

- (D) successors; or
- (E) assigns;

in the construction, ownership, operation, or maintenance of the party's facilities.

*(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-10; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2177; readopted filed Jul 12, 2012, 2:12 p.m.: 20120808-IR-170120114RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA)*

#### **170 IAC 4-4.3-11 Tariff and reporting requirements**

Authority: IC 8-1-1-3; IC 8-1-2.4  
Affected: IC 8-1-2

Sec. 11. (a) Within sixty (60) days of the effective date of this rule, all investor-owned electric utilities shall submit for approval via the commission's thirty (30) day filing process generic interconnection application and interconnection agreement forms for each of the three (3) levels of review.

(b) To assist the commission in monitoring the effectiveness of this rule over time, each investor-owned utility shall file a report with the commission's electricity division before March 2 of each year following the effective date of this rule. The report shall contain the number, size, and type of the following:

(1) Customer-generator facilities detailed in all applications received during the pervious [*sic.*] calendar year and the resolution, for example, granted, denied, withdrawn, of the applications. The report shall include the following:

- (A) The application procedure (Level 1, 2, or 3) for all applications.
- (B) The reason or reasons for any denied application or applications.

(2) The number, size, and type of customer-generator facilities interconnected, pursuant to Rule 4.3 as of December 31 of the previous calendar year.

*(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-11; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2177; readopted filed Jul 12, 2012, 2:12 p.m.: 20120808-IR-170120114RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA)*

#### **170 IAC 4-4.3-12 Customer complaints**

Authority: IC 8-1-1-3; IC 8-1-2.4  
Affected: IC 8-1-2-34.5

Sec. 12. In the event an investor-owned electric utility and an eligible customer are unable to agree on matters relating to customer-generator facility interconnection, either party may raise a customer complaint to the commission in accordance with the commission's consumer complaint rules. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-12; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2177; readopted filed Jul 12, 2012, 2:12 p.m.: 20120808-IR-170120114RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA)*

### **Rule 5. Electric Submeters of Master Meter Accounts**

#### **170 IAC 4-5-1 Scope of rule; enforcement**

Authority: IC 8-1-1-3; IC 8-1-2-36.5  
Affected: IC 8-1-2-36.5; IC 8-1-2-115

Sec. 1. (a) Purpose and Scope. The provisions of these rules [*170 IAC 4-5*] are intended to establish a system to assure that the practices involving submetering and billing of dwelling units are just and reasonable to the tenant and the building owner and to establish the rights and responsibilities of the building owner and tenant.

(b) Application. These rules [*170 IAC 4-5*] shall apply to existing buildings utilizing electrical submetering as of the effective date, as well as those buildings which engage in electrical submetering at any subsequent date, subject to master metering of electric service in new buildings in accordance with sections 113(a)(1) and (b)(1) and 115(d) of Title I of the Public Utility Regulatory Policies Act and subject to 170 IAC 4-1.5.

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(c) Enforcement. The provisions of this rule [170 IAC 4-5] are subject to the enforcement provisions of IC 8-1-2-115. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-1; filed Dec 13, 1984, 3:13 pm: 8 IR 484, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

### 170 IAC 4-5-2 Definitions

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

Affected: IC 8-1-2-36.5

Sec. 2. Definitions. (a) Qualifying building: Any building containing more than one residential unit including trailer courts and similar multi-user installations which are provided electric service through a master meter pursuant to 170 IAC 4-1.5 but does not include buildings not qualified for master metering pursuant to 170 IAC 4-1.5 and also does not include hotels, motels or other similar transient lodging.

(b) Commission: The term commission means the Indiana utility regulatory commission.

(c) Owner: Any owner, operator or manager of a "qualifying building" who engages in electric submetering.

(d) Electric submetering: The instrumentation devices used to measure the number of KWH used by a tenant and the owner during a particular billing period.

(e) Dwelling unit: A room or rooms suitable for occupancy as a residence containing kitchen and bathroom facilities. This includes trailer court lots and similar multi-user installations.

(f) Hearing: Any proceeding based on an application, petition, complaint, or motion.

(g) "Month" or "monthly": The period between any two consecutive meter readings by the utility, either actual or estimated, at approximately thirty day intervals.

(h) Master meter: A meter used to measure, for billing purposes, all electric usage of a building including common areas, common facilities and dwelling units therein which is authorized pursuant to 170 IAC 4-1.5.

(i) ANSI: The American National Standards Institute. Standards of American National Standards Institute are referred to herein and defined as follows:

(1)–ANSI: C12.1–1982, American National Code for Electric Metering, 7th Edition, approved July 6, 1982, American National Standards Institute; published by The Institute of Electrical and Electronic Engineers, Inc., 345 Est [sic.] 47th Street, New York, NY 10017, and

(2)–ANSI/IEEE C57.13–1978, American National Standard Requirements for Instrument Transformers, approved September 9, 1976, IEE Standards, Board; published by the Institute of Electrical and Electronic Engineers Inc., 345 East 47th Street, New York, NY 10017.

Any reference to the above does not include any later amendments or editions.

Copies of aforementioned are available from the Indiana utility regulatory commission, 101 West Washington Street, Suite 1500 E., Indianapolis, Indiana 46204 at costs or from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, NY 10017. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-2; filed Dec 13, 1984, 3:13 pm: 8 IR 485, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

### 170 IAC 4-5-3 Records to be kept

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

Affected: IC 8-1-2-36.5

Sec. 3. Records and Reports to be Kept. (a) The owner shall maintain and make available for inspection by the tenant the following records:

(1) the billing from the utility to the owner for the current month and the twelve preceding months,

- (2) the calculation of the average cost per KWH for the current month and the twelve preceding months,
- (3) all tenant and owner submeter readings and tenant billings for the current month and the twelve preceding months,
- (4) all submeter test results for the current month and the twelve preceding months.

(b) Records shall be made available at the resident manager's office during reasonable business hours or, if there is no resident manager, at the dwelling unit of the tenant at the convenience of both the owner and tenant.

(c) All records shall be made available to the commission upon request. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-3; filed Dec 13, 1984, 3:13 pm: 8 IR 485, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

#### **170 IAC 4-5-4 Records of submeters and submeter tests**

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

Affected: IC 8-1-2-36.5

Sec. 4. Records of Submeters and Submeter Tests. (a) Submeter requirements:

- (1) Use of submeter: All electrical energy sold by an owner shall be charged for by meter measurements.
  - (2) Installation by owner: Unless otherwise authorized by the commission, each owner shall be responsible for providing, installing and maintaining all submeters necessary for the measurement of electrical energy to its tenants.
- (b) Submeter records. Each owner shall keep the following records:

(1) Submeter equipment record: Each owner shall keep a record of all of its submeters showing the tenant's address and date of the last test.

(2) Records of submeter tests: All submeter tests shall be properly referenced to the submeter record provided for herein. The record of each test made shall show the identifying number of the submeter, the standard meter and other measuring devices used, the date and kind of test made, by whom made, the error (or percentage of accuracy) at each load tested, and sufficient data to permit verification of all calculations.

(c) Submeter readings. Submeter unit indication: In general, each meter shall indicate clearly the kilowatt-hours for which charge is made to the tenant. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-4; filed Dec 13, 1984, 3:13 pm: 8 IR 486, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

#### **170 IAC 4-5-5 Location of submeters**

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

Affected: IC 8-1-2-36.5

Sec. 5. Location of Submeters. Submeters and service switches in conjunction with the submeter shall be installed in accordance with the ANSI C12.1-1982, or other standards as may be prescribed by the commission, and will be readily accessible for reading, testing and inspection where such activities will cause minimum interference and inconvenience to the tenant. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-5; filed Dec 13, 1984, 3:13 pm: 8 IR 486, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

#### **170 IAC 4-5-6 Submeter testing equipment and facilities**

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

Affected: IC 8-1-2-36.5

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Sec. 6. Submeter Testing Equipment and Facilities. (a) Qualified expert: Each owner shall provide or engage an independent qualified expert to provide such instruments and other equipment and facilities as may be necessary to make the submeter tests required by 170 IAC 4-5. Such equipment and facilities shall generally conform to ANSI C12.1-1982, prescribed by the commission, and shall be acceptable to the commission and shall be available at all reasonable times for the inspection by its authorized representatives.

(b) Portable standards: Each owner engaged in electrical submetering shall, unless specifically excused by the commission, provide portable test instruments or utilize a testing firm as necessary for testing billing submeters.

(c) Reference standards: Each owner shall provide or have access to suitable indicating electrical instruments as reference standards for insuring the accuracy of shop and portable instruments used for testing billing submeters.

(d) Testing of reference standards: Reference standards of all kinds shall be submitted once each year or on a scheduled basis approved by the commission to a standardizing laboratory of recognized standing for the purpose of testing and adjustment.

(e) Calibration of test equipment: All shop and portable instruments used for testing billing submeters shall be calibrated by comparing them with a reference standard at least annually. Test equipment shall at all times be accompanied by a certified calibration card signed by the proper authority, giving the date when it was last certified and adjusted. Records of certifications and calibrations shall be kept on file in the office of the owner. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-6; filed Dec 13, 1984, 3:13 pm: 8 IR 486, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

### **170 IAC 4-5-7 Submeter accuracy**

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

Affected: IC 8-1-2-36.5

Sec. 7. Submeter Accuracy. (a) Limits: No submeter that exceeds the test calibration limits for self-contained watt-hour meters as set by the ANSI C12.1-1982, shall be placed in service or left in service. All electric current transformers, potential transformers, or other such devices used in conjunction with submeters shall be considered part of the submeter and must also meet test calibrations and phase angle limits set by ANSI C12.1-1982 and ANSI/IEEE C57.13-1978 for revenue billing. Whenever on installation, inspection, periodic, or other tests, a submeter or transformer is found to exceed these limits, it shall be adjusted, repaired, or replaced.

(b) Adjustments: Submeters shall be adjusted as close as possible to the condition of zero error. The tolerances are specified only to allow for necessary variations. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-7; filed Dec 13, 1984, 3:13 pm: 8 IR 487, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

### **170 IAC 4-5-8 Testing of submeters in service**

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

Affected: IC 8-1-2-36.5

Sec. 8. Testing of Submeters in Service. Submeters shall be tested every five years or change in tenants, whichever is greater, unless specified otherwise by the commission. Annually, the owner shall file with the commission a report showing the number of meters tested and the number of meters exceeding the standards of ANSI C12.1-1982. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-8; filed Dec 13, 1984, 3:13 pm: 8 IR 487, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

**170 IAC 4-5-9 Testing of submeters prior to installation**

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

Sec. 9. Tests of Submeters Prior to Installation. No submeter shall be placed in service unless its accuracy has been established. If any submeter is removed from actual service and replaced by another submeter for any purpose whatsoever, it shall be properly tested and adjusted before being placed in service again. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-9; filed Dec 13, 1984, 3:13 pm: 8 IR 487, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

**170 IAC 4-5-10 Submeter tests upon written request to owner; fee**

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

Sec. 10. Submeter Tests upon Written Request to the Owner. Upon the written request of a tenant and if the tenant so desires, in the tenant's presence or in the presence of the tenant's authorized representative, each owner shall make a test of the accuracy of the tenant's submeter. The test shall be made during reasonable business hours at a time convenient to the tenant desiring to observe the test. If the submeter tests within the accuracy standards for self-contained watt-hour meters as established by the latest edition of ANSI C12.1-1982, a charge of up to \$15 may be charged the tenant for making the test. Following completion of any requested test, the owner shall promptly advise the tenant of the results of the test. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-10; filed Dec 13, 1984, 3:13 pm: 8 IR 487, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

**170 IAC 4-5-11 Submeter tests upon application to commission; fee**

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

Sec. 11. Submeter Tests upon Application to the Commission. Upon application of any tenant to the commission, a test may be made of the tenant's submeter. The application for such test shall be accompanied by a fee of fifteen dollars. If the submeter tests within the accuracy standards for self-contained watt-hour meters as established by the ANSI C12.1-1982, the fee shall be turned over to the owner; if the test shows the meter to exceed the standards, then the fifteen dollars paid by the tenant shall be refunded to said tenant by the commission. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-11; filed Dec 13, 1984, 3:13 pm: 8 IR 487, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

**170 IAC 4-5-12 Bills for electric service**

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

Sec. 12. Bills for Electric Service. (a) Bills shall be rendered for the same billing period as that of the utility, generally monthly, unless service is rendered for less than that period. Bills shall be rendered as promptly as possible following the reading of the submeters. The submeters shall be read within 3 days of the scheduled reading date of the utility's master meter.

(b) The unit of measurement shall be the kilowatt-hour (KWH).

(c) The owner shall be responsible for determining that the energy billed to any dwelling unit shall be only for energy consumed

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within that unit, and so metered.

(d) The owner shall be entitled to collect only those charges made to him by the electric utility and no more.

(e) The tenant's bill shall be calculated in the following manner: After the owner's electric bill is received from the utility, the owner shall divide the total net charges for electrical consumption, plus applicable tax, by the total number of kilowatt-hours to obtain an average cost per kilowatt-hour. This average kilowatt-hour cost shall then be multiplied by each tenant's kilowatt-hour consumption to obtain the charge to the tenant. The computation of the average cost per kilowatt-hour shall not include any penalties charged by the utility to the owner for disconnection, late payment, or other similar service charges.

(f) Prorated initial or final tenants' bills shall be calculated using the most recent available average cost per kilowatt-hour.

(g) The tenant's bill shall show all of the following information:

(1) The date and reading of the submeter at the beginning and at the end of the period for which the bill is rendered.

(2) The number of kilowatt-hours metered.

(3) The computed rate per kilowatt-hour.

(4) The total amount due for electricity used.

(5) A clear and unambiguous statement that the bill is not from the electric utility which provides service to the qualifying building.

(6) The name and address of the tenant to whom the bill is applicable.

(7) The name of the firm rendering the submetering bill and the name or title, address and telephone number of the person or persons to be contacted in case of a billing dispute.

(8) The date by which the tenant must pay the bill.

(h) The tenants of any dwelling unit whose electrical consumption is submetered shall be allowed by the owner to review and copy the masterbilling for the current month's billing period as well as for the twelve preceding months, and all submeter readings of the dwelling unit for the current month as well as for the twelve preceding months.

(i) All rental agreements between the owner and the tenants of dwelling units shall clearly state that: the dwelling unit is submetered, electric bills will be based upon submeter readings, electrical consumption for all common areas and common facilities will be the responsibility of the owner and not the tenant and will describe the procedure to be followed in the event of disputes.

(j) Estimated bills shall not be rendered unless the meter has been tampered with or is out of order, and in such case the bill shall be distinctly marked as such.

(k) Each owner may elect an alternative billing method which allows a tenant to contract for a plan whereby the owner averages the estimated bill over an extended period and balances the account at the end of that period. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-12; filed Dec 13, 1984, 3:13 pm: 8 IR 487, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

### **170 IAC 4-5-13 Adjustment of bills**

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

Affected: IC 8-1-2-36.5

Sec. 13. Adjustment of Bills. (a) Adjustment due to meter errors. If any service meter, after being tested, as provided for in these rules [170 IAC 4-5], is found to exceed the accuracy standards as established by ANSI C12.1-1982, the bills for service shall be adjusted as follows:

(1) Fast meters—When a meter is found to have a positive average error, the owner shall refund or credit the tenant's account with the amount of any charges in excess of either (i) an average bill for the kilowatthours or (ii) separate bills individually adjusted for the percent of error for the period the meter was fast, if such period can be determined, or one year, whichever period is shorter. An average bill shall be calculated on the basis of kilowatthours registered on the meter over corresponding periods either prior or subsequent to the period for which the meter is determined to be fast.

(2) Stopped or slow meters—When a meter is stopped or has a negative average error, the owner may charge the customer for the kilowatthours incorrectly registered for one-half of the period since the previous test or one year, whichever is shorter. The amount of the charge to the customer shall be estimated on the basis of either (i) an average bill as herein below described or

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(ii) separate bills individually adjusted for the percent of error. An average bill shall be calculated on the basis of kilowatt-hours registered on the meter of corresponding periods either prior or subsequent to the period for which the meter is determined to be slow or stopped. The owner may charge the tenant for such amounts except where the owner negligently allows the stopped or slow meter to remain in service.

(3) Other billing adjustments. All other billing errors may be adjusted to the known date of error or for a period of one year, whichever period is shorter.

(b) Cash refunds by utility company. Any cash refunds received by the owner from the utility company for excess KWH billing shall be credited to the accounts of the current tenants. However, if the cash refund amounts to more than five dollars per tenant it shall be refunded directly to the tenants or former tenants which occupied the dwelling units during the period of time that the refund is provided for. Former tenants which cannot be located shall have their refunds credited to the accounts of the current tenants. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-13; filed Dec 13, 1984, 3:13 pm: 8 IR 488, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

**170 IAC 4-5-14 Complaints; review**

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

Affected: IC 8-1-2-36.5

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

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

(1) promptly, thoroughly, and completely investigate the complaint;

(2) confer with the customer when requested; and

(3) notify, in writing, the customer of the results of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint.

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

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

(1) consist of not less than a prompt and thorough investigation of the dispute; and

(2) result in a written decision to be mailed to the customer and the owner within thirty (30) days after the commission's receipt of the customer's request.

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

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

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

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

(f) Each owner shall annually submit a report to the commission that shall state and classify the number of complaints made to the owner under 170 IAC 16-1-4, the general nature of the subject matter thereof, how the complaint was received, and whether a commission review was conducted thereon. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-14; filed Dec 13, 1984, 3:13 p.m.: 8 IR 489, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; filed May 25, 2010, 1:52 p.m.: 20100623-IR-170090792FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

#### **170 IAC 4-5-15 Restrictions**

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

Sec. 15. Restrictions. (a) Unless otherwise provided by the commission, no dwelling unit may be submetered unless all dwelling units of a qualifying building are submetered.

(b) All submetered units must have their utility bills determined on the basis of submeter readings. However, to allow the building owners to comply with current rental lease terms relating to the building owners' responsibility to pay for electric utility costs or the inclusion of said costs within rental payments, the dwelling units subject to such current lease terms need not have their utility bills determined on the basis of their submeter readings. However, after the expiration of said current rental leases, said dwelling units shall have their utility billings determined on the basis of their respective submeter readings. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-15; filed Dec 13, 1984, 3:13 pm: 8 IR 490, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

#### **170 IAC 4-5-16 Same type of meters required throughout building**

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

Sec. 16. Same Type Meters Required. All submeters in a building which are served by the same master meter shall be of the same type, such as induction or electronic. (*Indiana Utility Regulatory Commission; 170 IAC 4-5-16; filed Dec 13, 1984, 3:13 pm: 8 IR 490, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

#### **170 IAC 4-5-17 Registration**

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

Sec. 17. Registration. Each owner engaged in submetering shall register with the commission at the outset, and by January 1 of each year thereafter, provide the following information:

- (1) The principal business location:
  - (A) Name and address
  - (B) County
  - (C) Phone number
  - (D) Location of records required by this rule [170 IAC 4-5]



- (E) Total submeters in service
- (2) If the owner is engaged in submetering in counties other than the county of its principal business location then the owner shall provide the following information for each submetered location in those counties:
  - (A) Name and address
  - (B) County
  - (C) Phone number
  - (D) Location of records required by this rule [170 IAC 4-5]
  - (E) Total submeters in service

*(Indiana Utility Regulatory Commission; 170 IAC 4-5-17; filed Dec 13, 1984, 3:13 pm: 8 IR 490, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA)*

#### **170 IAC 4-5-18 Saving clause**

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

Sec. 18. Saving Clause. The adoption of these rules in no way precludes the commission from altering or amending the same, in whole or in part, or from requiring any additional service equipment, facility or standards, either upon complaint or upon its own motion, or upon the application of any owner. Furthermore, these rules shall in no way relieve any owners from their duties under the laws of the state. *(Indiana Utility Regulatory Commission; 170 IAC 4-5-18; filed Dec 13, 1984, 3:13 pm: 8 IR 490, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA)*

#### **170 IAC 4-5-19 Effective date**

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

Sec. 19. This rulemaking document takes effect January 1, 1985. *(Indiana Utility Regulatory Commission; 170 IAC 4-5-19; filed Dec 13, 1984, 3:13 pm: 8 IR 490, eff Jan 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #84-57(F) was filed Dec 13, 1984.]; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA)*

## **Rule 6. Ratemaking Treatment of Qualified Pollution Control Property Under Construction**

#### **170 IAC 4-6-1 Definitions**

Authority: IC 8-1-2-6.1; IC 8-1-2-6.6  
Affected: IC 8-1-8.7; IC 8-1-27-12; IC 8-1-27-19

Sec. 1. (a) As used in this rule, "air pollution control device(s)" means the systems, equipment, facilities, appliances, controls, monitors, processes, and identifiable structures or parts of structures located at a utility's coal burning electric generating facility which are:

- (1) designed to directly or indirectly reduce airborne emissions that result from the combustion of coal or designed to temporarily or permanently control, remove, store, or otherwise dispose of solid or liquid effluent byproducts resulting from the direct or indirect reduction of airborne emissions of sulfur or nitrogen based pollutants;
- (2) not intended to reduce airborne emissions of sulfur or nitrogen based pollutants by replacing the generation of electricity

- (1) The utility failed to provide the notice required under section 4 of this rule.
- (2) The utility engaged in vegetation management outside the scope of an agreement between the customer and the utility.
- (3) The utility did not have authority to enter the customer's property.
- (4) The utility failed to follow the vegetation management pruning standards required by the commission or by the utility's own vegetation management policy.
- (5) Another reason permitted by law.
- (b) A utility must respond within three (3) business days of receiving a customer's inquiry or dispute:
  - (1) in person;
  - (2) via telephone call; or
  - (3) in writing.
- (c) If the initial utility representative cannot resolve the customer's dispute regarding vegetation management, at least one (1) additional authorized utility representative must attempt to resolve the dispute. If the utility is unsuccessful in resolving the dispute, the customer shall be provided the information required in 170 IAC 16-1-5 and will be informed that disputes over monetary damages can only be resolved by a civil court, not the commission. (*Indiana Utility Regulatory Commission; 170 IAC 4-9-10; filed Sep 27, 2012, 2:09 p.m.: 20121024-IR-170120042FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

**170 IAC 4-9-11 Customer education process**

Authority: IC 8-1-1-3; IC 8-1-2-4; IC 8-1.5-3-8  
Affected: IC 8-1-2

Sec. 11. A utility shall develop and implement an education plan to inform and educate customers on the following:

- (1) Tree and vegetation selection and placement around electric facilities.
- (2) The public importance of vegetation management to avoid:
  - (A) electric interruptions;
  - (B) injuries; and
  - (C) fatalities.
- (3) The need for, and benefit of, preventing tree contact with power lines.
- (4) The importance of cooperation between customers and their utility in accomplishing the essential public task of power line maintenance.
- (5) The critical importance of the public service of vegetation management to:
  - (A) protect electric service reliability; and
  - (B) avoid injuries and fatalities from electrocution.
- (6) Trimming cycles a utility chooses to implement, including how the chosen trim cycle impacts clearance distance and the extent to which a tree's appearance will be impacted based upon that chosen cycle.

(*Indiana Utility Regulatory Commission; 170 IAC 4-9-11; filed Sep 27, 2012, 2:09 p.m.: 20121024-IR-170120042FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)

**170 IAC 4-9-12 Tree replacement program**

Authority: IC 8-1-1-3; IC 8-1-2-4; IC 8-1.5-3-8  
Affected: IC 8-1-2

Sec. 12. Where a tree will be removed, a utility may offer to provide the customer with:

- (1) a power line compatible vegetation;
- (2) other replacement plant; or
- (3) monetary compensation or credit at an amount agreed to by the parties;

provided that the customer agrees not to plant a tree that will encroach into the utility's facilities at a future date and consents to the removal by the utility if that kind of a tree is planted. (*Indiana Utility Regulatory Commission; 170 IAC 4-9-12; filed Sep 27, 2012, 2:09 p.m.: 20121024-IR-170120042FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA; readopted filed Apr 11, 2019, 9:04 a.m.: 20190508-IR-170190136RFA*)