. Therefore, the Commission finds that the requirements of 170 IAC 1-6 have been met and that the Utility Articles attached are hereby approved.

**IT IS SO ORDERED.**

**ATTERHOLT, LANDIS AND ZIEGNER CONCUR; BENNETT AND MAYS NOT PARTICIPATING IN 30-DAY FILING NO. 2843:**

APPROVED: APR 27 2011

**I hereby certify that the above is a true and correct copy of the Order as approved.**

  
\_\_\_\_\_  
**Shala M. Coe**  
**Acting Secretary to the Commission**



INDIANA UTILITY REGULATORY COMMISSION  
 101 WEST WASHINGTON STREET, SUITE 1500 EAST  
 INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>  
 Office: (317) 232-2701  
 Facsimile: (317) 232-6758

MEMORANDUM

TO: Chairman James D. Atterholt  
 Commissioners Ziegner, Landis, Mays, and Bennett

FROM: Commission Technical Divisions

DATE: April 20, 2011

RE: 30-Day Utility Articles for Conference on Tuesday, April 27, 2011 @ 2:00 P.M.

The following thirty-day filings have been submitted to the Commission. Each item was reviewed by the appropriate Commission Technical Divisions and all regulations were met in accordance with 170 IAC 1-6 Thirty-Day Administrative Filing Procedures and Guidelines. Therefore, the following filings listed below and attached hereto are recommended to be considered by the Commission at the next conference:

<u>Attachment Number</u>	<u>30-Day Filing No.</u>	<u>Name of Utility Company</u>	<u>Type of Request</u>	<u>Date Received</u>
1	2840	Harrison County REMC	Wholesale Power Tracker	03/18/2011
2	2843	Citizens Thermal Energy	First Amendment to Steam Purchase Agreement with Covanta Indianapolis, Inc.	03/25/2011

Submitted By: *Bradley K. Borum* <sup>BKB</sup>  
Director, Electric Division

**Filing Party:** Harrison County REMC  
**30-Day Filing ID No.:** 2840  
**Date Filed:** March 18, 2011  
**Filed Pursuant To:** Commission Order No. 34614  
**Request:** Adjust Wholesale Power Cost Factor to \$0.016074/kWh; effective April 2011 consumption.  
**Customer Impact:** Increase of \$0.001835/kWh  
**Tariff Pages Affected:** Appendix A  
**Staff Recommendations:** Requirements met. Recommend Approval

Submitted By: *Bradley K. Borum* *BKB*  
Director, Electric Division

**Filing Party:** Citizens Thermal Energy (“CTE”)  
**30-Day Filing ID No.:** 2843  
**Date Filed:** March 25, 2011  
**Request:** CTE is seeking to have approved a modification to their steam purchase contract with Covanta Indianapolis, Inc. originally approved in Cause No. 43025 on December 28, 2006. The amendment adds language to the contract to clarify both party’s intent of the original contract; specifically in Article IV, Part B addressing the Escalated Base Rate for Base Steam and Winter Incentive Steam. Both parties believe the original language of this section contain ambiguities that could result in unreasonable adjustments. No such unreasonable adjustments have occurred in the past; however, the parties seek to amend the contract to prevent the possibility of such unreasonable adjustments occurring anytime during the remaining term of the contract.  
**Customer Impact:** N/A  
**Tariff Pages Affected:** N/A  
**Staff Recommendations:** CTE provided a redlined version of the original term marked with the new language clarifying the contract’s intent. The language is similar to the marked out language but does add more clarity to the existing contract. This language has no material effect on the rates or the term of the contract, but only adds clarity to the existing terms making the parties able to avoid potential unintended consequences stemming from the ambiguity of the contract’s original language. CTE also provided potential calculations of future rates should the language remain as originally crafted in the contract. Staff agrees with CTE in that the ambiguity of the terms in Article IV, Part B provides a potential calculation of unreasonable rates and agrees that the amendment sought in this filing adds the necessary clarity to prevent such unreasonable rates from occurring. Staff recommends approval.