

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

Commissioner	Yes	No	Not Participating
Swinger	√		
Bain	√		
Deig	√		
Jerrells	√		
Ziegner	√		

**IN THE MATTER OF THE UNDERGROUND)
PLANT PROTECTION ADVISORY) CAUSE NO. 46465
COMMITTEE CASE NOS. 35760, 35118, 34988,)
34274, 35571, AND 35668 AND NOTICE OF THE) APPROVED: SEP 16 2026
COMMISSION'S INTENT TO RESCIND ITS)
ORDERS CONCERNING THOSE CASES)**

ORDER OF THE COMMISSION

Presiding Officers:

Anthony F. Swinger, Chairman

Jon D. Williams, Administrative Law Judge

Based upon a letter received from the General Counsel Division of the Indiana Utility Regulatory Commission ("Commission") and pursuant to Ind. Code § 8-1-2-72, the Commission commences this Cause and notifies the following entities ("Excavators") of its intent to rescind certain orders of the Commission upholding the finding of violation by the Commission's Pipeline Safety Division and approving the recommendation of the Underground Plant Protection Advisory Committee ("Advisory Committee"):

- Indiana Baptist College Inc., Case No. 35760 approved March 25, 2026;
- TNT Commercial Construction, Case No. 35118 approved February 18, 2026;
- Midwest Natural Gas Corporation, Case No. 34988 approved December 10, 2025;
- American Veteran Exteriors LLC, Case No. 34274 approved December 10, 2025;
- Countryside Construction LLC, Case No. 35571 approved April 29, 2026; and
- Rex Construction Company, Inc., Case No. 35668 approved April 29, 2026.

1. Commission Jurisdiction. Under Ind. Code § 8-1-26-23(k) and 170 IAC 5-5-3, the Commission has jurisdiction to uphold or reverse a finding of violation of Ind. Code ch. 8-1-26 by the Pipeline Safety Division and to approve or disapprove the penalty recommended by the Advisory Committee. The Commission also has general authority to rescind, alter, or amend any of its orders upon notice and after an opportunity to be heard. Ind. Code § 8-1-2-72. Therefore, the Commission has jurisdiction over the Excavators and the subject matter of this proceeding.

2. Background and Procedural History. Since the Commission's issuance of orders approving the Pipeline Safety Division's finding of pipeline safety violations and the Advisory Committee's recommendation of penalties in Underground Plant Protection Advisory Committee Case Nos. 35760, 35118, 34988, 34274, 35571, and 35668, the Commission's General Counsel Division has become aware of additional facts supporting the rescission of the Commission's orders concerning those cases. Letter from Caleb W. Perry, Assistant General Counsel, Commission, to Loraine Seyfried, Chief Administrative Law Judge, Commission (August 13, 2026) (attached).

3. **Notice of Rescission.** Based upon the information submitted by the Commission's General Counsel Division, the Commission notifies the Pipeline Safety Division, the Advisory Committee, and the Excavators that it intends to rescind its orders concerning Underground Plant Protection Advisory Committee Case Nos. 35760, 35118, 34988, 34274, 35571, and 35668. If the Division, the Advisory Committee, or any Excavator has any objection to the proposed rescission, a request for hearing shall be filed under this Cause within 20 days of the date of this Order.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Based upon information from the Commission's General Counsel Division, the Commission intends to rescind its orders concerning Underground Plant Protection Advisory Committee Case Nos. 35760, 35118, 34988, 34274, 35571, and 35668.

2. Any objection by the Pipeline Safety Division, the Advisory Committee, or any Excavator to the Commission's proposed rescission of its orders shall be filed within 20 days of the date of this Order.

3. This Order shall be effective on and after the date of its approval.

SWINGER, BAIN, DEIG, JERRELLS, AND ZIEGNER CONCUR:

APPROVED: SEP 16 2026

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

**Dana Kosco
Secretary of the Commission**

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION
101 W. WASHINGTON STREET, SUITE 1500E
INDIANAPOLIS, INDIANA 46204-3407



<http://www.in.gov/iurc>
Office: (317) 232-2701
Facsimile: (317) 232-6758

August 13, 2026

Lorraine Seyfried, Chief Administrative Law Judge
Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500 E
Indianapolis, Indiana 46204-3407

Re: Request to Rescind Orders Regarding Indiana 811 Law Cases

Dear Judge Seyfried:

I respectfully request that the Indiana Utility Regulatory Commission ("Commission") rescind its orders relating to the specific excavation damage cases outlined below.

In these cases, the Commission issued Final Orders upholding the findings of violations by the Commission's Pipeline Safety Division ("Division") and approving the recommendations of the Underground Plant Protection Advisory Committee ("UPPAC") under Ind. Code ch. 8-1-26, the "Indiana 811 Law."

Ind. Code § 8-1-2-72 permits the Commission "at any time" to "rescind, alter, or amend any order fixing any rate or rates, tolls, charges, or schedules, or any other order made by the commission" after notice and opportunity to be heard. The details of each of the cases and the reason for the request to modify or rescind the Final Orders are specified in the tables below.

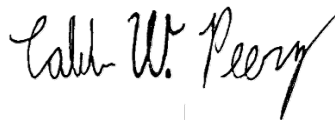
Requests to Rescind Final Orders

In the following cases, I request that the Commission rescind the Final Orders for the specific reason noted. In these cases, the named respondent was incorrectly designated as a professional excavator instead of an occupant, or the evidence shows that the violation was incorrect or the party receiving the penalty was not the party that was the cause of the pipeline damage. In all of these cases, based on the evidence now known, the Commission's Final Order should be rescinded.

PSD Case No.	Final Order	Summary
35760	3/25/26	The excavator was incorrectly identified as a professional excavator instead of an occupant. This case will be submitted to the UPPAC for a new recommendation based on the excavator's status as an occupant and then re-submitted to the IURC for approval.
35118	2/18/26	The excavator was incorrectly identified as a professional excavator instead of an occupant. This case will be submitted to the UPPAC for a new recommendation based on the excavator's status as an occupant and then re-submitted to the IURC for approval.
34988	12/10/25	New evidence received after an operator penalty was approved at conference indicates the damage occurred outside the scope of the 811 ticket. The case will be reinvestigated and the violation corrected.
34274	12/10/2025	Evidence shows that the incorrect legal entity was mistakenly charged with a violation. A new or amended case will proceed with the corrected legal entity.
35571	4/29/26	Evidence shows that the incorrect legal entity was mistakenly charged with a violation. A new or amended case will proceed with the corrected legal entity.
35668	4/29/26	New evidence indicates that the site was not marked by operator. Accordingly, the prior finding of an excavator violation is no longer supported. After being rescinded, this case will be returned to UPPAC to be evaluated as an operator violation.

Please contact me if you have any questions or if you need additional information.

Sincerely,



Caleb W. Peery
Assistant General Counsel
Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500 E
Indianapolis, Indiana 46204-3407