

Indiana Administrative Code
Title 170. Indiana Utility Regulatory Commission (Refs & Annos)
Article 1. General Provisions
Rule 1.1. Practice and Procedure Before the Commission

170 IAC 1-1.1-5.5

170 IAC 1-1.1-5.5 Excavation damage cases

Currentness

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-26-26

Affected: IC 8-1-1-5; IC 8-1-1.1-5.1; IC 8-1-26-10; IC 8-1-26-11; IC 8-1-26-23

Sec. 5.5. (a) The following definitions in this subsection apply throughout this section:

(1) “Advisory committee” means the underground plant protection advisory committee established by IC 8-1-26-23.

(2) “Complainant” means the advisory committee or the division.

(3) “Division” means:

(A) Staff in the pipeline safety division of the commission or the pipeline safety division's publicly noticed consultant who are investigating the particular case that is the subject of the hearing under IC 8-1-26-23(g) and IC 8-1-26-23(k).

(B) Staff assigned as testimonial by:

(i) the director of the pipeline safety division; or

(ii) the presiding officers assigned by the commission in the case.

(4) “Excavator” means the party that caused damage to a pipeline facility located in the area of excavation or demolition that is the subject of the hearing.

(5) “Operator” means the operator as defined by IC 8-1-26-10 that owns or operates the pipeline facility that was damaged by the excavator.

(6) “Person” has the same meaning as defined in IC 8-1-26-11.

(7) “Public hearing” means the public hearing as referenced in IC 8-1-26-23(k).

(8) “Respondent” means the person requesting the hearing.

(b) If a person who receives notice under 170 IAC 5-5-3(f) requests a hearing as follows, the request must:

(1) Be provided in writing to:

(A) the commission's general counsel on behalf of the division; and

(B) the advisory committee;

at least ten (10) business days before it is filed with the commission.

(2) Be filed with the commission within the time permitted by 170 IAC 5-5-3(f).

(3) Be served on the office of utility consumer counselor, the commission's general counsel on behalf of the division, and the advisory committee.

(4) Comply with:

(A) this rule;

(B) an applicable general administrative order the commission issues and posts on its website regarding excavation damage cases or filing requirements; and

(C) other applicable laws.

(5) Include the following:

(A) A case caption that follows this format: IN THE MATTER OF THE PIPELINE SAFETY DIVISION'S INVESTIGATION OF (respondent's name) IN PIPELINE SAFETY DIVISION CASE NUMBER _____.

(B) A copy of the letter the respondent received regarding the disposition of the case.

(C) Respondent's contact information, including:

- (i) mailing address;
- (ii) telephone number;
- (iii) fax number, if available; and
- (iv) email address, if available.

(D) Confirmation the respondent provided the request to the commission's general counsel on behalf of the division and the advisory committee at least ten (10) business days before the respondent filed the request with the commission.

(E) Whether respondent is contesting:

- (i) the division's findings;
- (ii) the advisory committee's recommendation; or
- (iii) both.

(F) The reasons why the respondent believes the findings or recommendations are in error.

(G) The requested relief.

(H) Additional information the respondent believes is pertinent.

(c) The division's case-in-chief shall include, at a minimum, the following documents:

- (1) Documents submitted by the excavator and operator in the underlying case.
- (2) The division's investigation summary report.

(d) The advisory committee's case-in-chief shall include, at a minimum, the following documents:

- (1) The recommendation form.
- (2) The penalty schedule, if any, used at the time the advisory committee recommended the penalty.

Credits

(Indiana Utility Regulatory Commission; 170 IAC 1-1.1-5.5; filed Jun 10, 2020, 7:38 a.m.: 20200708-IR-170190378FRA)

Current with amendments received through the Indiana Weekly Collection, March 2, 2022. Some sections may be more current; see credits for details.

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