

IURC News Release

Indiana Utility Regulatory Commission

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Tree Trimming Rule Approved by the IURC

Rule addresses customer education, notification, and the dispute resolution process

INDIANAPOLIS – Today the Indiana Utility Regulatory Commission (IURC) approved the long-awaited tree trimming rule, which represents years of collaboration and hard work.

The rule provides a framework for utilities' tree and vegetation management programs that balances their need to ensure reliability of service with the interests of their customers in preserving their landscapes. Rather than having each utility create its own set of guidelines, the IURC's rule provides consistency by standardizing the tree trimming process for Duke Energy, Indiana Michigan Power, Indianapolis Power and Light, Northern Indiana Public Service Company, and Vectren.

"Utility customers deserve to know what's taking place on their property and when," said David Ziegner, the presiding commissioner. "We want there to be transparency and for the customer and the utility to work together, not against each other."

The rulemaking stems from the IURC's 19-month investigation, which concluded on November 30, 2010. The decision laid the groundwork for the rulemaking and prohibited the utilities from topping trees or removing more than 25 percent without the property owner's consent, unless there is an emergency. Additionally, it required the utilities to provide notice and remove debris due to normal maintenance within three days.

Based on the new requirements set forth in the decision, the IURC drafted a more detailed rule that sets standards for trimming practices, notification, customer education, and the dispute resolution process. These issues, as well as others, are detailed below:

Issue	Changes due to the rule
<i>Trimming Standards</i>	Utilities must abide by nationally recognized best practices, such as the ANSI A300 standards.
<i>Notification</i>	Customers will receive two notices at least two weeks before trimming is scheduled; notice will also be given 60 days prior to line upgrades.
<i>Education</i>	By providing details about the tree trimming process and why it is needed, concerns can be addressed before trimming takes place.
<i>Dispute Resolution</i>	If a customer objects to the proposed plan within five days of receiving notice, the utility must hold off on trimming until the issue is addressed by the utility or the IURC's Consumer Affairs Division.
<i>Property Rights</i>	The rule did not change existing property rights; however, it reiterates that the utility cannot trim outside an easement or right-of-way without the customer's consent.
<i>Tree Replacement</i>	In cases where a tree must be removed, an agreement may be reached in which the customer is compensated.

“Overall, this rule is a win for utility customers,” said Commissioner Ziegner. “Never before have there been standards in place guaranteeing that customers have an opportunity to interact with the utility before trimming occurs.”

When drafting the rules, the IURC incorporated comments and suggestions from a variety of stakeholders, including consumer groups like the Indiana Tree Alliance, private citizens, the Office of Utility Consumer Counselor, and the utility companies. Additionally, the IURC traveled to six locations during the investigation in order to collect testimony from customers in the different service territories. The locations visited include Evansville, Fort Wayne, Indianapolis, Merrillville, Muncie, and Seymour.

Although the IURC has approved the final rule, it must still undergo the administrative review process through state government. This process is expected to conclude by the fall.

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The Indiana Utility Regulatory Commission is a fact-finding body that hears evidence in cases filed before it and makes decisions based on the evidence presented in those cases. An advocate of neither the public nor the utilities, the IURC is required by state statute to make decisions that weigh the interests of all parties to ensure the utilities provide adequate and reliable service at reasonable prices.