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**Indiana Michigan Power**  
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May 4, 2020

Mary M. Becerra  
Secretary to the Commission  
Indiana Utility Regulatory Commission  
101 West Washington Street  
Suite 1500 East  
Indianapolis, IN 46204

Re: I&M Thirty Day Administrative Filing No. 50330

Indiana Michigan Power Company (“I&M”) hereby responds to the letter emailed to the Indiana Utility Regulatory Commission (“Commission”) on April 24, 2020 on behalf of IndianaDG (“Letter”) objecting to I&M’s Thirty Day Administrative Filing No. 50330 for Tariff COGEN/SPP (Cogeneration and/or Small Power Production Service) (“Filing”).

As explained below, the Letter fails to comply with the Commission’s rules regarding objections to Thirty Day filings and seeks relief outside the scope of the Commission’s Thirty Day Filing process. Accordingly, I&M’s COGEN Rider rates should be approved as filed.

**1. The Letter fails to satisfy the requirements for an objection under 170 IAC 1-6-7.**

IndianaDG “suggest[s]” that I&M’s filing, and those made by NIPSCO, IPL and SIGECO, “are not PURPA compliant”. This unsupported, passing suggestion does not satisfy the Commission’s rule regarding objections (170 IAC 1-6-7), which states objections must be:

(2) Based on a statement that at least one (1) of the following applies to the filing:

- (A) It is a violation of:
  - (i) applicable law;
  - (ii) a prior commission order; or
  - (iii) a commission rule.
- (B) Information in the filing is inaccurate.
- (C) The filing is:
  - (i) incomplete; or

(ii) prohibited under section 4 of this rule.

The Letter does not reference these requirements. It does not claim the information in the filing is inaccurate, or that the filing is incomplete or prohibited. It does not identify any specific statutory provision, Commission order, or Commission rule that is purportedly violated by the Filing. The Letter provides no support for the bare assertion that I&M's filing is not "PURPA compliant". Indeed, the Letter admits that IndianaDG "does not wish to present specific arguments at this time".

The Commission's General Counsel previously determined that the OUCC's objection did not comply with the Commission's rules (see April 8, 2020 IURC Response to OUCC's Objection) and a similar conclusion should be reached with respect to the Letter. Otherwise, any Thirty Day filing could be unreasonably burdened by an objection that simply asserts, without any support, that the filing is "not compliant" with some unspecified law, order, or rule. The Letter's refusal to present any supporting evidence or argument is fatal to the objection and warrants denial.

Rejection is further warranted here in light of the undue delay in bringing this "objection" to the Commission. The Letter was filed 56 days after I&M's initial Filing. No explanation is provided for the lengthy delay in raising a potential objection. In fact, one of the Thirty Day Filings to which IndianaDG wishes to object has already been approved by the Commission. Potential objectors should not be permitted to wait until well past the eleventh hour to raise an objection, particularly one devoid of any argument.

**2. The Letter seeks relief outside the scope of the Thirty Day Administrative Filing process.**

IndianaDG's true purpose for its Letter appears to be the initiation of a statewide docket to investigate Indiana's implementation of PURPA. This is not a legitimate basis for objecting to the Filing, since Section 10 contemplates submission of the energy and capacity rates pursuant to the Commission's Thirty Day Filing procedures to avoid lengthy proceedings considering them. The Letter goes on to speculate about other filings that have not been made and suggests that these filings "may necessitate a consolidated docket to adequately address all the issues." No support is provided for this claim and the Commission should decline to open the broad, undefined docket requested in the Letter. In any event, the Letter's request for the initiation of either a rulemaking or statewide generic investigation exceeds the scope of this Thirty Day Filing, which is limited to approval of revised COGEN Rider rates. While the Commission has discretion to consider instituting a rulemaking or investigation, it need not delay approval of I&M's Filing, which complies with the Commission's current rules.

**3. The Commission should promptly approve I&M's Filing.**

Approximately two months have elapsed since I&M's initial Thirty Day Filing. The Filing follows the Commission's longstanding practice of approving updated annual

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cogeneration rates through the Thirty Day Filing process. As explained in I&M's April 6, 2020 Response to the OUCC's Objection, I&M's filing is in full compliance with the applicable rules, including its calculation of the capacity payment in compliance with 170 IAC 4-4.1-9(c). Neither the OUCC nor IndianaDG has provided sufficient support for their recommendations and their objections should be dismissed. I&M's COGEN Rider rates comply with the Commission's rules and should be approved as filed.

If you have any questions regarding I&M's filing please contact me at (614) 883-6870 or at my email address: [dseger-lawson@aep.com](mailto:dseger-lawson@aep.com).

Sincerely,

Dona Seger-Lawson  
Director Regulatory Services  
Indiana Michigan Power Company

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