

ORIGINAL

**GENERAL ADMINISTRATIVE ORDER
OF THE INDIANA UTILITY REGULATORY COMMISSION
2013-8**

WHEREAS, Ind. Code § 8-1-26-23(a) establishes the Underground Plant Protection Advisory Committee (“Advisory Committee”); and

WHEREAS, Ind. Code § 8-1-26-23(g) requires the Pipeline Safety Division (“Division”) of the Indiana Utility Regulatory Commission (“Commission”) investigate alleged violations of Ind. Code ch. 8-1-26 and forward its findings to the Advisory Committee; and

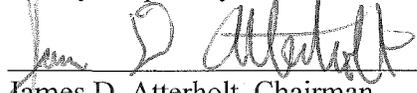
WHEREAS, Ind. Code § 8-1-26-23(h) provides the Advisory Committee shall act in an advisory capacity to the Commission concerning the implementation and enforcement of Ind. Code ch. 8-1-26; and

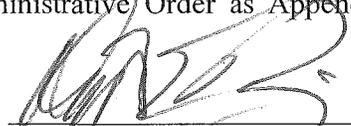
WHEREAS, the Advisory Committee may make recommendations regarding penalties with respect to persons that the Division has found to violate Ind. Code ch. 8-1-26; and

WHEREAS, Ind. Code § 8-1-26-23(k) establishes that, upon receiving a recommendation from the Advisory Committee, and after notice and opportunity for a public hearing, the Commission shall: uphold or reverse the finding of a violation by the Division, approve or disapprove the recommendation of the Advisory Committee, and collect any civil penalties and deposit the penalties in the underground plant protection account established by Ind. Code § 8-1-26-24(a); and

WHEREAS, the Commission desires to provide procedural guidance to persons requesting a public hearing pursuant to Ind. Code § 8-1-26-23(k);

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Guidelines regarding a public hearing involving findings of the Division or recommendations of the Advisory Committee, attached to this General Administrative Order as Appendix A, are hereby adopted by the Commission.


James D. Atterholt, Chairman


David E. Ziegner, Commissioner

Absent
Larry S. Landis, Commissioner


Carolene Mays, Commissioner

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


Brenda Howe
Secretary to the Commission

DEC 30 2013

Date: _____

General Administrative Order 2013-8 – Appendix A

Request for Public Hearing Under Ind. Code ch. 8-1-26 Guidelines

I. Request for Public Hearing.

A. After receiving notice of the Advisory Committee's recommendation to the Commission under Ind. Code § 8-1-26-23(h), a person may request a public hearing pursuant to Ind. Code § 8-1-26-23(k) regarding the findings of the Division or the recommendations of the Advisory Committee.

B. If a public hearing is not requested, the Commission, upon receiving a recommendation from the Advisory Committee, shall do the following, as applicable: uphold or reverse the finding of a violation by the Division, approve or disapprove the recommendation of the Advisory Committee, and collect any civil penalties and deposit the penalties in the underground plant protection account.

II. Public Hearing Process.

A. A request for public hearing ("Petition") must be filed with the Commission within thirty (30) days of the notice of the Advisory Committee's recommendation. Copies of the Petition should be served on the Office of Utility Consumer Counselor ("OUCC"), the IURC's Office of General Counsel, and the Advisory Committee.

B. An individual requesting a public hearing ("Petitioner"), such as a homeowner, may represent his or her own interest in accordance to 170 IAC 1-1.1-7(a). However, pursuant to 170 IAC 1-1.1-7(b), the interest of another person or entity (such as a company or partnership) may only be represented by an attorney who is admitted to practice before the Indiana Supreme Court and who is in good standing.

C. The Petition and all related filings with the Commission shall comply with Ind. Code ch. 8-1-26, 170 IAC 1-1.1 and any other applicable laws. The Indiana Code and the Indiana Administrative Code may be found on the State of Indiana's website at: http://www.in.gov/legislative/ic_iac.

D. In addition to the requirements set forth in 170 IAC 1-1.1-9, the Petition shall include, at a minimum, the following information:

- (1) The Case Number for which a public hearing is sought;
- (2) A copy of the letter the Petitioner received regarding the disposition of the Case;
- (3) Petitioner's contact information, including mailing address, telephone number, and, if available, fax number and email address;
- (4) Whether Petitioner is contesting the Division's findings, the Advisory Committee's recommendations, or both;
- (5) The reasons why the Petitioner believes the findings or recommendations are in error;
- (6) The requested relief; and

(7) Any additional information the Petitioner believes is pertinent.

E. The Commission will docket a properly and timely submitted Petition, assigning a Cause number, and schedule a prehearing conference within a reasonable time in accordance with 170 IAC 1-1.1-15. However, the Petitioner and other parties may request the Commission accept an agreed upon procedural schedule in lieu of conducting a prehearing conference by filing an agreed upon procedural schedule in accordance with 170 IAC 1-1.1-8 and 1-1.1-15(e).

F. At the prehearing conference, a procedural schedule will be established that includes dates for the filing of the Division's and/or Advisory Committee's case-in-chief, Petitioner's case-in-chief, the OUCC's case-in-chief, any rebuttal by the Division and/or Advisory Committee, and a date for an evidentiary hearing.

G. The Division's and/or Advisory Committee's case-in-chief shall include, at a minimum, copies of the evidence relied upon in arriving at its findings and/or reaching its recommendations.

H. The Petitioner's case-in-chief shall include any testimony and exhibits that it intends to offer at the evidentiary hearing in support of its Petition, its requested relief, and any response to the Division's and/or Advisory Committee's case-in-chief. Any witness testimony to be offered into the record shall be made under oath or affirmation.

I. At the evidentiary hearing conducted in the matter, the parties will be afforded an opportunity to offer their respective evidence into the record and to cross-examine the other parties' witnesses.