

ORIGINAL

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

INDIANA UTILITY REGULATORY COMMISSION

Final Rulemaking

LSA #23-776(F)
IURC RM #20-02

This Final Rulemaking amends 170 IAC 15-1-1, 170 IAC 15-1-2, 170 IAC 15-1-3, 170 IAC 15-1-4, 170 IAC 15-1-5, 170 IAC 15-1-6, 170 IAC 15-1-7, 170 IAC 15-1-8, 170 IAC 15-1-9, 170 IAC 15-1-10, 170 IAC 15-1-11, 170 IAC 15-1-13, 170 IAC 15-2-1, 170 IAC 15-2-2, 170 IAC 15-2-3, 170 IAC 15-2-4, 170 IAC 15-3-1, 170 IAC 15-3-2, and 170 IAC 15-3-3 to revise rules in accordance with 2019 amendments to IC § 8-1-2-1.2, and to update conflicting provisions. It adds 170 IAC 15-1-0.5, 170 IAC 15-1-1.5, 170 IAC 15-1-1.6, 170 IAC 15-1-7.1, to add new definitions; and 170 IAC 15-2-0.5, 170 IAC 15-2-5 regarding sub-billing requirements. The final rule repeals 170 IAC 15-1-12 to remove an unneeded definition.

The final rule is effective 30 days after filing with the publisher.

Upon prior publication of notice, a public hearing was held on January 23, 2024, at 9:30 a.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 November 22, 2023, 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.

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

APPROVED: FEB 14 2024

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

**Dana Kosco
Secretary of the Commission**

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

FINAL RULE
LSA Document #23-776

SECTION 1. 170 IAC 15-1-0.5 IS ADDED TO READ AS FOLLOWS:

170 IAC 15-1-0.5 Scope

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1; IC 8-1-2-1.2

Sec. 0.5. (a) A landlord and an association may only sub-bill water or sewage disposal service under this article.

(b) Under IC 8-1-2-1.2(k), a landlord or an association that sub-bills is not a public utility if the landlord or association complies with:

(1) IC 8-1-2-1.2(k)(1); or

(2) IC 8-1-2-1.2(k)(2), IC 8-1-2-1.2(l), and IC 8-1-2-1.2(m).

(c) This article does not apply to the following:

(1) A landlord or an association that distributes water or sewage disposal service using a flat fee qualifying under IC 8-1-2-1.2(k)(1).

(2) A landlord that bills a tenant for water or sewage disposal service if:

(A) the tenant resides in a building with only one dwelling unit; and

(B) the dwelling unit is metered by the water or sewer utility.

(Indiana Utility Regulatory Commission; 170 IAC 15-1-0.5)

SECTION 2. 170 IAC 15-1-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-1 Applicability

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 1. The definitions in ~~IC 8-1-2-1, IC 8-1-2-1.2,~~ and this rule apply throughout this article. *(Indiana Utility Regulatory Commission; 170 IAC 15-1-1; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)*

SECTION 3. 170 IAC 15-1-1.5 IS ADDED TO READ AS FOLLOWS:

170 IAC 15-1-1.5 "Association" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 1.5. "Association" has the meaning as set forth in IC 8-1-2-1.2(a). *(Indiana Utility*

Regulatory Commission; 170 IAC 15-1-1.5)

SECTION 4. 170 IAC 15-1-1.6 IS ADDED TO READ AS FOLLOWS:

170 IAC 15-1-1.6 "Co-owner" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2; IC 32-25-2-11

Sec. 1.6. "Co-owner" has the meaning as set forth in IC 32-25-2-11. *(Indiana Utility Regulatory Commission; 170 IAC 15-1-1.6)*

SECTION 5. 170 IAC 15-1-2 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-2 "Dwelling unit" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 2. "Dwelling unit" ~~means a room or rooms suitable for residential occupancy containing water or sewage disposal service plumbing, or a mobile home park lot or similar multi-user installation, excluding hotels, motels, or other similar transient lodging.~~ **has the meaning as set forth in IC 8-1-2-1.2(f).** *(Indiana Utility Regulatory Commission; 170 IAC 15-1-2; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)*

SECTION 6. 170 IAC 15-1-3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-3 "Initial set-up fee" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 3. "Initial set-up fee" means the fee:

(1) a landlord charges a tenant; **or**

(2) **an association charges a:**

(A) **member; or**

(B) **co-owner;**

to establish a new account for a dwelling unit, not to exceed the landlord's **or association's** actual administrative cost. *(Indiana Utility Regulatory Commission; 170 IAC 15-1-3; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)*

SECTION 7. 170 IAC 15-1-4 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-4 "Insufficient funds fee" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 4. (a) "Insufficient funds fee" means the fee:

(1) a landlord charges a tenant; or

(2) **an association charges a member or co-owner;**

to process insufficient funds of a payment. ~~not to exceed any~~

(b) **An insufficient funds fee shall not exceed the** actual fee assessed to ~~the~~ **a landlord or an association** by a financial institution resulting from insufficient funds of an instrument received from ~~the~~ **a:**

(1) tenant;

(2) **member; or**

(3) **co-owner;**

in payment of charges for water or sewage disposal service. (*Indiana Utility Regulatory Commission; 170 IAC 15-1-4; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA*)

SECTION 8. 170 IAC 15-1-5 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-5 "Landlord" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 5. "Landlord" ~~means the owner of a dwelling unit that is rented or leased to an individual, or a person acting on a landlord's behalf.~~ **has the meaning as set forth in IC 8-1-2-1.2(h).** (*Indiana Utility Regulatory Commission; 170 IAC 15-1-5; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA*)

SECTION 9. 170 IAC 15-1-6 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-6 "Landlord's usage" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 6. (a) ~~For water service,~~ "Landlord's usage" means **any water and sewage disposal service** consumed **or utilized** by the landlord for:

(1) personal use;

(2) business use; ~~any water consumed or~~

(3) **usage** in common areas, including, but not limited to: ~~water used in~~

(A) a club house;

(B) **a** laundry facility;

(C) **a** bath house;

(D) **a** community restroom;

(E) **a** swimming pool;

(F) **a** hot tub;

(G) **an** irrigation sprinkler system; ~~or~~

- (H) a fire protection sprinkler system; ~~or for~~
- (I) grounds keeping;
- (J) flushing the mains; or
- (K) any other common purpose.

The term ~~shall also include any~~ **includes** water lost to water leaks in common areas.

~~(b) For sewage disposal service, "landlord's usage" means any sewage disposal service resulting from the landlord for personal use, business use, any sewage disposal service resulting from common areas, including, but not limited to, a club house, laundry facility, bath house, swimming pool, hot tub, or community restrooms or any other common purpose. (Indiana Utility Regulatory Commission; 170 IAC 15-1-6; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)~~

SECTION 10. 170 IAC 15-1-7 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-7 "Master meter" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 7. "Master meter" means the use of a meter device to measure, for billing purposes, the amount of water consumed by:

- (1) a landlord ~~who~~ **that** distributes the water to tenants; **or**
- (2) **an association that distributes the water to:**
 - (A) **members; or**
 - (B) **co-owners.**

(Indiana Utility Regulatory Commission; 170 IAC 15-1-7; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

SECTION 11. 170 IAC 15-1-7.1 IS ADDED TO READ AS FOLLOWS:

170 IAC 15-1-7.1 "Member" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 7.1. "Member" has the meaning as set forth in IC 8-1-2-1.2(i). *(Indiana Utility Regulatory Commission; 170 IAC 15-1-7.1)*

SECTION 12. 170 IAC 15-1-8 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-8 "Sub-bill" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 8. "Sub-bill" means:

- (1) a landlord's request ~~of~~ **for** payment from a tenant; **or**

(2) an association's request for payment from a member or co-owner;

for the distribution of water or sewage disposal service **under IC 8-1-2-1.2(k)(2)**, which service is provided to the landlord **or association** by a ~~public utility or municipally owned~~ **water or sewer** utility. The term does not include instances in which a ~~lease agreement clearly indicates that water or sewage disposal, or both, service is included in a lease payment that is assessed at regular intervals and does not vary throughout the lease period based on the amount of water or sewage disposal, or both, usage~~ **landlord or an association distributes water or sewage disposal service under IC 8-1-2-1.2(k)(1)**. (*Indiana Utility Regulatory Commission; 170 IAC 15-1-8; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA*)

SECTION 13. 170 IAC 15-1-9 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-9 "Sub-meter" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 9. "Sub-meter" ~~means~~ **refers to** the use of a meter device to measure the amount of water consumed within an individual dwelling unit for the purpose of sub-billing. The term also refers to the meter used to measure the amount of water provided to individual dwelling units. (*Indiana Utility Regulatory Commission; 170 IAC 15-1-9; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA*)

SECTION 14. 170 IAC 15-1-10 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-10 "Tenant" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 10. "Tenant" means ~~any occupant of a person who rents or leases a dwelling unit that is provided water or sewage disposal service distributed by~~ **from** a landlord. (*Indiana Utility Regulatory Commission; 170 IAC 15-1-10; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA*)

SECTION 15. 170 IAC 15-1-11 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-11 "Total net charge" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 11. ~~"Total net charge"~~ For **water or** sewage disposal service, **"total net charge"** means the charge ~~the sewage disposal service~~ **a water or sewer** utility imposes on ~~the~~ **a landlord or an association** for **water or** sewage disposal service for a given billing period inclusive of applicable taxes but exclusive of late fees and other incidental or extraordinary fees and charges. (*Indiana Utility Regulatory*

Commission; 170 IAC 15-1-11; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

SECTION 16. 170 IAC 15-1-13 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-1-13 "Water or sewer utility" defined

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 13. "**Water or sewer utility**" ~~means the public or municipally owned utility that provides water or sewage disposal service to the landlord for distribution to dwelling unit.~~ **has the meaning as set forth in IC 8-1-2-1.2(j).** *(Indiana Utility Regulatory Commission; 170 IAC 15-1-13; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)*

SECTION 17. 170 IAC 15-2-0.5 IS ADDED TO READ AS FOLLOWS:

170 IAC 15-2-0.5 Requirements of a sub-bill

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 0.5. (a) A landlord or an association that sub-bills shall meet the following requirements:

(1) Sub-bill tenants, members, or co-owners with a consistent frequency unless exigent circumstances warrant a temporary modification to the frequency.

(2) Include on sub-bills the information required in section 3 of this rule.

(3) Timely remit payment to the water or sewer utility for the total net charges that are sub-billed.

(4) Provide a period of at least seventeen (17) days from the date the landlord or association sends a sub-bill for the tenant, member, or co-owner to remit payment before initiating a collection action for sub-billing charges.

(b) Sub-bills may charge for only the following maximum allowable amounts:

(1) Water or sewage service usage charges calculated under section 2 of this rule.

(2) The optional fees and costs permitted by IC 8-1-2-1.2(1)(4).

(Indiana Utility Regulatory Commission; 170 IAC 15-2-0.5)

SECTION 18. 170 IAC 15-2-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-2-1 Availability of records

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 1. ~~The~~ **(a) A landlord or an association that sub-bills shall:**

(1) retain all bills received from the utility and all sub-bills from the landlord to tenants, or the association to members or co-owners, for a period of not less than ~~one (1) year~~ two (2) years;

- (2) make all ~~such~~ bills and sub-bills available for inspection by any tenant, **member, or co-owner**, or person who was a tenant, **member, or co-owner**, during the billing period ~~in question, during~~ **and** regular business hours; ~~and~~
- (3) provide a copy of records under this section within three (3) business days of request by a tenant, **member, or co-owner**; **and**
- (4) provide a copy of records under this section to the commission's consumer affairs division upon request.**

(b) ~~The A~~ **A landlord or an association** may charge a tenant, **member, or co-owner** a nominal fee to recover the cost of copying records. (*Indiana Utility Regulatory Commission; 170 IAC 15-2-1; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA*)

SECTION 19. 170 IAC 15-2-2 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-2-2 Charges for water or sewage service usage

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 2. (a) ~~A tenant's sub bill shall be calculated in~~ **A landlord or an association calculates the water and sewage service usage portion of a sub-bill using one (1) of the following manner methods:**

(1) For water service, as follows:

(A) ~~If the utility charges the landlord for usage measured by a master meter, upon receipt of a utility's water bill,~~ **Optional usage calculation using sub-meter data as follows:**

(i) ~~The landlord shall divide or association divides the total net charges charge for water service, plus applicable tax, by the total amount of water master metered to obtain an average cost per unit volume.~~

(ii) ~~The average water cost per unit volume shall then be is multiplied by the estimated or actual unit volume consumed by each dwelling unit In no event shall a landlord charge its tenants more than the total net charge for water service. as measured by a sub-meter.~~

(B) ~~If the utility charges~~ **Optional usage calculation using other data as follows:**

(i) ~~The landlord for usage that is not measured by a master meter, the landlord shall employ an appropriate method to determine what portion of the total net charge for water service should be attributed to each tenant. "An appropriate method" means a method that or association reasonably allocates to each tenant, member, or co-owner a portion of the total net charge for water service. less~~

(ii) ~~For landlords sub-billing tenants, the landlord deducts the landlord's own use usage.~~

(iii) ~~Reasonable allocations may be based on~~ **include a charge per dwelling unit, actual volume of water distributed to each tenant, or allocated pro-rata, based on:**

(AA) square footage;

(BB) the type of dwelling unit;

(CC) the number of individuals residing in the dwelling unit; or

(DD) the estimated volume of water distributed to each tenant. In no event shall the landlord charge its tenants in total more than the total net charge for

~~water service.~~ **dwelling unit.**

(2) For sewage disposal service, ~~the landlord shall employ an appropriate method to determine what portion of the total net charge for sewage disposal service should be attributed to each tenant.~~
as follows:

(A) ~~If the utility~~ **The landlord or association** charges a flat sewage disposal service rate "an appropriate method" means a method that reasonably allocates to each tenant, **member, or co-owner** a portion of the total net charge for sewage disposal service. ~~less~~

(B) **For landlords sub-billing tenants, the landlord deducts** the landlord's ~~own use.~~
usage.

(C) Reasonable allocations may be based on a charge per dwelling unit, ~~or a charge allocated pro-rata,~~ based on:

(i) estimated sewer flow;

(ii) **square footage;**

(iii) **the type of dwelling unit;**

(iv) **the number of individuals residing in the dwelling unit; or**

(v) **the estimated or actual volume of water distributed to each dwelling unit.**

(B) ~~If the utility charges a sewage disposal service rate based on water usage, "an appropriate method" means a method that reasonably allocates to each tenant a portion of the total net charge for sewage disposal service less the landlord's own use. Reasonable allocations may use the same percentage for sewage disposal service as calculated for water billing, using the actual volume of water distributed to each tenant or estimated volume of water distributed to each tenant. In no event shall the landlord charge its tenants in total more than the total net charge either for water or sewage disposal service.~~

(b) ~~A landlord may not charge a tenant for any water or sewage disposal service reasonably attributed to the landlord's usage.~~

(c) ~~In addition to the charges in subsection (a), a landlord may charge a tenant only the fees permitted by IC 8-1-2-1.2.~~

(d) ~~A landlord satisfies the provisions in subsections (a) through (c) and the provisions of IC 8-1-2-1.2 if the landlord charges a flat rental fee, assessed at regular intervals, such as monthly or annually, that includes water and sewage disposal service, provided the following:~~

(1) ~~The lease clearly indicates that water or sewage disposal, or both, service are included in the lease.~~

(2) ~~The rent amount does not vary throughout the lease period based on water or sewage disposal usage.~~

(b) **A landlord or an association may calculate sub-bills using a method other than those specified in subsection (a) if the calculation:**

(1) **is fair and reasonable; and**

(2) **results in sub-bills per dwelling unit less than or equal to the amount sub-billed to each dwelling unit under subsection (a).**

(c) **In no event shall a landlord or an association issue sub-bills that total more for the usage portion of the water or sewage disposal service than the landlord or association paid for the same water or sewage disposal service.**

~~(e)~~ **(d)** Nothing ~~herein should in this section may~~ be construed to eliminate or diminish ~~any a~~ contractual right a tenant, ~~may have member, or co-owner has~~ with respect to the provision of water or sewage disposal service. *(Indiana Utility Regulatory Commission; 170 IAC 15-2-2; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)*

SECTION 20. 170 IAC 15-2-3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-2-3 Information contained in sub-bills

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 3. ~~(a) The landlord shall:~~

~~(1) render sub-bills to tenants with the same frequency that bills are rendered to the landlord by the utility; and~~

~~(2) sub-bill tenants for the same period for which the landlord has been billed by the utility.~~

(a) Sub-bills may contain other permissible charges on the same bill if the sub-billing information is separately itemized and visually distinct from unrelated charges.

~~(b) The landlord sub-bills tenant separately from rent.~~

~~(e)~~ **(b)** Sub-bills ~~that are rendered to the tenant shall~~ **must** show at least the following information:

~~(1)~~ (1) The sub-billing date.

~~(2)~~ (2) The sub-billing rate charged.

~~(3)~~ (3) The previous balance, if any.

~~(4)~~ (4) The amount of the sub-bill.

~~(5)~~ **(5) The amount of a tenant's, member's, or co-owner's usage, if applicable.**

~~(5)~~ ~~(6)~~ (6) The amount of an initial setup fee, if due.

~~(6)~~ ~~(7)~~ (7) A reasonable administrative fee, if any, not to exceed the statutory limit **in IC 8-1-2-1.2(1)(4)(B).**

~~(7)~~ ~~(8)~~ (8) The amount of ~~any an~~ insufficient funds fee, if due.

~~(8)~~ ~~(9)~~ (9) The date on which the sub-bill is due, **with a statement that the sub-bill due date is independent from the due date of the lease payment or other charges.**

~~(9)~~ ~~(10)~~ (10) If an estimated sub-bill, a clear and conspicuous coding or other indication identifying the sub-bill as an estimated sub-bill.

~~(10)~~ ~~(11)~~ (11) An explanation, which ~~can be~~ **is** readily understood, of all codes or symbols, or both, shown on the sub-bill.

~~(11)~~ ~~(12)~~ (12) The name and telephone number of a person for tenants, **members, or co-owners** to contact about sub-billing matters.

(13) The beginning and end date of the period for which the sub-bill is rendered.

(14) The name and address of the tenant, member, or co-owner being billed.

(15) The address or other identifying information for the dwelling unit being billed.

~~(12)~~ ~~(16)~~ (16) The following statement **"If you believe you are being charged in violation of IC 8-1-2-1.2, you have a right to file a complaint with the Indiana Utility Regulatory Commission at required by IC 8-1-2-1.2(m)(2)(C), including the following contact information for the**

commission:

(A) (800) 851-4268. ~~or~~

(B) www.in.gov/iurc.

~~(13) In addition,~~ **(17) For water sub-bills, shall include the following additional information:**

(A) If ~~tenant's~~ **the dwelling unit's** usage is sub-metered, the dates and meter readings of ~~tenant's~~ **the dwelling unit's** sub-meter at the beginning and end of the period for which the sub-bill is rendered.

(B) The name and telephone number of a person for tenants, **members, or co-owners** to contact about water service matters.

~~(14) In addition, sewage disposal service sub-bills shall include the following:~~

~~(A) The beginning and end dates of the period for which the sub-bill is rendered.~~

~~(B) The name and telephone number of a person for tenants to contact about sewage disposal service matters.~~

(Indiana Utility Regulatory Commission; 170 IAC 15-2-3; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

SECTION 21. 170 IAC 15-2-4 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-2-4 Unpaid sub-bills

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 4. A landlord ~~shall provide written notice to tenants pursuant to the disclosure requirements in IC 8-1-2-1.2(b)(3).~~ **and an association may collect unpaid sub-bills through the same method otherwise allowed under applicable law to collect unpaid rent or association dues or fees.** *(Indiana Utility Regulatory Commission; 170 IAC 15-2-4; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)*

SECTION 22. 170 IAC 15-2-5 IS ADDED TO READ AS FOLLOWS:

170 IAC 15-2-5 Adjustment of bills

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 5. (a) A landlord or an association **adjusts billing errors that are in a tenant's, member's, or co-owner's favor to the known date of error or for a period of one (1) year, whichever period is shorter. Adjustments are made within ninety (90) days of knowledge of the error, and use one (1) of the following methods:**

(1) Add the amount as a credit on the next sub-bill.

(2) Refund the amount to the tenant, member, or co-owner.

(3) Credit the amount to rental or association fees due.

(b) A landlord or an association **may adjust billing errors that are in its favor back to the known date of error or for a period of one (1) year, whichever is shorter, by including the**

adjustment in its next sub-bill. (*Indiana Utility Regulatory Commission; 170 IAC 15-2-5*)

SECTION 23. 170 IAC 15-3-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-3-1 Filing a complaint

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

Affected: IC 8-1-2-1.2

Sec. 1. (a) **Regardless of whether a tenant, member, or co-owner is a customer as defined in 170 IAC 16-1-2(3), a tenant, member, or co-owner** may file a complaint against ~~the a landlord with the~~ **a landlord or an association** with the commission's consumer affairs division under IC 8-1-2-34.5 for violations of this rule **or an association** by following the commission's informal complaint procedures found at ~~170 IAC 1-1-1-5~~ **in 170 IAC 16.**

(b) **For purposes of this article, when a complaint is made under 170 IAC 16, "utility", as defined in 170 IAC 16-1-2(4), refers to a landlord or an association.** (*Indiana Utility Regulatory Commission; 170 IAC 15-3-1; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA*)

SECTION 24. 170 IAC 15-3-2 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-3-2 Information required to investigate a complaint

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1.2

Sec. 2. Upon the receipt of a complaint ~~that a landlord may be acting as a public utility in violation of IC 8-1-2-1.2, the commission shall require the complainant to provide the factual basis for the complaint and the commission shall require~~ **from a tenant, member, or co-owner under 170 IAC 16, and when the commission's consumer affairs division receives the complaint and provides it to the landlord or association, the landlord or the landlord's agent to provide association provides** the complainant and the ~~commission~~ **commission's consumer affairs division** with sufficient information to investigate the complaint, including, but not limited to, the following: ~~information:~~

(1) For the dates in dispute, each sub-bill rendered to the tenant, **member, or co-owner** for water or sewage disposal service, including:

(A) a statement indicating the period for which each sub-bill was rendered;

(B) **the name and address of the tenant, member, or co-owner billed; and**

(C) **the address or other identifying information for the dwelling unit billed.**

(2) ~~For~~ **For** an estimated sub-bill, a clear and conspicuous coding or other indication identifying the sub-bill as an estimated sub-bill.

(3) If a ~~tenant's~~ **tenant's dwelling unit's** water usage is not sub-metered, the following:

(A) A verified statement by the landlord **or association** that contains the amount due the utility by the landlord **or association** for all amounts consumed at the property for the dates in dispute.

(B) The dates and meter readings of the master meter at the beginning and end of the period for which each sub-bill in dispute was rendered.

(C) The actual or estimated amount that is attributed to **the** landlord's usage.

- (D) An explanation of how the landlord **or association** calculated the ~~charges to the tenant~~ **sub-bill** for water service.
- (4) If a ~~tenant's~~ **dwelling unit's** water usage is sub-metered, the dates and meter readings of ~~tenant's~~ **the** sub-meter at the beginning and end of the period for which the ~~bill~~ **sub-bill** is rendered, **including the amount of usage for the period.**
- (5) For sewage disposal service, the following:
 - (A) A verified statement by the landlord **or association** that contains the amount due the utility by the landlord **or association** for all amounts collected at the property for the dates in dispute.
 - (B) The beginning and end dates of the period for which each sub-bill in dispute was rendered.
 - (C) The actual or estimated amount that is attributed to landlord's usage.
 - (D) An explanation of how the landlord **or association** calculated the ~~charges to the tenant~~ **sub-bill** for sewage disposal service.
- (6) The sub-billing rate charged.
- (7) The previous balance, if any.
- (8) The amount of ~~any~~ **an** initial setup fee charged.
- (9) The amount of ~~any~~ **an** administrative fee charged.
- (10) The amount of ~~any~~ **an** insufficient funds fee charged.
- (11) The amount and description of any other fee charged.
- (12) The date on which the sub-bill is due.

(Indiana Utility Regulatory Commission; 170 IAC 15-3-2; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA)

SECTION 25. 170 IAC 15-3-3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 15-3-3 Action on complaint

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 3. (a) ~~If, after review, of the information provided under this rule, the commission's consumer affairs division determines that the landlord has failed to comply with the requirements of IC 8-1-2-1.2 or this rule, the commission shall require the landlord to refund any overcharges to the known date of error or for a period of one (1) year, whichever is less, and adjust its sub-billing practices prospectively~~ **consumer affairs division and the commission may require one (1) or more of the following remedies:**

- (1) **Require the landlord or association to adjust its sub-billing practices prospectively.**
 - (2) **Require the landlord or association to refund, as outlined in 170 IAC 15-2-5, payments that exceed the amount sub-billed if the sub-bills had complied with IC 8-1-2-1.2 or this article.**
- (b) **A landlord or an association is regulated as a public utility under IC 8-1-2 if:**
- (1) **the landlord or association has not provided the records and information necessary to determine compliance with this rule within fifteen (15) days of a request or a longer period agreed upon with the consumer affairs division; or**
 - (2) **the landlord or association has failed to comply with a previous determination by the**

consumer affairs division within ninety (90) days or a longer period agreed upon with the consumer affairs division.

(c) A public utility is required to file its rates and charges under IC 8-1-2-38 and obtain commission approval of any changes to its rates and charges under IC 8-1-2-44 or the rates and charges are considered unlawful under IC 8-1-2-44 and cannot be assessed on the landlord's tenants or the association's members or co-owners. A landlord or an association may recommence sub-billing under this article if it corrects any deficiency under this subsection or receives a determination from the consumer affairs division permitting sub-billing under this article. (*Indiana Utility Regulatory Commission; 170 IAC 15-3-3; filed Mar 31, 2010, 3:18 p.m.: 20100428-IR-170090790FRA; readopted filed Jul 12, 2016, 10:01 a.m.: 20160810-IR-170160168RFA; readopted filed Jul 12, 2022, 12:18 p.m.: 20220810-IR-170220116RFA*)

SECTION 26. 170 IAC 15-1-12 IS REPEALED.

Rule Signature Page

Rule #: LSA #23-776(F)
Agency: Indiana Utility Regulatory Commission
Subject: Amends 170 IAC 15 regarding the sub-billing of water and wastewater service.

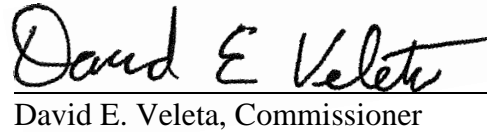
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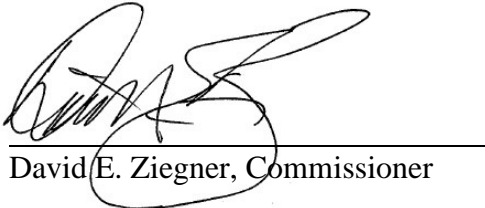
By the Indiana Utility Regulatory Commission Date: FEB 14 2024

Absent
James F. Huston, Chairman


Wesley R. Bennett, Commissioner


Sarah E. Freeman, Commissioner


David E. Veleta, Commissioner


David E. Ziegner, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: _____

Date: _____

Todd Rokita
Attorney General, State of Indiana

APPROVED:

By: _____

Date: _____

Eric J. Holcomb
Governor, State of Indiana

ACCEPTED FOR FILING:

By: _____

Date: _____

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