

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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

Notice of Proposed Rulemaking

IURC RM #24-05

The Indiana Utility Regulatory Commission (the “Commission”), pursuant to IC 8-1-1-3(g) and IC 4-22-2-19.6 hereby proposes to amend 170 IAC 5-5-3 to incorporate by reference the advisory committee’s penalty schedule, which was effective January 1, 2024. The Commission shall hear public comments on the attached proposed rule at a date and time to be determined, in Suite 220, of the PNC Center, 101 W. Washington Street, Indianapolis, Indiana.

The Secretary of the Commission is hereby directed to maintain a copy of the proposed rule in the Commission offices and on the Commission website for public inspection. Commission staff is authorized to commence the required comment period(s).

IT IS SO ORDERED.

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

APPROVED: SEP 25 2024

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

_____ on behalf of

Dana Kosco
Secretary of the Commission

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

PROPOSED RULE LSA Document #24-XXX DIGEST

Amends 170 IAC 5-5-3 to incorporate by reference the advisory committee's penalty schedule, which was effective January 1, 2024. *Effective 30 days after filing with the publisher.*

170 IAC 5-5-3

SECTION 1. 170 IAC 5-5-3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-5-3 Process for determining violations and penalties

Authority: IC 8-1-26-26

Affected: IC 8-1-26-15; IC 8-1-26-16; IC 8-1-26-18; IC 8-1-26-19; IC 8-1-26-20; and IC 8-1-26-23

Sec. 3. (a) The pipeline safety division shall investigate alleged violations of IC 8-1-26.

(b) The pipeline safety division shall determine whether a violation of IC 8-1-26 occurred and by which person or entity. After making a determination of a violation, the pipeline safety division shall forward its findings of violations to the advisory committee.

(c) The pipeline safety division will provide the person or entity accused of violating IC 8-1-26 with notice and an opportunity to appear before the advisory committee to provide written evidence prior to the advisory committee making a recommendation on the summary damage report.

(d) A person or entity accused of violating IC 8-1-26 may send correspondence and written evidence regarding the pipeline safety division's finding of a violation to the advisory committee or appear at the public meeting in person to provide the written evidence.

(e) **For damages that occur on or after January 1, 2024, the advisory committee's penalty schedule approved in December 2023, effective January 1, 2024, is hereby incorporated by reference. Copies may be obtained from <https://www.in.gov/iurc/files/2024-UPPAC-Penalty-Schedule-.pdf>.** The advisory committee shall use **the incorporated** penalty schedule when determining recommended penalties.

(f) Upon receiving a recommendation from the advisory committee, the commission shall provide the person or entity accused of violating IC 8-1-26 with notice of the advisory committee's recommendation and provide the person or entity thirty (30) days to request a public hearing on the advisory committee's recommendation.

(g) A request for a public hearing before the commission must be filed and served following the procedures in 170 IAC 1-1.1.

(h) If a person or entity accused of violating IC 8-1-26 does not request a public hearing, the commission may act upon the advisory committee's recommendation.

(i) All hearings before the commission regarding violations of IC 8-1-26 are subject to the commission's rules of practice and procedure.

(Indiana Utility Regulatory Commission; 170 IAC 5-5-3; filed May 25, 2011, 12:57 p.m.: 20110622-IR-170100184FRA; readopted filed Apr 11, 2017, 9:52 a.m.: 20170510-IR-170170124RFA; filed Sep 20, 2023, 4:06 p.m.: 20231018-IR170220359FRA, eff Jan 5, 2024).