

**ORIGINAL**

Commissioner	Yes	No	Not Participating
Zay	√		
Deig	√		
Swinger	√		
Veleta	√		
Ziegner			√

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**APPEAL BY JOSEPH ACUFF OF THE )  
CONSUMER AFFAIRS DIVISION'S ) CAUSE NO. 46306  
DECISION CONCERNING THE )  
PROVISION OF WATER UTILITY ) APPROVED: MAY 20 2026  
SERVICES BY CITIZENS WATER )**

**ORDER OF THE COMMISSION**

**Presiding Officers:**

**David E. Veleta, Commissioner**

**Kristin E. Kresge, Administrative Law Judge**

This matter comes to the Indiana Utility Regulatory Commission (“Commission”) as an appeal from a decision of the Commission’s Consumer Affairs Division (“CAD”). On June 18, 2025, Joseph Acuff called CAD to lodge a complaint against Citizens Water. On September 24, 2025, the CAD Director upheld the CAD Analyst’s determination that Mr. Acuff’s complaint was unsubstantiated regarding Citizens Water’s compliance with a statute, administrative rule, or Commission Order governing the provision of utility services in Indiana.

On September 30, 2025, the Commission received notice from Mr. Acuff that he was appealing the CAD Director’s decision regarding Complaint No. 139882. Decisions made by CAD with respect to complaints are subject to review by the Commission pursuant to Ind. Code § 8-1-2-34.5, 170 IAC 1-1.1-5, and 170 IAC 16-1. On October 6, 2025, the CAD Record corresponding to Mr. Acuff’s appeal was uploaded to the Commission’s online case management system as a formally docketed proceeding.<sup>1</sup>

By way of Docket Entry issued on October 21, 2025, the Presiding Officers set this matter for a public hearing on January 15, 2026 at 9:00 a.m. in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Notice of the hearing was given and published as required by law, proof of which was incorporated into the record of this Cause by reference and placed in the official files of the Commission. Citizens Water and the Indiana Office of Utility Consumer Counselor (“OUCC”) appeared, by counsel and participated and Mr. Acuff, representing himself pro se, participated at the hearing in person.

Based on the applicable law and the record, the Commission finds:

**1. Commission Jurisdiction.** Under Ind. Code § 8-1-2-34.5 and 170 IAC 1-1.1-5, any individual or entity may informally complain to CAD about any matter within the jurisdiction of the Commission. Under Ind. Code § 8-1-2-34.5(b), the Commission has authority to review any decision of CAD upon the request of an affected party. Mr. Acuff initiated this appeal concerning

<sup>1</sup> The CAD Record consists of the information considered by the CAD Director in making the Director’s decision, including written and verbal correspondence by and between CAD, Mr. Acuff, and Citizens Water.

Citizens Water's provision of water service. Citizens Water is subject to the Commission's jurisdiction for rules and rates of service in accordance with Ind. Code §§ 8-1-2-34.5 and 42. Accordingly, for purposes of this proceeding, the Commission has jurisdiction over the parties and the subject matter of this Cause.

**2. The CAD Record.**

**A. Complaint.** On June 18, 2025, Mr. Acuff lodged a complaint with CAD. Specifically, Mr. Acuff stated he received a bill of about \$1,000, which showed usage of approximately 192,000 gallons of water in May 2025, which far exceeds the amount of his usual usage. Mr. Acuff's normal usage is between 5,000 and 9,000 gallons per month. In June 2025, the usage returned to the normal range.

**B. CAD Analyst's Investigation and Resolution.** A CAD Analyst was assigned to this complaint on June 18, 2025 and the complaint was forwarded to Citizens Water that same day.

On June 25, 2025, Citizens Water responded to the complaint. Citizens Water stated that the meter was read on May 15, 2025 with a reading of 1417.19. Due to the increased usage, the meter was re-read on May 21, 2025 with a reading of 1418.86. Citizens Water completed a Rule 11 special meter test on June 17, 2025. The meter tested within the acceptable limits. Citizens Water was unable to determine the cause behind the increased usage.

On June 25, 2025, the CAD Analyst spoke with Mr. Acuff concerning Citizens Water's response and CAD's determination. CAD Analyst informed Mr. Acuff that the complaint was determined to be unsubstantiated. Mr. Acuff informed the CAD Analyst that he did not agree with this determination and would appeal it.

**C. CAD Director's Review and Decision.** On June 27, 2025, Mr. Acuff's appeal was assigned to the Director of the Consumer Affairs Division. On September 24, 2025, the Director of the Consumer Affairs Division issued her decision on Mr. Acuff's appeal. The Director affirmed the CAD Analyst's decision that the complaint is unsubstantiated. On September 30, 2025, Mr. Acuff appealed the CAD Director's decision.

**D. Public Hearing.** At the January 15, 2026 public hearing, Mr. Acuff stated that on average his household uses 9,000 gallons of water per month. He stated that the high usage of 192,000 gallons for which he was charged is about two years' worth of water usage, when considering what the household averages. He said the meter was tested and replaced. Mr. Acuff stated that there was no standing water anywhere, there was no damage to his house, and asserted that no leaks existed. Mr. Acuff states that he believes that the high usage is some anomaly. He stated that the water usage was consistent prior to the May 2025 bill and since the May 2025 bill.

Citizens Water argued that the CAD determination was correct and that there is nothing in the record indicating that CAD's determination was incorrect. Citizens Water stated that the Commission should uphold CAD's determination.

3. **Standard of Review.** This Cause involves an appeal of issues that were considered and decided by CAD pursuant to Ind. Code § 8-1-2-34.5 and 170 IAC 1-1.1-5. The CAD Record consists of information supplied by the parties. Therefore, consistent with the Commission's authority as set forth in Ind. Code § 8-1-2-34.5, 170 IAC 1-1.1-5, and 170 IAC 16-1-6, the decision in this proceeding shall be based upon a review of the CAD Record.

4. **Commission Discussion and Findings.** In considering the issues presented in this matter, we start with a review of the Commission's rules regarding meter testing. Pursuant to 170 IAC 6-1-8, meters for measuring a quantity of water must be in good mechanical condition, adequate size and design for the type of service it measures, and accurate to within generally accepted standards. 170 IAC 6-1-8(b) adopts the American Water Works Association ("AWWA") standards for testing cold water meters.

As an initial matter, Citizens Water indicates that the meter involved in this dispute tested within AWWA limits for water meters. Mr. Acuff declined a second supervised meter test; for this reason, the Commission must rely on the meter test performed by Citizens Water.

Based on the evidence in the record, the meter located at Mr. Acuff's residence accurately reported water flow within the AWWA guidelines. Mr. Acuff offered no evidence that the meter at his residence was not working properly. Instead, Mr. Acuff relies entirely on the fact that a large amount of water was measured by his meter and that no leak was detected at his residence as evidence that his water meter was inaccurate. We cannot conclude, from the evidence presented, that the amount of water measured by the water meter could not have flowed through the meter. CAD based its decision on the evidence provided by the parties involved. The only reasonable conclusion that can be reached, based on the record and the arguments of the parties, is that the meter at Mr. Acuff's residence was working properly in May 2025. We therefore uphold the finding of CAD. The Commission encourages Citizens Water to offer flexible payment options to Mr. Acuff for the payment of the May 2025 bill.

**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. The decision issued by the Commission's Consumer Affairs Division in this matter is affirmed.
2. This Order shall be effective on and after the date of its approval.

**ZAY, DEIG, SWINGER, AND VELETA CONCUR; ZIEGNER ABSENT:**

**APPROVED: MAY 20 2026**

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

---

**Dana Kosco  
Secretary of the Commission**