

# The Cope...



## INCMA's Monthly Newsletter

October 2016

### REVIEW ACT PASSES US HOUSE

INCMA signed onto a US Chamber letter last month supporting H.R. 3438, also known as the "REVIEW Act." The U.S. House passed HR 3438 on Sept. 21st with a bipartisan vote of 244-180. Final passage of H.R. 3438 would avoid the situation where industry sectors must spend millions of dollars to comply with a new high-impact rule, only to have the rule subsequently thrown out by the court, saddling industry with pointless expense. The REVIEW Act would also prevent situations in which an agency attacks a particular industry, and harms its competitiveness before a court can review the validity of the regulation. [175 associations and chambers signed on to the final letter.](#) On to the Senate!

### VECTREN CHALLENGING TRACKER RULING

The recent TDSIC statute provides for adjustments in the regulated rates of energy utilities to reflect defined system improvements involving transmission, distribution and storage. The statute requires, first, regulatory approval of a 7-year plan designating the eligible

improvements, followed by filings every six months adjusting rates to recover costs for the planned improvements as they are incurred. In NIPSCO Industrial Group v. Northern Indiana Public Service Co., the Court held the improvements must be designated for all seven



years at the time the required plan is submitted for approval, and not identified subsequently in the six-month rate filings. In the Orders under review, the Indiana Utility Regulatory Commission concluded "new" or "emergent" projects could not be added to an approved 7-year plan through an update in a six-month rate filing. [INDIEC has filed a brief in support of the IURC ruling.](#)

### WILL ESTATE TAX LAW CHANGES IMPACT YOU?

In August, the U.S. Treasury Department released a set of [proposed regulations](#) making

changes to Section 2704 of the estate and gift tax valuation discounts. The proposal would impose significant new tax costs on family-owned businesses, making it harder for family owned and operated businesses to transition to the next generation.

In order to understand how the new proposed rule will impact small, family owned foundries and suppliers, AFS is seeking input on the following:

1. Background on your company - how long has your business been open, who founded it, how many employees do you have, where do you operate?
2. How does your succession plan use valuation discounts to help pass on the business? If your business has already survived one generation, were valuation discounts useful in that transfer?
3. How will the proposed rule affect your succession plan and the transfer of your business?
4. If the rule change increases your estate tax liability, what will that do to your employees?

5. Could this change potentially cause the liquidation of the business to pay estate or gift taxes? Please forward your comments on how the new IRS proposal will impact your business to [ssalmon@afsinc.org](mailto:ssalmon@afsinc.org).

### AFS TRADE SURVEY

AFS is continuing to solicit feedback via a survey of AFS corporate foundry members on trade issues. The survey will help AFS understand the impact of trade on foundries and gauge member views on trade agreements, such as the proposed Trans-Pacific Partnership. If your company is an AFS corporate member and hasn't filled out the Survey - please contact Kevin Bartholomae [KBartholomae@afsinc.org](mailto:KBartholomae@afsinc.org) for a link to the survey.

### WELCOME NEW FOUNDRY MEMBER

INCMA welcomes our newest foundry member, ID Castings LLC, located in Noblesville, IN. All INCMA [Members are linked here.](#)

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