

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF EASTERN HEIGHTS)
UTILITIES, INC. FOR AUTHORITY TO)
INCREASE RATES AND CHARGES)
THROUGH THE SMALL UTILITY) CAUSE NO. 46084-U
PROCEDURE PURSUANT TO IND. CODE §)
8-1-2-61.5 AND 170 IAC 14-1-1 ET SEQ.)

**OUCC’S REQUEST FOR CLARIFICATION AND IN THE ALTERNATIVE
REQUEST FOR RECONSIDERATION**

Pursuant to 170 IAC 1-1.1-22, the Indiana Office of Utility Consumer Counselor (“OUCC”) brings this Petition for Clarification and in the Alternative Request for Reconsideration of the Commission’s February 3, 2025 final order.

In its February 3, 2025 order, the Commission found that Eastern Heights should be authorized to recover its rate case expenses of \$145,000 over the three-year life of rates, or \$48,333 annually. The Commission further directed Eastern Heights to file a compliance filing to adjust rates downward within 30 days of fully recovering its estimated rate case expense. (Order, Cause No. 46084-U, February 3, 2024, pp. 8-9.) However, in its discussion and findings on rate case expense, the Commission noted that Eastern Heights “provided invoices for attorney and accounting fees over \$92,000.” (Applicant’s response to the Commission’s staff questions dated 10/12/2024 and filed 10/16/2024 included \$65,891.86 of accounting invoices and \$23,020.47 of legal invoices. With \$4,567.70 of filing and administrative costs previously included, invoiced rate case expense totaled \$93,479.33.) Consequently, approximately \$51,521 of the requested rate case expense of \$145,000 is unsupported by the invoices provided contemporaneously with the Applicant’s Reply to the OUCC’s Report. Moreover, there is no support in the record for a finding that \$51,521 of further accounting or legal rate case expense in this application has been or will be incurred.

The OUCC seeks clarification as to whether the Commission’s finding that “Eastern Heights should be authorized to recover its rate case expenses of \$145,000 over the three-year life of rates, or \$48,333 annually” is further limited to recovery of rate case expenses actually incurred

and supported by Eastern Heights. If so clarified, the OUCC requests a further clarification that Eastern Heights should make a compliance filing to adjust rates downward within 30 days of fully recovering its actual rate case expense as supported by the invoices it filed on October 16, 2024.

If Applicant's recovery of rate case expense is not further limited to actual rate case expense incurred through the filing of Applicant's filing of its schedule of rates and charges on February 4, 2025, the OUCC asks the Commission to reconsider its order and not require Eastern Heights' customers to reimburse Eastern Heights for an expense Eastern Heights did not incur or has not supported.

WHEREFORE, the OUCC requests the Commission find that Applicant shall amend its rates and charges upon full recovery of the \$93,479.33 of rate case expense it supported in its October 16, 2024 filing with the Commission.

Respectfully submitted,

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR



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CERTIFICATE OF SERVICE

This is to certify that a copy of the *OUCC's Request for Clarification and in the Alternative Request for Reconsideration* has been served upon the following captioned proceeding by electronic service on February 24, 2025.

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