

**STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION
IN THE RULE DEVELOPMENT
PHASE OF RM 26-07**

April 6, 2026

**OUCG REPLY TO THE INDIANA UTILITY REGULATORY COMMISSION'S
DRAFT AMENDMENTS TO STRAWMAN RULEMAKING AMENDING SECTIONS
OF
170 IND. ADMINISTRATIVE CODE 5-3 (PIPELINE SAFETY)**

The Indiana Office of Utility Consumer Counselor ("OUCC"), by counsel, submits the attached suggested revisions and comments to the Indiana Utility Regulatory Commission ("Commission") on the Commission's March 27, 2026, strawman version of proposed amendments to 170 Ind. Admin. Code 5-3 (pipeline safety), including amendments to 170 IAC 5-3-0.5 (definitions); 170 IAC 5-3-2.2 (calibration of instruments); 170 IAC 5-3-2.3 (pre-tested pipe); 170 IAC 5-3-2.4 (farm taps); 170 IAC 5-3-2.5 (construction packets); 170 IAC 5-3-2.6 (the establishment of maximum allowable operating pressure on a distribution system); 170 IAC 5-3-3 (the acquisition of pipe or components to determine the cause of their failure); and 170 IAC 5-3-5 (waivers of compliance).

A redlined version of the OUCC's proposed revisions and comments is attached for the Commission's reference and consideration. The OUCC appreciates the opportunity to provide these comments and revisions.

Respectfully submitted,



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Title 170 INDIANA UTILITY REGULATORY COMMISSION

LSA Document #26-_____

DIGEST

Amends 170 IAC 5-3-0.5, regarding definitions; 170 IAC 5-3-2.2, regarding calibration of instruments; 170 IAC 5-3-2.3, regarding pre-tested pipe; 170 IAC 5-3-2.4, regarding farm taps; 170 IAC 5-3-2.5, regarding construction packets; 170 IAC 5-3-2.6 regarding establishment of MAOP on distribution system; 170 IAC 5-3-3 regarding acquisition of pipe or components to determine cause of failure; and 170 IAC 5-3-5 regarding waivers of compliance.

Effective 30 days after filing with the publisher.

Amends: 170 5-3-0.5; 170 IAC 5-3-2.2; 170 IAC 5-3-2.3; 170 IAC 5-3-2.4; 170 IAC 5-3-2.5; 170 IAC 5-3-2.6; 170 IAC 5-3-3; 170 IAC 5-3-5

SECTION 1. 170 IAC 5-3-0.5 IS AMENDED TO READ AS FOLLOWS:

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.

IURC RM 26-07, 3-23-26, Strawman Rule 170 IAC 5-3 sections – Pipeline Safety

(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 for which an accident report is required

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

(4) "Division" means the pipeline safety division of the commission.

(5) "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, excluding 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).

(6) "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.

(7) "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 for sale, commercial use, or use by another person:

(A) Natural or other hazardous flammable gas.

(B) Hazardous liquids.

(C) Carbon dioxide fluids.

(8) "Traditional media" means a production from a newspaper, television, or radio company.

(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; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA)

SECTION 2. 170 IAC 5-3-2.2 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-2.2 Calibration of instruments

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

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

Sec. 2.2. (a) An instrument or tool, ~~the use of which is necessary~~ **if used** to comply with this rule, shall be calibrated according to the manufacturer's specifications and at intervals recommended by the manufacturer.

(b) Records of instrument calibration shall include:

- (1) the instrument serial number or unique identifier,
- (2) ~~the~~ date of calibration,
- (3) the name and signature of the individual or ~~third party~~ **third-party** vendor performing the calibration,
- (4) the process and calibration standard used for the calibration, **including** as-found and as-left data, and
- (5) the due date for the next calibration.

(Indiana Utility Regulatory Commission; 170 IAC 5-3-2.2; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA)

SECTION 3. 170 IAC 5-3-2.3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-2.3 Pre-tested pipe

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

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

Sec. 2.3. When an operator installs a ~~pipeline~~ **pipe section** that was previously pressure tested, a written record of the previous pressure test for each pipe section must be available or the operator must pressure test the pipeline after installation prior to being energized according to 49 CFR 192 Subpart J by another method allowed by this rule.

(Indiana Utility Regulatory Commission; 170 IAC 5-3-2.3; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA)

SECTION 4. 170 IAC 5-3-2.4 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-2.4 "Farm taps" defined

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

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

Sec. 2.4. (a) For purposes of this section, "farm tap" means a service line directly connected to a production, gathering, or interstate transmission pipeline.

(b) An operator shall operate a farm tap as with any other part of the operator's distribution system. ~~By way of example~~ **At a minimum**, farm taps shall be:

- (1) odorized in compliance with this rule;
- (2) subject to maximum allowable operating pressure (MAOP) requirements in this rule;
- (3) located by the operator ~~when in response to~~ **in response to** a request to the one-call program in Indiana;
- (4) included in the operator's maps and records;
- (5) required to have cathodic protection and protected from vehicular traffic in compliance with this rule; and
- (6) included in an operator's distribution integrity management program plan.

(Indiana Utility Regulatory Commission; 170 IAC 5-3-2.4; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA)

SECTION 5. 170 IAC 1-2-13 IS ADDED TO READ AS FOLLOWS:

170 IAC 5-3-2.5 Construction packets

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

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

Sec. 2.5. At a construction site (as defined in section 4(e)(4) of this rule), ~~the~~ **an** operator shall maintain on-site or have access to the following documentation and provide it to the division upon request:

- (1) **Maps** or drawing of the project, including both existing and proposed facility information.
- (2) Information regarding type, size, and length of pipe and appurtenances to be used for the installation.
- (3) Information sufficient to establish that the operator or its contractor appropriately notified ~~Indiana 811~~ **the one-call program in Indiana** of the ~~construction~~ **excavation**.

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Commented [A1]: 170 IAC 5-3-2.5(1)-(9) are capitalized and have periods at the end of the sentence. However, 170 IAC 2.4(b) (1) - (6) are not capitalized and have semicolons. Additionally, 170 IAC 170 IAC 5-3-3(b) (1) - (5) are not capitalized and have semicolons. Same with 170 IAC 5-3-5(a)(1)-(2). Need to be consistent throughout.

IURC RM 26-07, 3-23-26, Strawman Rule 170 IAC 5-3 sections – Pipeline Safety

- (4) As-built drawings of the construction project for any section of facilities placed in service or facilities installed.
- (5) Installation location of valves and pertinent information to include: ~~but not be limited to~~
 - (A) drawings with measurements;
 - (B) types of valves; or
 - (C) manufacturer of valves.
- (6) Construction scope of work, which may include:
 - (A) a project overview, with a brief statement describing the purpose of the project; or
 - (B) a project timeline, with the anticipated duration of the project, and proposed start date, if known.
- (7) Requirements and records for proposed and actual pressure tests, including maximum allowable operating pressure (MAOP) requirements.
- (8) Evidence that corrosion control impacts have been reviewed.
- (9) Upon request by the division, the operator shall provide evidence that the operator is complying with its distribution integrity management program (DIMP) plan in accordance with gaining information over time through normal activities conducted on a pipeline (49 CFR 192.1007(a)(3)).

(Indiana Utility Regulatory Commission; 170 IAC 5-3-2.5; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA)

SECTION 6. 170 IAC 5-3-2.6 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-2.6 Establishment of MAOP on distribution system

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

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

Sec. 2.6. (a) An operator complies with 49 CFR 192.619(a)(4) for existing pipelines less than one hundred (100) psi if the operator establishes the maximum allowable operating pressure (MAOP) on a section of distribution system pipeline in compliance with Method 5 for establishing MAOP in 49 CFR 192.624(c)(5). For purposes of this section, the following table replaces Table 1 ~~to~~in § 192.624(c)(5)(ii):

IURC RM 26-07, 3-23-26, Strawman Rule 170 IAC 5-3 sections – Pipeline Safety

Required Patrols	Leakage-surveys
After the final leak age -survey to establish the MAOP under this section, at least 1 additional patrol within the following 3 months.	After the final leak leakage -survey to establish the MAOP under this section, at least 1 additional leak leakage -survey within the following 3 months.

(b) Pipelines with an MAOP established under this section shall thereafter be patrolled and surveyed in accordance with 49 CFR 192.721 and 49 CFR 192.723.

(Indiana Utility Regulatory Commission; 170 IAC 5-3-2.6; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA)

SECTION 7. 170 IAC 5-3-3 IS AMENDED TO READ AS FOLLOWS:

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) The division 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.

At the time of acquisition, the division shall provide a receipt to the operator ~~or person~~ from whom the pipe or pipeline components are acquired.

(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.

IURC RM 26-07, 3-23-26, Strawman Rule 170 IAC 5-3 sections – Pipeline Safety

(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 proven~~ed 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; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA)

SECTION 8. 170 IAC 5-3-5 IS AMENDED TO READ AS FOLLOWS:

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

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

Affected: IC 8-1-2

Commented [A2]: Some instances below say petition, and some say application. Need to be consistent.

Sec. 5. ~~(a)~~ An operator may file a petition with the commission, following the procedures in 170 IAC 1-1.1, for authorization to:

Commented [A3]: a)Needs to stay since there is a (b).

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(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 a ~~petition~~application made under subsection (a), and, if it determines ~~that the~~ petition~~application~~ ~~for~~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~~ **The commission may not grant a waiver** to install or use materials or equipment that are specifically prohibited by the federal or state regulations.

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(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; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA)