

ARTICLE 5. GAS UTILITIES

Rule 1. Standards of Service

170 IAC 5-1-1 Definitions

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-1

Sec. 1. (a) The definitions in this section and, where applicable, the definitions in IC 8-1-2-1 apply throughout this rule.

(b) "Check rate" means thirty-five percent (35%) of a meter's rated capacity.

(c) "Commission" means the Indiana utility regulatory commission.

(d) "Cubic foot of gas" means, for testing purposes, the amount of gas in a volume of one (1) cubic foot when saturated with water vapor, at sixty (60) degrees Fahrenheit and at an absolute pressure of thirty (30) inches of mercury at a temperature of thirty-two (32) degrees Fahrenheit.

(e) "Customer" means any:

(1) person;

(2) firm;

(3) corporation;

(4) municipality; or

(5) other government agency;

that has agreed, orally or otherwise, to pay for gas service received from a public utility. However, for the purposes of sections 13(d), 15, and 16 of this rule, the term shall be limited to mean persons who have agreed to pay for such service exclusively for residential purposes.

(f) "Disconnection" means the termination or discontinuance of gas service.

(g) "Late payment charge" means the one (1) time penalty assessed by a public utility upon all current bills at such time as they become delinquent.

(h) "Open rate" means eighty percent (80%) of a meter's rated capacity. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 1; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 391; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2161; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed May 25, 2010, 1:52 p.m.: 20100623-IR-170090792FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-2 Applicability of rules

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-1; IC 8-1-2-33; IC 8-1-2-87

Sec. 2. Application of Rules. These rules shall apply to any gas public utility subject to the jurisdiction of the commission pursuant to the provisions of the Public Service Commission Act [IC 8-1-2], or any other statute of the State of Indiana, which now or hereafter may be engaged in the sale or distribution of gas service (herein called "public utility" or "utility"). (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 2; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 391; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-3 Retention of records

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15

Sec. 3. Records to be Kept. All records required by these rules shall be preserved for at least three years except as otherwise provided herein or by IC 8-1-2-4 (Burns 54-315). Such records shall be kept within the State at the principal place of business of the public utility, or at such other places as the utility shall designate after notification to the commission, and shall be open for examination by the commission or its representatives. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service*

For Gas Public Utilities Rule 3; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 391; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 5-1-4 Meter records and reports

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36

Sec. 4. Record of Meters and Meter Tests. (A) Meter Test Record. Whenever any meter in service is tested, a record shall be preserved containing the information necessary for identifying the meter, the reason for making the test, the reading of the meter before the test and the result of the test, together with all data taken at the time of the test in sufficiently complete form to permit the convenient checking of the methods employed.

(B) Meter Record. Permanent records shall also be kept, systematically arranged, giving for each meter owned or used by any public utility, the year of purchase, its identification and the record of the last test to which it has been subjected, with date and general results of the test.

These records to apply to all meters purchased after the effective date of these rules [170 IAC 5-1] and to all other meters insofar as the information is available.

(C) Tabulation of Meter Tests. If required by the commission, annual tabulations of the results of all meter tests shall be made, arranged according to average accuracy or as the commission may request. *(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 4; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 391; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)*

170 IAC 5-1-5 Location of meters and regulators

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36

Sec. 5. Location of Meters and Regulators. Meter and regulator locations shall be provided by the customer for the building or premises to be served. Location, space requirements, dimensions and type of installation shall be acceptable to the gas utility.

Piping at multiple meter installations shall be plainly marked by a metal tag or other permanent means, designating the part of the building being supplied. *(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 5; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 392; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)*

170 IAC 5-1-6 Customer meters; general requirements

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 6. (a) Whenever a meter is tested to determine the accuracy with which it has been registering in service, it may be considered correct if found not more than an average of two percent (2%), plus or minus, in error when tested at its check and open rates.

(b) For purpose of measurement to a customer, a cubic foot of gas is the amount of gas in a volume of one (1) cubic foot under the conditions existing in that customer's meter as and where installed, except:

(1) corrections may be made for temperature, pressure, and other nonstandard gas conditions as provided in the customer's contract; or

(2) the utility may, at its option, install gas meters which will compensate for changes in temperature above or below sixty degrees Fahrenheit (60° F).

(c) Each service meter of the displacement type must indicate clearly the cubic feet or other units of volume for which charge

is made to the customer. Where gas is metered under high pressure or where the quantity is determined by calculation from recording devices, the utility shall, on request, supply the customer with the information to make clear the method by which the quantity is determined. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 6; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 392; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2161; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-7 Meter testing equipment and facilities; availability for inspection or use

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36

Sec. 7. Meter Testing Equipment and Facilities. Each public utility furnishing gas service shall maintain the equipment and facilities necessary for accurately testing all types and sizes of meters employed for the measurement of gas delivered to its customers, unless arrangements shall have been made to have such testing done elsewhere. Testing equipment shall be maintained in good condition and correct adjustment so that it shall be capable of determining the accuracy of any service meter to within one-half of one per cent.

The accuracy of all provers and methods of operating same may be verified from time to time by a representative of the Commission. The equipment so provided shall be available for inspection or use by any authorized Commission representative. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 7; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 393; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-8 Meter accuracy; error rates

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 8. Every gas service meter, whether new, repaired, or removed from service for any cause, when installed for the use of any customer, must be in good order and must have been adjusted to be as near zero (0) error as practicable, but not more than one and one-half percent (1 1/2%), plus or minus, in error when gas is flowing, at its check rate. Every meter shall also be adjusted so that the accuracy at open rate or full flow shall be within one percent (1%), plus or minus, of the accuracy at its check flow. The error of the meter shall be the average error of the check and open rates. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 8; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 393; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2161; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-9 Periodic testing of meters

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 9. A public utility may not allow a gas meter to remain in service for longer than sixteen (16) years without either:

(1) checking it for accuracy and readjusting it if found to be incorrect beyond the limits established under section 8 of this rule; or

(2) verifying by statistical quality control sampling as established in the approved statistical quality control program in the fifteenth year in service, and in each succeeding year the meter is allowed to remain in service that the meter in the population sampled does not exceed an average accuracy figure of one hundred two percent (102%) or two percent (2%) above absolute accuracy of one hundred percent (100%) when tested at the meter's check and open rates with an acceptable quality level (AQL) equal to ten (10.0).

(*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 9; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 393; filed Jun 11, 1984, 1:00 p.m.: 7 IR 1707; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2162;*

errata filed Jul 17, 1992, 5:00 p.m.: 15 IR 2596; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 5-1-9.1 Approved statistical quality control program

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 9.1. (a) A utility, at its option, may elect to use either of the following statistical quality control programs hereby incorporated by reference into the rules of the Indiana utility regulatory commission. Copies are available from the U.S. Government Printing Office Bookstores, One Congress Center, 401 South State Street, Suite 124, Chicago, IL 60605.

(1) United States Military Standard #105-D, "Sampling Procedures and Tables for Inspection by Attributes", April 29, 1963.

(2) United States Military Standard #414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective", June 11, 1957.

(b) When using the method in subsection (a)(1), sample size code letters shall be taken from Table I, General Inspection Level II, or a tighter level at the utility's option. Sample size and acceptance-rejection numbers shall then be determined from Table II A, single sampling plan for normal inspection, using acceptable quality level (AQL) ten (10.0).

(c) When using the method in subsection (a)(2), sample size code letters shall be taken from Table A-2, General Inspection Level IV, or a tighter level at the utility's option. Sample size and maximum allowable percent defective (M) shall then be determined from Table B-3, master table for normal and tightened inspection for plans based on variability unknown, using an AQL ten (10.0).

(d) Meters for quality control sampling shall be separated into homogenous groups by year set, and may be further separated by manufacturer, capacity rating (or model), case type, diaphragm material, or other distinguishing characteristics. Where one (1) or more groups established are believed to be too small for practical quality control sampling, they may, at the utility's option, be combined with another group of similar operating characteristics to establish a larger sampling base. Combined groups shall have sample size and acceptance-rejection numbers based on the combined total of meters.

(e) All meter groups, or combined meter groups, shall be subject to acceptance or rejection on the basis of the statistical results unless it becomes obvious that the rejected meters are predominantly from one (1) identifiable subgroup which may be shown by test data to have been affected by location, age, or other common factors. If this result should occur, the identifiable subgroup may be separated and the remaining meters treated as a new combined group with appropriate sample size and acceptance-rejection numbers.

(f) Rejected groups, or subgroups, shall be scheduled for removal from service during the next calendar year and shall be adjusted to meet the limits established under section 8 of this rule before being returned to service. (*Indiana Utility Regulatory Commission; 170 IAC 5-1-9.1; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2163; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-9.2 Statistical quality control program; meters in service

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 9.2. (a) The statistical quality control program may apply to all temperature compensated and noncompensated standard type diaphragm displacement gas meters in service. One (1) of the following must be used as a reference in implementing the statistical quality control program:

(1) United States Military Standard #105-D, "Sampling Procedures and Tables for Inspection by Attributes", April 29, 1963.

(2) United States Military Standard #414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective", June 11, 1957.

(b) All meters in service shall be separated into homogenous groups by year set and may be further separated by manufacturer, capacity rating (or model), case type, diaphragm material, or other distinguishing characteristics. Where one (1) or more groups established are believed to be too small for practical quality control sampling, they may be combined with other

groups of similar characteristics to establish a larger sampling base.

(c) The sample for each group, so far as possible, shall be taken from routine meter exchanges and removals for each year, except that those meters removed or exchanged because of known or suspected defects and for special tests may be excluded from the quality control sample. If the number of routinely changed or removed meters exceeds the sample required, the test sample will be randomly selected from these meters in accordance with widely accepted tables of random numbers. If an inadequate number of meters are routinely exchanged or removed, the balance of meters required for sampling will be obtained from meters in service by removal on a randomly selected basis in accordance with widely accepted tables of random numbers.

(d) During the first through fourteenth year in service, a meter group may be sampled to forecast service life and exchange requirements or to predict work loads. If this sampling is done, service life shall not be required to be curtailed because of results obtained in these premature sampling tests. In the fifteenth and subsequent service years, meter groups shall be sample tested annually, being allowed to continue in service until an annual sample reaches its rejection number or maximum allowable percent defective number of deviant meters.

(e) A meter group in its fifteenth or later year in service shall be removed from service during the calendar year following that in which the group sample test indicates a rejected lot. Removed meters shall be adjusted to meet the limits established under section 8 of this rule before being returned to service.

(f) If it becomes obvious that the rejected meters are predominantly from an identifiable subgroup, which may be shown by test data to have been affected by location, age, or other common factors, the suspect subgroup may be separated. The remaining members of the original group may be evaluated separately with the newly established group then becoming subject to the action indicated by its acceptance-rejection numbers.

(g) Any meter tested which exceeds an average accuracy figure of one hundred two percent (102%) or two percent (2%) above absolute accuracy of one hundred percent (100%) when tested at check and open rates shall be classed as rejected. The entire meter group from which the sample was taken shall be classed as rejected when the number of sample meters rejected equals or exceeds the appropriate reject number for that sample quantity or when the percentage of defective meters, from Table B-5 of the United States Military Standard #414, exceeds the maximum allowable percent defective for that sample quantity.

(h) The sample size code shall be determined from Table I, General Inspection Level II of the United States Military Standard #105-D, or a tighter level at the utility's option. The sample quantity and rejection number are then determined from Table II A of the United States Military Standard #105-D for the code letter determined and acceptable quality level (AQL) ten (10.0).

(i) The sample size code shall be determined from Table A-2, General Inspection Level IV of the United States Military Standard #414, or a tighter level at the utility's option. Sample quantity and the maximum allowable percent defective are then determined from Table B-3 of the United States Military Standard #414 for the code determined and acceptable quality level (AQL) ten (10.0). The population percent defective is then determined from Table B-5 of the United States Military Standard #414 and compared to the maximum allowable percent defective to determine acceptance or rejection.

(j) A public utility that elects to follow the sixteen (16) year periodic testing requirement, under section 9 of this rule, shall, by not later than March 1 of the succeeding year, file with the commission natural gas division a report of sufficient detail to verify compliance with the periodic testing requirement for a given year.

(k) A public utility that verifies the accuracy of meters by an approved statistical quality control program under section 9 of this rule, shall, by not later than March 1 of each year, file with the commission natural gas division a report of the results of sample tests for the preceding calendar year. This report shall be in such detail as to verify that the statistical quality control sampling tests were performed as set out in subsections (b) through (e).

(l) All flow and differential meters shall be checked for accuracy and, if found incorrect, be adjusted as near zero (0) error as practicable, at periods not to exceed three (3) months, in a manner satisfactory to the commission. (*Indiana Utility Regulatory Commission; 170 IAC 5-1-9.2; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2164; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-10 Pressure and temperature recorders tests

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 10. All pressure, temperature, and other instruments used in correcting gas volumes to base or standard conditions (other than temperature-compensated meters) shall be checked for accuracy at intervals not exceeding one (1) year and if found to be out of limits shall be adjusted to as near zero (0) error as practicable. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 10; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 398; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2165; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-11 Customer request for meter test; application to utility

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 11. (a) Each public utility supplying gas service shall make a test of the accuracy of registration of a meter upon written request by a customer. A second test of the customer's meter may be requested after twelve (12) months. The first and second tests of a customer's meter shall be at no cost to the customer.

(b) The customer may be required to bear the reasonable cost of any subsequent tests of the customer's meter if the:

(1) meter was:

(A) tested within the prior thirty-six (36) months at the customer's request; and

(B) found to be in compliance with section 6(a) of this rule;

(2) test is made:

(A) at the customer's request; or

(B) due to a billing dispute; and

(3) meter is found to be in compliance with section 6(a) of this rule.

(c) If the utility requires payment from the customer under subsection (b), the utility shall disclose the cost of the test to the customer prior to the test being performed.

(d) A written report giving the results of the test shall be made to the customer within ten (10) days after the test is complete, and a complete record of the test shall be kept on file in the office of the public utility.

(e) Any appeal, in regard to the results of the customer's meter test, shall be filed with the commission under section 12 of this rule within five (5) days of the date of the report. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 11; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 398; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Dec 15, 2008, 11:46 a.m.: 20090114-IR-170080315FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-12 Customer request for meter test; application to commission

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-35

Sec. 12. (a) Upon application of any customer to the commission, and at the discretion of the commission, a test shall be made of a customer's meter by the public utility or its contractor under the supervision of an employee of the commission. The commission shall promptly notify the public utility of any application. No fee shall be payable by the customer for the test, except as may be charged under section 11(b) of this rule.

(b) This section shall not interfere with the practice of a public utility in its test of gas service meters except that, upon receiving notice of a written application to the commission by a customer for a test, the utility shall not:

(1) remove;

(2) interfere with; or

(3) discard;

the meter until completion of the test without the prior written consent of the customer, unless the removal of the meter is required in order to perform the requested test. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 12; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 398; errata, 11 IR 4109; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2165; filed Jan 15, 1997, 2:00 p.m.: 20 IR 1346; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr*

24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Dec 15, 2008, 11:46 a.m.: 20090114-IR-170080315FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 5-1-13 Bills

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-38; IC 8-1-2-42; IC 8-1-2-87

Sec. 13. Bills for Gas Service. (A) Bills rendered periodically to customers for gas service shall show at least the following information:

- (1) The dates and meter readings of the meter at the beginning and end of the period for which the bill is rendered and the billing date, and
- (2) The number and kind of units of service supplied,
- (3) The billing rate code,
- (4) The previous balance, if any,
- (5) The amount of the bill,
- (6) The sum of the amount of the bill and the late payment charge,
- (7) The date on which the bill becomes delinquent and on which the late payment charge will be added to the bill,
- (8) If the bill is estimated, a clear and conspicuous coding or other indication identifying the bill as an estimated bill must be shown,
- (9) Printed statements and/or actual figures on either side of the bill shall inform the customer of the seventeen (17) day non-penalty period,
- (10) An explanation, which can be readily understood, of all codes and/or symbols shall be shown on the bill.

(B) Delinquencies. (1) A utility service bill which has remained unpaid for a period of more than seventeen (17) days following the mailing of the bill shall be a delinquent bill.

(2) A utility service bill shall be rendered as a net bill. If the net bill is not paid within seventeen (17) days after the bill is mailed, it shall become a delinquent bill and a late payment charge may be added in the amount of ten (10) percent of the first three (3) dollars and three (3) percent of the excess of three (3) dollars.

(C) Estimated Bills. (1) A gas public utility may estimate the bill of any customer only for good cause. Good cause includes, but is not limited to: requests of customer; inclement weather; labor or union disputes; inaccessibility of a customer's meter, if the utility has made a reasonable attempt to read it; and other circumstances beyond the control of the utility, its agents, and employees.

(D) Alternative Billing Method and Dates ("Budget Plan").

(1) Each utility shall have and shall advise each applicant and customer of a policy and practice which allows applicant or customer to contract for a plan whereby the company averages the estimated bill over an extended period and balances the account at the end of that period.

(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 13; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 399; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 5-1-14 Billing adjustments

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 14. (a) If any service meter is found to have a percentage of error greater than that allowed under section 6(a) of this rule, the following provisions for the adjustment of bills shall be observed:

(1) When a meter is found to be fast, in excess of two percent (2%) when tested at check and open rates (positive average error), the utility shall refund the customer's account with the amount of any charges in excess of either of the following:

(A) An average bill for the units of gas incorrectly metered.

(B) Separate bills individually adjusted for the percent of error for a period equal to one-half (1/2) of the time elapsed since the previous test, or one (1) year, whichever period is shorter.

An average bill shall be calculated on the basis of units registered on the meter over corresponding periods either prior to or subsequent to the period for which the meter is determined to be fast. No part of a minimum service charge shall be refunded.

(2) When a meter is stopped or is slow, in excess of two percent (2%) when tested at check and open rates (negative average error), the utility may charge the customer for the units of gas incorrectly metered for one-half (1/2) of the time elapsed since the previous test, or one (1) year, whichever period is shorter. The amount of the charge to the customer shall be estimated on the basis of either of the following:

(A) An average bill.

(B) Separate bills individually adjusted for percent of error.

An average bill shall be calculated on the basis of units registered on the meter over corresponding periods either prior to or subsequent to the period for which the meter is determined to be slow or stopped. Such action may be taken only in cases where the utility is not at fault for allowing the stopped or slow meter to remain in service.

(b) All other billing errors, including incorrect tariff applications, may be adjusted to the known date of error or for a period of one (1) year, whichever period is shorter. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 14; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 400; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2166; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-15 Creditworthiness of customer; deposit; refund

Authority: IC 8-1-1-3

Affected: IC 8-1-2-87; IC 12-14-11; IC 32-34-1-20

Sec. 15. (a) Each utility shall determine the creditworthiness of residential applicants or customers in an equitable and nondiscriminatory method:

(1) without regard to the economic character of the area wherein the applicant or customer resides; and

(2) solely upon the credit risk of the individual without regard to the collective credit reputation of the area in which he or she lives.

(b) Each new applicant for residential gas service shall be deemed creditworthy and shall not be required to make a deposit as a condition of receiving service if the applicant satisfies the following criteria:

(1) If the applicant has been a customer of any utility within the last two (2) years, the applicant:

(A) owes no outstanding bills for service rendered within the past four (4) years by any such utility;

(B) during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills that were delinquent to any utility or, if service was rendered for a period for less than twelve (12) months, did not have more than one (1) delinquent bill in the period; and

(C) within the last two (2) years, did not have a service disconnected by a utility for nonpayment of a bill for services rendered by that utility.

(2) If the applicant has not been a customer of a utility during the previous two (2) years, any two (2) of the following criteria are met:

(A) The applicant either:

(i) has been employed by his or her present employer for two (2) years;

(ii) has been employed by his or her present employer for less than two (2) years, but has been employed by only one (1) other employer during the past two (2) years; or

(iii) has been employed by the present employer for less than two (2) years and has no previous employment due to recently:

(AA) graduating from a school, university, or vocational program; or

(BB) being discharged from military service.

(B) The applicant either:

(i) owns or is buying his or her home; or

(ii) is renting a home or an apartment and has occupied the premises for more than two (2) years.

GAS UTILITIES

- (C) The applicant has credit cards, charge accounts, or has been extended credit by a bank or commercial concern unless a credit check shows that the applicant has been in default on any such account more than twice within the last twelve (12) months.
- (c) Deposits for residential customers shall be assessed as follows:
- (1) Deposits for utilities serving at least thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission, or their affiliates as defined in clause (G) below, shall be assessed as follows:
- (A) New applicants who have not been a customer of the utility during the previous four (4) years who fail to establish creditworthiness under subsection (b)(2) may be required to make a deposit not to exceed one-sixth ($\frac{1}{6}$) of the estimated annual cost of regulated utility service to be rendered to the applicant.
- (B) Subject to the requirements of clause (E), an applicant that has been a customer of the utility during the previous four (4) years may be required to make a deposit not to exceed one-third ($\frac{1}{3}$) of the estimated annual cost of regulated utility service to be rendered to the applicant, when the applicant:
- (i) owes an outstanding bill for service rendered by the utility within the past four (4) years;
 - (ii) during the last twelve (12) consecutive months that the service was provided, had more than two (2) bills that were delinquent to the utility or, if service was rendered for a period of less than twelve (12) months, had more than one (1) delinquent bill in such period; or
 - (iii) within the last two (2) years had service disconnected by the utility for nonpayment of a bill for services rendered by that utility.
- (C) Subject to the requirements of clause (E), the customer may be required to make a deposit not to exceed one-third ($\frac{1}{3}$) of the estimated annual cost of regulated utility service to be rendered to the customer when:
- (i) the customer has been mailed disconnect notices for two (2) consecutive months;
 - (ii) the customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or
 - (iii) the service to the customer has been disconnected within the previous two (2) years under section 16 of this rule.
- (D) If a customer has contracted for the budget plan, the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments.
- (E) From November 1 to March 15 of any year, applicants or customers who the utility has been informed by the state or its agent are eligible and have applied for low income heating assistance under IC 12-14-11, may be required to make a deposit not to exceed one-sixth ($\frac{1}{6}$) of the estimated annual cost of regulated utility service to be rendered to the applicant or customer.
- (F) An initial deposit made by an applicant shall be subject to reevaluation upon the request of either the utility or the applicant, based upon actual charges for services rendered, at any time after service has been provided.
- (G) The provisions of this subdivision shall apply to any utility, regardless of size, that has an affiliate utility serving at least thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission.
- (2) Subject to the provisions of subdivision (1)(G), deposits for utilities serving less than thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission, shall be assessed as follows:
- (A) If the applicant fails to establish that he or she is creditworthy under subsection (b), the applicant may be required to make a reasonable deposit. The deposit shall not exceed one-third ($\frac{1}{3}$) of the estimated annual cost of service to be rendered to the applicant unless the customer has contracted for the budget plan, in which case the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments. If a deposit is greater than seventy dollars (\$70), the utility shall advise the applicant or customer simultaneously with making a demand for a deposit that the applicant or customer may pay the deposit in equal installment payments over a period of no less than eight (8) weeks. Service shall be connected upon receipt by the utility of the first such payment.
- (B) Unless a present customer has contracted for the budget plan, in which case the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments, a present customer may be required to make a

reasonable deposit not [*sic., to*] exceed an amount equal to one-third (a) of the expected annual billings for the customer at the address at which service is rendered when:

- (i) the customer has been mailed disconnect notices for two (2) consecutive months;
- (ii) the customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or
- (iii) the service to the customer has been disconnected within the past four (4) years under section 16 of this rule.

(d) If a utility requires a deposit as a condition of providing service, then the utility must:

- (1) immediately notify the applicant stating the precise facts upon which the utility based its decision; and
- (2) provide the applicant with an opportunity to rebut the facts and show other facts demonstrating his or her creditworthiness.

(e) In the event the required deposit from a utility serving at least thirty-five thousand (35,000) residential customers, or its affiliate, is in excess of one hundred fifty dollars (\$150), the utility shall advise the customer that he or she may pay the deposit in installments, the initial installment being one hundred fifty dollars (\$150), with subsequent payments of the deposit balance paid over a period of up to twelve (12) weeks, except where the deposit is required as a result of a disconnection for nonpayment, in which case full payment of the deposit may be required prior to reconnection. The utility shall record the terms of any payment arrangement by selecting one (1) of the following methods:

(1) Sending the customer a letter describing the terms of the payment arrangement, including the following:

- (A) The amount of each installment.
- (B) The due date or dates.
- (C) The total amount due.
- (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.

(2) Describing the terms of the payment arrangement on the customer's bill, including the following:

- (A) The amount of each installment.
- (B) The due date or dates.
- (C) The total amount due.
- (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.

(3) Making a voice recording of a telephone conversation in which the customer agrees to the payment arrangement, including the following:

- (A) The amount of each installment.
- (B) The due date or dates.
- (C) The total amount due.
- (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.

Recordings of telephonic payment arrangements shall be maintained for at least six (6) months after the arrangement is completed or broken by the customer.

(f) Requirements for interest upon deposits shall be as follows:

(1) For a utility serving less [*sic., than*] thirty-five thousand (35,000) residential customers, deposits held more than twelve (12) months shall earn interest from the date of deposit at a rate of six percent (6%) per annum or at such other rate of interest as the commission may prescribe following a public hearing.

(2) For a utility serving at least thirty-five thousand (35,000) residential customers, a deposit held more than thirty (30) days shall earn interest from the date the deposit is paid in full. Beginning on the effective date of this section, the rate of interest shall be set by the commission based upon the then existing rate for one (1) year United States Treasury Constant Maturity securities. The interest rate shall be rounded to the nearest one-half (½) of one percent (1%). In December of each year, the commission shall issue a general administrative order establishing the interest rate for the next calendar year that shall be paid on all deposits held during all or part of the subsequent year.

(3) The deposit shall not earn interest after the date it is mailed or personally delivered to the customer, or otherwise lawfully disposed.

(g) Requirements for refunds shall be as follows:

(1) Any deposit or accrued interest shall be promptly refunded directly to the customer or credited to the customer's account without the customer's request when the customer:

- (A) submits satisfactory payment for a period of either:
 - (i) twelve (12) successive months; or
 - (ii) twelve (12) out of any fifteen (15) consecutive months without late payment in two (2) consecutive months;or
 - (B) demonstrates his or her creditworthiness as provided by subsection (b).
- (2) Refunds of deposits or accrued interest issued under this section must be accompanied by a statement of accounting for each transaction affecting the deposit and interest.
- (3) Following customer-requested termination of service, the utility shall:
- (A) apply the deposit, plus accrued interest, to the final bill; or
 - (B) upon specific request from the customer, refund the deposit, plus accrued interest, within fifteen (15) days after payment of the final bill.
- (4) Each utility shall maintain a record of each applicant or customer making a deposit that shows the following:
- (A) The name of the customer.
 - (B) The current address of the customer so long as he or she maintains an active account with the utility in his or her name.
 - (C) The amount of the deposit.
 - (D) The date the deposit was made.
 - (E) A record of each transaction affecting the deposit.
- (5) Each customer shall be provided a written receipt from the utility:
- (A) at the time his or her deposit is paid in full; or
 - (B) when he or she makes a partial payment.

The public utility shall provide a reasonable method by which a customer who is unable to locate his or her receipt may establish that he or she is entitled to a refund of the deposit and payment of interest thereon.

(6) Any deposit made by the applicant, customer, or any other person to the utility (less any lawful deductions), or any sum the utility is ordered to refund for utility service, that has remained unclaimed for one (1) year after the utility has made diligent efforts to locate the person who made the deposit or the heirs of the person, shall be presumed abandoned and treated in accordance with IC 32-34-1 et seq.

(7) A deposit may be used by the utility to cover any unpaid balance following disconnection of service under section 16 of this rule, provided, however, that any surplus be returned to the customer as provided in subsection (f) and this subsection.

(h) The commission may require that data be reported by utilities in order to determine whether a utility is providing service consistent with this rule. The utility shall respond to any survey that is issued by the commission in a timely manner and provide copies of such survey responses to the office of the utility consumer counselor. Requested information in the survey may include, but is not limited to, the following:

- (1) the amount of collected deposits;
- (2) the number of customers assessed deposits;
- (3) the number of customers served who are receiving low-income heating assistance; and
- (4) the amount of uncollected debt.

(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 15; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 401; filed Oct 28, 1998, 3:22 p.m.: 22 IR 730; errata filed Nov 22, 1999, 3:31 p.m.: 23 IR 812; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Feb 16, 2006, 8:14 a.m.: 29 IR 2164; readopted filed Jun 14, 2012, 3:04 p.m.: 20120711-IR-170120199RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 5-1-16 Disconnection of service; prohibited disconnections; reconnection

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-87; IC 8-1-2-122; IC 8-1-2.5

Sec. 16. (a) The customer shall:

- (1) notify the utility at least three (3) days in advance of the day disconnection is desired; and
- (2) remain responsible for all service used and the billings therefor until service is disconnected pursuant to such notice.

GAS UTILITIES

Upon request by a customer of a utility to disconnect service, the utility shall disconnect the service within three (3) working days of the requested disconnection date. The customer shall not be liable for any service rendered to the address or location after the expiration of three (3) such days.

(b) A utility may disconnect service without request by the customer of the service and without prior notice only:

- (1) if a condition dangerous or hazardous to life, physical safety, or property exists;
- (2) upon order by any court, the commission, or other duly authorized public authority;
- (3) if fraudulent or unauthorized use of gas is detected and the utility has reasonable grounds to believe the affected customer is responsible for the use;
- (4) if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for the tampering; or
- (5) if the utility's equipment is used in a manner disruptive to the service of other customers.

In all other instances, a utility, upon providing the customer with proper notice as defined in subsection (f) may disconnect service subject to the other provisions of this rule.

(c) Except as otherwise provided in subsections (a) and (b), a utility shall postpone the disconnection of service for ten (10) days if, before the disconnect date specified in the disconnect notice, the customer provides the utility with a medical statement from a licensed physician or public health official that states that disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement. The utility shall be required to provide the customer a total of twenty (20) days postponement of disconnection for medical reasons under this subsection only once in any twelve (12) month period. Further postponement of disconnection for medical reasons shall be at the utility's discretion.

(d) A utility may not disconnect service to the customer as follows:

(1) Upon the customer's failure to pay for:

- (A) merchandise or appliances purchased from the utility furnishing the gas or other nonutility or unregulated services;
- (B) the service rendered at a different metering point, residence, or location if the bill has remained unpaid for less than forty-five (45) days;
- (C) services to a previous occupant of the premises to be served, unless the utility has good reason to believe the customer is attempting to defraud the utility; or
- (D) a different form or class of utility service.

(2) If the customer shows cause for the customer's inability to pay the full amount due (financial hardship shall constitute cause), and the customer:

(A) pays a reasonable portion, not to exceed:

- (i) twenty-five dollars (\$25); or
- (ii) one-tenth (1/10) of the bill;

whichever is less, unless the customer agrees to a greater portion of the bill;

(B) agrees to pay:

- (i) the remainder of the outstanding bill within three (3) months; and
- (ii) all undisputed future bills for service as they become due; and

(C) has not breached any similar agreement with the utility made under this section within the past twelve (12) months.

Provided, however, that the utility may add to the outstanding bill a late payment charge not to exceed the amount set under section 13(b) of this rule. Provided further, that the terms of agreement shall be put in writing by the utility and signed by the customer and by a representative of the utility. Only one (1) late payment charge may be charged to the customer under this section. "Unregulated services", as used in subdivision (1)(A), does not include utility services provided under an alternative regulatory plan approved by the commission under IC 8-1-2.5 et seq.

(3) If a customer is unable to pay a bill that is unusually large due to prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual reading was taken for over two (2) months, stopped or slow meters, or any human or mechanical error of the utility, and the customer:

(A) pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the twelve

GAS UTILITIES

(12) bills immediately preceding the bill in question; and

(B) agrees to pay:

(i) the remainder at a reasonable rate; and

(ii) all undisputed future bills for service as they become due.

Provided, however, that the utility may not add to the outstanding bill any late fee. Provided, further, that the terms of agreement shall be put in writing by the utility and signed by the customer and a representative of the utility. If a customer proceeds with a review under 170 IAC 16-1-5, the utility may disconnect only as provided in 170 IAC 16-1-7.

(e) No utility may disconnect service unless it is done between the hours of 8:00 a.m. and 3:00 p.m., prevailing local time.

Disconnections under subsections (a) and (b) are not subject to this limitation. A utility may not disconnect service for nonpayment on any day on which the utility office is closed to the public or after noon of the day immediately preceding any day on which the utility office is not open to the public.

(f) Except as otherwise provided in this article, gas service to any residential customer shall not be disconnected for a violation of any rule or regulation of a utility or for the nonpayment of a bill, except after fourteen (14) days prior written notice to the customer by either:

(1) mailing the notice to the residential customer at the address shown on the records of the public utility; or

(2) personal delivery of the notice to the residential customer or a responsible member of the customer's household at the address shown on the records of the utility.

No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent.

(g) The notice in subsection (f) must be in language that is clear, concise, and easily understandable to a layperson and shall state the following in separately numbered large types or printed paragraphs:

(1) The date of the proposed disconnection.

(2) The specific actual basis and reason for the proposed disconnection.

(3) The telephone number of the utility office at which the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning the customer's rights.

(4) A reference to the pamphlet furnished to the customer under section 18 of this rule for information as to the customer's rights.

(h) Immediately preceding the actual disconnection of service, the employee of the utility designated to perform that function shall:

(1) make a reasonable attempt to identify himself or herself to the customer or any other responsible person then upon the premises;

(2) announce the purpose of his or her presence;

(3) make a record thereof to be maintained for at least thirty (30) days;

(4) have in his or her possession information sufficient to enable him or her to inform the customer or other responsible person of the reason for disconnection, including the amount of any delinquent bill of the customer; and

(5) request from the customer any available verification that the outstanding bill has been satisfied or is currently in dispute under review under 170 IAC 16-1-5.

Upon the presentation of such credible evidence, service shall not be disconnected. The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected. The utility shall notify its customers under section 18 of this rule of its policy with regard to the acceptance or nonacceptance of payment by the employee and shall uniformly follow the policy without discrimination. When the employee has disconnected the service, the employee shall give to a responsible person at the user's premises or, if no one is at home, shall leave at a conspicuous place on the premises a notice stating that service has been disconnected and stating the address and telephone number of the utility where the user may arrange to have service reconnected.

(i) A utility may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the utility's filed tariffs. A utility shall inform its customers of the reconnection fee under section 18 of this rule. If the utility disconnects service in violation of this rule, the service shall immediately be restored at no charge to the customer. The utility must reconnect the service to the customer as soon as reasonably possible but at least within one (1) working day after it is requested to do so if the customer has satisfied the requirements of this rule. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 16; filed Oct 14, 1976, 10:20 a.m.; Rules and Regs. 1977, p. 403; filed Oct 13, 1983, 4:02*

p.m.: 7 IR 40; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Feb 16, 2006, 8:14 a.m.: 29 IR 2166; filed May 25, 2010, 1:52 p.m.: 20100623-IR-170090792FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 5-1-16.5 Home energy assistance; involuntary termination of service; definitions

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-87; IC 8-1-2-122

Sec. 16.5. (a) "Commission" means the Indiana utility regulatory commission.

(b) "Customer" means for the purposes of this rule [170 IAC 5-1] a person who has agreed to pay for gas services exclusively for residential purposes.

(c) "Disconnect" means the termination or discontinuance of gas services. (*Indiana Utility Regulatory Commission; 170 IAC 5-1-16.5; filed Oct 13, 1983, 4:02 pm: 7 IR 42; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-16.6 Home energy assistance; disconnection of service to recipients; notice period

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 4-4-33; IC 8-1-2-113; IC 8-1-2-121

Sec. 16.6. (a) Without customer request, a utility may not during the period from December 1 through March 15, disconnect gas residential service to any customer who either is receiving or who is eligible for and has applied for assistance under IC 4-4-33.

(b) During the period from December 1 through March 15, a utility may not disconnect service to such customers if:

(1) The customers' eligibility to receive benefits pursuant to IC 4-4-33 is being determined by the Indiana housing and community development authority or its designee after the submission of a complete application for benefits by the customer.

(2) The customer has furnished to the utility proof of his application to receive such benefits or the utility has been so notified in writing by the Indiana housing and community development authority or its authorized representatives.

(c) This rule [170 IAC 5-1] does not prohibit a utility from terminating residential gas service upon the request of a customer or under the following circumstances:

(1) If a condition dangerous or hazardous to life, physical safety, or property exists.

(2) Upon order by any court, the commission, or other duly authorized public authority.

(3) If fraudulent or unauthorized use of gas is detected, and the utility has reasonable grounds to believe the affected customer is responsible for such use.

(4) If the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for such tampering.

(*Indiana Utility Regulatory Commission; 170 IAC 5-1-16.6; filed Oct 13, 1983, 4:02 pm: 7 IR 42; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-17 Customer complaints (Repealed)

Sec. 17. (*Repealed by Indiana Utility Regulatory Commission; filed May 25, 2010, 1:52 p.m.: 20100623-IR-170090792FRA*)

170 IAC 5-1-18 Informational pamphlets; rate schedules; notice of proposed rate change

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-42; IC 8-1-2-43

Sec. 18. Information Provided by Utilities to Applicants and Customers. (A) Each utility must publish and distribute, without request, to all applicants for service and to all current customers, a comprehensive pamphlet which, in clear language, easily understandable to a layman, fully describes the rights and responsibilities of the customers.

(B) A utility shall supply free of charge a copy of the rate schedules applicable to the types of service available to new applicants for and existing customers of residential service, upon request by the applicant or customer.

(C) Each utility, whenever it petitions the Commission for any change in its residential base rate schedules must furnish to each residential customer within forty-five (45) days of such request and prior to the date of the public hearing a notice which fairly summarizes the nature and extent of the proposed changes. Notice is not necessary, under this section, for tracking increases or decreases. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 16.2; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 409; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-19 System instrumentation; testing requirements

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-33; IC 8-1-2-34; IC 8-1-2-35

Sec. 19. System Instrumentation. (A) Pressure Records. Periodic test shall be made of pressure maintained in various districts, and the records or charts so obtained shall be filed where they may be conveniently examined by authorized personnel of the Commission.

(B) Meters. Each public utility shall install meters where necessary, so that total gas send-out may be determined.

(C) Heating Value Measurement. Each utility distributing other than natural gas (gases whose heating value can vary significantly over a period of time) shall have equipment for measuring the heating value of the gases distributed or shall have such information available. Heating value measurements shall be made as often as necessary to verify that the gas being distributed is within the required heating value limits. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 17; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 409; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-20 Standard heating value; allowable variations

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-87

Sec. 20. Heating Value. (A) Standard heating value of the gas distributed by a public utility shall be that of its major suppliers as shown on its rate schedules or as filed with the Commission.

(B) Variation from standard heating value is permissible, on injection into the distribution system of substitute gases, to maintain a quality of gas interchangeable with the utility's standard heating value. Heating value shall not be allowed to fall more than five (5) percent below the heating value upon which the utility's rates are predicated. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 18; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 409; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-21 Gas pressure; allowable variations

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-87

Sec. 21. Pressure of Gas. (A) Gas shall be supplied at a pressure never varying by an amount more than fifty percent above or below the normal pressure, as measured at point of delivery to the customer, provided however, that the maximum pressure on any day at point of delivery, shall never be greater than twice the normal minimum pressure on that day at that point, excluding customers being supplied gas under special contracts.

(B) Any public utility supplying gas shall not be deemed to have violated the preceding paragraph of this rule, if it can be shown that variations in gas pressure occurring are due to conditions beyond the control of the utility. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 19; filed Oct 14, 1976, 10:20 am: Rules and Regs.*

1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 5-1-22 Gas purity

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-87

Sec. 22. Purity of Gas. Gas distributed in this state shall be commercially free of liquids, solids, and gaseous materials which would interfere with its safe use in properly adjusted approved equipment and appliances of customers or which would seriously corrode, damage, or affect the safe and proper operation of gas approved lines, regulators, meters, or other equipment of the utility or its customers. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 20; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-23 Interruption of service; records and reports

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-87; IC 8-1-2-113

Sec. 23. Interruption of Service. Public gas utilities shall maintain records and file reports of interruptions of service in the manner and form as prescribed in "Minimum State Safety Standards for the Transportation of Gas and Related Pipeline Facilities Appendix A" Rule 4 (C) [170 IAC 5-3-4], as approved in Commission Order No. 32885, March 24, 1972, including any deletions, additions or revisions subsequent thereto on approval of the Commission. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 21; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-24 Accident reports

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-87; IC 8-1-2-114

Sec. 24. Accidents. Public gas utilities shall file accident reports with the Pipeline Safety Division of the Commission, as set forth in "Minimum State Safety Standards for the Transportation of Gas and Related Pipeline Facilities Appendix A", Rule 4(A) [170 IAC 5-3-4], approved by the Commission in its Order No. 32885, March 24, 1972, including any subsequent deletions, additions or revisions thereto approved by the Commission. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 22; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-25 Transportation and pipeline safety standards

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 25. Construction, Operations and Maintenance. Construction, operation and maintenance of gas facilities by public gas utilities shall comply with the "Minimum State Safety Standards for the Transportation of Gas and Related Pipeline Facilities Appendix A" [170 IAC 5-3] as approved by the Commission in its Order No. 32885, March 24, 1972, and any subsequent deletions, additions or revisions thereto approved by the Commission. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 23; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-26 Customer requests for modification; liability for costs

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 26. Modification at Customer's Expense. If a customer requests for his convenience or by his actions requires that utility facilities be redesigned, reengineered, relocated, removed, modified, or reinstalled, the utility may require the customer to make payment to it of the full cost of performing such service. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 24; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-27 Extension of distribution mains; variances

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 27. Extension of Distribution Mains. (A) Jurisdiction of Commission. The provisions of this rule [*this section*] shall govern the Commission in determining all matters relative thereto coming before it.

(B) Responsibility of Gas Utilities. In addition to its statutory responsibilities, each gas public utility shall, upon proper application for service, have the authority and obligation subject to the provisions below and in keeping with the filings approved by the Commission as to the availability of gas service, to make free of charge an extension necessary to give service when the estimated total revenue, for a period of three (3) years, from the prospective customer or customers, is at least equal to the estimated cost of such extension.

(C) Extension Exceeding the Costs Limits Set Forth in (B) Above. If the estimated cost of the extension required to furnish service is greater than the total estimated revenue from such extension specified herein, such an extension shall be made under the following conditions:

(1) Upon proper application for such extension and (i) receipt by the gas public utility of a cash deposit in an amount equal to the cost of such extension in excess of the amount which would have qualified as provided in (B) above or (ii) receipt by the gas public utility of adequate provision, mutually acceptable to the parties, for payment of such cash deposit upon completion of the construction of the extension, the gas utility shall proceed with such extension, without specific approval of the agreement by the Commission, or

(2) If (a) in the opinion of the gas utility the estimated cost of such extension and the prospective revenue to be received from it is so meager as to make it doubtful whether the revenue from the extension would ever pay a fair return on the investment involved in such extension, or (b) in a case of real estate development, with slight or no immediate demand for service, or (c) in the case of an installation requiring extensive equipment with slight or irregular service; then in any of these cases the gas utility shall submit the agreement for such an extension to the Commission for investigation and determination as to the public convenience and necessity of such extension, and if so required, the conditions under which it shall be made, and

(3) For each customer, exclusive of the initial applicants considered in the making of an extension, connected to such an extension within the period of six years from the completion of such extension, the gas utility shall refund to such initial applicants, in proportion to their respective contributions toward the cost of such extension, an amount equal to three (3) times the estimated annual revenue from such new customer, less the cost of service such new customer, but the total of all refunds to any such applicant shall in no event exceed the aforesaid contribution of such applicant.

(D) Information. (1) All estimates of cost as required in (B) above shall be determined by the utility from actual experience, and each gas utility shall within the first quarter of each year submit to the Commission information used to establish the basis for the above amounts.

(2) In estimating the cost of an extension, the estimate shall be based on the diameter of the pipe to be used; provided, however, the estimated cost to the customer or customers shall not be based on a pipe diameter in excess of four (4) inches, unless actual consumption estimated for the proposed customer(s) requires a larger pipe.

(3) In the event that the applicant is required by (C) above to make any payment, the utility shall upon request make available

to the applicant:

(a) the information used to establish the basis for the applicable amount as submitted to the Commission in compliance with this rule; and

(b) the information used to establish the basis for the "estimated total revenue for a period of three (3) years to be realized by the utility from permanent and continuing customers on such extension" as required by this rule.

(E) Contract for Service. A gas utility shall not be required to make extension as provided in this Rule 25 [this section] unless the customers to be initially served by such extension upon its installation have entered into an agreement with the gas utility setting forth the obligations and commitments of the parties, which may require the customer to provide a satisfactory guaranty to the gas utility of the performance of the customer's obligations thereunder.

(F) Variations from Rule. This Rule 25 [this section] shall not be construed as prohibiting a gas utility from (1) making extensions without charge where the cost of the same is greater than is provided in (B) above, or (2) providing an alternate plan to be approved by the Commission; provided that in the application of this subsection (F) no discrimination is practiced between customers whose service requirements are similar.

(G) The utility shall use good utility and engineering practices in determining the route for the main extension required to serve a petitioner(s). If it is unreasonable to use public rights-of-way or it is otherwise unavailable for the utilities' use, the petitioner shall give all reasonable assistance in obtaining private rights-of-way for the main extension; however, if such a negotiated acquisition is impossible, then the utility shall use its power of eminent domain to obtain the needed right-of-way for installation of the extension where the extension is proposed to or will be capable of serving two or more users. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 25; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 411; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-28 Rate schedules, rules and regulations; filing; public inspection

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-38; IC 8-1-2-39

Sec. 28. Filing and Posting of Rate Schedules, Rules and Regulations of Public Utility and of the Commission. Copies of all schedules of rates for service, forms of contracts, charges for service connections and extensions, and of all rules and regulations covering the relationship between the customer and the public utility shall be filed by each public utility in the office of the Commission. Complete schedules, contract forms, rules and regulations, etc., if filed with the Commission, shall also be on file in the local office of the public utility, and shall be open to the inspection of the public. The attention of the public shall be called to these files of schedules, rules and regulations, by placing a suitable placard in that part of the office open to the public. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 26; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 413; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 5-1-29 Date of compliance with rules, regulations and standards of service (Expired)

Sec. 29. (*Expired under IC 4-22-2.5, effective January 1, 2008.*)

170 IAC 5-1-30 Savings clause

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 30. Saving Clause. The adoption of these rules [170 IAC 5-1] shall in no way preclude the Commission from altering or amending the same, in whole or in part, or from requiring any additional service, equipment, facility or standards, whether upon complaint or upon its own motion, or upon the application of any public utility; and, further these rules [170 IAC 5-1] shall in no way relieve any public utility from any of its duties under the laws of this State. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 28; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 413;*

readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

Rule 2. Classification of Accounts

170 IAC 5-2-1 Combination gas and electric private utilities (Repealed)

Sec. 1. *(Repealed by Indiana Utility Regulatory Commission; No. 33684: Combination Gas and Electric Private Utilities; filed Jan 30, 1979, 10:50 am: 2 IR 299) NOTE: IAC citation in Indiana Register is incorrectly cited as 170 IAC 5-2-2.*

170 IAC 5-2-2 Classification of accounts; adoption of rules

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-12

Affected: IC 8-1-2

Sec. 2. The amendments to the rules governing the classification of accounts for all other Class A-B private gas utilities and all Class C-D private gas utilities and Class A-B-C-D municipal gas utilities operating within the state of Indiana, as hereinafter set out in Appendix A which includes the Uniform System of Accounts for Class A and B Gas Utilities, 1976 and the 1976 Revisions of Uniform System of Accounts for Class C and D Gas Utilities, 1973, are hereby adopted by reference. Copies are available from the National Association of Regulatory Utility Commissioners, 1101 Vermont Avenue, NW, Suite 200, Washington, D.C. 20005. *(Indiana Utility Regulatory Commission; No. 33684: Gas Utilities; filed Dec 30, 1974, 10:41 a.m.: Rules and Regs. 1975, p. 538; No. 35061: filed Jun 12, 1978, 3:15 p.m.: 1 IR 76; filed Oct 4, 1990, 3:51 p.m.: 14 IR 258; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Jun 9, 2015, 3:18 p.m.: 20150708-IR-170150103RFA)*

170 IAC 5-2-3 Major private gas utilities; adoption of federal energy regulatory commission rules

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-12

Affected: IC 8-1-2

Sec. 3. (a) The rules governing the classification of accounts for all major private gas utilities, not provided for in section 2 of this rule, operating within the state of Indiana as approved, prescribed, and promulgated by the Federal Energy Regulatory Commission on February 12, 1985, are adopted by reference.

(b) Copies of the accounting and reporting requirements prescribed for major private gas utilities as approved, prescribed, and promulgated by the Federal Energy Regulatory Commission are available for purchase from the Division of Public Information, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426. *(Indiana Utility Regulatory Commission; 170 IAC 5-2-3; filed Oct 4, 1990, 3:51 p.m.: 14 IR 258; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Jun 9, 2015, 3:18 p.m.: 20150708-IR-170150103RFA)*

Rule 3. Minimum Safety Standards for the Transportation of Gas, Hazardous Liquids, Carbon Dioxide Fluids, and Related Pipeline Facilities

170 IAC 5-3-0.5 Definitions

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2; IC 8-1-22.5

Sec. 0.5. (a) Terms used in this rule, unless otherwise provided, have the meanings set forth in the following:

(1) 49 CFR Parts 191, 192, 193, and 195.

(2) IC 8-1-22.5.

(b) The following definitions apply throughout this rule:

- (1) "Abnormal operation" means any of the following:
 - (A) An unintended closure of valves or shutdowns.
 - (B) An increase or decrease in pressure or flow rate outside normal operating limits.
 - (C) A loss of communications.
 - (D) The operation of a safety device.
 - (E) Another foreseeable malfunction of a component, deviation from normal operation, or personnel error that may result in a hazard to persons or property.
- (2) "Accident" means a failure in a hazardous liquids pipeline system that has at least one (1) of the results listed in 49 CFR 195.50 requiring an accident report.
- (3) "Commission" means the Indiana utility regulatory commission.
- (4) "Division" means the pipeline safety division of the commission.
- (5) "Division engineer" means an engineer on the staff of the division.
- (6) "Incident" means an event that:
 - (A) involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and:
 - (i) a death, or personal injury necessitating inpatient hospitalization;
 - (ii) estimated property damage, including cost of gas lost, of the operator or others, or both, of fifty thousand dollars (\$50,000) or more; or
 - (iii) unintentional estimated gas loss of three million (3,000,000) cubic feet or more;
 - (B) results in an emergency shutdown of an LNG facility; or
 - (C) is significant, in the judgment of the operator, even though it did not meet the criteria of clause (A) or (B).
- (7) "Jurisdictional" means an operator owned facility that ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter.
- (8) "Operator" means a person or entity that operates intrastate pipeline facilities in the state of Indiana in which at least one (1) of the following are transported:
 - (A) Natural or other hazardous flammable gas.
 - (B) Hazardous liquids.
 - (C) Carbon dioxide fluids.

(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.5; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA)

170 IAC 5-3-0.6 Adoption of United States Department of Transportation gas pipeline safety regulations

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2; IC 8-1-22.5

Sec. 0.6. The commission hereby adopts the gas pipeline safety regulations of the United States Department of Transportation contained in 49 CFR Parts 40, 191, 192, 193, 194, 195, 198, and 199, as of March 1, 2016, as augmented by the Indiana specific regulations found in section 2 of this rule. *(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.6; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA)*

170 IAC 5-3-1 Federal and other standards; compliance; general provisions

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2; IC 8-1-22.5

Sec. 1. (a) In accordance with IC 8-1-22.5, an operator shall do the following:

- (1) Construct, operate, and maintain its facilities in accordance with federal safety standards applicable:
 - (A) to the transportation of:
 - (i) natural and other gas;
 - (ii) hazardous liquids; or
 - (iii) carbon dioxide fluids; and

(B) for pipeline facilities used in this transportation;
established and in effect, from time to time, pursuant to the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, with the supplements contained in this rule.

(2) Comply with all other:

- (A) codes;
- (B) standards; or
- (C) regulations;

contained in this rule.

(3) Be governed, after due notice, by all:

- (A) deletions;
- (B) additions;
- (C) revisions; or
- (D) amendments;

thereof.

(b) Records shall be made documenting all:

- (1) plan reviews and updates;
- (2) surveys;
- (3) inspections; and
- (4) repairs made.

All records required to document compliance with this rule shall be preserved in accordance with federal law or a minimum of five (5) years, whichever is longer. The records shall be readily available within the state of Indiana, at the office or offices of the operator located in the territory served by the office, and shall be open for examination by the commission or its representatives upon request. The provisions of this subsection shall not be construed so as to lessen or increase the period of maintenance of records as specifically provided by law. (*Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 1; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 537; filed May 7, 1982, 2:00 p.m.: 5 IR 1175; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA*)

170 IAC 5-3-2 Federal regulations; revision

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2; IC 8-1-22.5

Sec. 2. Indiana specific revisions to federal regulations, 49 CFR, Part 192 and Part 195 are as follows:

(1) Procedural manual for operations, maintenance, and emergencies (49 CFR 192.605 and 49 CFR 195.402) shall read as follows:

(a) Each operator shall do the following:

(1) Have a written plan covering the:

- (A) emergency;
- (B) operations; and
- (C) maintenance;

procedures to be used by the operator to ensure the safe operation of its pipeline facilities. The plan shall include, by sections, the emergency, operations, and maintenance procedures for all the pipeline facilities and shall include procedures for handling abnormal operations. This plan, when filed, becomes a regulation for the particular operator who filed it.

(2) File a copy of the plan, signed or submitted electronically by an official of the operator, with the division.

(3) Keep records necessary to administer the plan effectively.

(4) Revise the plan as:

- (A) experience dictates; and

- (B) exposure of the facilities and changes in operating conditions might warrant.
- (5) File with the division all subsequent revisions of the plan not later than twenty (20) days after the effective date of the changes. Minor revisions may be made in a cover letter.
- (2) Customer Meters and Regulators: Installation (49 CFR 192.357). In addition to the language contained in 49 CFR 192.553, paragraph (e) shall be adopted in Indiana and shall read as follows:
 - (e) An operator may not initiate or reinstate gas service without first ascertaining that:
 - (1) the meter and regulator are:
 - (A) properly sized and installed for their intended use;
 - (B) pressure tight at the operating pressure; and
 - (C) protected from reasonably anticipated outside forces, including, but not limited to, reasonably anticipated:
 - (i) vehicular impact; and
 - (ii) natural forces, including, but not limited to:
 - (AA) ice;
 - (BB) water runoff; and
 - (CC) snow; and
 - (2) for residential customers, the piping from the meter to the customer's appliance valves is pressure tight at the operating pressure.
- (3) Service Lines; Location of Valves (49 CFR 192.365). In addition to the language contained in 49 CFR 192.365 paragraphs (a) and (c), in Indiana, paragraph (b) shall read as follows:
 - (b) Each service line must have a shutoff valve in a readily accessible location that is outside of the building.
- (4) Service Lines: Cast Iron and Ductile Iron (49 CFR 192.373). In addition to the language contained in 49 CFR 192.373 paragraphs (b) and (c), in Indiana, paragraph (a) shall read as follows:
 - (a) Cast or ductile iron pipe shall not be installed for service lines.
- (5) Test Requirements - General (49 CFR 192.503). In addition to the language contained in 49 CFR 192.503 paragraphs (b), (c), and (d), in Indiana, paragraphs (a) and (e) shall read as follows:
 - (a) No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated, replaced, or has been abandoned previously, until:
 - (1) it has been tested in accordance with this subpart and 49 CFR 192.619 to substantiate the maximum allowable operating pressure; and
 - (2) each potentially hazardous leak has been located and eliminated.
 - (e) No testing, by a medium other than natural gas under this subpart, may be done against a valve on a jurisdictional part of the system that is connected by the valve to a source of gas, unless a positive suitable means has been provided to prevent the leakage or admission of the testing medium into a jurisdictional part of the system.
- (6) Test Requirements for Pipelines to Operate at or below 100 psig (49 CFR 192.509). In addition to the language contained in 49 CFR 192.509 paragraph (a), in Indiana, paragraph (b) shall read as follows:
 - (b) Each main that is to be operated at less than one (1) psig must be tested to at least ten (10) psig, and each main to be operated at or above one (1) psig must be tested to one hundred fifty percent (150%) of the maximum operating pressure or at least ninety (90) psig, whichever is greater.
- (7) Test Requirements for Service Lines (49 CFR 192.511). In addition to the language contained in 49 CFR 192.511 paragraph (a), in Indiana, paragraphs (b) and (c) shall read as follows:
 - (b) Each segment of a service line (other than plastic) stressed under twenty percent (20%) SMYS must be tested at one hundred fifty percent (150%) of the maximum operating pressure or at least to ninety (90) psig, whichever is greater. The test procedure used must ensure discovery of all potentially hazardous leaks in the segment being tested.
 - (c) Each segment of a service line (other than plastic) stressed to twenty percent (20%) or more of SMYS must be tested in accordance with Section 192.505 or 192.507, whichever is applicable, of this subpart.
- (8) Subpart K - Uprating; General Requirements (49 CFR 192.553). In addition to the language contained in 49 CFR 192.553, paragraph (e) shall be adopted in Indiana and shall read as follows:
 - (e) Service regulators supplying gas from transmission lines or distribution mains that are being uprated under this

subpart shall meet the requirements of Section 192.197.

(9) Uprating: Steel Pipelines to a Pressure That Will Produce a Hoop Stress less than 30 Percent of SMYS; Plastic, Cast Iron and Ductile Iron Pipelines (49 CFR 192.557). In addition to the language contained in 49 CFR 192.557 except for paragraph (b)(5), in Indiana, paragraph (b)(5) shall read as follows:

(b)(5) Isolate by physical separation all mains between the segment of pipeline in which the pressure is to be increased from an adjacent segment that will continue to be operated at the lower pressure, except the mains that are required to supply through a pressure regulator (with approved overpressure protection designed in accordance with Section 192.195), the adjacent segment that will continue to be operated at the lower pressure; and

(10) Subpart L - Operations; General Provisions (49 CFR 192.603, 49 CFR 195). In addition to the language contained in 49 CFR 192.603 paragraphs (a) and (b), in Indiana paragraph (c) shall read as follows:

(c) Each operator shall maintain a system of records of its physical plant. These shall include records and maps of its active physical plant in use, and be in a form as to facilitate the operation and maintenance of the plant in a safe manner. The records shall be reviewed, with documentation, and updated, with documentation, when an addition, deletion, or change of the system occurs each calendar year at intervals not exceeding fifteen (15) months. Included on the maps shall be:

- (1) main;
- (2) sizes;
- (3) materials;
- (4) pressure ranges; and
- (5) location of:
 - (A) mains emergency valves;
 - (B) regulator stations;
 - (C) rectifiers; and
 - (D) critical bonds.

(11) Emergency Plans (49 CFR 192.615). In addition to the language contained in 49 CFR 192.615, paragraph (d) shall be adopted in Indiana and shall read as follows:

(d) Each operator shall carry a listing in the current telephone directory of each community that it serves or within which it operates whereby a responsible employee or agent of the operator may be reached on a twenty-four (24) hour basis.

(12) Distribution Systems: Leakage Surveys and Procedures (49 CFR 192.723). In addition to the language contained in 49 CFR 192.723 paragraph (a), paragraphs (b)(1), (b)(2), (b)(3), (c), (c)(1), (c)(2), and (d) shall be adopted and shall read as follows:

(b)(1) A leak survey using gas detection equipment shall be conducted in:

- (1) business districts;
- (2) areas of high occupancy buildings as identified in the operator's operations and maintenance procedures, including, but not limited to:
 - (A) schools;
 - (B) churches;
 - (C) hospitals;
 - (D) apartment buildings; and
 - (E) commercial buildings;
- (3) built-up residential areas where continuous pavement exists; and
- (4) other areas as the commission may direct;

once each calendar year at intervals not exceeding fifteen (15) months. The surveys in business districts and areas of high occupancy buildings, listed in subdivisions (1) and (2), shall be made at least to the meter outlet. Tests shall include tests of the atmosphere in utility manholes, at cracks in the pavement and sidewalks and other locations providing an opportunity for finding gas leakage.

(b)(2) Leakage surveys of the distribution system outside of the areas as listed in (b)(1) must be made as frequently as necessary but at least once every five (5) years at intervals not to exceed sixty-three (63) months. A vegetation type

survey shall not be used as a single means of leakage control.

(b)(3) Each operator shall establish and execute a plan by which it will periodically survey each customer-owned service line for leakage once every five (5) calendar years at intervals not to exceed sixty-three (63) months. For purposes of this section, the term "customer-owned service" shall mean buried metallic gas carrying piping that is between the outlet of the meter and the entry of the building wall of a residential dwelling. The term does not include the following:

- (1) Farm taps.
- (2) Services directly off mains that have an operating pressure of greater than sixty (60) psig.
- (3) Diversions to structures other than the residential dwelling located on the premises.
- (4) Services with meter settings adjacent to the structure being served.

(c) All leaks reported, regardless of the origin of the reports, shall be recorded on suitable report forms. These report forms must provide space for all pertinent information. Each leak reported shall be accounted for, and actions taken in response to leaks shall be documented and filed in a systematic manner.

(c)(1) All leaks reported shall be investigated promptly and classified in accordance with procedures outlined in the operator's operations and maintenance plan. The procedures shall include acceptable response times and shall ensure that gas leakage that is hazardous to life or property shall receive immediate attention for repairs.

(c)(2) Leak indications where repairs are not completed shall be rechecked on subsequent surveys, depending on the operator's classification and in accordance with the operator's procedures.

(d) Records shall be made covering these surveys, inspections, and repairs made. These records, along with all other routine or unusual inspections and repairs, shall be kept in the file of the operating company.

(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 2; filed May 12, 1972, 10:30 a.m.; Rules and Regs. 1973, p. 537; filed May 7, 1982, 2:00 p.m.: 5 IR 1176; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA)

170 IAC 5-3-3 Acquisition of pipe or components to determine cause of failure

Authority: IC 8-1-1-3; IC 8-1-22.5

Affected: IC 8-1-22.5

Sec. 3. (a) Under IC 8-1-22.5, the division, acting through the commission, may acquire from an operator or person sections of pipe or pipeline components that have failed in operation or test, or of pipeline components similar to the failed component, for the purpose of examination in an effort to determine the cause of the failure.

(b) Prior to the acquisition of the pipe or pipeline components, the specimens shall be positively identified as to:

- (1) the item acquired;
- (2) the date of the incident;
- (3) the date of acquisition;
- (4) the position of the component part in the pipeline system; and
- (5) other pertinent data.

The operator or person from whom the pipe or pipeline components are acquired shall be given a receipt for the same by the division engineer receiving the parts.

(c) Upon the acquisition of the pipe or pipeline components, the division shall pursue its examination and tests without delay. Upon the completion of the examinations and tests, the division shall return the components acquired to the operator or person from whom acquired, obtaining a receipt for the same.

(d) As a result of the tests or other investigation, the commission may restrict or limit the use of similar pipeline components until the time that they have been proved to be safe for the specified service. *(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 3; filed May 12, 1972, 10:30 a.m.; Rules and Regs. 1973, p. 541; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA)*

170 IAC 5-3-4 Reports to the division

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2-114

Sec. 4. (a) Each operator shall file the reports listed in this section with the:

- (1) division; and
- (2) addressee listed in 49 CFR 191.7.
- (b) All accidents and incidents as:
 - (1) defined in this rule; or
 - (2) deemed significant by the operator, including, but not limited to, situations involving:
 - (A) media attention;
 - (B) high profile locations;
 - (C) large evacuations; or
 - (D) the possibility of recurrence;

shall be reported to the division by telephone or electronic submission at the earliest practicable moment following discovery. This notification shall be followed by a written report upon request by the division.

(c) The written report as required in subsection (b) shall be provided within twenty (20) days of the request and shall include, but not be limited to, the following:

- (1) The name of the operator.
- (2) The date and time of the incident.
- (3) A definite location: street address or, if rural, locate definitely (not R.R.), 911 address.
- (4) The number of employees injured requiring inpatient hospitalization or fatalities, or both (name, sex, age, and address).
- (5) The number of nonemployees injured requiring inpatient hospitalization or fatalities, or both (name, sex, age, and address).
- (6) The estimated value of total property damage and a description of the damaged property.
- (7) A description of the accident.
- (8) The location and a description of the operator's plant, including sketches or maps, if necessary, for clarification.
- (9) The condition of the operator's plant as found on inspection.
- (10) The extent of the investigation and findings.
- (11) Unless submitted electronically, the signature of a responsible representative of the operator.

(d) The following are the requirements for interruption of service reports:

- (1) Each operator shall keep a record of interruptions of service affecting:
 - (A) its entire system;
 - (B) a major division of its system;
 - (C) one hundred (100) or more customers at once; or
 - (D) when the operator deems the event to be significant.
- (2) The record required in subdivision (1) shall include a statement of the:
 - (A) time;
 - (B) duration;
 - (C) extent; and
 - (D) cause;

of the interruption.

(3) Whenever the service is intentionally interrupted for any purpose, the interruptions shall, except in emergencies, be at a time that will cause the least inconvenience to customers. Those customers who will be most seriously affected by the interruption shall, so far as possible, be notified in advance.

- (4) Whenever the service is interrupted other than intentionally in a major division or community, the operator shall:
 - (A) notify the division by telephone or electronic submission at the earliest practicable moment following discovery and provide the information required in subdivision (2);
 - (B) confirm the information, upon request of the division, by a written report within twenty (20) days of the

notification; and

(C) provide additional reports requested by the division.

(e) The following are the reporting requirements:

(1) Annual reports, as required by 49 CFR 191.11 and 191.17, shall be filed with the division not later than March 15 of each year.

(2) Annual reports as required by 49 CFR 195.49 shall be filed with the division no later than June 15 of each year.

(3) Each operator of a master meter, as defined in 49 CFR 191.3, shall file with the division, not later than March 15 of each year, a report that shall include the following:

(A) The dates of completion for previous year of the:

(i) leak survey;

(ii) cp survey; and

(iii) valve inspection.

(B) The name of the person who completed the inspections on behalf of the operator of a master meter.

(C) The number of unrepaired leak reports on January 1 of the preceding year.

(D) The number of leak reports received during the preceding year.

(E) The number of leaks repaired during the preceding year.

(F) The number of unrepaired leak reports at the end of the preceding year.

(G) Current information for the individual responsible for the gas system including the following:

(i) Name.

(ii) Title.

(iii) Address.

(iv) Phone number.

(v) E-mail address.

The information required in this subdivision shall be provided to the division on a form available on the division's website at <http://www.in.gov/iurc/2335.htm>.

These reports shall include all known leak reports regardless of classification, on the respective systems, up to and including the meter outlet.

(4) Each operator shall file with the division notification of construction that is significant to the operator, in a manner that facilitates unannounced inspections. Examples may include:

(A) new construction, replacement, or relocation of a jurisdictional:

(i) gas pipeline facility that is considered transmission by definition under 49 CFR 192.3;

(ii) gas distribution main of a significant footage for a single project, including a cast iron or bare steel replacement project of any length;

(iii) gas purchase point, regardless of number of customers served;

(iv) gas distribution center station that is designed to serve at least one thousand (1,000) customers immediately or in the future; or

(v) hazardous liquid or carbon dioxide facility; or

(B) significant gas service replacement project that encompasses at least twelve (12) city blocks or two hundred fifty (250) services for a single project.

(5) The notification required under subdivision (4) shall include the following:

(A) A description and location of work.

(B) The type of facility.

(C) The estimated start date.

(D) The name and address of the reporting company.

(E) The name, address, and telephone number of person to be contacted concerning the project.

(F) All other significant information concerning the project.

(6) Each operator shall file with the division other reports as may be required by the division that are relevant to the safe operation of the operator's system, including the following:

(A) Safety related condition reports as required by 49 CFR 191.25.

(B) Safety related condition reports as required by 49 CFR 195.56.

(f) The reports as listed and required in this section shall not imply or be considered an admission of liability or responsibility of the operator in connection with the accident or incident so mentioned. (*Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 4; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 542; filed Aug 12, 1988, 4:00 p.m.: 12 IR 6; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA*)

170 IAC 5-3-5 Waiver of compliance; application; investigation

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2

Sec. 5. (a) An operator may apply to the commission for authorization to:

(1) construct, install, or use material and equipment that have not been approved; or

(2) waive in whole or in part compliance with a code, standard, or regulation established under this rule.

(b) The commission shall investigate an application made under subsection (a), and, if it determines that the application of waiver of compliance with the code, standard, or regulation is not inconsistent with gas pipeline safety, the commission may grant the waiver after due compliance with the requirements of state statute and the provisions of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 with regard to the waiver. Authorization will not be granted to install or use materials or equipment that are specifically prohibited by the federal or state regulations. (*Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 5; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 545; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA*)

Rule 4. Natural Gas for Outdoor Lighting

170 IAC 5-4-1 Definitions (Repealed)

Sec. 1. (*Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334*)

170 IAC 5-4-2 Prohibited installations of natural gas outdoor lighting fixtures (Repealed)

Sec. 2. (*Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334*)

170 IAC 5-4-3 Prohibited sales of natural gas for outdoor lighting use (Repealed)

Sec. 3. (*Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334*)

170 IAC 5-4-4 Traditional commercial lighting exemption (Repealed)

Sec. 4. (*Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334*)

170 IAC 5-4-5 Memorial lighting exemption (Repealed)

Sec. 5. (*Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334*)

170 IAC 5-4-6 Historical commercial lighting exemption (Repealed)

Sec. 6. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-7 Protection of safety of persons and property; exemption (Repealed)

Sec. 7. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-8 Compliance entailing substantial expense; exemption (Repealed)

Sec. 8. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-9 Public interest exemption (Repealed)

Sec. 9. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-10 Temporary exemption to install substitute lighting (Repealed)

Sec. 10. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-11 Petitions for exemptions; form; service (Repealed)

Sec. 11. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-12 Stay of prohibition pending final commission action (Repealed)

Sec. 12. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-13 Determination of exemptions; procedure; formal hearing (Repealed)

Sec. 13. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-14 Notice to customers regarding prohibition; costs; reporting (Repealed)

Sec. 14. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2335)*

170 IAC 5-4-15 Reports submitted to commission (Repealed)

Sec. 15. *(Repealed by Indiana Utility Regulatory Commission; filed May 7, 1982, 2:05 pm: 5 IR 1175)*

170 IAC 5-4-15.1 Penalties (Repealed)

Sec. 15.1. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2335)*

170 IAC 5-4-16 Penalties (Repealed)

Sec. 16. *(Repealed by Indiana Utility Regulatory Commission; filed May 7, 1982, 2:05 pm: 5 IR 1175)*

170 IAC 5-4-17 Effective date (Repealed)

Sec. 17. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2335)*

Rule 5. Damage to Underground Facilities

170 IAC 5-5-1 Definitions

Authority: IC 8-1-26-26

Affected: IC 8-1-26

Sec. 1. (a) The definitions in IC 8-1-26, where applicable, and this section apply throughout this rule.

(b) "Commission" means the Indiana utility regulatory commission.

(c) "Pipeline safety division" means the pipeline safety division of the commission or the pipeline safety division's publicly noticed consultant.

(d) "Advisory committee" means the underground plant protection advisory committee. (*Indiana Utility Regulatory Commission; 170 IAC 5-5-1; filed May 25, 2011, 12:57 p.m.: 20110622-IR-170100184FRA; readopted filed Apr 11, 2017, 9:52 a.m.: 20170510-IR-170170124RFA*)

170 IAC 5-5-2 Notification of violations of IC 8-1-26

Authority: IC 8-1-26-26

Affected: IC 8-1-26-21

Sec. 2. (a) Any person or entity may report a violation of IC 8-1-26 by providing the pipeline safety division with written or electronic notice of the violation.

(b) All violations shall be reported to the commission within thirty (30) days of a person becoming aware of the circumstances constituting the violation.

(c) The pipeline safety division shall maintain, or cause to be maintained, a database of all reports provided to the pipeline safety division. (*Indiana Utility Regulatory Commission; 170 IAC 5-5-2; filed May 25, 2011, 12:57 p.m.: 20110622-IR-170100184FRA; readopted filed Apr 11, 2017, 9:52 a.m.: 20170510-IR-170170124RFA*)

170 IAC 5-5-3 Process for determining violations of the underground plant protection laws

Authority: IC 8-1-26-26

Affected: IC 8-1-26

Sec. 3. (a) The pipeline safety division shall investigate alleged violations of IC 8-1-26 by requesting a written response from all known persons or entities reportedly involved in an incident, whose addresses are reported or available on the internet, within sixty (60) days. The pipeline safety division shall investigate all incidents pursuant to applicable federal requirements and may investigate incidents further at its discretion.

(b) The pipeline safety division shall forward its findings of violations of requirements provided in IC 8-1-26 to the advisory committee.

(c) The advisory committee will provide the person or entity accused of violating IC 8-1-26 with a copy of the pipeline safety division's summary damage report.

(d) The advisory committee will provide the person or entity accused of violating IC 8-1-26 with notice and an opportunity to appear before the advisory committee prior to the advisory committee making a recommendation on the summary damage report.

(e) A person or entity accused of violating IC 8-1-26 may send correspondence regarding the pipeline safety division's finding of a violation to the advisory committee in lieu of appearing at the public meeting in person. All correspondence must be addressed to the Underground Plant Protection Advisory Committee, Indiana Utility Regulatory Commission, 101 West Washington Street, Suite 1500 E, Indianapolis, Indiana 46204.

(f) Upon receiving a recommendation from the advisory committee, the commission shall provide the person or entity accused of violating IC 8-1-26 with notice of the advisory committee's recommendation and provide the person or entity thirty (30) days to request a public hearing on the advisory committee's recommendation.

(g) A request for a public hearing before the commission must be in writing and shall be considered filed upon receipt by the commission.

(h) If a person or entity accused of violating IC 8-1-26 does not request a public hearing, the commission will act upon the advisory committee's recommendation.

(i) All hearings before the commission regarding violations of IC 8-1-26 are subject to the commission's rules of practice and procedure.

(j) A person or entity found in violation of IC 8-1-26 may be required to pay a civil penalty. All civil penalties must be paid to the commission within ninety (90) days of being assessed. (*Indiana Utility Regulatory Commission; 170 IAC 5-5-3; filed May 25, 2011, 12:57 p.m.: 20110622-IR-170100184FRA; readopted filed Apr 11, 2017, 9:52 a.m.: 20170510-IR-170170124RFA*)

170 IAC 5-5-4 Underground plant protection account

Authority: IC 8-1-26-26

Affected: IC 8-1-26-18; IC 8-1-26-25

Sec. 4. (a) The commission shall administer the account.

(b) The account consists of civil penalties issued pursuant to IC 8-1-26. (*Indiana Utility Regulatory Commission; 170 IAC 5-5-4; filed May 25, 2011, 12:57 p.m.: 20110622-IR-170100184FRA; readopted filed Apr 11, 2017, 9:52 a.m.: 20170510-IR-170170124RFA*)

*