

2020 EMERGENCY RESPONSE REPORT

INDIANA UTILITY REGULATORY COMMISSION

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Introduction

Beginning in mid-March 2020, the Indiana Utility Regulatory Commission (IURC or Commission) implemented a number of updates and procedural changes to help ease the regulatory burden during the public health emergency and reiterate utilities' flexibility regarding customers' bills and fees, in accordance with Indiana Administrative Rules. The Commission also transitioned Commission staff to a remote work-only environment.

The implemented changes did not affect the efficiency of Commission staff or drastically change timelines in cases or other work products. Commission staff maintained communications with external stakeholders via email, phone calls and video conference calls. Public hearings and weekly or bi-weekly conferences (meetings where Orders are considered by the Commissioners) were also publicly accessible via WebEx. The Commission's Consumer Affairs Division was fully operational while working remotely, and was able to provide normal dispute resolution services to customers experiencing issues with their utilities.

The Commission implemented several procedural and logistical changes to ensure the safety of the agency's employees and its stakeholders upon the reopening of the Commission's office. These included, but were not limited to:

- Encouraging employees to wear face masks while moving throughout the office or using communal areas (e.g., breakroom, bathroom, and supply room), prior to the Governor's Executive Order requiring state employees to wear masks.
- Encouraging the use of virtual meetings, whenever possible, for both internal and external meetings. For in-person meetings, all conference rooms were configured to comply with the Centers for Disease Control (CDC)'s social distancing guidelines.
- Providing available personal protection equipment (PPE) to Commission staff, and locating it in high-traffic areas around the office.
- Continuing the practice of holding all non-contested hearings by telephonic or other virtual means.
- Crafting remote work guidance for employees who wish to continue working remotely all or part of the time.

The full list of the procedural and logistical considerations regarding returning to work were posted on the main page of the Commission's intranet, which is being continually updated as additional guidance is released.

Per the request of the Legislative Council on May 13, 2020, a summary of actions taken during the public health emergency (and currently effective **only** during the public health emergency), as well as preparations that have been taken or will be taken by the Commission to address future emergencies, can be found below. Also found below are recommendations and considerations for the legislature. Please note that the below information does not include those actions taken by the Commission in docketed cases.

1: Overview of which operations or services were reduced or suspended during the pandemic including whether the suspension or reduction was required by an executive order.

Beginning in mid-March, the Commission implemented the following updates and procedural changes to help ease the regulatory burden during the public health emergency and reiterate utilities' flexibility regarding customers' bills and fees, in accordance with Indiana Administrative Rules.

The implemented changes did not affect the efficiency of Commission staff or drastically change timelines in regulatory cases or other work products. The Commission's Consumer Affairs Division was fully operational and was able to provide normal dispute resolution services to customers experiencing issues with their utilities.

>MARCH 18, 2020

Action: The Commission issued a General Administrative Order (GAO), specifically IURC GAO 2020-01, allowing Commissioners to participate electronically at Conference (the meeting at which orders are approved and issued) during a declared public health emergency. Subsequent Executive Orders allowed the Commission (and other state agencies) to meet solely by electronic means during the declared public health emergency.

(a) This was an internal agency decision.

(b) Ind. Code 5-14-1.5-3.6(f), (g), and (h); Executive Order 20-09, as extended by Executive Order 20-30.

>MARCH 20, 2020

Action: The Commission announced that, for the duration of the public health emergency, hard copies are no longer required for electronically filed documents of 30 pages or more.

(a) This was an internal agency decision.

(b) 170 IAC 1-1.1 (IURC procedural rules)

Action: The Commission announced that, for the duration of the public health emergency, the signature is no longer required to be notarized on the Communications Service Provider ("CSP") Notice of Change affidavit, which is the only IURC document requiring notarization. This document is required when a CSP is transferring its Certificate of Territorial Authority ("CTA") to a CSP that does not currently have an Indiana CTA.

(a) This was an internal agency decision.

(b) The CSP CTA Notice of Change form included a notarization requirement that is not required by statute or IURC rule.

Action: The Commission announced that, while the utilities' annual reports are required by statute to be filed by April 30th, the Governor's Executive Order allows the agency to extend the deadline as may be necessary. If a utility is having difficulty meeting the April 30th timeline, the utility or its representative should contact the appropriate Commission Division Director and Commission staff will work with the utility.

(a) This was an internal agency decision.

(b) Ind. Code § 8-1-2-16.

>MARCH 25, 2020

Action: The Commission announced that its office was closed to the public, but that staff were continuing to conduct work remotely. It also announced that hearings and conferences during the public health emergency, beginning with hearings on Monday, March 30, 2020, would be held via WebEx conference call. Call-in information and access codes were posted on the Commission's livestream page, as well as in docket entries for respective cases. WebEx call-in information was also posted on the Commission's livestream webpage for upcoming conferences.

(a) This was an internal agency decision.

(b) The Commission has broad authority under Ind. Code ch. 8-1-1 and 8-1-2, including to conduct hearings and provide notice and access to those hearings. There is no statutory or rule requirement that such hearings must be conducted in-person.

>MARCH 27, 2020

Action: The Commission clarified that utilities may voluntarily suspend or waive late fees and reconnections fees and reconnect customers who have been disconnected due to non-payment, as long as these actions are non-discriminatory and apply to all customers, and even if an IURC-regulated utility's tariff states otherwise.

(a) This was an internal agency decision.

(b) No statute or rule affected; only utility tariff provisions.

Action: The Commission announced that the timelines included in 170 IAC 4-4.3-6 and 4-4.3-7 for Level 1 and Level 2 net metering applications may be extended an additional 5 business days; and electric documents and electronic signatures should be allowed and used as much as possible. Utilities are expected to communicate with applicants regarding any timeline extensions.

(a) This was an internal agency decision.

(b) 170 IAC 4-4.3-6 and 4-4.3-7

Action: The Commission announced that gas operators may take an additional 14 days to respond to excavation damages cases. Operators are still required to comply with the reporting requirements regarding damages.

(a) This was an internal agency decision.

(b) 170 IAC 5-5-3(a).

Action: The Commission announced that required periodic meter testing and/or change outs under 170 IAC 4-1-10, 170 IAC 5-1-9, and 170 IAC 6-1-10 are stayed during the public health emergency.

(a) This was an internal agency decision.

(b) 170 IAC 4-1-10; 170 IAC 5-1-9, and 170 IAC 6-1-10.

>APRIL 8, 2020

Action: The Commission announced that any report to the Commission that is required to be signed, verified, and notarized may be submitted to the Commission with just an electronic signature during the public health emergency. Once the public health emergency ends, a signed and notarized verification should be submitted to the Commission.

- (a) This was an internal agency decision.
- (b) 170 IAC 1-1.1 (IURC procedural rules)

>APRIL 23, 2020

Action: The Commission issued a reminder that, under current Commission rules, utilities may offer payment arrangements that are longer than three months. The three month timeframes in 170 IAC 4-1-16(c), 170 IAC 5-1-16(d), and 170 IAC 6-1-16(c) are part of the requirements under which a utility may not disconnect a customer; a utility may voluntarily offer longer payment arrangements in a non-discriminatory manner.

- (a) This was an internal agency decision.
- (b) 170 IAC 4-1-16; 170 IAC 5-1-16; 170 IAC 6-1-16

>JUNE 12, 2020

Action: The Commission announced that staff would begin returning to the office on Monday, June 15, 2020, with some staff continuing to work remotely. The Commission was open to limited public access starting on that date as well, though the modifications to Commission processes described above (i.e, hearings and meetings held primarily virtually, etc.) continued to remain in effect.

- (a) This was an internal agency decision.

2: Overview on preparations to address future emergencies and recovery based on the agency's experience with COVID-19.

Regulatory Proceedings

Commission staff maintained communications with external stakeholders via email, phone calls, and video conference calls. Public hearings and weekly or bi-weekly conferences (meetings where Orders are considered by the Commissioners) were also publicly accessible via WebEx, and all information to access those calls were posted on the Commission's website. Tweaks to the procedural practices were adopted as these meetings and proceedings transitioned to a virtual setting; however, the Commission was able to successfully continue operating these hearings in a near-normal capacity.

On April 6, 2020, the Commission engaged its stakeholders on ways to improve procedural efficiencies with regards to docketed cases. While this action was originally planned before the public health emergency, it offered an additional opportunity to receive feedback on our processes. Commission staff solicited input from its stakeholders and the public to be provided to the Commission by June 5, 2020. Commission staff are currently evaluating the comments that were provided, in conjunction with the staff's review of the changes that occurred as a result of the pandemic (e.g., virtual case hearings). Commission staff plan to review any lessons learned and will look to adopt any efficiencies that resulted. This will

allow the Commission to more readily adapt to remote work situations should it become necessary in the future.

Customer Service

The Commission's Consumer Affairs Division is one of the primary mediums of interaction between the agency and the public. As the entire agency transitioned to a remote work environment, the Consumer Affairs Division was also able to successfully transition all of its analysts to remote work. As a result, no significant changes in its processes were required, and the Division continued to provide its integral services for customers with normal response times, all while receiving increased customer complaints and inquiries.

Additionally, most of the Commission's staff members were able to continue steady access to their email and receive voicemails from their office phones to return calls to external stakeholders.

While it appears that the Commission was able to maintain its customer service expectations at normal levels, the agency will evaluate developing policies or standards to ensure a more seamless transition of a remote work environment.

Agency Operations & the Continuity of Operations Plan (COOP)

Commission staff plan to update the COOP in an effort to address challenges related to this pandemic. Commission staff are currently engaged in a review of the work environment during the pandemic to better inform management of staff's successes and challenges from an operational standpoint. In turn, this will allow the agency to adopt measures to more readily address concerns in the future.

The Commission also plans to develop guidelines in accordance with the Governor's Office and the Indiana State Personnel Department on remote work policies for its staff.

3: Recommendations, if any, for legislation that may be needed to help ensure the agency is prepared to address future emergencies.

The Commission does not have any recommendations for legislation that may be needed to help ensure the agency is prepared to address future emergencies.

4: Recommendations, if any, for legislation to permanently repeal or modify any regulations or laws that were or are partially or fully suspended due to COVID-19.

The Commission does not have any recommendations for legislation to permanently repeal or modify any regulations or laws that were or are partially or fully suspended due to COVID-19.