

**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION
ARTICLE 16. CUSTOMER COMPLAINTS**

170 IAC 16-1-1 Scope and applicability

Authority: IC 8-1-1-3; IC 8-1-2-34.5

Affected: IC 8-1-2-34.5

Sec. 1. (a) This article implements the authority of the commission under IC 8-1-2-34.5.

(b) This article applies to any utility subject to the commission's jurisdiction that offers:

- (1) gas;
- (2) electric;
- (3) water; or
- (4) sewage disposal;

services.

(c) ~~The procedures~~ **Procedures** for the resolution of customer complaints involving telephone utilities can be found in 170 IAC 7.

(Indiana Utility Regulatory Commission; 170 IAC 16-1-1; filed May 25, 2010, 1:52 p.m.: 20100623-IR- 170090792FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

170 IAC 16-1-2 Definitions

Authority: IC 8-1-1-3; IC 8-1-2-34.5

Affected: IC 8-1-2-1

Sec. 2. (a) Where applicable, **and except as defined in subsection 2(b), the** terms used in this rule shall have the meaning assigned to them in IC 8-1-2-1.

(b) The following definitions apply throughout this rule:

- (1) ~~"Commission" means the Indiana utility regulatory commission.~~
- ~~(2) "Consumer affairs" means the consumer affairs division of the commission.~~
- ~~(3) "Customer" means any:~~

- (A) person;
- (B) firm;
- (C) corporation;
- (D) municipality; or
- (E) government agency;

who has agreed to pay for service from a utility, or a person authorized under a valid power of attorney to act on another person's or the entity's behalf.

- ~~(4) "Utility" means the following:~~

- (A) Electric utilities;
- (B) Gas utilities;
- (C) Water utilities **and**

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(D) Sewage disposal services;
that are under the jurisdiction of the commission.

(Indiana Utility Regulatory Commission; 170 IAC 16-1-2; filed May 25, 2010, 1:52 p.m.: 20100623-IR- 170090792FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

170 IAC 16-1-3 Customer dispute process; time periods

Authority: IC 8-1-1-3; IC 8-1-2-34.5

Affected: IC 8-1-2.34.5

Sec. 3. (a) Disputes regarding any utility service or billing matter that have not been resolved at the utility level may constitute a complaint and may be resolved through the following process:

(1) A customer may appeal a utility's proposed resolution of a dispute by filing an informal complaint with consumer affairs in accordance with section 5 of this rule.

(2) A customer or utility may request commission review of a consumer affairs decision in accordance with section 6 of this rule.

(b) In computing any period of time prescribed or allowed by this article, the day of the act **or event** from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a:

(1) Saturday;

(2) Sunday;

(3) legal holiday as defined by state statute; or

(4) day that the utility or commission office in which the act **or event** ~~is to~~ occurs is closed during regular business hours;

in which case, the last day of the period so computed will be the next business day.

~~(c) The period of time runs until the end of the next day that is not a:~~

~~(1) Saturday;~~

~~(2) Sunday;~~

~~(3) legal holiday; or~~

~~(4) day on which the office is closed.~~

(Indiana Utility Regulatory Commission; 170 IAC 16-1-3; filed May 25, 2010, 1:52 p.m.: 20100623-IR- 170090792FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

170 IAC 16-1-4 Disputes; utility responsibilities

Authority: IC 8-1-1-3; IC 8-1-2-34.5

Affected: IC 8-1-2-34.5

Sec. 4. (a) A utility shall provide the following means for customers to bring disputes to its attention:

(1) By telephone.

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- (2) In writing.
- (3) Through the utility's website.
- (4) At the utility's business office.
- (5) By any other method made available by the utility.

(b) The utility shall **document and** retain records of disputes received under this rule and the resolutions thereof for a period of ~~six (6) months~~ **one (1) year** from the date of final resolution of the dispute under this rule and the records shall include, at a minimum, the following information:

- (1) The customer's name.
- (2) The customer's service address.
- (3) The telephone number at which the customer may be contacted, if such number is available.
- (4) The customer's account number.
- (5) ~~The general nature~~ **A detailed description** of the dispute.

(c) A utility shall take the following actions with regard to each dispute:

- (1) Inform the customer that any portion of a bill that is undisputed must be paid by the date due stated on the bill in order to avoid disconnection of service in accordance with section 7 of this rule.
- (2) Investigate the matter promptly and thoroughly.
- (3) Make a good faith effort to resolve the matter.
- (4) Advise the customer of the utility's proposed resolution by:
 - (A) telephone;
 - (B) written notice mailed to the customer's billing address;
 - (C) e-mail; or
 - (D) another means reasonably calculated to reach the customer.
- (5) Advise the customer that if he or she is not satisfied with the utility's proposed resolution, the customer may submit an informal complaint to consumer affairs within seven (7) **calendar** days of the date the proposed resolution is received.
- (6) ~~Offer to provide~~ **Provide** the customer with the following consumer affairs contact information:
 - (A) Mailing address.
 - (B) Toll free complaint number.
 - (C) Local telephone number.

A utility shall make records available upon request by the commission once an informal complaint has been submitted.

(d) Each utility shall annually submit a report to the commission that shall state and classify the number of complaints made to the utility under ~~section 3 of this rule~~ **Article**, the general nature of the subject matter thereof, how the complaint was received, and whether a commission review was conducted thereon.

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170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

170 IAC 16-1-5 Consumer affairs review of utility's proposed resolution; consumer affairs' responsibilities

Authority: IC 8-1-1-3; IC 8-1-2-34.5

Affected: IC 8-1-2-34.5

Sec. 5. (a) If a customer is dissatisfied with a utility's proposed resolution of a dispute, the customer may appeal the proposed resolution to consumer affairs by submitting an informal complaint. A complaint must be submitted under this section within ~~seven (7)~~ninety (90) **calendar** days of the date the customer receives the utility's proposed resolution. At its discretion, **the consumer affairs division director, or the director's designee**, may waive the time limitation for good cause, including failure to receive timely notice of proposed resolution. A complaint shall be considered submitted upon receipt by consumer affairs.

(b) A customer may file a complaint with consumer affairs in the following ways:

- (1) By telephone.
- (2) In writing.
- (3) By completing a form available at the commission's office and on the commission's website.

(c) Upon receipt of a complaint, consumer affairs shall take the following actions:

- (1) Provide the utility:
 - (A) a copy of the complaint if in writing, or a summary of the complaint if not in writing; and
 - (B) an opportunity to respond.
- (2) Conduct an informal review consisting of not less than a prompt and thorough investigation of the disputed facts of the complaint.
- (3) To the extent that consumer affairs may deem necessary to ensure the accuracy and completeness of the consumer affairs record, meet with the parties or require additional information or documentation from the parties, to which parties must respond within fourteen

(14) **calendar** days unless otherwise directed by consumer affairs.

(4) Preserve in a systematic order all information and documentation received and generated during the review, and the consumer affairs decision, which shall comprise the consumer affairs record and be made readily available to the parties for inspection and copying upon request.

(5) Provide a decision to the customer and the utility within thirty (30) **calendar** days of the complaint submission date, except that if the complexity of issues or circumstances involved in a complaint require additional time, consumer affairs shall notify parties within thirty (30) **calendar** days of the complaint submission date that additional time is required.

(d) If a customer or utility is dissatisfied with the consumer affairs resolution of the informal complaint, either party may request a review by the director of **the consumer affairs division or director's designee** within ~~seven (7)~~thirty (30) **calendar** days of the date of receipt of the

Commented [B11]: 7 days is unreasonably short, not based on any timeline in the statute, and should be extended so as to ensure customers have reasonable access to having the substance of their complaints reviewed by CAD. Customers may not be familiar with the complaint process and need more time to get assistance on filing a complaint and compiling documentation to support their complaint. Customers might learn more important information after the 7-day period, e.g., through media reporting on a utility issue or publicizing the availability of the complaint process. The 7-day window is an unreasonably short window of time to request CAD review, as consumers typically have much longer periods of time in other settings. If utilities are required to retain documentation for one year (as proposed in this strawman), it will not impose any additional burden on utility record-keeping. There is not a compelling reason to limit this time period to only 7 days.

Commented [B12]: For similar reasons as above, consumers need more than 7 days to review decisions and determine whether to request a review. A 30-day review period strikes a more reasonable balance in protecting consumers without creating a process that is too long.

Commented [B13R2]: This is especially true because the proposed new language below requires any additional information to be submitted at the time of the request for director's review.

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proposed resolution of the informal complaint. **The consumer affairs division shall provide notice to the non-requesting party of the request for a director's review.**

(1) Any additional information submitted by a requesting party shall be submitted:

- (A) at the time of the request for director's review,**
- (B) is part of the record, and**
- (C) shall be considered by the director or director's designee.**

(2) Any additional information submitted by a non-requesting party shall be submitted:

- (A) within 7 calendar days from date of the notice provided by the consumer affairs division of the request for a director's review,**
- (B) is part of the record, and**
- (C) shall be considered by the director or director's designee.**

(e) The director may ask questions of either party and shall, upon review of the record:

- (A) affirm the resolution,**
- (B) amend the resolution,**
- (C) reverse the resolution, or**
- (D) return the complaint to the consumer affairs analyst for further investigation.**

(ef) Notwithstanding any other provision in this section, consumer affairs may refer a complaint to the commission for review at any time during the review process based on the complexity of issues or circumstances involved in a complaint as determined by the director of **the** consumer affairs **division** or director's designee.

(Indiana Utility Regulatory Commission; 170 IAC 16-1-5; filed May 25, 2010, 1:52 p.m.: 20100623-IR-170090792FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

170 IAC 16-1-6 Request for commission review of consumer affairs decision

Authority: IC 8-1-1-3; IC 8-1-2-34.5

Affected: IC 8-1-2-34.5

Sec. 6. (a) Either party may request commission review of the consumer affairs' decision ~~under IC 8-1-2-34.5~~ within ~~twenty~~ **thirty** (2030) **calendar** days of the date of receipt of the decision of the director of consumer affairs **division** or **the** director's designee. A request under this section must be **made** in writing and shall be considered filed upon receipt by the commission.

(b) Upon receiving a request for commission review, the commission shall provide a copy of the request to the opposing party and the office of the utility consumer counselor (OUCC) within seven (7) **calendar** days from the date the review is requested. The ~~nonrequesting~~ **opposing** party and the OUCC shall be permitted to file an answer within the time frames provided in 170 IAC 1-1.1-10(c).

Commented [B14]: See comments above - similar concerns about too little time for consumers to receive, process, get assistance, and determine whether to challenge

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(c) Commission review of a consumer affairs decision shall be ~~reasonably~~ limited to the matters raised in the request for review and the answer, and to a review of the consumer affairs record as compiled during the review conducted under section 5 of this rule, ~~or as otherwise determined by the presiding officer.~~

Commented [B15]: Unclear why this language is being stricken. It seems reasonable to keep it in to preserve discretion of the presiding officer to address other matters that may be pertinent.

(Indiana Utility Regulatory Commission; 170 IAC 16-1-6; filed May 25, 2010, 1:52 p.m.: 20100623-IR-170090792FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

170 IAC 16-1-7 Continuation of service during complaint process; payment of undisputed charges; disconnection for nonpayment; determining payment amount

Authority: IC 8-1-1-3; IC 8-1-2-34.5

Affected: IC 8-1-2-34.5

Sec. 7. (a) If a customer receiving service has paid and continues to pay all undisputed charges, the utility shall not disconnect any service related to the disputed charges:

- (1) while the utility's proposed resolution is under review by consumer affairs or the commission; or
- (2) sooner than ten (10) **calendar** days after a decision by consumer affairs or the commission.

(b) If a customer and utility cannot agree what portion of the charges in a bill is undisputed, to avoid disconnection, the customer should pay on the disputed bill an amount equal to one-twelfth (1/12) of the estimated annual billing for service to be rendered to the customer. For a customer who has been a customer for at least twelve (12) months, the estimate will be based on the customer's average bill for the twelve (12) months immediately preceding the disputed bill.

Commented [B16]: What about for a customer who has been a customer less than 12 months? That should also be specified.

(c) The utility may not assess a new late fee on any amount in dispute while the complaint is pending, either before the consumer affairs division or on appeal .

(d) The utility may not assess a new late fee on a previously disputed amount so long as the customer pays the previously disputed amount within ten (10) calendar days after the resolution of the complaint and so long as the complaint was made to the utility before the disputed amount became past due. This provision does not nullify a late fee charged prior to the complaint being filed.

(Indiana Utility Regulatory Commission; 170 IAC 16-1-7; filed May 25, 2010, 1:52 p.m.: 20100623-IR-170090792FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)