

Indiana Administrative Code
Title 170. Indiana Utility Regulatory Commission (Refs & Annos)
Article 5. Gas Utilities
Rule 5. Damage to Underground Facilities

170 IAC 5-5-3

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

Currentness

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.

Credits

(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)

Current with amendments received through the Indiana Weekly Collection, March 2, 2022. Some sections may be more current; see credits for details.

170 IAC 5-5-3, 170 IN ADC 5-5-3

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