

Rule Signature Page

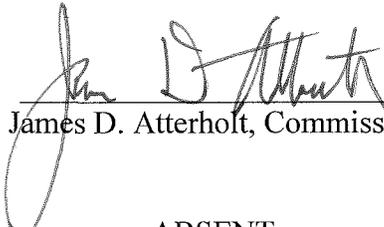
Rule #: LSA #09-792(F)
Agency: Indiana Utility Regulatory Commission
Subject: Amends 170 IAC 4-1-1, 170 IAC 4-1-16, 170 IAC 4-5-14, 170 IAC 5-1-1, 170 IAC 5-1-16, 170 IAC 6-1-16, 170 IAC 8.5-1-1, 170 IAC 8.5-2-4, and 170 IAC 8.5-2-6 to add references to the proposed consumer affairs rules and delete references to the rules that are being repealed as part of this rulemaking. Adds 170 IAC 16 to establish new procedures for resolving customer complaints. Repeals 170 IAC 4-1-17, 170 IAC 5-1-17, 170 IAC 6-1-17, and 170 IAC 8.5-2-5.

ADOPTED:

By the Indiana Utility Regulatory Commission

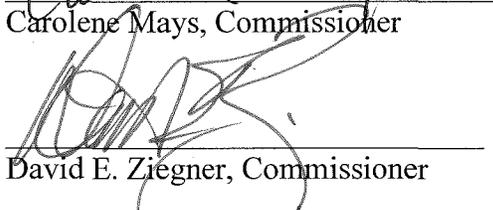
Date: APR 07 2010

ABSENT
David Lott Hardy, Chairman


James D. Atterholt, Commissioner


Carolene Mays, Commissioner

ABSENT
Larry S. Landis, Commissioner


David E. Ziegner, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: _____ Date: _____
Gregory F. Zoeller
Attorney General, State of Indiana

APPROVED:

By: _____ Date: _____
Mitchell E. Daniels, Jr.
Governor, State of Indiana

ACCEPTED FOR FILING:

By: _____ Date: _____
Indiana Register
Legislative Services Agency

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Final Rulemaking

IURC RM #09-08

LSA #09-792(F)

Amends 170 IAC 4-1-1, 170 IAC 4-1-16, 170 IAC 4-5-14, 170 IAC 5-1-1, 170 IAC 5-1-16, 170 IAC 6-1-16, 170 IAC 8.5-1-1, 170 IAC 8.5-2-4, and 170 IAC 8.5-2-6 to add references to the proposed consumer affairs rules and delete references to the rules that are being repealed as part of this rulemaking. Adds 170 IAC 16 to establish new procedures for resolving customer complaints. Repeals 170 IAC 4-1-17, 170 IAC 5-1-17, 170 IAC 6-1-17, and 170 IAC 8.5-2-5.

Upon prior publication of notice and a public hearing held on February 16, 2010, at 1:00 p.m., local time in Judicial Courtroom 224 of the National City 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, on April 7, 2010, at 2:00 p.m. local time in Judicial Courtroom 222, National City Center, Indianapolis, Indiana at which time a majority of members of said Commission were present, adopted the foregoing rule.

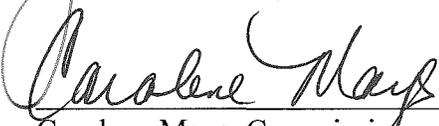
The Secretary is hereby directed to submit the aforesaid rule to the Attorney General and Governor of Indiana, for their approval of same, and thereafter to submit the aforesaid rule to the publisher, Indiana Register.

ABSENT

David Lott Hardy, Chairman



James D. Atterholt, Commissioner



Carolene Mays, Commissioner

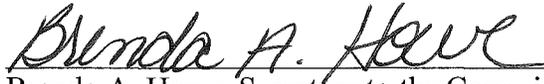
ABSENT

Larry S. Landis, Commissioner



David E. Ziegner, Commissioner

ATTEST:



Brenda A. Howe, Secretary to the Commission

Date: APR 07 2010

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule
LSA Document #09-792(F)

DIGEST

Amends 170 IAC 4-1-1, 170 IAC 4-1-16, 170 IAC 4-5-14, 170 IAC 5-1-1, 170 IAC 5-1-16, 170 IAC 6-1-16, 170 IAC 8.5-1-1, 170 IAC 8.5-2-4, and 170 IAC 8.5-2-6 to add references to the proposed consumer affairs rules and delete references to the rules that are being repealed as part of this rulemaking. Adds 170 IAC 16 to establish new procedures for resolving customer complaints. Repeals 170 IAC 4-1-17, 170 IAC 5-1-17, 170 IAC 6-1-17, and 170 IAC 8.5-2-5. Effective 30 days after filing with the Publisher.

170 IAC 4-1-1; 170 IAC 4-1-16; 170 IAC 4-1-17; 170 IAC 4-5-14; 170 IAC 5-1-1; 170 IAC 5-1-16; 170 IAC 5-1-17; 170 IAC 6-1-16; 170 IAC 6-1-17; 170 IAC 8.5-1-1; 170 IAC 8.5-2-4; 170 IAC 8.5-2-5; 170 IAC 8.5-2-6; 170 IAC 16

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

170 IAC 4-1-1 Definitions

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-1

Sec. 1. ~~Definitions.~~ (a) Where applicable, the definitions set forth in IC 8-1-2-1 (~~Burns 54-105~~) shall be applied to and this section apply throughout these rules this article. and

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

~~(B) The word (c) "Customer" shall mean~~ means any:

(1) person;

(2) firm;

(3) corporation;

(4) municipality; or

(5) other government agency; ~~which~~

that has agreed, orally or otherwise, to pay for electric service received from a utility; provided, that for the purposes of Rules ~~13D, 15, 16 and 16.1, sections 13(d), 15, and 16 of this rule,~~ the word "customer" term shall be limited to mean persons who have agreed to pay for such service exclusively for residential purposes.

~~(C) The word (d) "Disconnection" shall mean~~ means the termination or discontinuance of electric service.

~~(D) The words (e) "Late payment charge" shall mean~~ means the one (1) time penalty assessed by a utility upon all current bills at such time as they become delinquent.

~~(E) The word "commission" shall mean the Indiana utility regulatory commission. (Indiana Utility Regulatory Commission; No. 33629: Standards of Service For Electrical Utilities Rule 1; filed Mar 10, 1976, 9:10 a.m.: Rules and Regs. 1977, p. 337; 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)~~

SECTION 2. 170 IAC 4-1-16 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-1-16 Disconnection of service; prohibited disconnections; reconnection

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-113; IC 8-1-2-122

Sec. 16. (a) The customer shall:

(1) notify the utility at least three (3) days in advance of the day disconnection is desired; ~~The customer shall and~~

(2) remain responsible for all service used and the billings therefor until service is disconnected pursuant to such notice.

Upon request by a customer of a utility to disconnect service, the utility shall disconnect the service within three (3) working days of the requested disconnection date. The customer shall not be liable for any service rendered to such address or location after the expiration of three (3) such days.

(b) A utility may disconnect service without request by the customer of the service and without prior notice only:

- (1) if a condition dangerous or hazardous to life, physical safety, or property exists; or
- (2) upon order by any court, the commission, or other duly authorized public authority; or
- (3) if fraudulent or unauthorized use of electricity is detected and the utility has reasonable grounds to believe the affected customer is responsible for such the use; or
- (4) if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for such the tampering.

In all other instances, a utility, upon providing the customer with proper notice as defined in subsection (e), ~~of this section~~ may disconnect service subject to the other provisions of ~~170 IAC 4-1-~~ **this rule.**

(c) Except as otherwise provided in subsections (a) and (b), ~~of this section~~ a utility shall postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the utility with a medical statement from a licensed physician or public health official ~~which that~~ states that disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement. A utility may not disconnect services to the customer:

(1) upon his or her failure to pay for:

- (A) merchandise or appliances;
- (2) ~~upon his failure to pay for~~ (B) the service rendered at a different metering point, residence, or location if such bill has remained unpaid for less than forty-five (45) days;
- (3) ~~upon his failure to pay for~~ (C) services to a previous occupant of premises to be served; or
- (4) ~~upon his failure to pay for~~ (D) a different form or class of utility service; or

(5) (2) if the customer or user shows cause for his or her inability to pay the full amount due (financial hardship shall constitute cause), and ~~said the~~ customer:

- (A) pays a reasonable portion (not to exceed **ten dollars** (\$10) or one-tenth (1/10) of the bill, whichever is less, unless the customer agrees to a greater portion) of the bill; ~~and~~
- (B) agrees to pay the remainder of the outstanding bill within three (3) months; ~~and~~
- (C) agrees to pay all undisputed future bills for service as they become due; and
- (D) has not breached any similar agreement with the utility made pursuant to this section within the past twelve (12) months;

provided, however, that the utility may add to the outstanding bill a late payment charge not to exceed the amount set ~~pursuant to 170 IAC 4-1-13(B)~~; **under section 13(c) of this rule, and**, provided further, that the ~~above~~ terms of agreement shall be put in writing by the utility and signed by the customer and by a representative of the utility; or

(6) (3) if a customer or user is unable to pay a bill ~~which that~~ is unusually large due to a prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual reading was taken for over two (2) months, stopped or slow meters, or any human or mechanical error of the utility, and the customer:

- (A) pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the six (6) bills immediately preceding the bill in question;
- (B) agrees to pay the remainder at a reasonable rate; and
- (C) agrees to pay all undisputed future bills for service as they become due, provided, however, that the utility may not add to the outstanding bill any late fee, **and**, provided further, that the ~~above~~ terms of agreement shall be put in writing by the utility and signed by the customer and a representative of the utility.

If a customer proceeds with a review ~~pursuant to 170 IAC 4-1-17(B)~~, **under 170 IAC 16-1-5**, the utility may disconnect only as provided in ~~170 IAC 4-1-17(C)~~; **170 IAC 16-1-7.**

(d) No utility may disconnect service unless it is done between the hours of 8:00 a.m. and 3:00 p.m., prevailing local time. Disconnections ~~pursuant to~~ **under** subsections (a) and (b) ~~of this section~~ are not subject to this limitation. A utility may not disconnect service for nonpayment on any day, or beyond ~~twelve noon~~ (12:00 noon of the day immediately preceding any day, on which the utility office is not open to the public.

(e) Except as otherwise provided ~~herein in this article~~, electric service to any residential customer shall not be

disconnected for a violation of any rule or regulation of a utility or for the nonpayment of a bill, except after fourteen (14) days prior written notice to ~~such the~~ customer by either (1) mailing the notice to ~~such the~~ residential customer at the address shown on the records of the public utility or (2) personal delivery of the notice to the residential customer or a responsible member of his or her household at the address shown on the records of the utility. (3) No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent. The notice must be in language ~~which that~~ is clear, concise, and easily understandable to a ~~layman~~ layperson and shall state **the following** in separately numbered large types or printed paragraphs:

- (1) The date of **the** proposed disconnection.
- (2) The specific factual basis and reason for the proposed disconnection.
- (3) The telephone number of the utility office ~~which that~~ the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning his or her rights.
- (4) A reference to the pamphlet furnished to the customer pursuant to 170 IAC 4-1-18 **under section 18 of this rule** for information as to the customer's rights.

(f) Immediately preceding the actual disconnection of service, the employee of the utility designated to perform such function shall:

- (1) make a reasonable attempt to identify himself or herself to the customer or any other responsible person then upon the premises; and shall
- (2) announce the purpose of his or her presence; and shall
- (3) make a record thereof to be maintained for at least thirty (30) days; ~~The employee shall~~
- (4) have in his or her possession information sufficient to enable him or her to inform the customer or other responsible person the reason for disconnection, including the amount of any delinquent bill of the customer; and shall
- (5) request the customer for any available verification that the outstanding bill has been satisfied or is currently in dispute pursuant to review.

Upon the presentation of such credible evidence, service shall not be disconnected. The employee shall not be required to accept payment from the customer, user, or other responsible person in order to prevent the service from being disconnected. The utility shall notify its customers pursuant to 170 IAC 4-1-18 **under section 18 of this rule** of its policy with regard to the acceptance or nonacceptance of payment from such employee and shall uniformly follow such policy without discrimination. When the employee has disconnected the service, the employee shall give to a responsible person at the user's premises or, if no one is at home, shall leave at a conspicuous place on the premises, a notice stating that service has been disconnected and stating the address and telephone number of the utility where the user may arrange to have service reconnected.

(g) A utility may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the utility's filed tariffs. A utility shall inform its customers of ~~such the~~ reconnection fee pursuant to 170 IAC 4-1-18. **under section 18 of this rule**. If the utility disconnects service in violation of 170 IAC 4-1, **this rule**, the service shall immediately be restored at no charge to the customer. The utility must reconnect the service to the customer or user as soon as reasonably possible but at least within one (1) working day after it is requested to do so if the customer has satisfied the requirements of 170 IAC 4-1. **this rule**. (*Indiana Utility Regulatory Commission; No. 33629: Standards of Service For Electrical Utilities Rule 16; filed Mar 10, 1976, 9:10 a.m.; Rules and Regs. 1977, p. 349; No. 34526; filed Jul 30, 1976, 12:00 p.m.; Rules and Regs. 1977, p. 385; filed Oct 13, 1983, 4:02 p.m.; 7 IR 37; readopted filed Jul 11, 2001, 4:30 p.m.; 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA*)

SECTION 3. 170 IAC 4-5-14 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-5-14 Complaints; review

Authority: IC 8-1-1-3; IC 8-1-2-36.5

Affected: IC 8-1-2-36.5

Sec. 14. ~~Complaints and Review.~~ (a) ~~Complaint procedure:~~ (1) A customer may complain at any time to the owner about any bill ~~which that~~ is not delinquent at that time or any other matter relating to its service and may request a conference thereon. Such complaints may be made in person, in writing, or by completing a form available from either the commission or the owner. A complaint shall be considered filed upon receipt by the owner, ~~except mailed complaints shall be considered filed as of the postmark date.~~ In making a complaint and/or or request for conference, **or both**, the customer shall state at a minimum, his or her name **and** service address and the general nature of his or her complaint.

(2) (b) Upon receiving each such complaint or request for conference, the owner (A) shall:

- (1) promptly, thoroughly, and completely investigate ~~such~~ the complaint;
- (2) confer with the customer when requested; and
- (3) notify, in writing, the customer of the results of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint.

(B) ~~Such~~ The written notification shall advise the customer that he or she may, within seven (7) days following the date in which ~~such~~ the notification is mailed received, request a review of ~~such~~ the proposed disposition by the commission.

~~(b) Review:~~ (1) (c) If the customer is dissatisfied with the owner's proposed disposition of the complaint as provided in ~~(a)(2)~~, subsection (b), he or she may request the commission, in writing, within seven (7) days following the date in which ~~such~~ the notification is mailed received to informally review the disputed issue and the owner's proposed disposition thereof. ~~Such~~ The request shall certify that the customer has also sent a copy of his or her request for review to the owner involved. Upon receiving ~~such~~ the request, the commission shall provide an informal review within twenty-one (21) days. The review shall:

- (1) consist of not less than a prompt and thorough investigation of the dispute; and shall
- (2) result in a written decision to be mailed to the customer and the owner within thirty (30) days after the commission's receipt of the customer's request.

Upon request by either party or the commission, the parties shall be required to meet and confer to the extent and at such place as the commission may consider to be appropriate. (2) The records of the commission relating to ~~such~~ the review shall be kept in a systematic order.

~~(3)~~ (d) In those instances when the customer and owner cannot agree as to what portion of a bill is undisputed, it shall be sufficient that the customer pay on the disputed bill an amount equal to his or her average bill for the six (6) months immediately preceding the disputed bill. However, in those cases where the customer has received fewer than six (6) bills, the customer shall pay an amount equal to the average (arithmetical mean) of such bills as have been received.

~~(e) Record of complaints:~~ (1) (e) Each owner shall keep a written record of complaints and requests for conferences pursuant to 170 IAC 4-1-17. ~~Such~~ under 170 IAC 16-1-4. The records shall be retained at the location where ~~such~~ the complaints were received and/or or any conferences were subsequently held, ~~Such~~ or both. The written records are to be readily available upon request by:

- (1) the concerned customer;
- (2) his or her agent possessing written authorization; or
- (3) the commission.

(2) (f) Each owner shall annually submit a report to the commission which that shall state and classify the number of complaints made to the owner pursuant to 170 IAC 4-1-17, under 170 IAC 16-1-4, the general nature of the subject matter thereof, how the complaint was received (in person, by letter, etc.), and whether a commission review was conducted thereon. *(Indiana Utility Regulatory Commission; 170 IAC 4-5-14; filed Dec 13, 1984, 3:13 p.m.: 8 IR 489, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; 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)*

SECTION 4. 170 IAC 5-1-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-1-1 Definitions

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-1

Sec. 1. (a) The definitions in this section and, where applicable, the definitions set forth in IC 8-1-2-1 apply throughout this rule.

(b) "Check rate" means thirty-five percent (35%) of a meter's rated capacity.

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

(d) "Cubic foot of gas" means, for testing purposes, the amount of gas in a volume of one (1) cubic foot when saturated with water vapor, at sixty (60) degrees Fahrenheit and at an absolute pressure of thirty (30) inches of mercury at a temperature of thirty-two (32) degrees Fahrenheit.

(b) As used in this rule, (e) "Customer" means any:

- (1) person;
- (2) firm;
- (3) corporation;
- (4) municipality; or
- (5) other government agency; which

that has agreed, orally or otherwise, to pay for gas service received from a public utility. However, for the purposes of sections 13(d), and 15, through 17 and 16 of this rule, "customer" the term shall be limited to mean persons who have agreed to pay for such service exclusively for residential purposes.

(e) As used in this rule, (f) "Disconnection" means the termination or discontinuance of gas service.

(d) As used in this rule, (g) "Late payment charge" means the one (1) time penalty assessed by a public utility upon all current bills at such time as they become delinquent.

(e) As used in this rule, "cubic foot of gas" means, for testing purposes, the amount of gas in a volume of one (1) cubic foot when saturated with water vapor, at sixty degrees Fahrenheit (60° F) and at an absolute pressure of thirty (30) inches of mercury at a temperature of thirty-two degrees Fahrenheit (32° F).

(f) As used in this rule, "commission" means the Indiana utility regulatory commission.

(g) As used in this rule, "check rate" means thirty-five percent (35%) of a meter's rated capacity.

(h) As used in this rule, "Open rate" means eighty percent (80%) of a meter's rated capacity. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 1; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 391; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2161; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA*)

SECTION 5. 170 IAC 5-1-16 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-1-16 Disconnection of service; prohibited disconnections; reconnection

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-87; IC 8-1-2-122; IC 8-1-2.5

Sec. 16. (a) The customer shall:

- (1) notify the utility at least three (3) days in advance of the day disconnection is desired; ~~The customer shall and~~
- (2) remain responsible for all service used and the billings therefor until service is disconnected pursuant to such notice.

Upon request by a customer of a utility to disconnect service, the utility shall disconnect the service within three (3) working days of the requested disconnection date. The customer shall not be liable for any service rendered to the address or location after the expiration of three (3) such days.

(b) A utility may disconnect service without request by the customer of the service and without prior notice only:

- (1) if a condition dangerous or hazardous to life, physical safety, or property exists;
- (2) upon order by any court, the commission, or other duly authorized public authority;
- (3) if fraudulent or unauthorized use of gas is detected and the utility has reasonable grounds to believe the affected customer is responsible for the use;
- (4) if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for the tampering; or
- (5) if the utility's equipment is used in a manner disruptive to the service of other customers.

In all other instances, a utility, upon providing the customer with proper notice as defined in subsection (f) may disconnect service subject to the other provisions of this rule.

(c) Except as otherwise provided in subsections (a) and (b), a utility shall postpone the disconnection of service for ten (10) days if, before the disconnect date specified in the disconnect notice, the customer provides the utility with a medical statement from a licensed physician or public health official that states that disconnection would be a serious and immediate

threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement. The utility shall be required to provide the customer a total of twenty (20) days postponement of disconnection for medical reasons under this subsection only once in any twelve (12) month period. Further postponement of disconnection for medical reasons shall be at the utility's discretion.

(d) A utility may not disconnect service to the customer as follows:

(1) Upon the customer's failure to pay for:

(A) merchandise or appliances purchased from the utility furnishing the gas or other nonutility or unregulated services;

(B) the service rendered at a different metering point, residence, or location if the bill has remained unpaid for less than forty-five (45) days;

(C) services to a previous occupant of the premises to be served, unless the utility has good reason to believe the customer is attempting to defraud the utility; or

(D) a different form or class of utility service.

(2) If the customer shows cause for the customer's inability to pay the full amount due (financial hardship shall constitute cause), and the customer:

(A) pays a reasonable portion, not to exceed:

(i) twenty-five dollars (\$25); or

(ii) one-tenth (1/10) of the bill;

whichever is less, unless the customer agrees to a greater portion of the bill;

(B) agrees to pay:

(i) the remainder of the outstanding bill within three (3) months; and

(ii) all undisputed future bills for service as they become due; and

(C) has not breached any similar agreement with the utility made under this section within the past twelve (12) months.

Provided, however, that the utility may add to the outstanding bill a late payment charge not to exceed the amount set under section 13(b) of this rule. Provided further, that the above terms of agreement shall be put in writing by the utility and signed by the customer and by a representative of the utility. Only one (1) late payment charge may be charged to the customer under this section. "Unregulated services", as used in subsection ~~(d)(1)(A)~~; **subdivision (1)(A)**, does not include utility services provided under an alternative regulatory plan approved by the commission under IC 8-1-2.5 et seq.

(3) If a customer is unable to pay a bill which that is unusually large due to prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual reading was taken for over two (2) months, stopped or slow meters, or any human or mechanical error of the utility, and the customer:

(A) pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the twelve (12) bills immediately preceding the bill in question; and

(B) agrees to pay:

(i) the remainder at a reasonable rate; and

(ii) all undisputed future bills for service as they become due.

Provided, however, that the utility may not add to the outstanding bill any late fee. Provided, further, that the above terms of agreement shall be put in writing by the utility and signed by the customer and a representative of the utility. If a customer proceeds with a review under section ~~17(B)~~ of this rule, **170 IAC 16-1-5**, the utility may disconnect only as provided in section ~~17(C)~~ of this rule. **170 IAC 16-1-7**.

(e) No utility may disconnect service unless it is done between the hours of 8:00 a.m. and 3:00 p.m., prevailing local time. ~~Disconnection~~ **Disconnections** under subsections (a) and (b) are not subject to this limitation. A utility may not disconnect service for nonpayment on any day on which the utility office is closed to the public or after noon of the day immediately preceding any day on which the utility office is not open to the public.

(f) Except as otherwise provided ~~herein in this article~~, gas service to any residential customer shall not be disconnected for a violation of any rule or regulation of a utility or for the nonpayment of a bill, except after fourteen (14) days prior written notice to the customer by either:

(1) mailing the notice to the residential customer at the address shown on the records of the public utility; or

(2) personal delivery of the notice to the residential customer or a responsible member of the customer's household at

the address shown on the records of the utility.

No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent.

(g) The notice in subsection (f) must be in language that is clear, concise, and easily understandable to a layperson and shall state **the following** in separately numbered large types or printed paragraphs: ~~the following:~~

- (1) The date of the proposed disconnection.
- (2) The specific actual basis and reason for the proposed disconnection.
- (3) The telephone number of the utility office at which the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning the customer's rights.
- (4) A reference to the pamphlet furnished to the customer under section 18 of this rule for information as to the customer's rights.

(h) Immediately preceding the actual disconnection of service, the employee of the utility designated to perform that function shall:

- (1) make a reasonable attempt to identify himself or herself to the customer or any other responsible person then upon the premises;
- (2) announce the purpose of his or her presence;
- (3) make a record thereof to be maintained for at least thirty (30) days;
- (4) have in his or her possession information sufficient to enable him or her to inform the customer or other responsible person of the reason for disconnection, including the amount of any delinquent bill of the customer; and
- (5) request from the customer any available verification that the outstanding bill has been satisfied or is currently in dispute under review under ~~section 17(B) of this rule~~, **170 IAC 16-1-5**.

Upon the presentation of such credible evidence, service shall not be disconnected. The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected. The utility shall notify its customers under section 18 of this rule of its policy with regard to the acceptance or nonacceptance of payment by the employee and shall uniformly follow the policy without discrimination. When the employee has disconnected the service, the employee shall give to a responsible person at the user's premises or, if no one is at home, shall leave at a conspicuous place on the premises a notice stating that service has been disconnected and stating the address and telephone number of the utility where the user may arrange to have service reconnected.

(i) A utility may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the utility's filed tariffs. A utility shall inform its customers of the reconnection fee under section 18 of this rule. If the utility disconnects service in violation of this rule, the service shall immediately be restored at no charge to the customer. The utility must reconnect the service to the customer as soon as reasonably possible but at least within one (1) working day after it is requested to do so if the customer has satisfied the requirements of this rule. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 16; filed Oct 14, 1976, 10:20 a.m.; Rules and Regs. 1977, p. 403; filed Oct 13, 1983, 4:02 p.m.: 7 IR 40; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Feb 16, 2006, 8:14 a.m.: 29 IR 2166*)

SECTION 6. 170 IAC 6-1-16 IS AMENDED TO READ AS FOLLOWS:

170 IAC 6-1-16 Disconnection of service; prohibited disconnection; reconnection

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-4; IC 8-1-2-113

Sec. 16. (a) For disconnection of service (A) upon the customer's request, (1) the customer shall:

- (1) notify the utility at least three (3) days in advance of the day disconnection is desired; ~~The customer shall and~~
- (2) remain responsible for all service used and the billings therefor until service is disconnected pursuant to such notice.

(2) Upon request by a customer of a utility to disconnect service, the utility shall disconnect the service within three (3) working days of the requested disconnection date. The customer shall not be liable for any service rendered to ~~such~~ the address or location after the expiration of these three (3) days.

(b) ~~Without Customer's Request.~~ (1) A utility may disconnect service without request by the customer and without prior notice only:

- (a) (1) if a condition dangerous or hazardous to life, physical safety, or property exists; or
- (b) (2) upon order by any court, the commission, or other duly authorized public authority; or

(e) (3) if fraudulent or unauthorized use of water is detected and the utility has reasonable ground to believe the affected customer is responsible for such the use; or

(d) (4) if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for such the tampering.

(2) In all other instances, a utility, upon providing the customer with proper notice as defined in Rule 16 (E), subsection (e), may disconnect service subject to the other provisions of these rules this rule.

(c) ~~Prohibited Disconnection.~~ (1) Except as otherwise provided in subsection 16 (A) and 16 (B) subsections (a) and (b), a utility shall postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the utility with a medical statement from a licensed physician or public health official which that states that disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement. (2) A utility may not disconnect service to the customer:

(a) (1) upon his or her failure to pay for:

(A) merchandise or appliances purchased from the utility furnishing the water;

(B) upon his failure to pay for the service rendered at a different metering point, residence, or location if such the bill has remained unpaid for less than forty-five (45) days;

(C) upon his failure to pay for services to a previous occupant of the premises to be served, unless the utility has good reason to believe the customer is attempting to defraud the utility by using another name; or

(D) upon his failure to pay for a different form or class of utility service; or

(e) (2) if the customer shows cause for his or her inability to pay the full amount due (financial hardship shall constitute cause) and said the customer:

(i) (A) pays a reasonable portion (not to exceed ten dollars (\$10) or one-tenth (1/10) of the bill, whichever is less, unless the customer agrees to a greater portion) of the bill; and

(ii) (B) agrees to pay the remainder of the outstanding bill within three (3) months; and

(iii) (C) agrees to pay all undisputed future bills for service as they become due; and

(iv) (D) has not breached any similar agreement with the utility made pursuant to this rule within the past twelve (12) months;

provided, however, that the utility may add to the outstanding bill a late payment charge not to exceed the amount set pursuant to Rule 13 (B). under section 13(b) of this rule, and provided further, that the above terms of the agreement shall be put in writing by the utility and signed by the customer and by a representative of the utility and only one (1) late payment charge may be made to the customer under this section; or

(f) (3) if a customer is unable to pay a bill which that is unusually large due to prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual reading was taken for over two (2) months, stopped or slow meter, or any human or mechanical error of the utility, and the customer:

(i) (A) pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the twelve (12) bills immediately preceding the bill in question; and

(ii) (B) agrees to pay the remainder at a reasonable rate; and

(iii) (C) agrees to pay all undisputed future bills for service as they become due;

provided, however, that the utility may not add to the outstanding bill any late fee, and provided further, that the above terms of agreement shall be put in writing by the utility and signed by the customer and a representative of the utility.

(3) If a customer proceeds with a review pursuant to Rule 16-1 (B), under 170 IAC 16-1-5, the utility may disconnect only as provided in Rule 16-1 (C). 170 IAC 16-1-7.

(d) ~~Time.~~ (1) No utility may disconnect service unless it is done between the hours of 8:00 a.m. and 3:00 p.m., prevailing local time. Disconnections pursuant to Rules 16 (A) and 16 (B) under subsections (a) and (b) are not subject to this limitation. (2) A utility may not disconnect service for nonpayment on any day on which the utility office is closed to the public or after twelve noon (12:00 noon) of the day immediately preceding any day on which the utility office is not open to the public.

(e) Notice is required prior to involuntary disconnection as follows:

(1) Except as otherwise provided herein in this article, service to any residential customer shall not be disconnected for a violation of any rule or regulation of a utility or for the nonpayment of a bill, except after seven (7) days prior written notice to such the customer by either:

(A) mailing the notice to such the residential customer at the address shown on the records of the utility; or

(B) personal delivery of the notice to the residential customer or a responsible member of his or her

household at the address shown on the records of the utility.

(e) No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent. (2) The notice must be in language ~~which~~ **that** is clear, concise, and easily understandable to a ~~layman~~ **layperson** and shall state **the following** in separately numbered large typed or printed paragraphs:

(A) The date of proposed disconnection.

(B) The specific actual basis and reason for the proposed disconnection.

(C) The telephone number of the utility office at which the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning his **or her** rights.

(D) A reference to the pamphlet or the copy of the rules furnished to the customer ~~pursuant to Rule 16.2~~ **under section 18 of this rule** for information as to the customer's rights.

(f) ~~Procedure for Involuntary Disconnection.~~ (1) Immediately preceding the actual disconnection of service, the employee of the utility designated to perform such function shall:

(1) make a reasonable attempt to identify himself **or herself** to the customer or any other responsible person then upon the premises; ~~and shall~~

(2) announce the purpose of his **or her** presence; ~~and shall~~

(3) make a record thereof to be maintained for at least thirty (30) days;

~~(2) The employee shall~~ (4) have in his **or her** possession information sufficient to enable him **or her** to inform the customer or other responsible person of the reason for disconnection, including the amount of any delinquent bill of the customer; ~~and shall~~

(5) request from the customer any available verification that the outstanding bill has been satisfied or is currently in dispute pursuant to review under ~~Rule 16.1 (B).~~ **170 IAC 16-1-5.**

Upon the presentation of such credible evidence, service shall not be disconnected. (3) The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected. The utility shall notify its customers ~~pursuant to Rule 16.2~~ **under section 18 of this rule** of its policy with regard to the acceptance or nonacceptance of payment by such employee and shall uniformly follow such policy without discrimination. (4) When the employee has disconnected the service, he **or she** shall give to a responsible person at the customer's premises or, if no one is at home, shall leave at a conspicuous place on the premises a notice stating that service has been disconnected and stating the address and telephone number of the utility where the customer may arrange to have service reconnected.

(g) ~~Reconnection.~~ (1) A utility may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the utility's filed tariffs. A utility shall inform its customers of ~~such~~ **the** reconnection fee ~~pursuant to Rule 16.2.~~ (2) **under section 18 of this rule.** If the utility disconnects service in violation of ~~these rules,~~ **this rule**, the service shall immediately be restored at no charge to the customer. (3) The utility must reconnect the service to the customer as soon as reasonably possible but at least within one (1) working day after it is requested to do so; provided, however, that the utility shall not be required to reconnect the service until:

(a) (1) the conditions, circumstances, or practices ~~which~~ **that** caused the disconnection have been corrected;

(b) (2) payment of all delinquent charges owed the utility by the customer and any deposit authorized by ~~these rules~~ **this rule** has been made; and

(c) (3) a responsible person is present in the premises to see that all water outlets are closed to prevent damage from escaping water.

(Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 16; filed Nov 28, 1977, 3:00 p.m.: Rules and Regs. 1978, p. 687; 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)

SECTION 7. 170 IAC 8.5-1-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 8.5-1-1 Definitions

Authority: IC 8-1

Affected: IC 8-1-2-1; IC 8-1-2-89

Sec. 1. (a) The definitions in this section, except where otherwise defined, and, where applicable, in IC 8-1-2-1 apply throughout this article.

(b) "Certificate of territorial authority" or "CTA" means the authority for a utility to operate within a specified geographic area.

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

(d) "Customer" means any:

- (1) person;
- (2) firm;
- (3) corporation;
- (4) municipality; or
- (5) other government agency;

that has agreed, orally or otherwise, to pay for sewage disposal service rendered by a sewage disposal company, provided that, for the purposes of 170 IAC 8.5-2-3 through ~~170 IAC 8.5-2-5~~, **170 IAC 8.5-2-4**, the term shall be limited to mean persons who have agreed to pay for such service exclusively for residential purposes.

(e) "Disconnection" means the termination or discontinuance of sewage disposal service.

(f) "Late payment charge" means the one (1) time penalty assessed by a sewage disposal company upon all current bills at such time as they become delinquent.

(g) "Lateral sewer" means sewerage pipe owned, operated, or maintained by a sewage disposal company that is used to transport sewage. The term does not include service pipe.

(h) "NARUC" refers to the National Association of Regulatory Utility Commissioners.

(i) "NARUC Uniform System of Accounts" means the rules and regulations governing the classification of accounts applicable to a utility as:

- (1) developed by the NARUC; and
- (2) adopted by reference by the commission for Indiana utilities.

(j) "Premises" means a tract of land or real estate, including buildings and other appurtenances thereon.

(k) "Service pipe" means the pipe that:

- (1) runs from the customer's premises to the lateral sewer; and
- (2) receives sewage from the customer's premises.

(l) "Sewage disposal company" means any:

- (1) natural person;
- (2) firm;
- (3) association;
- (4) corporation; or
- (5) partnership;

owning, leasing, or operating any sewage disposal service within the rural areas of this state.

(m) "Sewage disposal service" means any utility service whereby liquid and solid waste, sewage, night soil, and industrial waste within the limitations of section 2(c) of this rule of any single territorial area is collected, treated, purified, and disposed of in a sanitary manner. The term includes all of the following:

- (1) Sewage treatment plants.
- (2) Main sewers.
- (3) Submain sewers.
- (4) Local or lateral sewers, or both.
- (5) Intercepting sewers.
- (6) Outfall sewers force mains.
- (7) Pumping stations.
- (8) Ejector stations.
- (9) Other equipment and appurtenances necessary or useful and convenient for the rendition of the service.

(Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 1; filed Dec 9, 1981, 10:20 a.m.: 5 IR 13; 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 Sep 13, 2007, 1:58 p.m.: 20071010-IR-170070235FRA)

SECTION 8. 170 IAC 8.5-2-4 IS AMENDED TO READ AS FOLLOWS:

170 IAC 8.5-2-4 Disconnection of services

Authority: IC 8-1-1-3; IC 8-1-2

Affected: IC 8-1-1-3

Sec. 4. (a) ~~Without Customer's Request.~~ (1) A company may disconnect service without request by the customer and without prior notice only:

(A) (1) if a condition dangerous or hazardous to life, physical safety, or property exists; ~~or~~

(B) (2) upon order by any court, the commission, or other duly authorized public authority; ~~or~~

(C) (3) if fraudulent or unauthorized use of sewage disposal service is detected and the company has reasonable grounds to believe the affected customer is responsible for such the use; or

(D) (4) if the company's regulating or measuring equipment has been tampered with and the company has reasonable grounds to believe that the affected customer is responsible for such tampering.

(2) In all other instances, a sewage utility, upon providing the customer with proper notice as defined in Rule ~~16(E)~~ **subsection (d)**, may disconnect service subject to the other provisions of these rules: **this article**.

(b) ~~Prohibited Disconnection.~~ (1) Except as otherwise provided in Rule ~~16(B)~~, **subsection (a)**, a sewage disposal company shall postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the company with a medical statement from a licensed physician or public health official ~~which~~ **that** states that a disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement. (2) A company may not disconnect service to the customer:

(A) (1) upon his ~~or her~~ failure to pay for:

(A) the service rendered at a different metering point, residence, or location if such the bill has remained unpaid for less than forty-five (45) days;

(B) ~~Upon his failure to pay for services to a previous occupant of the premises to be served, unless the company has good reason to believe the customer is attempting to defraud the company by using another name; or~~

(C) ~~Upon his failure to pay for a different form or class of sewage disposal service; or~~

(D) (2) if the customer shows cause for his ~~or her~~ inability to pay the full amount due (financial hardship shall constitute cause) and said the customer:

(i) (A) pays a reasonable portion (not to exceed ten dollars (\$10) or one-tenth (1/10) of the bill, whichever is less, unless the customer agrees to a greater portion) of the bill; ~~and~~

(ii) (B) agrees to pay the remainder of the outstanding bill within three (3) months; ~~and~~

(iii) (C) agrees to pay all undisputed future bills for service as they become due; and

(iv) (D) has not breached any similar agreement with the utility made ~~pursuant to~~ **under** this rule within the past twelve (12) months;

provided, however, that the company may add to the outstanding bill a late payment charge not to exceed the amount set ~~pursuant to Rule 13(B)~~. **under section 1(b) of this rule and** provided further, that the ~~above~~ terms of the agreement shall be put in writing by the company and signed by the customer and by a representative of the company **and** only one (1) late payment charge may be made to the customer under this section; **or**

(E) (3) if a customer is unable to pay a bill ~~which~~ **that** is unusually large due to prior incorrect reading of the water meter, incorrect application of the rate schedule, incorrect connection or functioning of the water meter, prior estimates where no actual reading was taken for over two (2) months, stopped or slow water meter, or any human or mechanical error of the sewage disposal company, and the customer:

(i) (A) pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the twelve (12) bills immediately preceding the bill in question; ~~and~~

(ii) (B) agrees to pay the remainder at a reasonable rate; and

(iii) (C) agrees to pay all undisputed future bills for service as they become due;

provided, however, that the company may not add to the outstanding bill any late fee **and** provided further, that the ~~above~~ terms of the agreement shall be put in writing by the company and signed by the customer and a representative of the company.

(3) If a customer proceeds with a review ~~pursuant to Rule 16.1(B)~~, **under 170 IAC 16-1-5**, the sewage disposal company may disconnect only as provided in Rule ~~16.1(C)~~. **170 IAC 16-1-7**.

~~(c) Time.~~ (1) No sewage utility may disconnect service unless it is done between the hours of 8:00 a.m. and 3:00 p.m., prevailing local time. Disconnections pursuant to Rule 16(B) under subsection (a) are not subject to this limitation. (2) A company may not disconnect service for nonpayment on any day on which the company office is closed to the public, or after twelve noon (12:00 noon of the day immediately preceding any day on which the company office is not open to the public.

(d) Notice is required prior to involuntary disconnection as follows:

(1) Except as otherwise provided herein in this article, service to any residential customer shall not be disconnected for a violation of any rule or regulation of a sewage disposal company or for the nonpayment of a bill, except after seven (7) days prior written notice to such the customer by either:

(A) mailing the notice to such the residential customer at the address shown on the records of the utility; or

(B) personal delivery of the notice to the residential customer or a responsible member of his or her household at the address shown on the records of the sewage utility.

~~(C)~~ No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent.

(2) The notice must be in language which that is clear, concise, and easily understandable to a layman layperson and shall state the following in separately numbered large type or printed paragraphs:

(A) The date of proposed disconnection.

(B) The specific actual basis and reason for the proposed disconnection.

(C) The telephone number of the sewage disposal company office at which the customer may call during the regular business hours in order to question the proposed disconnection or seek information concerning his or her rights.

(D) A reference to the pamphlet or the copy of the rules furnished to the customer pursuant to Rule 16.2 under section 6 of this rule for information as to the customer's rights.

~~(e) Procedure for Involuntary Disconnection.~~ (1) Immediately preceding the actual disconnection of service, the employee of the sewage disposal company designated to perform such function shall:

(1) make a reasonable attempt to identify himself or herself to the customer or any other responsible person then upon the premises; and shall

(2) make a record thereof to be maintained for at least thirty (30) days;

~~(2) The employee shall~~ (3) have in his or her possession information sufficient to enable him or her to inform the customer or other responsible person of the reason for disconnection, including the amount of any delinquent bill of the customer; and shall

(4) request from the customer any available verification that the outstanding bill has been satisfied or is currently in dispute pursuant to review under Rule 16.1(B) 170 IAC 16-1-5.

Upon the presentation of such credible evidence, service shall not be disconnected. ~~(3)~~ The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected. The sewage disposal company shall notify its customers pursuant to Rule 16.2 under section 6 of this rule of its policy with regard to the acceptance or nonacceptance of payment by such employee and shall uniformly follow such policy without discrimination. (4) When the employee has disconnected the service, he or she shall give to a responsible person at the customer's premises or, if no one is at home, shall leave at a conspicuous place on the premises a notice stating that service has been disconnected and stating the address and telephone number of the company where the customer may arrange to have service reconnected.

~~(f) Reconnection.~~ (1) A sewage disposal company may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the company's filed tariffs, to compensate the company for the costs of disconnecting and reconnecting the service. The company shall inform its customers of such the reconnection charge pursuant to Rule 16.2. (2) under section 6 of this rule. If the company disconnects service in violation of the rules this rule, the service shall immediately be restored at no charge to the customer. ~~(3)~~ The company must reconnect the service to the customer as soon as reasonably possible but at least within five (5) working days after requested if conditions permit, provided, however, that the company shall not be required to reconnect the service until:

~~(A)~~ (1) the conditions, circumstances, or practices which that caused the disconnection have been corrected; and

~~(B)~~ (2) payment of all delinquent and reconnection charges owed the utility by the customer and any deposit authorized by these rules this article has been made.

(Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 16; filed Dec 9, 1981, 10:20 a.m.: 5 IR 17; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA)

SECTION 9. 170 IAC 8.5-2-6 IS AMENDED TO READ AS FOLLOWS:

170 IAC 8.5-2-6 Information to applicants and customers

Authority: IC 8-1-1-3; IC 8-1-2

Affected: IC 8-1-1-3

~~Sec. 6. Information Provided by Sewage Disposal Companies to Applicants and Customers.~~ (a) All sewage disposal companies must publish and distribute, without request, to all applicants for service and to all current customers, a copy of ~~Rules 11 to 16.2~~ **sections 1 through 4 and 6 of this rule and 170 IAC 16-1-3** inclusive of these rules.

(b) A sewage disposal company shall supply free of charge a copy of the rate schedules applicable to the types of service available to:

(1) new applicants for; and

(2) existing customers of;

residential service upon request by the applicant or customer.

(c) Each sewage disposal company, whenever it petitions the commission for a change in any of its base rate schedules, must furnish:

(1) within forty-five (45) days of such the request; and

(2) prior to the date of the public hearing;

a notice which that fairly summarizes the nature and extent of the proposed changes.

(d) ~~System Maps or Records.~~ Each sewage disposal company shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to enable the company to advise prospective customers, and others entitled to the information, as to the facilities available for serving any locality.

(e) ~~Persons to Contact.~~ Each sewage disposal company shall file with the commission the name, title, address, and telephone number of the person who should be contacted in connection with the following:

(1) General management duties.

(2) Customer relations (complaints).

(3) Engineering operations.

(4) Emergencies during nonoffice hours.

(Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 16.2; filed Dec 9, 1981, 10:20 a.m.: 5 IR 20; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA)

SECTION 10. 170 IAC 16 IS ADDED TO READ AS FOLLOWS:

ARTICLE 16. CUSTOMER COMPLAINTS

Rule 1. Customer Complaints

170 IAC 16-1-1 Scope and Applicability

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

Affected: IC 8-1-2-34.5

Sec. 1. (a) This article implements the authority of the commission under IC 8-1-2-34.5.

(b) This article applies to any utility subject to the commission's jurisdiction that offers:

(1) gas;

(2) electric;

(3) water; or

(4) sewage disposal;

services.

(c) The procedures for the resolution of customer complaints involving telephone utilities can be found in 170

IAC 7. (Indiana Utility Regulatory Commission; 170 IAC 16-1-1)

170 IAC 16-1-2 Definitions

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

Affected: IC 8-1-2-1

Sec. 2. Where applicable, terms used in this rule shall have the meaning assigned to them in IC 8-1-2-1. The following definitions apply throughout this rule:

- (1) "Commission" means the Indiana utility regulatory commission.**
- (2) "Consumer affairs" means the consumer affairs division of the commission.**
- (3) "Customer" means any:**

- (A) person;**
- (B) firm;**
- (C) corporation;**
- (D) municipality; or**
- (E) government agency;**

who has agreed to pay for service from a utility, or a person authorized under a valid power of attorney to act on another person's or the entity's behalf.

- (4) "Utility" means the following:**

- (A) Electric utilities.**
- (B) Gas utilities.**
- (C) Water utilities.**
- (D) Sewage disposal services. (Indiana Utility Regulatory Commission; 170 IAC 16-1-2)**

170 IAC 16-1-3 Customer dispute process; time periods

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

Affected: IC 8-1-2.34.5

Sec. 3. (a) Disputes regarding any utility service or billing matter that have not been resolved at the utility level may constitute a complaint and may be resolved through the following process:

- (1) A customer may appeal a utility's proposed resolution of a dispute by filing an informal complaint with consumer affairs in accordance with section 5 of this rule.**
- (2) A customer or utility may request commission review of a consumer affairs decision in accordance with section 6 of this rule.**

(b) In computing any period of time prescribed or allowed by this article, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a:

- (1) Saturday;**
- (2) Sunday;**
- (3) legal holiday as defined by state statute; or**
- (4) day that the utility or commission office in which the act is to occur is closed during regular business hours.**

(c) The period of time runs until the end of the next day that is not a:

- (1) Saturday;**
- (2) Sunday;**
- (3) legal holiday; or**
- (4) day on which the office is closed. (Indiana Utility Regulatory Commission; 170 IAC 16-1-3)**

170 IAC 16-1-4 Disputes; utility responsibilities

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

Affected: IC 8-1-2-34.5

Sec. 4. (a) A utility shall provide the following means for customers to bring disputes to its attention:

- (1) By telephone.**
- (2) In writing.**

- (3) Through the utility's website.
- (4) At the utility's business office.
- (5) By any other method made available by the utility.

(b) The utility shall retain records of disputes received under this rule and the resolutions thereof for a period of six (6) months from the date of final resolution of the dispute under this rule and the records shall include, at a minimum, the following information:

- (1) The customer's name.
- (2) The customer's service address.
- (3) The telephone number at which the customer may be contacted, if such number is available.
- (4) The customer's account number.
- (5) The general nature of the dispute.

(c) A utility shall take the following actions with regard to each dispute:

- (1) Inform the customer that any portion of a bill that is undisputed must be paid by the date due stated on the bill in order to avoid disconnection of service in accordance with section 7 of this rule.
- (2) Investigate the matter promptly and thoroughly.
- (3) Make a good faith effort to resolve the matter.
- (4) Advise the customer of the utility's proposed resolution by:
 - (A) telephone;
 - (B) written notice mailed to the customer's billing address;
 - (C) e-mail; or
 - (D) another means reasonably calculated to reach the customer.
- (5) Advise the customer that if he or she is not satisfied with the utility's proposed resolution, the customer may submit an informal complaint to consumer affairs within seven (7) days of the date the proposed resolution is received.
- (6) Offer to provide the customer with the following consumer affairs contact information:
 - (A) Mailing address.
 - (B) Toll free complaint number.
 - (C) Local telephone number.

A utility shall make records available upon request by the commission once an informal complaint has been submitted.

(d) Each utility shall annually submit a report to the commission that shall state and classify the number of complaints made to the utility under section 3 of this rule, the general nature of the subject matter thereof, how the complaint was received, and whether a commission review was conducted thereon. (*Indiana Utility Regulatory Commission; 170 IAC 16-1-4*)

170 IAC 16-1-5 Consumer affairs review of utility's proposed resolution; consumer affairs' responsibilities

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

Affected: IC 8-1-2-34.5

Sec. 5. (a) If a customer is dissatisfied with a utility's proposed resolution of a dispute, the customer may appeal the proposed resolution to consumer affairs by submitting an informal complaint. A complaint must be submitted under this section within seven (7) days of the date the customer receives the utility's proposed resolution. At its discretion, consumer affairs may waive the time limitation for good cause, including failure to receive timely notice of proposed resolution. A complaint shall be considered submitted upon receipt by consumer affairs.

(b) A customer may file a complaint with consumer affairs in the following ways:

- (1) By telephone.
- (2) In writing.
- (3) By completing a form available at the commission's office and on the commission's website.

(c) Upon receipt of a complaint, consumer affairs shall take the following actions:

- (1) Provide the utility:
 - (A) a copy of the complaint if in writing, or a summary of the complaint if not in writing; and
 - (B) an opportunity to respond.

- (2) Conduct an informal review consisting of not less than a prompt and thorough investigation of the disputed facts of the complaint.
- (3) To the extent that consumer affairs may deem necessary to ensure the accuracy and completeness of the consumer affairs record, meet with the parties or require additional information or documentation from the parties, to which parties must respond within fourteen (14) days unless otherwise directed by consumer affairs.
- (4) Preserve in a systematic order all information and documentation received and generated during the review, and the consumer affairs decision, which shall comprise the consumer affairs record and be made readily available to the parties for inspection and copying upon request.
- (5) Provide a decision to the customer and the utility within thirty (30) days of the complaint submission date, except that if the complexity of issues or circumstances involved in a complaint require additional time, consumer affairs shall notify parties within thirty (30) days of the complaint submission date that additional time is required.

(d) If a customer or utility is dissatisfied with the consumer affairs resolution of the informal complaint, either party may request a review by the director of consumer affairs or director's designee within seven (7) days of the date of receipt of the proposed resolution of the informal complaint.

(e) Notwithstanding any other provision in this section, consumer affairs may refer a complaint to the commission for review at any time during the review process based on the complexity of issues or circumstances involved in a complaint as determined by the director of consumer affairs or director's designee. (*Indiana Utility Regulatory Commission; 170 IAC 16-1-5*)

170 IAC 16-1-6 Request for commission review of consumer affairs decision

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

Affected: IC 8-1-2-34.5

Sec. 6. (a) Either party may request commission review of the consumer affairs' decision under IC 8-1-2-34.5 within twenty (20) days of the date of receipt of the decision of the director of consumer affairs' or director's designee. A request under this section must be in writing and shall be considered filed upon receipt by the commission.

(b) Upon receiving a request for commission review, the commission shall provide a copy of the request to the opposing party and the office of the utility consumer counselor (OUCC) within seven (7) days from the date the review is requested. The nonrequesting party and the OUCC shall be permitted to file an answer within the time frames provided in 170 IAC 1-1.1-10(c).

(c) Commission review of a consumer affairs decision shall be reasonably limited to the matters raised in the request for review and the answer, and to a review of the consumer affairs record as compiled during the review conducted under section 5 of this rule, or as otherwise determined by the presiding officer. (*Indiana Utility Regulatory Commission; 170 IAC 16-1-6*)

170 IAC 16-1-7 Continuation of service during complaint process; payment of undisputed charges; disconnection for nonpayment; determining payment amount

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

Affected: IC 8-1-2-34.5

Sec. 7. (a) If a customer receiving service has paid and continues to pay all undisputed charges, the utility shall not disconnect any service related to the disputed charges:

- (1) while the utility's proposed resolution is under review by consumer affairs or the commission; or
- (2) sooner than ten (10) days after a decision by consumer affairs or the commission.

(b) If a customer and utility cannot agree what portion of the charges in a bill is undisputed, to avoid disconnection, the customer should pay on the disputed bill an amount equal to one-twelfth (1/12) of the estimated annual billing for service to be rendered to the customer. For a customer who has been a customer for at least twelve (12) months, the estimate will be based on the customer's average bill for the twelve (12) months immediately preceding the disputed bill. (*Indiana Utility Regulatory Commission; 170 IAC 16-1-7*)

SECTION 11. THE FOLLOWING ARE REPEALED: 170 IAC 4-1-17; 170 IAC 5-1-17; 170 IAC 6-1-17; 170 IAC 8.5-2-5.