

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
101 WEST WASHINGTON STREET, SUITE 1500 EAST
INDIANAPOLIS, INDIANA 46204-3419

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

FILED

SEP 15 2014

INDIANA UTILITY
REGULATORY COMMISSION

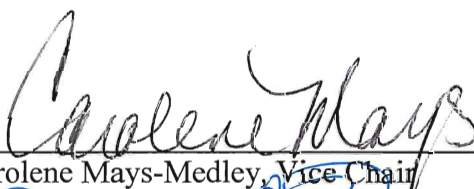
VERIFIED PETITION OF INDIANAPOLIS)
POWER & LIGHT COMPANY, AN INDIANA)
CORPORATION, FOR APPROVAL OF)
ALTERNATIVE REGULATION PLAN FOR)
EXTENSION OF DISTRIBUTION AND)
SERVICE LINES, INSTALLATION OF)
FACILITIES AND ACCOUNTING AND)
RATEMAKING OF COSTS THEREOF FOR)
PURPOSES OF THE CITY OF INDIANAPOLIS')
AND BLUEINDY'S ELECTRIC VEHICLE)
SHARING PROGRAM PURSUANT TO IND.)
CODE 8-1-2.5-1 ET SEQ.)

CAUSE NO. 44478

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following Entry to be made:

Please be advised that on September 10, 2014, Commission Chair Stephan, Vice-Chair Mays-Medley, Commissioner Ziegner, and Commissioner Weber received the attached correspondence from Representative Cherrish S. Pryor, which addresses matters currently pending in this proceeding. The correspondence is attached to this Docket Entry. Disclosure of this written communication is being tendered to the record pursuant to 170 IAC 1-1.5-6.

IT IS SO ORDERED.



Carolene Mays-Medley, Vice Chair



Jeffery A. Earl, Administrative Law Judge

Date



September 15, 2014



**STATE OF INDIANA
HOUSE OF REPRESENTATIVES**

THIRD FLOOR STATE HOUSE
INDIANAPOLIS, INDIANA 46204

CHERRISH S. PRYOR
200 WEST WASHINGTON STREET
INDIANAPOLIS, IN 46204
1.800.382.9842
H94@IN.GOV

COMMITTEES:
LOCAL GOVERNMENT, RMM
WAYS AND MEANS
ROADS AND TRANSPORTATION

September 9, 2014

Carol A. Stephan, Commission Chair
Indiana Utility Regulatory Commission
PNC Center
101 West Washington Street
Suite 1500 E
Indianapolis, IN 46204

Dear Commissioner Stephan,

Please find the attached correspondence between me and the Indiana Bureau of Motor Vehicles' (BMV) Commissioner Donald M. Snemis regarding the City of Indianapolis' BlueIndy project. As you will gather from the correspondence, the BMV has refused to provide answers to my questions in writing. While they did extend an offer to meet with me in person, in lieu of a written response, I do not feel it would be appropriate to receive answers to these critical questions "in the dark", and without others whom need to know the answers receiving the same information.

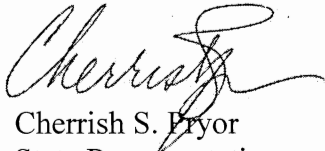
Therefore, I have sent the BMV a request under Indiana Open Records Law, Indiana Code 5-14-3, to provide documentation about this project. My position remains that I am opposed to the tax increase and the agreement reached with the Indiana Office of Utility Consumer Counselor (OUCC). I am now very troubled by hearing that the current charging stations may not be certified by the Underwriters Laboratories (UL), which seemingly creates a safety issue since it is highly likely that the charging stations are on the same power grid that causes the downtown area so many problems. You might recall the explosion from a few weeks ago.

In light of this, I am again asking the Indiana Utility Regulatory Committee (IURC) to deny the tax increase and the agreement between the OUCC, City of Indianapolis, and the Indianapolis Power & Light Company (IPL); or, at the very least, delay the decision until all of the following actions have occurred:

1. The federal government has made a decision on whether the vehicles are safe and should be allowed on our streets and highways.
2. Documentation is received as proof that the electric charging stations have been approved for use by the UL.
3. Both of my letters to the BMV have been thoroughly answered, and information has been fully disclosed to me and other parties copied on the letters.

If you have any questions or would like to discuss this matter further please do not hesitate to contact me or my legislative assistant, Norris A. Williams III at 317.232.9794 or norris.williams@iga.in.gov. Thank you and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Cherrish S. Fryor". The signature is fluid and cursive, with a large initial "C" and a stylized "F".

Cherrish S. Fryor
State Representative
House District 94

CC: Carolene R. Mays, Commissioner, Indiana Utility Regulatory Commission
Angela Weber, Commissioner, Indiana Utility Regulatory Commission
David E. Ziegner, Commissioner, Indiana Utility Regulatory Commission



**STATE OF INDIANA
HOUSE OF REPRESENTATIVES**

THIRD FLOOR STATE HOUSE

INDIANAPOLIS, INDIANA 46204

CHERRISH S. PRYOR
200 WEST WASHINGTON STREET
INDIANAPOLIS, IN 46204
1.800.382.9842
H94@IN.GOV

COMMITTEES:
LOCAL GOVERNMENT, RMM
WAYS AND MEANS
ROADS AND TRANSPORTATION

September 9, 2014

Donald M. Snemis, Commissioner
Indiana Bureau of Motor Vehicles
Indiana Government Center North, Room 402
100 North Senate Avenue
Indianapolis, IN 46204

Dear Commissioner Snemis,

It is with great disappointment that I have learned that you are unwilling to answer and share basic information with me in writing regarding the BlueIndy project in Indianapolis. As stated in the attached email correspondence between your staff and mine, all parties copied on the letter should also be made aware of the answers to those questions as they are critical to the wellbeing of our community. A verbal conversation with me as a follow-up would be appropriate once the answers are received in writing, but refusal to place in writing basic answers could lead one to believe something is being hidden.

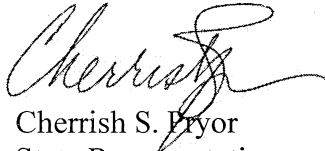
I am aware that you recently granted the federally unapproved electric vehicles temporary license plates. It remains unfortunate that the vehicles were allowed to be driven on our streets and highways for months without license plates and approval from the Federal Highway Administration (FHWA). I am further unclear about how the vehicles were granted temporary license plates even without federal approval of the vehicles' safety standards.

It has also come to my attention that the electric charging stations may not be Underwriters Laboratories (UL) certified. This is of serious concern, particularly since we recently had an Indianapolis Power & Light Company related explosion in the downtown area; just blocks from where an electric charging station is located. Please refer to this article from the August 14, 2014 edition of the Indianapolis Star <http://www.indystar.com/story/news/2014/08/14/ipl-investigating-cause-underground-explosions/14076741/>. Placing what may be extremely powerful uncertified charging stations in the downtown area that might be on the same electrical grid is not in the best interest of taxpayers.

In light of the Indiana Bureau of Motor Vehicles' refusal to provide a written response answering the questions to my original letter in advance of a meeting, under the Indiana Open Records Law, Indiana Code 5-14-3, I am requesting a copy of all documents and correspondence as it relates to BlueIndy. This request includes, but is not limited to, BlueIndy's application, emails, and any supporting and supplemental documentation.

If you have any questions or would like to discuss this matter further please do not hesitate to contact me or my legislative assistant, Norris A. Williams III at 317.232.9794 or norris.williams@iga.in.gov. Thank you and I look forward to hearing from you.

Sincerely,



Cherrish S. Pryor
State Representative
House District 94

Encs. August 21, 2014 letter to Indiana Bureau of Motor Vehicles

CC: Congressman André Carson, Indiana, District 7
Anthony Foxx, Secretary, U.S. Department of Transportation
Gregory G. Nadeau, Administrator, Federal Highway Administration
Jeffrey F. Paniati, Executive Director, Federal Highway Administration
Michael R. Pence, Governor, State of Indiana
Rep. Ed Soliday, Chair, Indiana House Roads and Transportation Committee
Sen. Thomas Wyss, Chair, Indiana Senate Homeland Security, Transportation, & Veterans Affairs Committee
Karl Browning, Commissioner, Indiana Department of Transportation
Doug Carter, Superintendent, Indiana State Police
David Stippler, Counselor, Indiana Office of Utility Consumer Counselor
Carol A. Stephan, Commission Chair, Indiana Utility Regulatory Commission
Carolene R. Mays, Commissioner, Indiana Utility Regulatory Commission
Angela Weber, Commissioner, Indiana Utility Regulatory Commission
David E. Ziegner, Commissioner, Indiana Utility Regulatory Commission
Gregory A. Ballard, Mayor, City of Indianapolis
Fred Mills, Director of Government Affairs, Indianapolis Power & Light Company
Kerwin Olson, Executive Director, Citizens Action Coalition



**STATE OF INDIANA
HOUSE OF REPRESENTATIVES**

THIRD FLOOR STATE HOUSE
INDIANAPOLIS, INDIANA 46204

CHERRISH S. PRYOR
200 WEST WASHINGTON STREET
INDIANAPOLIS, IN 46204
1.800.382.9842
H94@IN.GOV

COMMITTEES:
LOCAL GOVERNMENT, RRM
WAYS AND MEANS
ROADS AND TRANSPORTATION

August 21, 2014

Donald M. Snemis, Commissioner
Indiana Bureau of Motor Vehicles
Indiana Government Center North, Room 402
100 North Senate Avenue
Indianapolis, IN 46204

Dear Commissioner Snemis,

Many of my constituents have raised concerns about the electric vehicles that are being used on the city streets in Indianapolis. They have noticed that the vehicles don't display a license plate and that an operator of the vehicle does not need insurance. As you can imagine, these concerns have led to many questions. Please provide an answer to the following questions?

- Is it legal for one to operate a motor vehicle on a street without a license plate, or any tag indicating its authorization to be operated on the street or highway?
- Does the Indiana Bureau of Motor Vehicles grant waivers approving the operation of motor vehicles on public thoroughfares that have not passed the United States Department of Transportation's motor vehicle safety standards and regulations? If yes, under what circumstances would there be a waiver and what is the extent of the waiver?
- Is it legal for one to operate a vehicle without any insurance? Further, is there a waiver to operate a motor vehicle without insurance? If yes, under what circumstances would there be a waiver, how long, and to what extent?
- Hypothetically, if an accident were to occur, the U.S. Department of Transportation has not approved the BlueIndy vehicles, and the driver does not have auto insurance, who is the responsible party for damages that might occur to that person, others involved in the accident, and any property damaged?
- If the BlueIndy vehicle does not pass U.S. Department of Transportation standards, can the vehicle legally be operated on streets and highways? Further, would allowing BlueIndy vehicles to operate on a) streets or b) interstates without passage of U.S. Department of Transportation standards jeopardize any current or future federal transportation funding.
- Has the BMV approved the use of the BlueIndy electric vehicles for use on the streets and highways, even though they have not been approved by the U.S. Department of Transportation? If yes, when was it approved, for how long, under what circumstances, and to what extent?

Please provide me with copies of any waivers or documentation with respect to the use of the BlueIndy vehicles on streets and highways. I'd respectfully like to request a response by September 5th, 2014.

Norris Williams III

From: Miller, Alex <AMiller@bmv.IN.gov>
Sent: Tuesday, September 02, 2014 4:40 PM
To: Norris Williams III
Subject: RE: Meeting with Commissioner

Norris,

We don't believe we would be providing Rep. Pryor with proper service without giving her the benefit of understanding the backdrop to her initial questions in an in-person meeting first. However, we do understand her concern with paraphrasing meeting comments to other stakeholders and want to be as helpful as we can be to her.

Once we have the opportunity to speak with her, we would be more than happy to consider providing her with written explanations of any of the questions she feels need additional attention.

Alex Miller
Legislative Director
Indiana Bureau of Motor Vehicles
317-232-0104

From: Norris Williams III [<mailto:norris.williams@iga.in.gov>]
Sent: Tuesday, September 02, 2014 1:08 PM
To: Miller, Alex
Subject: RE: Meeting with Commissioner

Alex,

Thank you very much. Rep. Pryor is mutually looking forward to it as well. Rep. Pryor would still like to request a written response as the parties that are copied on the letter may also be awaiting to know the answer to the questions she has posed. She does not feel it would be appropriate for her to paraphrase the content of what is discussed in the meeting to those interested parties, particularly since she has requested copies of documents if they exist.

Norris

From: Miller, Alex [<mailto:AMiller@bmv.IN.gov>]
Sent: Friday, August 29, 2014 11:13 AM
To: Norris Williams III
Subject: RE: Meeting with Commissioner

Norris,

The Commissioner is looking forward to meeting with Rep. Pryor on the 10th. We'd like to be as helpful as we can, and in all honesty, it will be far easier for us to fully address her questions during our meeting. We'll be happy to follow up afterward as needed if any additional questions come up during the meeting.

Alex Miller
Legislative Director
Indiana Bureau of Motor Vehicles
317-232-0104

Thank you for reaching out. Yes indeed, Rep. Pryor would be interested in a meeting. I'll be looking out for dates and times.

Norris

From: Miller, Alex [<mailto:AMiller@bmv.IN.gov>]
Sent: Tuesday, August 26, 2014 12:31 PM
To: Norris Williams III
Subject: Meeting with Commissioner

Norris,

Commissioner Snemis was wondering if Representative Pryor would be interested in meeting with him and some of our staff here at the BMV to discuss her questions about the BlueIndy program. The Commissioner is out of the state this week and his assistant is out of the office until tomorrow, so I don't have a firm grip on our availability, but we could likely do something as early as next week. I'll get better potential dates/times to you tomorrow, but wanted to extend the invitation to Rep. Pryor now to see if she is interested.

Please let me know if this will work and I'll get you some times ASAP.

Alex Miller
Legislative Director
Indiana Bureau of Motor Vehicles
317-232-0104