

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Commissioner	Yes	No	Not Participating
Huston	√		
Bennett	√		
Freeman	√		
Veleta	√		
Ziegner	√		

Final Rulemaking

LSA #24-391
IURC RM #24-05

This Final Rulemaking amends 170 IAC 5-5-3 to incorporate by reference the advisory committee's penalty schedule, which was effective January 1, 2024. The final rule is effective 30 days after filing with the publisher.

Upon prior publication of notice, a public hearing was held on December 17, 2024, at 2:00 p.m., local time in Judicial Courtroom 222 of the PNC Center, 101 W. Washington Street, Indianapolis, Indiana, as required by the provisions of I.C. 4-22-2-1, et seq.

The Indiana Utility Regulatory Commission previously adopted the proposed rule on September 25, 2024, at 10:00 a.m. local time in Judicial Courtroom 222, PNC Center, Indianapolis, Indiana at which time a majority of members of said Commission were present.

The Secretary is hereby directed to submit the aforesaid final rule to the Attorney General and Governor of Indiana, for their approval of same, and thereafter to submit the aforesaid rule to the publisher, Indiana Register.

IT IS SO ORDERED.

HUSTON, BENNETT, FREEMAN, VELETA, AND ZIEGNER CONCUR:

APPROVED: JAN 15 2025

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

**Regina K.
Joyner**

Digitally signed by Regina
K. Joyner
Date: 2025.01.15 10:12:12
-05'00'

on behalf of

**Dana Kosco
Secretary of the Commission**

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

FINAL RULE

LSA Document #24-391

DIGEST

Amends 170 IAC 5-5-3 to incorporate by reference the advisory committee's penalty schedule, which was effective January 1, 2024. *Effective 30 days after filing with the publisher.*

170 IAC 5-5-3

SECTION 1. 170 IAC 5-5-3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-5-3 Process for determining violations and penalties

Authority: IC 8-1-26-26

Affected: IC 8-1-26-15; IC 8-1-26-16; IC 8-1-26-18; IC 8-1-26-19; IC 8-1-26-20; and IC 8-1-26-23

Sec. 3. (a) The pipeline safety division shall investigate alleged violations of IC 8-1-26.

(b) The pipeline safety division shall determine whether a violation of IC 8-1-26 occurred and by which person or entity. After making a determination of a violation, the pipeline safety division shall forward its findings of violations to the advisory committee.

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

(d) A person or entity accused of violating IC 8-1-26 may send correspondence and written evidence regarding the pipeline safety division's finding of a violation to the advisory committee or appear at the public meeting in person to provide the written evidence.

(e) **For damages that occur on or after January 1, 2024, the advisory committee's penalty schedule approved in December 2023, effective January 1, 2024, is hereby incorporated by reference. Copies may be obtained from <https://www.in.gov/iurc/files/2024-UPPAC-Penalty-Schedule-.pdf>.** The advisory committee shall use **the incorporated** penalty schedule when determining recommended penalties.

(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 filed and served following the procedures in 170 IAC 1-1.1.

(h) If a person or entity accused of violating IC 8-1-26 does not request a public hearing, the commission may 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.

(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; filed Sep 20, 2023, 4:06 p.m.: 20231018-IR170220359FRA, eff Jan 5, 2024).

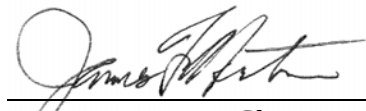
Rule Signature Page

Rule #: LSA #24-391
Agency: Indiana Utility Regulatory Commission
Subject: Amends 170 IAC 5-5-3 to incorporate by reference the UPPAC penalty schedule.

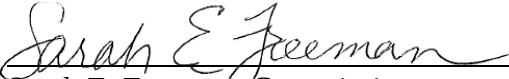
ADOPTED:

By the Indiana Utility Regulatory Commission

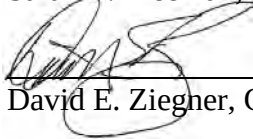
Date: JAN 15 2025



James F. Huston, Chairman



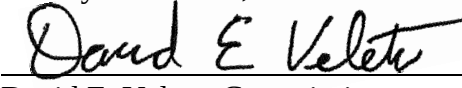
Sarah E. Freeman, Commissioner



David E. Ziegner, Commissioner



Wesley R. Bennett, Commissioner



David E. Veleta, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: _____
Todd Rokita
Attorney General, State of Indiana

Date: _____

APPROVED:

By: _____
Mike Braun
Governor, State of Indiana

Date: _____

ACCEPTED FOR FILING:

By: _____
Indiana Register
Legislative Services Agency

Date: _____