



INDIANA UTILITY REGULATORY COMMISSION  
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## MEMORANDUM

TO: Commission Chairman James F. Huston  
Commissioners Freeman, Krevda, Ober, and Ziegner

FROM: Commission Technical Divisions

DATE: June 19, 2020

RE: 30-Day Utility Articles for Conference on *Wednesday June 24, 2020 @ 10:00 a.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:

Attachment Number	30-Day Filing No.	Name of Utility Company	Type of Request	Date Received
1	50325	Northern Indiana Public Service Co. - Electric	COGEN 2020	2/24/2020
2	50329	Indianapolis Power & Light Company	COGEN 2020	2/28/2020
3	50330	Indiana Michigan Power Company	COGEN 2020	2/28/2020
4	50331	Southern Indiana Gas and Electric Company - Electric	COGEN 2020	2/28/2020
5	50332	Southern Indiana Gas and Electric Company - Electric	Additional Contract Form Pursuant To Rate CSP for Qualifying Facilities That Elect to Sell Net Generation Output	3/2/2020
6	50348	Anderson Municipal Light & Power Co	3rd Quarter 2020 Tracker Filing	5/21/2020
7	50352	Richmond Municipal Power & Light	3rd Quarter 2020 ECA	5/20/2020

**Filing Party:** Northern Indiana Public Service Co.  
**30-Day Filing ID No.:** 50325  
**Date Filed:** February 24, 2020  
**Filed Pursuant To:** 170 I.A.C. 4-4.1-10  
**Request:** New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.

- Customer Impact:**
- Time of Use Meter, Summer Period On-Peak
    1. \$0.00433/kWh decrease in energy credit.
    2. \$0.15/kW/month decrease in capacity purchase rate.
  - Time of Use Meter, Summer Period Off-Peak
    3. \$0.00717/kWh decrease in energy credit.
    4. \$0.15/kW/month decrease in capacity purchase rate.
  - Time of Use Meter, Winter Period On-Peak
    5. \$0.00258/kWh increase in energy credit.
    6. \$0.15/kW/month decrease in capacity purchase rate.
  - Time of Use Meter, Winter Period Off-Peak
    7. \$0.00498/kWh decrease in energy credit.
    8. \$0.15/kW/month decrease in capacity purchase rate.
  - Standard Meter Summer Period
    9. \$0.00433/kWh decrease in energy purchase rate.
    10. \$0.15/kW/month decrease in capacity purchase rate.
  - Standard Meter Winter Period
    11. \$0.00593/kWh decrease in energy purchase rate.
    12. \$0.15/kW/month decrease in capacity purchase rate.

<b>RIDER 878</b>			
<b>Purchases from Cogeneration Facilities and Small Power Production Facilities</b>			
<i>Measurement Method</i>	<i>Time Period</i>	<i>Energy (\$/kWh)</i>	<i>Capacity (\$/kW/month)</i>
Time of Use Meter	<i>Summer Period (May – Sept.)</i>		
	On-Peak	\$0.03190	\$8.55
	Off-Peak	\$0.02124	\$8.55
	<i>Winter Period (Oct. – Apr.)</i>		
	On-Peak	\$0.02975	\$8.55
	Off-Peak	\$0.02444	\$8.55
Standard Meter	Summer Period	\$0.02681	\$8.55
	Winter Period	\$0.02678	\$8.55

**Tariff Pages Affected:** IURC Original Volume No. 14: Second Revised Sheet No. 149, and Second Revised Sheet No. 150.

**Objections - Summary:** OUCC Objection filed 3/26/20

- NIPSCO should use a Simple Cycle Combustion Turbine in its calculation of avoided capacity. They have used a higher cost Combined Cycle Gas Turbine and their most recent IRP does not include a Combined Cycle Gas Turbine.
- NIPSCO failed to calculate an adjusted monthly capacity payment (“Ca”) utilizing a reasonable in-service year of the avoidable or deferrable unit pursuant to 170 I.A.C. 4-4.1-9(b). According to NIPSCO’s most recent IRP, the next avoidable or deferrable unit will be in 2023. Therefore, Δt should equal 3 years.

NIPSCO Response filed 4/6/20

- 170 IAC 4-4.1-9(c) does not require the use of Simple Cycle Combustion Turbine for the calculation of avoided capacity and establishes a Combustion Turbine as a floor, not the ceiling.
- The OUCC has ignored that NIPSCO purchased capacity in MISO’s Planning Resource Auction for the 2019-20 Planning Year. Because NIPSCO is currently purchasing capacity, Δt should be set at 0 years, as it was in the filing, not 3 years.

OUCC Amended Objection filed 4/8/20

- The Filing at issue in this Objection does not comply with the requirements of 170 I.A.C.4-4.1-9, which establishes the calculation of capacity purchases.

NIPSCO Response to Amended Objection filed 4/16/20

- The OUCC’s Amended Objection added no additional objections and did not modify the substance to the objections it raised initially. Also, the Amended Objection was also filed after NIPSCO provided its Response to the Initial Objection, which was approximately forty-four days after NIPSCO submitted the Filing. In addition to being untimely, such a filing is not permissible under the 170 IAC 4-4.1 et seq., as the regulations contemplate only one filing of objections in response to a 30-Day filing.

IndianaDG Objection filed 4/24/20

- Filing is not compliant with the Public Utilities Regulatory Policies Act (“PURPA”).

NIPSCO Response to IndianaDG Objection filed 4/30/20

- IndianaDG’s Objection is not based on any of the appropriate grounds for objections to 30-Day filings listed in 170 IAC 1-6-7.
- IndianaDG’s Objection was not timely – it was filed on April 24, 2020, more than 60 days after NIPSCO’s Initial Filing.

**General Counsel Analysis and Findings:**

OUCC Objection– NIPSCO used capital cost of CCGT, instead of CT

- OUCC failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not correctly assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- 170 IAC 1-6-7 does not provide for amendments to the objection being submitted or for multiple filings providing additional explanation. 170 IAC 1-6 provides for a shortened administrative process and, given the shorter timeframe, persons submitting an objection should provide a statement on which

the objection is based and that accurately articulates the basis for the objection pursuant to 170 IAC 1-6-7(b)(2).

- OUCC is incorrectly reading the rule – the combustion turbine (“CT”) capital cost is a minimum cost (“shall not be lower...than” 170 IAC 4-4.1-9(c)); utilities may use capital costs of more expensive generation; the IURC has previously approved without objection the use of combined cycle gas turbine (“CCGT”) capital costs in the calculation under 9(a) as required by 9(c).
- The OUCC objection is not compliant with 170 IAC 1-6-7.

#### OUCC Objection– NIPSCO failed to file a calculation under 9(b)

- OUCC failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not correctly assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- 170 IAC 1-6-7 does not provide for amendments to the objection being submitted or for multiple filings providing additional explanation. 170 IAC 1-6 provides for a shortened administrative process and, given the shorter timeframe, persons submitting an objection should provide a statement on which the objection is based and that accurately articulates the basis for the objection pursuant to 170 IAC 1-6-7(b)(2).
- Under 170 IAC 4-4.1-10 (“10”), the calculation in 9(b) is not required to be filed with the Commission – 9(c) and 9(d) are required under 10, 9(c) incorporates 9(a), 9(d) is simply converting any calculations made in 9(a) and/or 9(b) to monthly payments.
- The OUCC is adding its interpretation to the rule, by arguing that the 9(b) calculation is required and must be based on information from the utility’s integrated resource plan (“IRP”). Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility’s IRP to calculate 9(b).
- The Commission and its staff has consistently interpreted and applied Rule 4.1 for at least the last 13 years without the OUCC raising this issue or requesting a different interpretation based on IRPs. The Commission has approved the 9(a) capacity calculation and it’s that number (as converted to monthly payments under 9(d)) that has been approved and is in the utilities’ tariffs. An example of this is the filing submitted by Duke Energy Indiana, LLC, in 50327, in which only the capacity rate calculated under 9(a) was included in the approved tariff, and without objection by the OUCC. It would be arbitrary and capricious for the Commission to change its interpretation at this time. If the OUCC or any others would like the Commission to change its interpretation of its own rules, they may file a petition with their request according to the applicable statutes and procedural rules and provide the necessary evidentiary basis for making such a change.
- The OUCC objection is not compliant with 170 IAC 1-6-7.

#### Indiana Distributed Energy Alliance (“IndianaDG”) Objection

- IndianaDG failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- IndianaDG joins Solarize Indiana and expresses concerns regarding Vectren’s filing of a proposed excess distributed generation (“EDG”) rate, now docketed as IURC Cause No. 45378, regarding EDG and the relevant statute, Ind. Code chapter 8-1-40. If it hasn’t already, IndianaDG may intervene in 45378 and that is the appropriate proceeding in which to provide its arguments and supporting evidence for those arguments. In any event, this is not a compliant objection to NIPSCO’s filing.
- IndianaDG is requesting a rulemaking to amend Rule 4.1 and change the avoided cost calculation so that a higher avoided cost rate results. That is not a compliant objection under 170 IAC 1-6-7(b); IndianaDG has the option of submitting a request to the Commission asking for a rulemaking to amend Rule 4.1.
- The IndianaDG objection is not compliant with 170 IAC 1-6-7.

**Staff Recommendation:** Staff agrees with General Counsel’s analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

**Filing Party:** Indianapolis Power & Light Co.  
**30-Day Filing ID No.** 50329  
**Date Filed:** February 28, 2020  
**Filed Pursuant To:** 170 I.A.C. 4-4.1-10  
**Request:** New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.

**Customer Impact:** Peak Period

- \$0.0044/kWh decrease in energy purchase rate.
- \$0.42/kW/month decrease in capacity purchase rate.

Off Peak Period

- \$0.0026/kWh decrease in energy purchase rate.
- \$0.42/kW/month decrease in capacity purchase rate.

RATE CGS		
Cogeneration and Small Power Production		
<i>Time Period</i>	<i>Energy (\$/kWh)</i>	<i>Capacity (\$/kW/month)</i>
Peak Period	\$0.0235	\$5.58
Off Peak Period	\$0.0221	\$5.58

**Tariff Pages Affected:** No. 122

**Objections - Summary:** OUCC Objection filed 3/26/20

- IPL failed to calculate an adjusted monthly capacity payment (“Ca”) utilizing a reasonable in-service year of the avoidable or deferrable unit pursuant to 170 I.A.C. 4-4.1-9(b). According to IPL’s most recent IRP, the next avoidable or deferrable unit will be in 2023. Therefore,  $\Delta t$  should equal 3 years.

IPL Response filed 4/6/20

- The OUCC’s Objection is not based on any of the appropriate grounds for objections to 30-Day filings listed in 170 IAC 1-6-7.
- The OUCC’s recommendation to use an in-service year from IPL’s latest IRP, which looks to the long-term generation needs of the utility, is inconsistent with the intent of this Filing, which calculates near-term capacity payment rates. Because the purpose of this filing is to determine the capacity purchase rate for April 2020 – March 2021, only an avoided capacity cost relative to 2020 is necessary. Therefore,  $\Delta t$  should be set at 0 years, as it was in the filing.

OUCC Amended Objection filed 4/8/20

- The Filing at issue in this Objection does not comply with the requirements of 170 I.A.C.4-4.1-9, which establishes the calculation of capacity purchases.

IndianaDG Objection filed 4/24/20

- Filing is not compliant with the Public Utilities Regulatory Policies Act (“PURPA”).

### IPL Response to IndianaDG Objection filed 5/1/20

- IndianaDG's Objection is not based on any of the appropriate grounds for objections to 30-Day filings listed in 170 IAC 1-6-7.
- IndianaDG's Objection was not timely – it was filed on April 24, 2020, 56 days after IPL's Initial Filing.

### **General Counsel Analysis and Findings:**

#### **OUCS Objection – IPL did not use its IRP information for calculation under 9(b)**

- OUCS failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not correctly assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- 170 IAC 1-6-7 does not provide for amendments to the objection being submitted or for multiple filings providing additional explanation. 170 IAC 1-6 provides for a shortened administrative process and, given the shorter timeframe, persons submitting an objection should provide a statement on which the objection is based and that accurately articulates the basis for the objection pursuant to 170 IAC 1-6-7(b)(2).
- Under 170 IAC 4-4.1-10 ("10"), the calculation in 9(b) is not required to be filed with the Commission – 9(c) and 9(d) are required under 10, 9(c) incorporates 9(a), 9(d) is simply converting any calculations made in 9(a) and/or 9(b) to monthly payments.
- The OUCS is adding its interpretation to the rule, by arguing that the 9(b) calculation is required and must be based on information from the utility's integrated resource plan ("IRP"). Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility's IRP to calculate 9(b).
- The Commission and its staff has consistently interpreted and applied Rule 4.1 for at least the last 13 years without the OUCS raising this issue or requesting a different interpretation based on IRPs. The Commission has approved the 9(a) capacity calculation and it's that number (as converted to monthly payments under 9(d)) that has been approved and is in the utilities' tariffs. An example of this is the filing submitted by Duke Energy Indiana, LLC, in 50327, in which only the capacity rate calculated under 9(a) was included in the approved tariff, and without objection by the OUCS. It would be arbitrary and capricious for the Commission to change its interpretation at this time. If the OUCS or any others would like the Commission to change its interpretation of its own rules, they may file a petition with their request according to the applicable statutes and procedural rules and provide the necessary evidentiary basis for making such a change.
- The OUCS objection is not compliant with 170 IAC 1-6-7.

#### **Indiana Distributed Energy Alliance ("IndianaDG") Objection**

- IndianaDG failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- IndianaDG joins Solarize Indiana and expresses concerns regarding Vectren's filing of a proposed excess distributed generation ("EDG") rate, now docketed as IURC Cause No. 45378, regarding EDG and the relevant statute, Ind. Code chapter 8-1-40. If it hasn't already, IndianaDG may intervene in 45378 and that is the appropriate proceeding in which to provide its arguments and supporting evidence for those arguments. In any event, this is not a compliant objection to IPL's filing.
- IndianaDG is requesting a rulemaking to amend Rule 4.1 and change the avoided cost calculation so that a higher avoided cost rate results. That is not a compliant objection under 170 IAC 1-6-7(b); IndianaDG has the option of submitting a request to the Commission asking for a rulemaking to amend Rule 4.1.
- The IndianaDG objection is not compliant with 170 IAC 1-6-7.

**Staff Recommendations:** Staff agrees with General Counsel’s analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.



**Filing Party:** Indiana Michigan Power Co.  
**30-Day Filing ID No.:** 50330  
**Date Filed:** February 28, 2020  
**Filed Pursuant To:** 170 I.A.C. 4-4.1-10  
**Request:** New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.  
**Customer Impact:** Standard Measurement

- \$0.0006/kWh increase in energy credit.
- \$0.21/kW/month decrease in capacity credit.
- \$0.60 increase in single phase monthly metering charge.
- \$0.80 increase in polyphase monthly metering charge.

Time-of-Day (TOD) On-peak

- \$0.0011/kWh increase in energy credit.
- \$0.21/kW/month decrease in capacity credit.
- \$0.60 increase in single phase monthly metering charge.
- \$0.80 increase in polyphase monthly metering charge.

Time-of-Day (TOD) Off-peak

- \$0.0002/kWh increase in energy credit.
- \$0.21/kW/month decrease in capacity credit.
- \$0.60 increase in single phase monthly metering charge.
- \$0.80 increase in polyphase monthly metering charge.

<b>TARIFF COGEN/SPP (Cogeneration and/or Small Power Production Service)</b>					
<i>Measurement Method</i>		<i>Monthly Credits or Payments for Energy and Capacity Deliveries</i>		<i>Monthly Metering Charge</i>	
		<i>Energy Credit (\$/kWh)</i>	<i>Capacity Credit (\$/kW/month)</i>	<i>Single Phase Meter</i>	<i>Polyphase Meter</i>
Standard Measurement		\$0.0301	\$6.37	\$2.40	\$3.25
TOD Measurement	On-peak	\$0.0362	\$6.37	\$2.45	\$3.30
	Off-peak	\$0.0257	\$6.37	\$2.45	\$3.30

**Tariff Page(s) Affected:** Sheet Nos. 26.2 and 26.3

**Objections - Summary:** OUCC Objection filed 3/26/20

- I&M failed to calculate an adjusted monthly capacity payment (“Ca”) utilizing a reasonable in-service year of the avoidable or deferrable unit pursuant to 170 I.A.C. 4-4.1-9(b). According to I&M’s most recent IRP, the next avoidable or deferrable unit will be in 2022. Therefore, Δt should equal 2 years.

I&M Response filed 4/6/20

- The OUCC misstates I&M’s 2018 – 2019 IRP, which shows a capacity need beginning in 2023. This need reflects I&M’s plan to commit the capacity of Rockport Unit 2 for the 2022/2023 PJM Delivery year, which begins June 1, 2022 and ends May 31, 2023. As a result of this capacity obligation, the correct

avoidable or deferrable unit date is 2023, not 2022, or 3 years instead of 2 years set forth in the OUCC's objection.

OUCC Amended Objection filed 4/8/20

- The Filing at issue in this Objection does not comply with the requirements of 170 I.A.C.4-4.1-9, which establishes the calculation of capacity purchases.

IndianaDG Objection filed 4/24/20

- Filing is not compliant with the Public Utilities Regulatory Policies Act ("PURPA").

I&M Response to IndianaDG Objection filed 5/4/20

- IndianaDG's Objection is not based on any of the appropriate grounds for objections to 30-Day filings listed in 170 IAC 1-6-7.
- IndianaDG's Objection seeks relief outside of the scope of the 30-Day process. The true purpose IndianaDG's Objection appears to be the initiation of a statewide docket to investigate Indiana's implementation of PURPA, which is not a legitimate basis for objecting to this Filing.

### **General Counsel Analysis and Findings:**

OUCC Objection – I&M did not use its IRP information for calculation under 9(b)

- OUCC failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not correctly assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- 170 IAC 1-6-7 does not provide for amendments to the objection being submitted or for multiple filings providing additional explanation. 170 IAC 1-6 provides for a shortened administrative process and, given the shorter timeframe, persons submitting an objection should provide a statement on which the objection is based and that accurately articulates the basis for the objection pursuant to 170 IAC 1-6-7(b)(2).
- Under 170 IAC 4-4.1-10 ("10"), the calculation in 9(b) is not required to be filed with the Commission – 9(c) and 9(d) are required under 10, 9(c) incorporates 9(a), 9(d) is simply converting any calculations made in 9(a) and/or 9(b) to monthly payments.
- The OUCC is adding its interpretation to the rule, by arguing that the 9(b) calculation is required and must be based on information from the utility's integrated resource plan ("IRP"). Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility's IRP to calculate 9(b).
- The Commission and its staff has consistently interpreted and applied Rule 4.1 for at least the last 13 years without the OUCC raising this issue or requesting a different interpretation based on IRPs. The Commission has approved the 9(a) capacity calculation and it's that number (as converted to monthly payments under 9(d)) that has been approved and is in the utilities' tariffs. An example of this is the filing submitted by Duke Energy Indiana, LLC, in 50327, in which only the capacity rate calculated under 9(a) was included in the approved tariff, and without objection by the OUCC. It would be arbitrary and capricious for the Commission to change its interpretation at this time. If the OUCC or any others would like the Commission to change its interpretation of its own rules, they may file a petition with their request according to the applicable statutes and procedural rules and provide the necessary evidentiary basis for making such a change.
- The OUCC objection is not compliant with 170 IAC 1-6-7.

Indiana Distributed Energy Alliance ("IndianaDG") Objection

- IndianaDG failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).

- IndianaDG joins Solarize Indiana and expresses concerns regarding Vectren’s filing of a proposed excess distributed generation (“EDG”) rate, now docketed as IURC Cause No. 45378, regarding EDG and the relevant statute, Ind. Code chapter 8-1-40. If it hasn’t already, IndianaDG may intervene in 45378 and that is the appropriate proceeding in which to provide its arguments and supporting evidence for those arguments. In any event, this is not a compliant objection to I&M’s filing.
- IndianaDG is requesting a rulemaking to amend Rule 4.1 and change the avoided cost calculation so that a higher avoided cost rate results. That is not a compliant objection under 170 IAC 1-6-7(b); IndianaDG has the option of submitting a request to the Commission asking for a rulemaking to amend Rule 4.1.
- The IndianaDG objection is not compliant with 170 IAC 1-6-7.

**Staff Recommendation:** Staff agrees with General Counsel’s analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

**Filing Party:** Southern Indiana Gas and Electric Company - Electric  
**30-Day Filing ID No.:** 50331  
**Date Filed:** February 28, 2020  
**Filed Pursuant To:** 170 I.A.C. 4-4.1-10  
**Request:** New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.  
**Customer Impact:** On-Peak: Decrease \$0.00529 kWh  
Off-Peak: Decrease \$0.00257 kWh  
Capacity: Increase \$0.18 kW per month

<b>RATE CSP</b>		
<b>Cogeneration and Small Power Production</b>		
<i>Time Period</i>	<i>Energy Payment to a Qualifying Facility (\$/kWh)<sup>1</sup></i>	<i>Capacity Payment to a Qualifying Facility (\$/kW/per month)</i>
Annual On-Peak	\$0.03016	\$6.08
Annual Off-Peak	\$0.02413	\$6.08

**Tariff Page(s) Affected:** IURC No. E-13: Sheet No. 79, Ninth Revised Page 2 of 4

**Objections - Summary:** OUCC Objection filed 3/26/20

- SIGECO failed to calculate an adjusted monthly capacity payment (“Ca”) utilizing a reasonable in-service year of the avoidable or deferrable unit pursuant to 170 I.A.C. 4-4.1-9(b). According to SIGECO’s most recent IRP, the next avoidable or deferrable unit will be in 2023. Therefore, Δt should equal 3 years, consistent with SIGECO’s 2018 30-Day Cogen filing.

SIGECO Response filed 4/6/20

- The OUCC’s Objection is not based on any of the appropriate grounds for objections to 30-Day filings listed in 170 I.A.C 1-6-7.
- The OUCC’s recommendation to use an in-service year from SIGECO’s latest IRP, which looks to the long-term generation needs of the utility, is inconsistent with the intent of this Filing, which calculates near-term capacity payment rates. Rate CSP monthly capacity payments are a proxy for the avoided cost of a unit installed today. This Filing uses a current in-service year of 2020 to determine the capacity purchase rate for the applicable 12-month period that the Rate CSP is in effect (April 2020 – March 2021). Therefore, a Δt of 0 years should be utilized.

OUCC Amended Objection filed 4/8/20

- The Filing at issue in this Objection does not comply with the requirements of 170 I.A.C. 4-4.1-9, which establishes the calculation of capacity purchases.

Solarize Indiana Objection filed 4/24/20

- Filing is not compliant with the Public Utilities Regulatory Policies Act (“PURPA”).

IndianaDG Objection filed 4/24/20

- Filing is not compliant with the Public Utilities Regulatory Policies Act (“PURPA”).

Morton Solar Objection filed 4/29/20

- The EDG rate that Vectren has requested is much too low and does not represent the true value of solar energy.

SIGECO Response to Solarize Indiana, IndianaDG, and Morton Solar Objections filed 5/5/20

- Neither Solarize Indiana nor IndianaDG provide any grounds, specific or otherwise, for their objections to the Filing. They both merely state their intent to join in the OUCC’s objection.
- None of the Objections are based on any of the appropriate grounds for objections to 30-Day filings listed in 170 I.A.C. 1-6-7.
- None of the Objections were timely – all were filed more than 50 days after SIGECO’s Initial Filing.
- Morton’s Solar’s Objections are unrelated to, separate from, and outside the scope of this Filing, which concerns SIGECO’s CSP Rate, not the EDG Rate being considered in pending Cause No. 45378.

Customer Robert Harrison Email filed 5/8/20

- In support of Morton Solar’s Objection.

Solarize Indiana Reply filed 5/8/20

- PURPA and FERC's regulations implementing PURPA are both "applicable law" within the meaning of the Commission's own rule defining permissible objections to 30-day filings relating to Cogeneration and Renewable Generation Tariffs such as Vectren's proposed CSP Tariff, and Objectors have raised the issue of whether Vectren's filings comply with that statute and those regulations.
- PURPA requires that each qualifying renewable generator be offered three options for selling electricity to the utility, but Objectors have fairly raised the issue of whether Vectren is doing that.
- PURPA requires that a utility pay a qualifying renewable generator an “Avoided Cost” price based on the electricity that the utility would have purchased “but for” the PURPA purchase, but Objectors have fairly raised the issue of whether Vectren is doing that.
- PURPA requires that the interconnecting utility offer each qualifying renewable generator the opportunity to sell generation on terms otherwise compliant with the statute and its implementing regulations without preference or discrimination, but Objectors have fairly raised the issue of whether Vectren is doing that.
- Under the Commission's rules, Objectors have raised issues regarding this Filing sufficient to render it "controversial" under 170 I.A.C 1-6 and thus to require its review by the Commission in a docketed proceeding.
- There is no specific number of days following a 30-day filing set by the Commission rules after which an objection to the filing cannot be considered by the Commission prior to either summarily approving or requiring the docketing of the filing.

**General Counsel Analysis and Findings:**

OUCC Objection – Vectren did not use its IRP information for calculation under 9(b)

- OUCC failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not correctly assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).

- 170 IAC 1-6-7 does not provide for amendments to the objection being submitted or for multiple filings providing additional explanation. 170 IAC 1-6 provides for a shortened administrative process and, given the shorter timeframe, persons submitting an objection should provide a statement on which the objection is based and that accurately articulates the basis for the objection pursuant to 170 IAC 1-6-7(b)(2).
- Under 170 IAC 4-4.1-10 (“10”), the calculation in 9(b) is not required to be filed with the Commission – 9(c) and 9(d) are required under 10, 9(c) incorporates 9(a), 9(d) is simply converting any calculations made in 9(a) and/or 9(b) to monthly payments.
- The OUCC is adding its interpretation to the rule, by arguing that the 9(b) calculation is required and must be based on information from the utility’s integrated resource plan (“IRP”). Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility’s IRP to calculate 9(b).
- The Commission and its staff has consistently interpreted and applied Rule 4.1 for at least the last 13 years without the OUCC raising this issue or requesting a different interpretation based on IRPs. The Commission has approved the 9(a) capacity calculation and it’s that number (as converted to monthly payments under 9(d)) that has been approved and is in the utilities’ tariffs. An example of this is the filing submitted by Duke Energy Indiana, LLC, in 50327, in which only the capacity rate calculated under 9(a) was included in the approved tariff, and without objection by the OUCC. It would be arbitrary and capricious for the Commission to change its interpretation at this time. If the OUCC or any others would like the Commission to change its interpretation of its own rules, they may file a petition with their request according to the applicable statutes and procedural rules and provide the necessary evidentiary basis for making such a change.
- The OUCC objection is not compliant with 170 IAC 1-6-7.

Indiana Distributed Energy Alliance (“IndianaDG”) Objection – supports OUCC objection without argument or supporting citations.

- IndianaDG failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- IndianaDG joins Solarize Indiana and expresses concerns regarding Vectren’s filing of a proposed excess distributed generation (“EDG”) rate, now docketed as IURC Cause No. 45378, regarding EDG and the relevant statute, Ind. Code chapter 8-1-40. If it hasn’t already, IndianaDG may intervene in 45378 and that is the appropriate proceeding in which to provide its arguments and supporting evidence for those arguments.
- IndianaDG is requesting a rulemaking to amend Rule 4.1 and change the avoided cost calculation so that a higher avoided cost rate results. That is not a compliant objection under 170 IAC 1-6-7(b); IndianaDG has the option of submitting a request to the Commission asking for a rulemaking to amend Rule 4.1.
- The IndianaDG objection is not compliant with 170 IAC 1-6-7.

Solarize Indiana (“SI”) Objection – Vectren may not be complying with PURPA

- 170 IAC 1-6-7 does not provide for a reply being submitted to the utility’s response to the objection or for multiple filings providing additional explanation. 170 IAC 1-6 provides for a shortened administrative process and, given the shorter timeframe, persons submitting an objection should provide a statement on which the objection is based and that accurately articulates the basis for the objection pursuant to 170 IAC 1-6-7(b)(2).
- While SI states that Vectren’s filing is “incomplete”, this allegation is with regards to the Public Utility Regulatory Policies Act (“PURPA”), enacted in 1978. The IURC adopted rules in 1981 to implement PURPA. The Indiana General Assembly enacted Ind. Code chapter 8-1-2.4 in 1982 to express the State of Indiana’s policy and implementation of PURPA, which gives authority to the states to implement PURPA under rules that have been and may be established by the Federal Energy Regulatory Commission. The IURC adopted Rule 4.1 in 1985 to implement Ind. code chapter 8-1-2.4 and,

therefore, also to implement PURPA. SI does not provide any statement that Vectren's filing, which was made under Rule 4.1, violates Rule 4.1; as a result, SI's objection does not comply with 170 IAC 1-6-7(b)(2). SI's objection appears to be about Rule 4.1 itself and SI's assertion that the rule should be updated; this is not a compliant objection under 170 IAC 1-6-7. SI has the option of submitting a request to the Commission asking for a rulemaking to amend Rule 4.1.

- Most of SI's comments and assertions are regarding Vectren's filing of a proposed excess distributed generation ("EDG") rate, now docketed as IURC Cause No. 45378, and its concerns regarding EDG and the relevant statute, Ind. Code chapter 8-1-40. SI has intervened in 45378 and that is the appropriate proceeding in which to provide its arguments and supporting evidence for those arguments.
- The SI objection is not compliant with 170 IAC 1-6-7.

#### Morton Solar Objection – Change formula for calculating EDG

- Morton Solar failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- Morton Solar provides its background and history in Indiana, argues against the implementation of Ind. Code 8-1-40, and proposed an alternate formula for calculating an EDG rate.
- Vectren's 30-day filing is not regarding EDG; that is the subject matter of IURC Cause No. 45378. Morton Solar may wish to intervene in that proceeding to provide its arguments and supporting evidence for those arguments.
- H. Robert Harrison submitted an email in support of Morton Solar's Objection. 170 IAC 1-6-7 does not provide for submissions by others in support of an objection; the person should make an objection directly or communicate through the Office of Utility Consumer Counselor. In addition, Mr. Harrison may either directly intervene in IURC Cause No. 45378 or contact the Office of Utility Consumer Counselor or another intervening party to submit his concerns.
- The Morton Solar objection is not compliant with 170 IAC 1-6-7.

**Staff Recommendation:** Staff agrees with General Counsel's analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

**Filing Party:** Southern Indiana Gas and Electric Company - Electric

**30-Day Filing ID No.:** 50332

**Date Filed:** March 2, 2020

**Filed Pursuant To:** 170 I.A.C. 4-4.1-5

**Request:** Additional Contract Form Pursuant To Rate CSP for Qualifying Facilities That Elect to Sell Net Generation Output Under 170 I.A.C. 4-4.1-5(c).

**Customer Impact:** N/a. Based on a recent request from an existing customer that is installing solar generation facilities that constitute a qualifying facility, SIGECO now has a need to create a new and separate Standard Offer and Contract Form for those qualifying facilities that elect to sell only their generation output that is net of their own use of electric service provided by the Company.

**Tariff Page(s) Affected:** n/a

**Objections - Summary:** Solarize Indiana Objection filed 4/24/20

- Filing is not compliant with the Public Utilities Regulatory Policies Act (“PURPA”).
- The OUCC’s Amended Objection to SIGECO’s Filing in 50331 should be read to apply to this Filing as well because the two Filings are inextricably intertwined with respect to the substance of the OUCC’s Objection.

IndianaDG Objection filed 4/24/20

- Filing is not compliant with PURPA.

Morton Solar Objection filed 4/29/20

- The EDG rate that Vectren has requested is much too low and does not represent the true value of solar energy.

SIGECO Response to Solarize Indiana, IndianaDG, and Morton Solar Objections filed 5/5/20

- None of the Objections are based on any of the appropriate grounds for objections to 30-Day filings listed in 170 I.A.C. 1-6-7.
- Joining in an objection by another party to a wholly separate filing in no way satisfies the requirement that a violation of Indiana law or Commission order or Commission rule be alleged. Nowhere does the OUCC’s objection to Filing No. 50331 take issue with the proposed Standard Form of Contract that is the subject of this Filing.
- None of the Objections were timely – all were filed more than 50 days after SIGECO’s Initial Filing.
- Morton’s Solar’s Objections are unrelated to, separate from, and outside the scope of this Filing, which concerns SIGECO’s Standard Form of Contract, not the EDG Rate being considered in pending Cause No. 45378.

Customer Robert Harrison Email filed 5/8/20

- In support of Morton Solar’s Objection.

Solarize Indiana Reply filed 5/8/20

- PURPA and FERC's regulations implementing PURPA are both "applicable law" within the meaning of the Commission's own rule defining permissible objections to 30-day filings relating to Cogeneration and Renewable Generation Tariffs such as Vectren's proposed CSP Tariff, and Objectors have raised the



- issue of whether this Filing complies with that statute and those regulations.
- PURPA requires that each qualifying renewable generator be offered three options for selling electricity to the utility, but Objectors have fairly raised the issue of whether Vectren is doing that.
- PURPA requires that a utility pay a qualifying renewable generator an “Avoided Cost” price based on the electricity that the utility would have purchased “but for” the PURPA purchase, but Objectors have fairly raised the issue of whether Vectren is doing that.
- PURPA requires that the interconnecting utility offer each qualifying renewable generator the opportunity to sell generation on terms otherwise compliant with the statute and its implementing regulations without preference or discrimination, but Objectors have fairly raised the issue of whether Vectren is doing that.
- Under the Commission's rules, Objectors have raised issues regarding this Filing sufficient to render it "controversial" under 170 I.A.C. 1-6 and thus to require its review by the Commission in a docketed proceeding.
- There is no specific number of days following a 30-day filing set by the Commission rules after which an objection to the filing cannot be considered by the Commission prior to either summarily approving or requiring the docketing of the filing.

### **General Counsel Analysis and Findings:**

#### **Solarize Indiana Objection – Vectren may not be complying with PURPA**

- Vectren’s filing in 50332 is regarding an additional standard offer contract under 170 IAC 4-4.1-11; Solarize Indiana (“SI”) does not base its objection on a statement that the filing is a violation of the rule under which it was filed or that that the filing is inaccurate, incomplete under 170 IAC 4-4.1-11, or prohibited, as required by 170 IAC 1-6-7(b).
- 170 IAC 1-6-7 does not provide for a reply being submitted to the utility’s response to the objection or for multiple filings providing additional explanation. 170 IAC 1-6 provides for a shortened administrative process and, given the shorter timeframe, persons submitting an objection should provide a statement on which the objection is based and that accurately articulates the basis for the objection pursuant to 170 IAC 1-6-7(b)(2).
- While SI states that Vectren’s filing is “incomplete,” this allegation is with regards to the Public Utility Regulatory Policies Act (“PURPA”), enacted in 1978; SI also expresses concerns that the filing may be in violation of PURPA. However, these allegations and concerns are without foundation because Rule 4.1 was adopted as part of the State of Indiana’s implementation of PURPA. The IURC initially adopted rules in 1981 to implement PURPA. The Indiana General Assembly enacted Ind. Code chapter 8-1-2.4 in 1982 to express the State of Indiana’s policy and implementation of PURPA, which gives authority to the states to implement PURPA under rules that have been and may be established by the Federal Energy Regulatory Commission. The IURC adopted Rule 4.1 in 1985 to implement Ind. code chapter 8-1-2.4 and, therefore, also to implement PURPA. SI does not provide any statement that Vectren’s filing, which was made under Rule 4.1, violates Rule 4.1; as a result, SI’s objection does not comply with 170 IAC 1-6-7(b)(2). SI’s objection appears to be about Rule 4.1 itself and SI’s assertion that the rule should be updated; this is not a compliant objection under 170 IAC 1-6-7. SI has the option of submitting a request to the Commission asking for a rulemaking to amend Rule 4.1.
- Most of SI’s comments and assertions are regarding Vectren’s filing of a proposed excess distributed generation (“EDG”) rate, now docketed as IURC Cause No. 45378, and its concerns regarding EDG and the relevant statute, Ind. Code chapter 8-1-40. SI has intervened in 45378 and that is the appropriate proceeding in which to provide its arguments and supporting evidence for those arguments.
- The SI objection is not compliant with 170 IAC 1-6-7.

#### Indiana Distributed Energy Alliance (“IndianaDG”) Objection – joins SI’s objection

- IndianaDG failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- IndianaDG joins Solarize Indiana and expresses concerns regarding Vectren’s filing of a proposed excess distributed generation (“EDG”) rate, now docketed as IURC Cause No. 45378, regarding EDG and the relevant statute, Ind. Code chapter 8-1-40. If it hasn’t already, IndianaDG may intervene in 45378 and that is the appropriate proceeding in which to provide its arguments and supporting evidence for those arguments.
- IndianaDG is requesting a rulemaking to amend Rule 4.1 and change the avoided cost calculation so that a higher avoided cost rate results. That is not a compliant objection under 170 IAC 1-6-7(b); IndianaDG has the option of submitting a request to the Commission asking for a rulemaking to amend Rule 4.1.
- The IndianaDG objection is not compliant with 170 IAC 1-6-7.

#### Morton Solar Objection – Change formula for calculating EDG

- Morton Solar failed to base its objection on a statement that the filing is a violation of applicable law, Commission order, and/or Commission rule, and did not assert that the filing is inaccurate, incomplete, or prohibited, as required by 170 IAC 1-6-7(b).
- Morton Solar is objecting to the rate calculation; however, Vectren’s filing under 50322 does not involve any rate calculation; instead, it seeks approval for an additional standard offer contract.
- Morton Solar provides its background and history in Indiana, argues against the implementation of Ind. Code 8-1-40, and proposed an alternate formula for calculating an EDG rate.
- Vectren’s 30-day filing is not regarding EDG; that is the subject matter of IURC Cause No. 45378. Morton Solar may wish to intervene in that proceeding to provide its arguments and supporting evidence for those arguments.
- H. Robert Harrison submitted an email in support of Morton Solar’s Objection. 170 IAC 1-6-7 does not provide for submissions by others in support of an objection; the person should make an objection directly or communicate through the Office of Utility Consumer Counselor. In addition, Mr. Harrison may either directly intervene in IURC Cause No. 45378 or contact the Office of Utility Consumer Counselor or another intervening party to submit his concerns.
- The Morton Solar objection is not compliant with 170 IAC 1-6-7.

**Staff Recommendation:** Staff agrees with General Counsel’s analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

*Submitted By:* Jane Steinhauer  
*Director, Energy Division*

**Filing Party:** Anderson Municipal Light & Power  
**30-Day Filing ID No.:** 50348  
**Date Filed:** May 21, 2020  
**Filed Pursuant To:** Commission Order No. 36835 - S3  
**Request:** A revision to Purchase Power Cost Adjustment Tracking Factors, to be applied in July, August, and September 2020.  
**Customer Impact:** See below.

<b>Rate Schedule</b>	<b>Metric</b>	<b>Change</b>	<b>Resultant</b>
RS (Residential Rate)	\$/kWh	(0.000365)	0.010428
GS 10 (General Power-Single Phase)	\$/kWh	0.000236	0.010846
GS 30 (General Power-Three Phase)	\$/kWh	0.001168	0.011605
<i>SP (Small Power)</i>	<i>\$/kW</i>	0.379	5.286
SP (Small Power)	\$/kWh	0.000655	(0.005416)
<i>LP (Large Power)</i>	<i>\$/kVA</i>	(0.106)	4.858
LP (Large Power)	\$/kWh	0.000973	(0.005159)
<i>LP Off-Peak (Large Power)</i>	<i>\$/kVA</i>	(0.940)	2.936
LP Off-Peak (Large Power)	\$/kWh	0.001621	(0.004381)
<i>IP (Industrial Power Service)</i>	<i>\$/kVA</i>	(0.538)	5.741
IP (Industrial Power Rate)	\$/kWh	0.001447	(0.004688)
CL (Constant Load)	\$/kWh	0.000977	0.004791
SL (Municipal Street Lighting)	\$/kWh	0.000776	0.002795
OL (Security (Outdoor) Lighting)	\$/kWh	0.000838	0.002747

**Tariff Page(s) Affected:** Appendix A.  
**Staff Recommendations:** Requirements met. Recommend approval.

*Submitted By:* Jane Steinhauer  
*Director, Energy Division*

**Filing Party:** Richmond Municipal Power & light  
**30-Day Filing ID No.:** 50352  
**Date Filed:** May 20, 2020  
**Filed Pursuant To:** Commission Order No. 36835 - S3, dated December 13, 1989  
**Request:** A revision to Purchase Power Cost Adjustment Tracking Factors, to be applied in July, August, and September 2020.  
**Customer Impact:** See below.

<b>Rate Schedule</b>	<b>Metric</b>	<b>Change</b>	<b>Resultant</b>
<b>R</b>	<b>\$/kWh</b>	(0.005678)	0.034036
<b>CL</b>	<b>\$/kWh</b>	(0.010386)	0.054507
<b>GP, GEH, and EHS</b>	<b>\$/kWh</b>	(0.005938)	0.033850
<b>LPS and IS</b>	<b>\$/kVA</b>	0.270121	13.245399
<b>LPS and IS</b>	<b>\$/kW</b>	0.318025	15.594380
<b>LPS and IS</b>	<b>\$/kWh</b>	(0.000267)	0.010313
<b>OL, M, and N</b>	<b>\$/kWh</b>	(0.000276)	0.010311

**Tariff Page(s) Affected:** Appendix A.  
**Staff Recommendations:** Requirements met. Recommend approval.