

ARTICLE 5. GAS UTILITIES

Rule 1. Standards of Service

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) Where applicable, the definitions set forth in IC 8-1-2-1 apply throughout this rule.

(b) As used in this rule, "customer" means any person, firm, corporation, municipality, or other government agency which 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 of this rule, "customer" shall be limited to mean persons who have agreed to pay for such service exclusively for residential purposes.

(c) As used in this rule, "disconnection" means the termination or discontinuance of gas service.

(d) As used in this rule, "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*)

170 IAC 5-1-2 Applicability of rules

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

Affected: IC 8-1-2-1; IC 8-1-2-33; IC 8-1-2-87

Sec. 2. Application of Rules. These rules shall apply to any gas public utility subject to the jurisdiction of the commission pursuant to the provisions of the Public Service Commission Act [IC 8-1-2], or any other statute of the State of Indiana, which now or hereafter may be engaged in the sale or distribution of gas service (herein called "public utility" or "utility"). (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 2; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 391; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-3 Retention of records

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

Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15

Sec. 3. Records to be Kept. All records required by these rules shall be preserved for at least three years except as otherwise provided herein or by IC 8-1-2-4 (Burns 54-315). Such records shall be kept within the State at the principal place of business of the public utility, or at such other places as the utility shall designate after notification to the commission, and shall be open for examination by the commission or its representatives. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 3; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 391; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-4 Meter records and reports

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

Affected: IC 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36

Sec. 4. Record of Meters and Meter Tests. (A) Meter Test Record. Whenever any meter in service is tested, a record shall be preserved containing the information necessary for identifying the meter, the reason for making the test, the reading of the meter before the test and the result of the test, together with all data taken at the time of the test in sufficiently complete form to permit the

convenient checking of the methods employed.

(B) Meter Record. Permanent records shall also be kept, systematically arranged, giving for each meter owned or used by any public utility, the year of purchase, its identification and the record of the last test to which it has been subjected, with date and general results of the test.

These records to apply to all meters purchased after the effective date of these rules [170 IAC 5-1] and to all other meters insofar as the information is available.

(C) Tabulation of Meter Tests. If required by the commission, annual tabulations of the results of all meter tests shall be made, arranged according to average accuracy or as the commission may request. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 4; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 391; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-5 Location of meters and regulators

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

Affected: IC 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36

Sec. 5. Location of Meters and Regulators. Meter and regulator locations shall be provided by the customer for the building or premises to be served. Location, space requirements, dimensions and type of installation shall be acceptable to the gas utility.

Piping at multiple meter installations shall be plainly marked by a metal tag or other permanent means, designating the part of the building being supplied. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 5; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 392; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-6 Customer meters; general requirements

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

Affected: IC 8-1-2

Sec. 6. (a) Whenever a meter is tested to determine the accuracy with which it has been registering in service, it may be considered correct if found not more than an average of two percent (2%), plus or minus, in error when tested at its check and open rates.

(b) For purpose of measurement to a customer, a cubic foot of gas is the amount of gas in a volume of one (1) cubic foot under the conditions existing in that customer's meter as and where installed, except:

(1) corrections may be made for temperature, pressure, and other nonstandard gas conditions as provided in the customer's contract; or

(2) the utility may, at its option, install gas meters which will compensate for changes in temperature above or below sixty degrees Fahrenheit (60° F).

(c) Each service meter of the displacement type must indicate clearly the cubic feet or other units of volume for which charge is made to the customer. Where gas is metered under high pressure or where the quantity is determined by calculation from recording devices, the utility shall, on request, supply the customer with the information to make clear the method by which the quantity is determined. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 6; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 392; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2161; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-7 Meter testing equipment and facilities; availability for inspection or use

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

Affected: IC 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36

Sec. 7. Meter Testing Equipment and Facilities. Each public utility furnishing gas service shall maintain the equipment and facilities necessary for accurately testing all types and sizes of meters employed for the measurement of gas delivered to its customers, unless arrangements shall have been made to have such testing done elsewhere. Testing equipment shall be maintained in good condition and correct adjustment so that it shall be capable of determining the accuracy of any service meter to within one-half of one per cent.

The accuracy of all provers and methods of operating same may be verified from time to time by a representative of the

Commission. The equipment so provided shall be available for inspection or use by any authorized Commission representative. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 7; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 393; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-8 Meter accuracy; error rates

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

Affected: IC 8-1-2

Sec. 8. Every gas service meter, whether new, repaired, or removed from service for any cause, when installed for the use of any customer, must be in good order and must have been adjusted to be as near zero (0) error as practicable, but not more than one and one-half percent (1 1/2%), plus or minus, in error when gas is flowing, at its check rate. Every meter shall also be adjusted so that the accuracy at open rate or full flow shall be within one percent (1%), plus or minus, of the accuracy at its check flow. The error of the meter shall be the average error of the check and open rates. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 8; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 393; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2161; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-9 Periodic testing of meters

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

Affected: IC 8-1-2

Sec. 9. A public utility may not allow a gas meter to remain in service for longer than sixteen (16) years without either:

(1) checking it for accuracy and readjusting it if found to be incorrect beyond the limits established under section 8 of this rule; or

(2) verifying by statistical quality control sampling as established in the approved statistical quality control program in the fifteenth year in service, and in each succeeding year the meter is allowed to remain in service that the meter in the population sampled does not exceed an average accuracy figure of one hundred two percent (102%) or two percent (2%) above absolute accuracy of one hundred percent (100%) when tested at the meter's check and open rates with an acceptable quality level (AQL) equal to ten (10.0).

(*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 9; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 393; filed Jun 11, 1984, 1:00 p.m.: 7 IR 1707; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2162; errata filed Jul 17, 1992, 5:00 p.m.: 15 IR 2596; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-9.1 Approved statistical quality control program

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

Affected: IC 8-1-2

Sec. 9.1. (a) A utility, at its option, may elect to use either of the following statistical quality control programs hereby incorporated by reference into the rules of the Indiana utility regulatory commission. Copies are available from the U.S. Government Printing Office Bookstores, 219 South Dearborn Street, Room 1365, Chicago, Illinois 60604.

(1) United States Military Standard #105-D, "Sampling Procedures and Tables for Inspection by Attributes", April 29, 1963.

(2) United States Military Standard #414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective", June 11, 1957.

(b) When using the method in subsection (a)(1), sample size code letters shall be taken from Table I, General Inspection Level II, or a tighter level at the utility's option. Sample size and acceptance-rejection numbers shall then be determined from Table II A, single sampling plan for normal inspection, using acceptable quality level (AQL) ten (10.0).

(c) When using the method in subsection (a)(2), sample size code letters shall be taken from Table A-2, General Inspection Level IV, or a tighter level at the utility's option. Sample size and maximum allowable percent defective (M) shall then be determined from Table B-3, master table for normal and tightened inspection for plans based on variability unknown, using an AQL ten (10.0).

(d) Meters for quality control sampling shall be separated into homogenous groups by year set, and may be further separated by manufacturer, capacity rating (or model), case type, diaphragm material, or other distinguishing characteristics. Where one (1) or more groups established are believed to be too small for practical quality control sampling, they may, at the utility's option, be

combined with another group of similar operating characteristics to establish a larger sampling base. Combined groups shall have sample size and acceptance-rejection numbers based on the combined total of meters.

(e) All meter groups, or combined meter groups, shall be subject to acceptance or rejection on the basis of the statistical results unless it becomes obvious that the rejected meters are predominantly from one (1) identifiable subgroup which may be shown by test data to have been affected by location, age, or other common factors. If this result should occur, the identifiable subgroup may be separated and the remaining meters treated as a new combined group with appropriate sample size and acceptance-rejection numbers.

(f) Rejected groups, or subgroups, shall be scheduled for removal from service during the next calendar year and shall be adjusted to meet the limits established under section 8 of this rule before being returned to service. (*Indiana Utility Regulatory Commission; 170 IAC 5-1-9.1; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2163; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-9.2 Statistical quality control program; meters in service

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

Affected: IC 8-1-2

Sec. 9.2. (a) The statistical quality control program may apply to all temperature compensated and noncompensated standard type diaphragm displacement gas meters in service. One (1) of the following must be used as a reference in implementing the statistical quality control program:

(1) United States Military Standard #105-D, "Sampling Procedures and Tables for Inspection by Attributes", April 29, 1963.

(2) United States Military Standard #414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective", June 11, 1957.

(b) All meters in service shall be separated into homogenous groups by year set and may be further separated by manufacturer, capacity rating (or model), case type, diaphragm material, or other distinguishing characteristics. Where one (1) or more groups established are believed to be too small for practical quality control sampling, they may be combined with other groups of similar characteristics to establish a larger sampling base.

(c) The sample for each group, so far as possible, shall be taken from routine meter exchanges and removals for each year, except that those meters removed or exchanged because of known or suspected defects and for special tests may be excluded from the quality control sample. If the number of routinely changed or removed meters exceeds the sample required, the test sample will be randomly selected from these meters in accordance with widely accepted tables of random numbers. If an inadequate number of meters are routinely exchanged or removed, the balance of meters required for sampling will be obtained from meters in service by removal on a randomly selected basis in accordance with widely accepted tables of random numbers.

(d) During the first through fourteenth year in service, a meter group may be sampled to forecast service life and exchange requirements or to predict work loads. If this sampling is done, service life shall not be required to be curtailed because of results obtained in these premature sampling tests. In the fifteenth and subsequent service years, meter groups shall be sample tested annually, being allowed to continue in service until an annual sample reaches its rejection number or maximum allowable percent defective number of deviant meters.

(e) A meter group in its fifteenth or later year in service shall be removed from service during the calendar year following that in which the group sample test indicates a rejected lot. Removed meters shall be adjusted to meet the limits established under section 8 of this rule before being returned to service.

(f) If it becomes obvious that the rejected meters are predominantly from an identifiable subgroup, which may be shown by test data to have been affected by location, age, or other common factors, the suspect subgroup may be separated. The remaining members of the original group may be evaluated separately with the newly established group then becoming subject to the action indicated by its acceptance-rejection numbers.

(g) Any meter tested which exceeds an average accuracy figure of one hundred two percent (102%) or two percent (2%) above absolute accuracy of one hundred percent (100%) when tested at check and open rates shall be classed as rejected. The entire meter group from which the sample was taken shall be classed as rejected when the number of sample meters rejected equals or exceeds the appropriate reject number for that sample quantity or when the percentage of defective meters, from Table B-5 of the United States Military Standard #414, exceeds the maximum allowable percent defective for that sample quantity.

(h) The sample size code shall be determined from Table I, General Inspection Level II of the United States Military Standard #105-D, or a tighter level at the utility's option. The sample quantity and rejection number are then determined from Table II A of the United States Military Standard #105-D for the code letter determined and acceptable quality level (AQL) ten (10.0).

(i) The sample size code shall be determined from Table A-2, General Inspection Level IV of the United States Military Standard #414, or a tighter level at the utility's option. Sample quantity and the maximum allowable percent defective are then determined from Table B-3 of the United States Military Standard #414 for the code determined and acceptable quality level (AQL) ten (10.0). The population percent defective is then determined from Table B-5 of the United States Military Standard #414 and compared to the maximum allowable percent defective to determine acceptance or rejection.

(j) A public utility that elects to follow the sixteen (16) year periodic testing requirement, under section 9 of this rule, shall, by not later than March 1 of the succeeding year, file with the commission engineering division a report of sufficient detail to verify compliance with the periodic testing requirement for a given year.

(k) A public utility that verifies the accuracy of meters by an approved statistical quality control program under section 9 of this rule, shall, by not later than March 1 of each year, file with the commission engineering division a report of the results of sample tests for the preceding calendar year. This report shall be in such detail as to verify that the statistical quality control sampling tests were performed as set out in subsections (b) through (e).

(l) All flow and differential meters shall be checked for accuracy and, if found incorrect, be adjusted as near zero (0) error as practicable, at periods not to exceed three (3) months, in a manner satisfactory to the commission. (*Indiana Utility Regulatory Commission; 170 IAC 5-1-9.2; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2164; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-10 Pressure and temperature recorders tests

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

Affected: IC 8-1-2

Sec. 10. All pressure, temperature, and other instruments used in correcting gas volumes to base or standard conditions (other than temperature-compensated meters) shall be checked for accuracy at intervals not exceeding one (1) year and if found to be out of limits shall be adjusted to as near zero (0) error as practicable. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 10; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 398; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2165; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-11 Customer request for meter test; application to utility

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

Affected: IC 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36

Sec. 11. Meter Tests Upon Written Request by Customer to Public Utility. Each public utility supplying gas service shall make a test of the accuracy of registration of a meter upon written request by a customer. A second test of the customer's meter may be requested after twelve (12) months. The customer may be required to bear the full cost of any subsequent tests of customer's meter if requested at less than thirty-six (36) months after preceding test, if error of the meter is found to be in compliance with Rule 6 (A) [170 IAC 5-1-6(A)]. A written report giving the results of such tests shall be made to the customer and a complete record of the same shall be kept on file in the office of the public utility. Any appeal, in regard to the results of the customer's meter test, shall be filed with the commission under Rule 12 [170 IAC 5-1-12] within five (5) days of date of report. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 11; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 398; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-12 Customer request for meter test; application to commission

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

Affected: IC 8-1-2-35

Sec. 12. (a) A test will be made of a customer's meter by the public utility under the supervision of an employee of the commission upon formal notice to the utility and application to the commission. At the time the customer requests a meter test, the commission shall promptly notify the public utility of any such request. No fee shall be payable by the customer for such test.

(b) This section shall not interfere with the practice of a public utility in its test of gas service meters except that, in the event of a written application to the commission by a customer for a test, the utility shall not knowingly remove or interfere with said meter without the prior written approval of the customer. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 12; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 398; errata, 11 IR 4109; filed Jun 8, 1992,*

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5:00 p.m.: 15 IR 2165; filed Jan 15, 1997, 2:00 p.m.: 20 IR 1346; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)

170 IAC 5-1-13 Bills

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

Affected: IC 8-1-2-38; IC 8-1-2-42; IC 8-1-2-87

Sec. 13. Bills for Gas Service. (A) Bills rendered periodically to customers for gas service shall show at least the following information:

- (1) The dates and meter readings of the meter at the beginning and end of the period for which the bill is rendered and the billing date, and
- (2) The number and kind of units of service supplied,
- (3) The billing rate code,
- (4) The previous balance, if any,
- (5) The amount of the bill,
- (6) The sum of the amount of the bill and the late payment charge,
- (7) The date on which the bill becomes delinquent and on which the late payment charge will be added to the bill,
- (8) If the bill is estimated, a clear and conspicuous coding or other indication identifying the bill as an estimated bill must be shown,
- (9) Printed statements and/or actual figures on either side of the bill shall inform the customer of the seventeen (17) day non-penalty period,
- (10) An explanation, which can be readily understood, of all codes and/or symbols shall be shown on the bill.

(B) Delinquencies. (1) A utility service bill which has remained unpaid for a period of more than seventeen (17) days following the mailing of the bill shall be a delinquent bill.

(2) A utility service bill shall be rendered as a net bill. If the net bill is not paid within seventeen (17) days after the bill is mailed, it shall become a delinquent bill and a late payment charge may be added in the amount of ten (10) percent of the first three (3) dollars and three (3) percent of the excess of three (3) dollars.

(C) Estimated Bills. (1) A gas public utility may estimate the bill of any customer only for good cause. Good cause includes, but is not limited to: requests of customer; inclement weather; labor or union disputes; inaccessibility of a customer's meter, if the utility has made a reasonable attempt to read it; and other circumstances beyond the control of the utility, its agents, and employees.

(D) Alternative Billing Method and Dates ("Budget Plan").

(1) Each utility shall have and shall advise each applicant and customer of a policy and practice which allows applicant or customer to contract for a plan whereby the company averages the estimated bill over an extended period and balances the account at the end of that period.

(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 13; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 399; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)

170 IAC 5-1-14 Billing adjustments

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

Affected: IC 8-1-2

Sec. 14. (a) If any service meter is found to have a percentage of error greater than that allowed under section 6(a) of this rule, the following provisions for the adjustment of bills shall be observed:

(1) When a meter is found to be fast, in excess of two percent (2%) when tested at check and open rates (positive average error), the utility shall refund the customer's account with the amount of any charges in excess of either of the following:

(A) An average bill for the units of gas incorrectly metered.

(B) Separate bills individually adjusted for the percent of error for a period equal to one-half (1/2) of the time elapsed since the previous test, or one (1) year, whichever period is shorter.

An average bill shall be calculated on the basis of units registered on the meter over corresponding periods either prior to or subsequent to the period for which the meter is determined to be fast. No part of a minimum service charge shall be refunded.

(2) When a meter is stopped or is slow, in excess of two percent (2%) when tested at check and open rates (negative average error), the utility may charge the customer for the units of gas incorrectly metered for one-half (1/2) of the time elapsed since

the previous test, or one (1) year, whichever period is shorter. The amount of the charge to the customer shall be estimated on the basis of either of the following:

- (A) An average bill.
- (B) Separate bills individually adjusted for percent of error.

An average bill shall be calculated on the basis of units registered on the meter over corresponding periods either prior to or subsequent to the period for which the meter is determined to be slow or stopped. Such action may be taken only in cases where the utility is not at fault for allowing the stopped or slow meter to remain in service.

(b) All other billing errors, including incorrect tariff applications, may be adjusted to the known date of error or for a period of one (1) year, whichever period is shorter. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 14; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 400; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2166; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-15 Creditworthiness of customer; deposit; refund

Authority: IC 8-1-1-3

Affected: IC 8-1-2-87; IC 12-14-11; IC 32-34-1-20

Sec. 15. (a) Each utility shall determine the creditworthiness of residential applicants or customers in an equitable and nondiscriminatory method:

- (1) without regard to the economic character of the area wherein the applicant or customer resides; and
- (2) solely upon the credit risk of the individual without regard to the collective credit reputation of the area in which he or she lives.

(b) Each new applicant for residential gas service shall be deemed creditworthy and shall not be required to make a deposit as a condition of receiving service if the applicant satisfies the following criteria:

- (1) If the applicant has been a customer of any utility within the last two (2) years, the applicant:
 - (A) owes no outstanding bills for service rendered within the past four (4) years by any such utility;
 - (B) during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills that were delinquent to any utility or, if service was rendered for a period for less than twelve (12) months, did not have more than one (1) delinquent bill in the period; and
 - (C) within the last two (2) years, did not have a service disconnected by a utility for nonpayment of a bill for services rendered by that utility.

(2) If the applicant has not been a customer of a utility during the previous two (2) years, any two (2) of the following criteria are met:

- (A) The applicant either:
 - (i) has been employed by his or her present employer for two (2) years;
 - (ii) has been employed by his or her present employer for less than two (2) years, but has been employed by only one (1) other employer during the past two (2) years; or
 - (iii) has been employed by the present employer for less than two (2) years and has no previous employment due to recently:
 - (AA) graduating from a school, university, or vocational program; or
 - (BB) being discharged from military service.

- (B) The applicant either:
 - (i) owns or is buying his or her home; or
 - (ii) is renting a home or an apartment and has occupied the premises for more than two (2) years.

(C) The applicant has credit cards, charge accounts, or has been extended credit by a bank or commercial concern unless a credit check shows that the applicant has been in default on any such account more than twice within the last twelve (12) months.

(c) Deposits for residential customers shall be assessed as follows:

(1) Deposits for utilities serving at least thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission, or their affiliates as defined in clause (G) below, shall be assessed as follows:

- (A) New applicants who have not been a customer of the utility during the previous four (4) years who fail to establish creditworthiness under subsection (b)(2) may be required to make a deposit not to exceed one-sixth ($\frac{1}{6}$) of the estimated

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annual cost of regulated utility service to be rendered to the applicant.

(B) Subject to the requirements of clause (E), an applicant that has been a customer of the utility during the previous four (4) years may be required to make a deposit not to exceed one-third ($\frac{1}{3}$) of the estimated annual cost of regulated utility service to be rendered to the applicant, when the applicant:

- (i) owes an outstanding bill for service rendered by the utility within the past four (4) years;
- (ii) during the last twelve (12) consecutive months that the service was provided, had more than two (2) bills that were delinquent to the utility or, if service was rendered for a period of less than twelve (12) months, had more than one (1) delinquent bill in such period; or
- (iii) within the last two (2) years had service disconnected by the utility for nonpayment of a bill for services rendered by that utility.

(C) Subject to the requirements of clause (E), the customer may be required to make a deposit not to exceed one-third ($\frac{1}{3}$) of the estimated annual cost of regulated utility service to be rendered to the customer when:

- (i) the customer has been mailed disconnect notices for two (2) consecutive months;
- (ii) the customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or
- (iii) the service to the customer has been disconnected within the previous two (2) years under section 16 of this rule.

(D) If a customer has contracted for the budget plan, the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments.

(E) From November 1 to March 15 of any year, applicants or customers who the utility has been informed by the state or its agent are eligible and have applied for low income heating assistance under IC 12-14-11, may be required to make a deposit not to exceed one-sixth ($\frac{1}{6}$) of the estimated annual cost of regulated utility service to be rendered to the applicant or customer.

(F) An initial deposit made by an applicant shall be subject to reevaluation upon the request of either the utility or the applicant, based upon actual charges for services rendered, at any time after service has been provided.

(G) The provisions of this subdivision shall apply to any utility, regardless of size, that has an affiliate utility serving at least thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission.

(2) Subject to the provisions of subdivision (1)(G), deposits for utilities serving less than thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission, shall be assessed as follows:

(A) If the applicant fails to establish that he or she is creditworthy under subsection (b), the applicant may be required to make a reasonable deposit. The deposit shall not exceed one-third ($\frac{1}{3}$) of the estimated annual cost of service to be rendered to the applicant unless the customer has contracted for the budget plan, in which case the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments. If a deposit is greater than seventy dollars (\$70), the utility shall advise the applicant or customer simultaneously with making a demand for a deposit that the applicant or customer may pay the deposit in equal installment payments over a period of no less than eight (8) weeks. Service shall be connected upon receipt by the utility of the first such payment.

(B) Unless a present customer has contracted for the budget plan, in which case the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments, a present customer may be required to make a reasonable deposit not [*sic.*, to] exceed an amount equal to one-third ($\frac{1}{3}$) of the expected annual billings for the customer at the address at which service is rendered when:

- (i) the customer has been mailed disconnect notices for two (2) consecutive months;
- (ii) the customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or
- (iii) the service to the customer has been disconnected within the past four (4) years under section 16 of this rule.

(d) If a utility requires a deposit as a condition of providing service, then the utility must:

- (1) immediately notify the applicant stating the precise facts upon which the utility based its decision; and
- (2) provide the applicant with an opportunity to rebut the facts and show other facts demonstrating his or her creditworthiness.

(e) In the event the required deposit from a utility serving at least thirty-five thousand (35,000) residential customers, or its affiliate, is in excess of one hundred fifty dollars (\$150), the utility shall advise the customer that he or she may pay the deposit in

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installments, the initial installment being one hundred fifty dollars (\$150), with subsequent payments of the deposit balance paid over a period of up to twelve (12) weeks, except where the deposit is required as a result of a disconnection for nonpayment, in which case full payment of the deposit may be required prior to reconnection. The utility shall record the terms of any payment arrangement by selecting one (1) of the following methods:

- (1) Sending the customer a letter describing the terms of the payment arrangement, including the following:
 - (A) The amount of each installment.
 - (B) The due date or dates.
 - (C) The total amount due.
 - (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.
- (2) Describing the terms of the payment arrangement on the customer's bill, including the following:
 - (A) The amount of each installment.
 - (B) The due date or dates.
 - (C) The total amount due.
 - (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.
- (3) Making a voice recording of a telephone conversation in which the customer agrees to the payment arrangement, including the following:
 - (A) The amount of each installment.
 - (B) The due date or dates.
 - (C) The total amount due.
 - (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.

Recordings of telephonic payment arrangements shall be maintained for at least six (6) months after the arrangement is completed or broken by the customer.

(f) Requirements for interest upon deposits shall be as follows:

- (1) For a utility serving less [*sic., than*] thirty-five thousand (35,000) residential customers, deposits held more than twelve (12) months shall earn interest from the date of deposit at a rate of six percent (6%) per annum or at such other rate of interest as the commission may prescribe following a public hearing.
- (2) For a utility serving at least thirty-five thousand (35,000) residential customers, a deposit held more than thirty (30) days shall earn interest from the date the deposit is paid in full. Beginning on the effective date of this section, the rate of interest shall be set by the commission based upon the then existing rate for one (1) year United States Treasury Constant Maturity securities. The interest rate shall be rounded to the nearest one-half ($\frac{1}{2}$) of one percent (1%). In December of each year, the commission shall issue a general administrative order establishing the interest rate for the next calendar year that shall be paid on all deposits held during all or part of the subsequent year.
- (3) The deposit shall not earn interest after the date it is mailed or personally delivered to the customer, or otherwise lawfully disposed.

(g) Requirements for refunds shall be as follows:

- (1) Any deposit or accrued interest shall be promptly refunded directly to the customer or credited to the customer's account without the customer's request when the customer:
 - (A) submits satisfactory payment for a period of either:
 - (i) twelve (12) successive months; or
 - (ii) twelve (12) out of any fifteen (15) consecutive months without late payment in two (2) consecutive months;or
 - (B) demonstrates his or her creditworthiness as provided by subsection (b).
- (2) Refunds of deposits or accrued interest issued under this section must be accompanied by a statement of accounting for each transaction affecting the deposit and interest.
- (3) Following customer-requested termination of service, the utility shall:
 - (A) apply the deposit, plus accrued interest, to the final bill; or
 - (B) upon specific request from the customer, refund the deposit, plus accrued interest, within fifteen (15) days after payment of the final bill.
- (4) Each utility shall maintain a record of each applicant or customer making a deposit that shows the following:
 - (A) The name of the customer.
 - (B) The current address of the customer so long as he or she maintains an active account with the utility in his or her

name.

(C) The amount of the deposit.

(D) The date the deposit was made.

(E) A record of each transaction affecting the deposit.

(5) Each customer shall be provided a written receipt from the utility:

(A) at the time his or her deposit is paid in full; or

(B) when he or she makes a partial payment.

The public utility shall provide a reasonable method by which a customer who is unable to locate his or her receipt may establish that he or she is entitled to a refund of the deposit and payment of interest thereon.

(6) Any deposit made by the applicant, customer, or any other person to the utility (less any lawful deductions), or any sum the utility is ordered to refund for utility service, that has remained unclaimed for one (1) year after the utility has made diligent efforts to locate the person who made the deposit or the heirs of the person, shall be presumed abandoned and treated in accordance with IC 32-34-1 et seq.

(7) A deposit may be used by the utility to cover any unpaid balance following disconnection of service under section 16 of this rule, provided, however, that any surplus be returned to the customer as provided in subsection (f) and this subsection.

(h) The commission may require that data be reported by utilities in order to determine whether a utility is providing service consistent with this rule. The utility shall respond to any survey that is issued by the commission in a timely manner and provide copies of such survey responses to the office of the utility consumer counselor. Requested information in the survey may include, but is not limited to, the following:

(1) the amount of collected deposits;

(2) the number of customers assessed deposits;

(3) the number of customers served who are receiving low-income heating assistance; and

(4) the amount of uncollected debt.

(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 15; filed Oct 14, 1976, 10:20 a.m.: Rules and Regs. 1977, p. 401; filed Oct 28, 1998, 3:22 p.m.: 22 IR 730; errata filed Nov 22, 1999, 3:31 p.m.: 23 IR 812; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Feb 16, 2006, 8:14 a.m.: 29 IR 2164)

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

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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 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 ($\frac{1}{10}$) 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 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, the utility may disconnect only as provided in section 17(C) of this rule.

(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 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, 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 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.

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(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.

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*)

170 IAC 5-1-16.5 Home energy assistance; involuntary termination of service; definitions

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

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

Sec. 16.5. (a) "Commission" means the public service commission of Indiana.

(b) "Customer" means for the purposes of this rule [170 IAC 5-1] a person who has agreed to pay for gas services exclusively for residential purposes.

(c) "Disconnect" means the termination or discontinuance of gas services. (*Indiana Utility Regulatory Commission; 170 IAC 5-1-16.5; filed Oct 13, 1983, 4:02 pm: 7 IR 42; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-16.6 Home energy assistance; disconnection of service to recipients; notice period

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

Affected: IC 8-1-2-113; IC 8-1-2-121

Sec. 16.6. (a) Without customer request, a utility may not during the period from December 1 through March 15, disconnect gas residential service to any customer who either is receiving or who is eligible for and has applied for assistance under IC 4-27-5 [IC 4-27-5 was repealed by P.L.30-1987, SECTION 22, effective June 30, 1987.].

(b) During the period from December 1 through March 15, a utility may not disconnect service to such customers if:

(1) The customers' eligibility to receive benefits pursuant to IC 4-27-5 [IC 4-27-5 was repealed by P.L.30-1987, SECTION 22, effective June 30, 1987.] is being determined by the department of aging and community services or its designee after the submission of a complete application for benefits by the customer.

(2) The customer has furnished to the utility proof of his application to receive such benefits or the utility has been so notified

in writing by the department of aging and community services or its authorized representatives.

(c) This rule [170 IAC 5-1] does not prohibit a utility from terminating residential gas service upon the request of a customer or under the following circumstances:

- (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 such 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 such tampering.

(Indiana Utility Regulatory Commission; 170 IAC 5-1-16.6; filed Oct 13, 1983, 4:02 pm: 7 IR 42; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)

170 IAC 5-1-17 Customer complaints

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

Affected: IC 8-1-2-55; IC 8-1-2-58; IC 8-1-2-59

Sec. 17. Complaints and Review. (A) Complaint Procedure. (1) A customer may complain at any time to a utility about any bill which is not delinquent at that time, security deposit, disconnection notice, 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 from the utility at its business offices. A complaint shall be considered filed upon receipt by the utility, except mailed complaints shall be considered filed as of the postmark date. In making a complaint and/or request for conference, the customer shall state at a minimum, his name, service address, and the general nature of his complaint.

(2) Upon receiving each such complaint or request for conference, the utility:

(a) shall promptly, thoroughly and completely investigate such complaint, confer with the customer when requested and 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 written notification shall advise the customer that he may, within seven (7) days following the date in which such notification is mailed, request a review of such proposed disposition by the Commission.

(B) Review. (1) If the customer is dissatisfied with the utility's proposed disposition of the complaint as provided in Rule 16.1(A) (2) [subsection (A)(2) of this section], he may request the Commission in writing within seven (7) days following the date in which such notification is mailed, to informally review the disputed issue and the utility's proposed disposition thereof. Such request shall certify that the customer has also sent a copy of his request for review to the utility involved. Upon receiving such request, the Commission shall provide an informal review within twenty-one (21) days. The review shall consist of not less than a prompt and thorough investigation of the dispute and shall result in a written decision to be mailed to the customer and the utility within thirty (30) days after its 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 reviews shall be kept in a systematic order.

(C) Continuation of Service Pending Disposition of Complaint. (1) If the customer is receiving service at the time the complaint and/or request for conference provided for in Rule 16.1(A) (1) [subsection (A)(1) of this section] above is received by the utility, his service shall not be disconnected until ten (10) days have elapsed from the date of mailing of the notification of the utility's proposed disposition of his complaint. Provided, however, that if a review by the Commission of the utility's proposed disposition of the complaint is requested by the customer as provided by Rule 16.1(B) (1) [subsection (B)(1) of this section] within seven (7) days after the mailing of such proposed disposition of the complaint, the utility shall not disconnect the customer's service until at least three (3) days have elapsed from the date of mailing of the Commission's decision upon and pursuant to such review if the customer who has requested such review has paid and continues to pay all undisputed bills, portions of disputed bills as specified in Rule 16.1(C) (2) [subsection (C)(2) of this section] below, and pays all future undisputed bills prior to their becoming delinquent.

(2) In those instances when the customer and utility 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 average bill for the twelve (12) months immediately preceding the disputed bill except in those cases where the customer has received fewer than twelve (12) bills, in which event the customer shall pay an amount equal to 1/12 of the estimated annual cost of service to be rendered to the customer.

(D) Record of Complaints. (1) Each utility shall keep a written record of complaints and requests for conferences pursuant to

Rule 16.1 [this section]. Such records shall be retained at the office or branch office of the utility or in the respective department office thereof where such complaints were received and/or any conferences were subsequently held. Such written records are to be readily available upon request by the concerned customer, his agent possessing written authorization, or the Commission.

(2) Each utility shall annually submit a report to the Commission which shall state and classify the number of complaints made to the utility pursuant to Rule 16.1 [this section], the general nature of the subject matter thereof, how received (in person, by letter, etc.) and whether a Commission review was conducted thereon.

(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 16.1; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 407; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)

170 IAC 5-1-18 Informational pamphlets; rate schedules; notice of proposed rate change

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

Affected: IC 8-1-2-42; IC 8-1-2-43

Sec. 18. Information Provided by Utilities to Applicants and Customers. (A) Each utility must publish and distribute, without request, to all applicants for service and to all current customers, a comprehensive pamphlet which, in clear language, easily understandable to a layman, fully describes the rights and responsibilities of the customers.

(B) A utility shall supply free of charge a copy of the rate schedules applicable to the types of service available to new applicants for and existing customers of residential service, upon request by the applicant or customer.

(C) Each utility, whenever it petitions the Commission for any change in its residential base rate schedules must furnish to each residential customer within forty-five (45) days of such request and prior to the date of the public hearing a notice which fairly summarizes the nature and extent of the proposed changes. Notice is not necessary, under this section, for tracking increases or decreases. *(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 16.2; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 409; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)*

170 IAC 5-1-19 System instrumentation; testing requirements

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

Affected: IC 8-1-2-33; IC 8-1-2-34; IC 8-1-2-35

Sec. 19. System Instrumentation. (A) Pressure Records. Periodic test shall be made of pressure maintained in various districts, and the records or charts so obtained shall be filed where they may be conveniently examined by authorized personnel of the Commission.

(B) Meters. Each public utility shall install meters where necessary, so that total gas send-out may be determined.

(C) Heating Value Measurement. Each utility distributing other than natural gas (gases whose heating value can vary significantly over a period of time) shall have equipment for measuring the heating value of the gases distributed or shall have such information available. Heating value measurements shall be made as often as necessary to verify that the gas being distributed is within the required heating value limits. *(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 17; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 409; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)*

170 IAC 5-1-20 Standard heating value; allowable variations

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

Affected: IC 8-1-2-87

Sec. 20. Heating Value. (A) Standard heating value of the gas distributed by a public utility shall be that of its major suppliers as shown on its rate schedules or as filed with the Commission.

(B) Variation from standard heating value is permissible, on injection into the distribution system of substitute gases, to maintain a quality of gas interchangeable with the utility's standard heating value. Heating value shall not be allowed to fall more than five (5) percent below the heating value upon which the utility's rates are predicated. *(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 18; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 409; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)*

170 IAC 5-1-21 Gas pressure; allowable variations

Authority: IC 8-1-1-3; IC 8-1-2-4
Affected: IC 8-1-2-87

Sec. 21. Pressure of Gas. (A) Gas shall be supplied at a pressure never varying by an amount more than fifty percent above or below the normal pressure, as measured at point of delivery to the customer, provided however, that the maximum pressure on any day at point of delivery, shall never be greater than twice the normal minimum pressure on that day at that point, excluding customers being supplied gas under special contracts.

(B) Any public utility supplying gas shall not be deemed to have violated the preceding paragraph of this rule, if it can be shown that variations in gas pressure occurring are due to conditions beyond the control of the utility. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 19; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-22 Gas purity

Authority: IC 8-1-1-3; IC 8-1-2-4
Affected: IC 8-1-2-87

Sec. 22. Purity of Gas. Gas distributed in this state shall be commercially free of liquids, solids, and gaseous materials which would interfere with its safe use in properly adjusted approved equipment and appliances of customers or which would seriously corrode, damage, or affect the safe and proper operation of gas approved lines, regulators, meters, or other equipment of the utility or its customers. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 20; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-23 Interruption of service; records and reports

Authority: IC 8-1-1-3; IC 8-1-2-4
Affected: IC 8-1-2-87; IC 8-1-2-113

Sec. 23. Interruption of Service. Public gas utilities shall maintain records and file reports of interruptions of service in the manner and form as prescribed in "Minimum State Safety Standards for the Transportation of Gas and Related Pipeline Facilities Appendix A" Rule 4 (C) [170 IAC 5-3-4], as approved in Commission Order No. 32885, March 24, 1972, including any deletions, additions or revisions subsequent thereto on approval of the Commission. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 21; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-24 Accident reports

Authority: IC 8-1-1-3; IC 8-1-2-4
Affected: IC 8-1-2-87; IC 8-1-2-114

Sec. 24. Accidents. Public gas utilities shall file accident reports with the Pipeline Safety Division of the Commission, as set forth in "Minimum State Safety Standards for the Transportation of Gas and Related Pipeline Facilities Appendix A", Rule 4(A) [170 IAC 5-3-4], approved by the Commission in its Order No. 32885, March 24, 1972, including any subsequent deletions, additions or revisions thereto approved by the Commission. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 22; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-25 Transportation and pipeline safety standards

Authority: IC 8-1-1-3; IC 8-1-2-4
Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 25. Construction, Operations and Maintenance. Construction, operation and maintenance of gas facilities by public gas utilities shall comply with the "Minimum State Safety Standards for the Transportation of Gas and Related Pipeline Facilities

Appendix A” [170 IAC 5-3] as approved by the Commission in its Order No. 32885, March 24, 1972, and any subsequent deletions, additions or revisions thereto approved by the Commission. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 23; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-26 Customer requests for modification; liability for costs

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

Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 26. Modification at Customer's Expense. If a customer requests for his convenience or by his actions requires that utility facilities be redesigned, reengineered, relocated, removed, modified, or reinstalled, the utility may require the customer to make payment to it of the full cost of performing such service. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 24; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 410; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-27 Extension of distribution mains; variances

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

Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 27. Extension of Distribution Mains. (A) Jurisdiction of Commission. The provisions of this rule [*this section*] shall govern the Commission in determining all matters relative thereto coming before it.

(B) Responsibility of Gas Utilities. In addition to its statutory responsibilities, each gas public utility shall, upon proper application for service, have the authority and obligation subject to the provisions below and in keeping with the filings approved by the Commission as to the availability of gas service, to make free of charge an extension necessary to give service when the estimated total revenue, for a period of three (3) years, from the prospective customer or customers, is at least equal to the estimated cost of such extension.

(C) Extension Exceeding the Costs Limits Set Forth in (B) Above. If the estimated cost of the extension required to furnish service is greater than the total estimated revenue from such extension specified herein, such an extension shall be made under the following conditions:

(1) Upon proper application for such extension and (i) receipt by the gas public utility of a cash deposit in an amount equal to the cost of such extension in excess of the amount which would have qualified as provided in (B) above or (ii) receipt by the gas public utility of adequate provision, mutually acceptable to the parties, for payment of such cash deposit upon completion of the construction of the extension, the gas utility shall proceed with such extension, without specific approval of the agreement by the Commission, or

(2) If (a) in the opinion of the gas utility the estimated cost of such extension and the prospective revenue to be received from it is so meager as to make it doubtful whether the revenue from the extension would ever pay a fair return on the investment involved in such extension, or (b) in a case of real estate development, with slight or no immediate demand for service, or (c) in the case of an installation requiring extensive equipment with slight or irregular service; then in any of these cases the gas utility shall submit the agreement for such an extension to the Commission for investigation and determination as to the public convenience and necessity of such extension, and if so required, the conditions under which it shall be made, and

(3) For each customer, exclusive of the initial applicants considered in the making of an extension, connected to such an extension within the period of six years from the completion of such extension, the gas utility shall refund to such initial applicants, in proportion to their respective contributions toward the cost of such extension, an amount equal to three (3) times the estimated annual revenue from such new customer, less the cost of service such new customer, but the total of all refunds to any such applicant shall in no event exceed the aforesaid contribution of such applicant.

(D) Information. (1) All estimates of cost as required in (B) above shall be determined by the utility from actual experience, and each gas utility shall within the first quarter of each year submit to the Commission information used to establish the basis for the above amounts.

(2) In estimating the cost of an extension, the estimate shall be based on the diameter of the pipe to be used; provided, however, the estimated cost to the customer or customers shall not be based on a pipe diameter in excess of four (4) inches, unless actual consumption estimated for the proposed customer(s) requires a larger pipe.

(3) In the event that the applicant is required by (C) above to make any payment, the utility shall upon request make available to the applicant:

(a) the information used to establish the basis for the applicable amount as submitted to the Commission in compliance with this rule; and

(b) the information used to establish the basis for the “estimated total revenue for a period of three (3) years to be realized by the utility from permanent and continuing customers on such extension” as required by this rule.

(E) Contract for Service. A gas utility shall not be required to make extension as provided in this Rule 25 [this section] unless the customers to be initially served by such extension upon its installation have entered into an agreement with the gas utility setting forth the obligations and commitments of the parties, which may require the customer to provide a satisfactory guaranty to the gas utility of the performance of the customer's obligations thereunder.

(F) Variations from Rule. This Rule 25 [this section] shall not be construed as prohibiting a gas utility from (1) making extensions without charge where the cost of the same is greater than is provided in (B) above, or (2) providing an alternate plan to be approved by the Commission; provided that in the application of this subsection (F) no discrimination is practiced between customers whose service requirements are similar.

(G) The utility shall use good utility and engineering practices in determining the route for the main extension required to serve a petitioner(s). If it is unreasonable to use public rights-of-way or it is otherwise unavailable for the utilities' use, the petitioner shall give all reasonable assistance in obtaining private rights-of-way for the main extension; however, if such a negotiated acquisition is impossible, then the utility shall use its power of eminent domain to obtain the needed right-of-way for installation of the extension where the extension is proposed to or will be capable of serving two or more users. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 25; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 411; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-28 Rate schedules, rules and regulations; filing; public inspection

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

Affected: IC 8-1-2-38; IC 8-1-2-39

Sec. 28. Filing and Posting of Rate Schedules, Rules and Regulations of Public Utility and of the Commission. Copies of all schedules of rates for service, forms of contracts, charges for service connections and extensions, and of all rules and regulations covering the relationship between the customer and the public utility shall be filed by each public utility in the office of the Commission. Complete schedules, contract forms, rules and regulations, etc., if filed with the Commission, shall also be on file in the local office of the public utility, and shall be open to the inspection of the public. The attention of the public shall be called to these files of schedules, rules and regulations, by placing a suitable placard in that part of the office open to the public. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 26; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 413; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-29 Date of compliance with rules, regulations and standards of service

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

Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 29. Date of Compliance with Rules. All gas public utilities shall comply with these Rules, Regulations and Standards of Service [170 IAC 5-1] within 180 days after their date of effectiveness. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 27; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 413; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-1-30 Savings clause

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

Affected: IC 8-1-2-33; IC 8-1-2-87

Sec. 30. Saving Clause. The adoption of these rules [170 IAC 5-1] shall in no way preclude the Commission from altering or amending the same, in whole or in part, or from requiring any additional service, equipment, facility or standards, whether upon complaint or upon its own motion, or upon the application of any public utility; and, further these rules [170 IAC 5-1] shall in no

way relieve any public utility from any of its duties under the laws of this State. (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 28; filed Oct 14, 1976, 10:20 am: Rules and Regs. 1977, p. 413; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

Rule 2. Classification of Accounts

170 IAC 5-2-1 Combination gas and electric private utilities (Repealed)

Sec. 1. (*Repealed by Indiana Utility Regulatory Commission; No. 33684: Combination Gas and Electric Private Utilities; filed Jan 30, 1979, 10:50 am: 2 IR 299*) NOTE: IAC citation in Indiana Register is incorrectly cited as 170 IAC 5-2-2.

170 IAC 5-2-2 Classification of accounts; adoption of rules

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-12

Affected: IC 8-1-2

Sec. 2. The amendments to the rules governing the classification of accounts for all other Class A-B private gas utilities and all Class C-D private gas utilities and Class A-B-C-D municipal gas utilities operating within the state of Indiana, as hereinafter set out in Appendix A which includes the Uniform System of Accounts for Class A and B Gas Utilities, 1976 and the 1976 Revisions of Uniform System of Accounts for Class C and D Gas Utilities, 1973, are hereby adopted by reference. Copies are available from the National Association of Regulatory Utility Commissioners, 1102 Interstate Commerce Commission Building, Constitution Avenue and Twelfth Street, N.W., Post Office Box 684, Washington, D.C. 20044. (*Indiana Utility Regulatory Commission; No. 33684: Gas Utilities; filed Dec 30, 1974, 10:41 a.m.: Rules and Regs. 1975, p. 538; No. 35061: filed Jun 12, 1978, 3:15 p.m.: 1 IR 76; filed Oct 4, 1990, 3:51 p.m.: 14 IR 258; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-2-3 Major private gas utilities; adoption of federal energy regulatory commission rules

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-12

Affected: IC 8-1-2

Sec. 3. (a) The rules governing the classification of accounts for all major private gas utilities, not provided for in section 2 of this rule, operating within the state of Indiana as approved, prescribed, and promulgated by the Federal Energy Regulatory Commission on February 12, 1985, are adopted by reference.

(b) Copies of the accounting and reporting requirements prescribed for major private gas utilities as approved, prescribed, and promulgated by the Federal Energy Regulatory Commission are available for purchase from the Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street, Room 9200, Washington, D.C. 20426. (*Indiana Utility Regulatory Commission; 170 IAC 5-2-3; filed Oct 4, 1990, 3:51 p.m.: 14 IR 258; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

Rule 3. Minimum Safety Standards for the Transportation of Gas and Related Pipeline Facilities

170 IAC 5-3-1 Federal and other standards; compliance; general provisions

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5

Sec. 1. General. (a) In accordance with Indiana Public Law 84, Acts of 1971 (IC 1971, 8-1-22.5) each intrastate gas pipeline operator, having gas facilities within the State of Indiana, shall:

(1) Construct, operate and maintain its facilities in accordance with Federal safety standards applicable to the transportation of natural and other gas and for pipeline facilities used in this transportation established and in effect, from time to time, pursuant to the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481, 49 U.S.C., 1671 et seq.) as the same may be amended, with the following supplements contained herein:

(2) Comply with any other code, standard or regulation contained herein, insofar as any such code, standard or regulation is herein made applicable, and

(3) Be governed, after due notice, by any deletion, addition, revision or amendment thereof.

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(b) Any and all terms used herein shall, where applicable, be defined in accordance with and be the same as the definitions specified in Parts 191, 192, and 193, Title 49, Code of Federal Regulations and Indiana Public Law 84, Acts of 1971 (IC 1971, 8-1-22.5).

(c) The Section numbers listed herein refer to the Section numbers of Title 49 Code of Federal Regulations, Parts 191, 192, and 193.

(d) All records required by these rules [170 IAC 5-3] shall be preserved for at least three years after they are made. Such records shall be kept within the State, at the office or offices of the operator located in the territory served by it, and shall be open for examination by the Commission or its representatives. The provisions of this subsection shall not be construed so as to lessen or increase the period of maintenance of records as specifically provided herein. (*Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 1; filed May 12, 1972, 10:30 am: Rules and Regs. 1973, p. 537; filed May 7, 1982, 2:00 pm: 5 IR 1175; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 5-3-2 Federal regulations; revision

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2-1; IC 8-1-2-33; IC 8-1-2-87; IC 8-1-22.5

Sec. 2. Revisions of Federal Regulations, Title 49 CFR, Part 192. ITEM I—Inspection and Maintenance Plan; Filing of Plan; (Ref: Public Law 84, Acts of 1971, IC 8-1-22.5).

(a) Each operator shall:

(1) Have a written Plan covering the inspection and maintenance procedures to be used by the operator to assure the safe operation of its pipeline facilities. The Plan shall include, by sections, the inspection and maintenance procedures of all such pipeline facilities. This Plan, when filed, becomes in effect a regulation for the particular operator who filed it.

(2) File two copies of the Plan with the Pipeline Safety Division of the Commission; both copies of which are to be signed by an official of the operator.

(3) Keep records necessary to administer the Plan effectively.

(4) Revise the Plan as experience dictates and as exposure of the facilities and changes in operating conditions might warrant.

(5) File with the Pipeline Safety Division of the Commission all subsequent revisions of the Plan not later than 20 days after the effective date of such changes.

ITEM II—Joining of Materials Other Than by Welding; (Ref: Title 49 CFR, Part 192, Section 192.273).

Paragraph (b) shall read:

(b) Each joint made under this Subpart must be made by a person (or under the supervision of a person) qualified by experience and training, in accordance with written procedures that have been proven by test or experience to produce strong, gastight joints.

ITEM III—Customer Meters and Regulators: Installation; (Ref: Title 49 CFR, Part 192, Section 192.357).

Paragraph (e) shall read:

(e) An operator may not initiate gas service for any customer (including for his own usage) without first ascertaining:

(1) The meter and regulator installation are proper for their intended use and pressure tight at the operating pressure;

(2) The piping from the meter to the customer's appliances is pressure tight at the operating pressure.

ITEM IV—Service Lines; Location of Valves; (Ref: Title 49 CFR, Part 192, Section 192.365).

Paragraph (b) shall read:

(b) Each service line must have a shut-off valve in a readily accessible location that is outside of the building.

ITEM V—Service Lines: Cast Iron and Ductile Iron; (Ref: Title 49 CFR, Part 192, Section 192.373).

Paragraph (a) shall read:

(a) Cast or ductile iron pipe shall not be installed for service lines. Delete Paragraphs (b) and (c).

ITEM VI—Test Requirements—General; (Ref: Title 49 CFR, Part 192, Section 192.503).

Paragraph (a) shall read:

(a) No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated, replaced, or has been abandoned previously, until—

Paragraph (e) shall read:

(e) No testing, by a medium other than natural gas under this Subpart, may be done against a valve on a transmission line,

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distribution main or auxiliary apparatus, that is connected by the valve to a source of gas, unless a positive suitable means has been provided to prevent the leakage or admission of the testing medium into the transmission line, distribution main or auxiliary apparatus.

ITEM VII—Test Requirements for Pipelines to Operate At or Below 100 p.s.i.g.; (Ref: Title 49 CFR, Part 192, Section 192.509).

Paragraph (b) shall read:

(b) Each main other than steel or plastic that is to be operated at less than one p.s.i.g. must be tested to at least 10 p.s.i.g., and each main to be operated at or above one p.s.i.g. must be tested to 150 per cent of the maximum operating pressure or at least 90 p.s.i.g., whichever is greater.

Paragraph (c) shall read:

(c) Each steel main that is to be operated at less than 100 p.s.i.g. must be tested to 150 per cent of the maximum operating pressure or at least 90 p.s.i.g., whichever is greater.

ITEM VIII—Test Requirements for Service Lines (Ref: Title 49 CFR, Part 192, Section 192.511).

Paragraph (b) shall read:

(b) Each segment of a service line (other than plastic) stressed under 20 per cent SMYS must be tested at 150 per cent of the maximum operating pressure or at least to 90 p.s.i.g., whichever is greater. The test procedure used must ensure discovery of all potentially hazardous leaks in the segment being tested.

Paragraph (c) shall read:

(c) Each segment of a service line (other than plastic) stressed to 20 per cent or more of SMYS must be tested in accordance with Section 192.505 or 192.507, whichever is applicable, of this Subpart.

ITEM IX—Subpart K—Upgrading; General Requirements; (Ref: Title 49 CFR, Part 192, Section 192.553).

Paragraph (e) shall read:

(e) Service regulators supplying gas from transmission lines or distribution mains that are being upgraded under this Subpart shall meet the requirements of Section 192.197.

ITEM X—Upgrading: Steel Pipelines To a Pressure That Will Produce a Hoop Stress Less Than 30 Per Cent of SMYS; Plastic, Cast Iron and Ductile Iron Pipelines; (Ref: Title 49 CFR, Part 192, Section 192.557).

Paragraph (b-5) shall read:

(b-5) Isolate by physical separation all mains between the segment of pipeline in which the pressure is to be increased from any adjacent segment that will continue to be operated at the lower pressure, except such mains that are required to supply through a pressure regulator, (with approved overpressure protection designed in accordance with Section 192.195), the adjacent segment that will continue to be operated at the lower pressure; and

ITEM XI—Subpart L—Operations; General Provisions; (Ref: Title 49 CFR, Part 192, Section 192.603).

Paragraph (c) shall read:

(c) Each operator shall maintain a system of records of its physical plant. These shall include records and maps of its active physical plant in use, and be in such form as to facilitate the operation and maintenance of the plant in a safe manner. Such records shall be kept updated at intervals not exceeding 12 months.

ITEM XII—Continuing Surveillance; (Ref: Title 49 CFR, Part 192, Section 192.613).

Paragraph (c) shall read:

(c) All records and procedures pertaining to the conditions listed in Paragraphs (a) and (b) and the action taken shall be kept in the file of the operating company.

ITEM XIII—Emergency Plans; (Ref: Title 49 CFR, Part 192, Section 192.615).

Paragraph (e) shall read:

(e) Establish liaison with appropriate communication officials, such as newspaper, radio and television, for assistance in keeping the public informed during emergencies.

Paragraph (f) shall read:

(f) Each operator shall carry a listing in the current telephone directory of each community which it serves or within which it operates whereby a responsible employee or agent of the operator may be reached on a 24-hour basis. The listing shall be under the name of the operator with a designation for hours other than regular business hours.

ITEM XIV—Distribution Systems: Leakage Surveys and Procedures; (Ref: Title 49 CFR, Part 192, Section 192.723).

Paragraph (b-1) shall read:

(b-1) A gas detector survey shall be conducted in (1) business districts; (2) areas of high occupancy buildings such as schools,

churches, hospitals, apartment buildings, office buildings, commercial buildings; (3) built-up residential areas where continuous pavement exists, and (4) in such other areas as the Commission may direct, at intervals not exceeding one year. The surveys in business districts and areas of high occupancy buildings, (1) and (2), shall be made at least to the meter outlet. Tests shall include tests of the atmosphere in utility manholes, at cracks in the pavement and sidewalks and other locations providing an opportunity for finding gas leakage.

Paragraph (b-2) shall read:

(b-2) Leakage surveys of the distribution system outside of the areas as listed in (b-1) must be made as frequently as necessary but at intervals not exceeding five years. A vegetation type survey shall not be used as a single means of leakage control.

Paragraph (c) shall read:

(c) All leaks reported, regardless of the origin of the reports shall be recorded on suitable report forms. These report forms should provide space for all pertinent information. Each leak reported shall be accounted for, and when repairs are completed the report shall be so noted and filed in a systematic manner.

Paragraph (c-1) shall read:

(c-1) All leaks reported shall be investigated promptly and classified in a manner whereby gas leakage that is hazardous to life and/or property shall receive immediate attention for repairs.

Paragraph (c-2) shall read:

(c-2) Leak indications where repairs are not completed shall be rechecked on subsequent surveys.

Paragraph (d) shall read:

(d) Records shall be made covering these surveys, inspections and repairs made. These records, along with any other routine or unusual inspections and repairs, shall be kept in the file of operating company.

(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 2; filed May 12, 1972, 10:30 am: Rules and Regs. 1973, p. 537; filed May 7, 1982, 2:00 pm: 5 IR 1176; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)

170 IAC 5-3-3 Acquisition of pipe or components to determine cause of failure

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5

Sec. 3. Acquisition of Pipe or Components.

(a) Pursuant to the provisions of Public Law 84, Acts of 1971 (IC 1971, 8-1-22.5) the Pipeline Safety Division, acting through the Commission, may acquire from any operator or person sections of pipe or pipeline components that have failed in operation or test, or of pipeline components similar to the failed component, for the purpose of examination in an effort to determine the cause of such failure.

(b) Prior to the acquisition of such pipe or pipeline components, such specimens shall be positively identified in the presence of a representative of the operator or person owning such pipeline components and a Division Engineer as to the item acquired, date of incident, date of acquisition, position of component part in the pipeline system and other pertinent data. The operator or person from whom the pipe or pipeline components are acquired shall be given a receipt for the same by the Division Engineer receiving such parts.

(c) Upon the acquisition of such pipe or pipeline components, the Division shall pursue its examination and/or tests without delay. Upon the completion of such examinations and tests the Division shall return the components acquired to the operator or person from whom acquired, obtaining a receipt for the same.

(d) As a result of such tests and/or other investigation the Commission may restrict or limit the use of similar pipeline components until such time that they have been proved to be safe for the specified service.

(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 3; filed May 12, 1972, 10:30 am: Rules and Regs. 1973, p. 541; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)

170 IAC 5-3-4 Reports to pipeline safety division

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2-114

Sec. 4. Reports. Each operator shall file the following reports with the pipeline safety division of the Indiana utility regulatory

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commission and/or the addressee listed in Section 191.7, Title 49 C.F.R., Part 191.

(a) Accident Reports. (1) Reports as required by Public Law Acts of 1913, c. 76, S. 123 (IC 1971, 8-1-2-114), shall be filed with the pipeline safety division of the commission; telephonic report at the earliest practicable moment following discovery with a written report filed within twenty (20) days.

(2) All accidents or incidents of a serious nature occurring upon the premises of the operator or the operator's customer's premises, accompanied by an explosion, fire, misapplication and/or escapement of gas, and is attended with total property damage exceeding three thousand dollars (\$3,000), or injury requiring hospitalization shall be reported by telephone at the earliest practicable moment following discovery. This notification shall be followed by a written report within twenty (20) days thereafter and such additional reports as the commission may require.

(3) The written report as required in (1) and (2) above [*subdivisions (1) through (2)*] shall include, but not be limited to:

- (i) Name of operator;
- (ii) Date and time of incident;
- (iii) Definite location: street address or, if rural, locate definitely (not R.R.);
- (iv) Number of employees injured requiring hospitalization and/or fatalities: (name, sex, age, and address);
- (v) Number of non-employees injured requiring hospitalization and/or fatalities: (name, sex, age, and address);
- (vi) Estimated value of total property damage and description of damaged property;
- (vii) Description of accident;
- (viii) Location and description of the operator's plant, including sketches or maps, if necessary, for clarification;
- (ix) Condition of operator's plant as found on inspection;
- (x) Extent of investigation and findings;
- (xi) The signature of a responsible representative of the operator.

(b) Leak Reports. Leak reports as required by Title 49 C.F.R., Part 191, Sections 191.9 and 191.15, shall be filed in duplicate with the pipeline safety division of the commission as soon as practicable but not more than twenty (20) days after detection. The division shall, after review, forward the original copy to the department of transportation, in accordance with Section 191.7, Title 49 C.F.R., Part 191.

(i) Telephonic notice shall be made by the operator as required by Section 191.5, and also be made as soon as practicable to the pipeline safety division of the commission.

(ii) In case an accident occurs as a result of a leak, an accident report shall be filed also under item (a) of this rule [*subsection (a)*]. In this case the additional information called for in Paragraph (a-3) [*subsection (a)(3)*] may be an addendum to the commission's copy of the report.

(c) Interruption of Service Reports. Each operator shall keep a record of any interruption of service affecting its entire system or a major division thereof, including a statement of time, duration, extent, and cause of the interruption. Whenever the service is intentionally interrupted for any purpose, such interruptions shall, except in emergencies, be at a time which will cause the least inconvenience to customers. Those customers who will be most seriously affected by such interruption shall, so far as possible, be notified in advance. Whenever the service is interrupted other than intentionally in a major division or community, the operator shall notify the pipeline safety division of the commission by telephone at the earliest practicable moment following discovery, giving the above information and confirming by a written report within twenty (20) days thereafter, and such additional reports as the Commission may require.

(d) Annual Reports. (1) Annual reports for the preceding calendar year, as required by Title 49 C.F.R., Part 191, Section 191.11 and 191.17, shall be filed in duplicate with the pipeline safety division of the commission by not later than March 1st of each year. The division shall, after review, forward the original copy in accordance with Section 191.7 Title 49 C.F.R., Part 191.

(2) Each operator shall submit to the pipeline safety division of the commission two (2) annual leak repair reports which shall show (1) for the distribution system of the operator and (2) for the transmission system of the operator;

(i) Number of unrepaired leak reports on January 1st of the preceding year;

(ii) Number of leak reports received during the preceding year;

(iii) Number of leaks repaired during the preceding year; and

(iv) Number of unrepaired leak reports at the end of the preceding year.

(v) These reports shall include all known leak reports regardless of classification, on the respective systems, up to and including the meter outlet. These reports shall be filed with the pipeline safety division of the commission by March 1st for the preceding calendar year.

(3) Each operator shall submit to the pipeline safety division of the commission within two (2) months after the start of their

operating year, a list of major upgrading projects proposed for the ensuing year. A brief description should be given of each proposed upgrading project, such as main and/or service replacements, maintenance projects, installation of cathodic protection on presently unprotected sections, installation of overpressuring protection, and any other proposed work of an upgrading nature. Proposed major construction and/or relocation projects of pipelines operating at one hundred (100) p.s.i.g. or more should be included. Include location (town, township, county), amount and size of pipe involved, estimated cost, and other pertinent data.

(4) Each operator shall submit to the pipeline safety division of the commission within two (2) months after the end of their operating year a list of major upgrading projects which were completed during the preceding year. The list should contain such information as listed in paragraph (3) above [*subdivision (3)*], except being for projects actually completed or a major portion completed.

(5) For pipelines operating at or above forty (40) per cent of the specified minimum yield strength (SMYS) each operator shall certify to the pipeline safety division of the commission by March 1st of each year that it has complied with the federal safety standard, in force and effect from time to time applicable to the determination of change in class location and of confirmation or revision of the maximum allowable operating pressure for such pipelines.

(6) Each operator shall submit to the pipeline safety division of the commission by August 1st of each year a report of its unaccounted-for gas for the twelve (12) month period ending June 30th. This report shall include:

- (i) Total input in cubic feet into their system for the twelve (12) month period; (gas produced and purchased);
- (ii) Total sales and company usage in cubic feet during the twelve (12) month period;
- (iii) Unaccounted-for gas in cubic feet during the twelve (12) month period; (item (i) minus item (ii));
- (iv) Per cent of unaccounted-for gas for the period;

$$\frac{\text{item (iii)} \times 100}{\text{item (i)}}$$

(7) Each operator shall submit to the pipeline safety division of the commission such other reports as may be required that are relevant to the safe operation of the operator's system.

(e) Such reports as listed and required in the foregoing paragraphs of this rule [*this section*] shall not imply or be considered an admission of any liability or responsibility of the operator in connection with the accident or incident so mentioned.

(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 4; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 542; filed Aug 12, 1988, 4:00 p.m.: 12 IR 6; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)

170 IAC 5-3-5 Waiver of compliance; application; investigation

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36

Sec. 5. Waiver of Compliance. (a) Any operator may apply to the Public Service Commission of Indiana for authorization to construct, install or use material and equipment which have not been approved, or otherwise waive in whole or in part compliance with any code, standard or regulation established under this Cause [*170 IAC 5-3*]. The Commission shall investigate such application, and, if it determines that such application of waiver of compliance with such code, standard or regulation is not inconsistent with gas pipeline safety, the Commission may grant such waiver after due compliance with the requirements of state statute and the provisions of the Natural Gas Pipeline Safety Act of 1968 with regard to such waiver. Authorization will not be granted to install or use such materials or equipment as are specifically prohibited by the Federal and/or State regulations. *(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 5; filed May 12, 1972, 10:30 am: Rules and Regs. 1973, p. 545; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)*

Rule 4. Natural Gas for Outdoor Lighting

170 IAC 5-4-1 Definitions (Repealed)

Sec. 1. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-2 Prohibited installations of natural gas outdoor lighting fixtures (Repealed)

Sec. 2. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-3 Prohibited sales of natural gas for outdoor lighting use (Repealed)

Sec. 3. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-4 Traditional commercial lighting exemption (Repealed)

Sec. 4. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-5 Memorial lighting exemption (Repealed)

Sec. 5. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-6 Historical commercial lighting exemption (Repealed)

Sec. 6. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-7 Protection of safety of persons and property; exemption (Repealed)

Sec. 7. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-8 Compliance entailing substantial expense; exemption (Repealed)

Sec. 8. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-9 Public interest exemption (Repealed)

Sec. 9. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-10 Temporary exemption to install substitute lighting (Repealed)

Sec. 10. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-11 Petitions for exemptions; form; service (Repealed)

Sec. 11. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-12 Stay of prohibition pending final commission action (Repealed)

Sec. 12. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-13 Determination of exemptions; procedure; formal hearing (Repealed)

Sec. 13. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2334)*

170 IAC 5-4-14 Notice to customers regarding prohibition; costs; reporting (Repealed)

Sec. 14. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2335)*

170 IAC 5-4-15 Reports submitted to commission (Repealed)

Sec. 15. *(Repealed by Indiana Utility Regulatory Commission; filed May 7, 1982, 2:05 pm: 5 IR 1175)*

170 IAC 5-4-15.1 Penalties (Repealed)

Sec. 15.1. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2335)*

170 IAC 5-4-16 Penalties (Repealed)

Sec. 16. *(Repealed by Indiana Utility Regulatory Commission; filed May 7, 1982, 2:05 pm: 5 IR 1175)*

170 IAC 5-4-17 Effective date (Repealed)

Sec. 17. *(Repealed by the Indiana Utility Regulatory Commission; filed Feb 23, 1988, 9:53 am: 11 IR 2335)*

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