

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

INVESTIGATION BY THE INDIANA)
UTILITY REGULATORY COMMISSION,)
UNDER IC §§ 8-1-2-58 AND 59, TO)
INVESTIGATE ELECTRIC UTILITY)
TREE-TRIMMING PRACTICES AND)
TARIFFS RELATING TO SERVICE)
QUALITY IN THE STATE OF INDIANA)
RESPONDENTS:)
ALL INDIANA JURISDICTIONAL)
ELECTRIC UTILITIES)

CAUSE NO. 43663

APPROVED: APR 01 2009

BY THE COMMISSION:

David E. Ziegner, Commissioner
Aaron A. Schmoll, Administrative Law Judge

1. **Background.** On March 3, 2008, Mr. Charles Goodman filed a complaint with the Indiana Utility Regulatory Commission (“the Commission”) relating to Indianapolis Power & Light’s tariffs in regard to tree trimming practices within IPL’s service area, which has been docketed by the Commission as Cause No. 43650.¹ Mr. Goodman raises a number of issues that warrant further investigation as they apply to all electric utilities. Rather than conducting a single proceeding regarding one utility, the Commission finds the issue of tree-trimming practices is applicable to Indiana’s jurisdictional electric utilities, and initiates this proceeding to investigate the policies, guidelines, and practices of our jurisdictional electric utilities relating to tree-trimming, specific provisions in the utilities’ tariffs relating to tree-trimming practices, and customer complaints related to the utilities’ tree-trimming policies and practices, all of which relate to the reasonableness and adequacy of the service provided by our jurisdictional electric utilities. Accordingly, evidence relating to the underlying issues in Cause No. 43650 should be presented in this Cause.

2. **Commission Jurisdiction and Review.** Pursuant to IC § 8-1-2-58, investigations such as this one may be summarily made, with or without notice. If the Commission becomes satisfied that sufficient grounds exist to warrant a hearing pertinent to the matters investigated, IC § 8-1-2-59 requires that the public utility involved be furnished a statement notifying it of the matters under investigation. In addition to the foregoing statutory provisions, the Commission notes that the Indiana Court of Appeals has specifically found that inherent in this grant of power is the implicit power and authority to “do that which is necessary to effectuate the regulatory scheme.” South Eastern Indiana Natural Gas v. Ingram, 617 N.E.2d 943, 948 (Ind. Ct. App. 1993).

The Commission has broad discretion to investigate matters pertinent to public utilities operating within the state. Indiana Code 8-1-2-58 states:

Whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory or that any service is inadequate, or can not be obtained, or that an

¹The Commission takes administrative notice of this proceeding.

investigation of any matters relating to any public utility should for any reason be made, it may, on its own motion, summarily investigate the same, with or without notice.

Further, Ind. Code 8-1-2-1(a) defines "public utility" as follows:

"Public utility", as used in this chapter, means every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by the court, that may own, operate, manage, or control any plant or equipment within the state for the:

- (2) Production, transmission, delivery or furnishing of heat, light water or power....

Accordingly, the Commission has jurisdiction over the electric utilities that might be impacted by this Investigation.

Therefore, pursuant to IC § 8-1-2-58, and related statutes, the Commission is satisfied that sufficient grounds exist to warrant a formal investigation into the issues set forth in this Order, and through the issuance of this Order hereby notify utilities subject to our jurisdiction, in accordance with IC § 8-1-2-59, of the matters under investigation. Finally, although not within our full jurisdiction, the Commission would invite Wabash Valley Power Association, other Indiana REMCs, Hoosier Energy REC, Inc., and the Indiana Municipal Power Agency to participate in this investigation, as well as any other entities or consumer groups that may have an interest in this proceeding.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. An Investigation is hereby commenced to allow the Commission to consider and review tree-trimming practices and tariffs related thereto of our jurisdictional electric utilities. A prehearing conference shall commence on April 23, 2009 at 9:30 a.m. in Room 222, National City Center, 101 W. Washington Street, Indianapolis, Indiana.

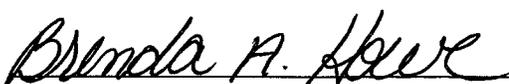
2. The Order constitutes notice to utilities subject to our jurisdiction, in accordance with IC § 8-1-2-59, of the matters under investigation.

3. This Order shall be effective on and after the date of its approval.

HARDY, LANDIS, SERVER, AND ZIEGNER CONCUR; GOLC ABSENT:

APPROVED: APR 01 2009

I hereby certify that the above is a true and correct copy of the Order as approved.


Brenda A. Howe
Secretary to the Commission