

ORIGINAL

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

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**APPEAL BY PATRICK BEESON OF THE)
 CONSUMER AFFAIRS DIVISION’S DECISION) CAUSE NO. 46321
 REGARDING THE PROVISION OF WATER)
 SERVICE BY CITIZENS WATER) APPROVED: MAR 11 2026**

ORDER OF THE COMMISSION

**Presiding Officers:
 Bob Deig, Commissioner
 Sean Gorman, 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 May 8, 2025, Patrick Beeson contacted CAD with an informal complaint, expressing concerns about the Board of Directors for Utilities of the Department of Public Utilities of the City of Indianapolis, as Trustee of a Public Charitable Trust for the Water System d/b/a Citizens Water (“Citizens Water”) lead line replacement program and his inability to resolve his concerns with Citizens Water. On July 17, 2025, following CAD’s review and investigation of the informal complaint, CAD’s Analyst provided Mr. Beeson with a decision resolving his informal complaint in favor of Citizens Water.

On July 24, 2025, Mr. Beeson submitted his request for the CAD Director’s review of the July 17, 2025 CAD Analyst decision.

On October 14, 2025, the CAD Director upheld the CAD Analyst’s determination, finding that, pursuant to the facts alleged in Mr. Beeson’s informal complaint, Mr. Beeson’s complaint is unsubstantiated regarding Citizens Water’ compliance with a statute, administrative rule, or Commission Order governing the provision of utility services in the State of Indiana.

On October 28, 2025, the Commission received notice from Mr. Beeson requesting an appeal of the CAD Director’s review and decision regarding his informal complaint. 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 November 7, 2025, the CAD Record corresponding to Mr. Beeson’s appeal was uploaded to the Commission’s online case management system as a formally docketed proceeding.¹

By way of Docket Entry issued by the Commission on December 4, 2025, the Presiding Officers set this matter for a public hearing on January 20, 2026, at 9:30 a.m. in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Notice of the hearing was given

¹ 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. Beeson, and Citizens Water.

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.

On December 5, 2025, Mr. Beeson contacted the Commission and stated that he does not wish to appear or offer oral argument at the January 20, 2026 public hearing. Mr. Beeson further stated that he understands that the Commission's review will be based on the existing CAD record and the written appeal materials he previously submitted. On December 10, 2025, the Commission issued a Docket Entry vacating the January 20, 2026 public hearing and notifying parties that the Commission will commence with a review of the CAD record prior to issuing its Order in this Cause.

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. Beeson initiated this appeal concerning Citizens Water's implementation of its Lead Service Line Replacement Plan ("LSLR Plan"). Citizens Water is a utility that provides water service to the public and is subject to the Commission's jurisdiction in the same matter as a municipal utility for rates, charges, terms, and conditions for water service under Ind. Code § 8-1-11.1-3. Citizens Water's LSLR Plan was authorized by the Commission in Cause No. 45599, pursuant to Ind. Code § 8-1-31.6-6. 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 May 8, 2025, Mr. Beeson called CAD expressing concern about Citizens Water's LSLR Plan and Citizens Water's inability to resolve those concerns. Mr. Beeson stated that he had initiated the process to have his service line replaced through the Property-Owner-Initiated option ("Owner-initiated Program") of the LSLR Plan. Participation in the Owner-initiated Program places customers who are willing to replace their private-side service line at their personal expense at the top of Citizens Water's priority list for utility-side lead service line replacements. Citizens Water advised that Mr. Beeson's circumstances did not qualify for the Owner-initiated Program because the customer's side of the line had already been replaced with a copper service line several decades ago. Mr. Beeson stated that he disagrees with Citizens Water's interpretation of its LSLR Plan and asked that the Owner-initiated Program be reviewed to determine if Citizens Water is interpreting the situation correctly.

B. CAD Analyst's Investigation and Resolution. Citizens Water explains that the Owner-initiated Program was approved by the Commission as part of Citizens Water's LSLR Plan in the Commission's March 2, 2022 Final Order in Cause No. 45599 ("45599 Order"). To qualify for a lead service line replacement under the Owner-initiated Program, the homeowner would have had to replace their existing lead and/or galvanized iron service line (that had been downstream of the lead service line) on or after March 2022. Citizens Water's website information regarding the Owner-initiated Program states that it applies to "(p)roperty owners not located in a

current prioritized Lead Service Line Replacement Program area who wish to undertake replacement of their lead service line...” The phrase "their lead service line" indicates a service line on the customer’s private property that is replaced by the homeowner. TSW Utility Solutions confirmed the presence of a copper service line entering Mr. Beeson’s home via a wall in the basement and explained that because of the previous replacement of the line on the customer’s side of the service line, Mr. Beeson’s property at 718 Noble Street does not qualify under the Owner-initiated Program. Mr. Beeson’s section of service line from the property line to his home was replaced in 1961, predating the Owner-initiated Program’s initiation in March 2022.

On July 17, 2025, the CAD Analyst issued his determination that Citizens Water followed the Commission’s Order in Cause No. 45599, correctly interpreting and applying the Owner-initiated Program to Mr. Beeson’s circumstances. Because the customer side of the service line was replaced before the LSLR Plan’s existence and effective date, it is not eligible for the Owner-initiated Program or considered a contemporary replacement for the purpose of Citizen’s LSLR Plan.

On July 24, 2025, Mr. Beeson appealed the CAD Analyst’s Determination that his complaint was unsubstantiated. In his request for an appeal, he acknowledges that the private-side of his service line was replaced with copper in 1961. His concern is that documentation indicates that the public-side of his service line is lead. He clarifies that he is seeking removal of the utility’s portion of the service line containing lead in the right-of way. He stated that Citizens Water’s denial of his application on the grounds that the private-side of the service is constructed of copper is not a valid reason for denial supported by any published LSLR Plan criteria.

C. CAD Director’s Designee’s Review and Decision. On October 14, 2025, the CAD Director issued the results of her review, affirming the CAD Analyst’s resolution and determining that Mr. Beeson’s informal complaint is unsubstantiated. The CAD Director’s review and decision addresses four key components:

1. Program Eligibility and Effective Date. The Commission’s 45599 Order states that the LSLR Plan is effective as of March 2, 2022. The CAD Director noted that “(w)hile the Order does not retroactively disqualify customers who replaced their private-side lines before that date, it also does not obligate Citizens Water to treat pre-existing replacements as qualifying events under the Property-Owner-Initiated pathway.”

2. Material Type and Eligibility. The LSLR Plan focuses on removal of lead service lines. Citizens Water’s interpretation, that a copper private-side service does not qualify as a “lead service line”, aligns with the LSLR Plan’s stated objective to eliminate lead-containing infrastructure. If the private-side is copper and not downstream of lead, Citizens Water may reasonably conclude that the line no longer meets the definition of a lead service line. The LSLR Plan’s operational focus is on material composition, not solely ownership. The LSLR Plan approved in the 45599 Order does not obligate Citizens Water to replace public-side lines presumed to be lead if the private-side is already non-lead and not part of an active replacement project.

3. **Transparency.** Concern regarding the evolving rationale provided by Citizens Water was considered. Citizens Water’s denial appears to be consistent with the intent and structure of the approved LSLR Plan. While the LSLR Plan does not list every possible exclusion, it defines Owner-initiated Program eligibility in terms of active lead service lines and contemporaneous private-side replacement.

4. **Future Replacement.** Citizens Water remains obligated to replace all lead service lines, including the public-side portion of Mr. Beeson’s property, by the Owner-initiated Program’s completion deadline of December 31, 2037. While the property may not qualify under the Owner-initiated Program, it remains eligible for replacement under other provisions, which are based on proactive or scheduled area-wide replacements.

3. **Mr. Beeson’s Appeal.** On October 27, 2025, Mr. Beeson appealed the CAD Director’s review and determination, seeking review by the Commission. Mr. Beeson asks the Commission to reverse the CAD Director’s review and determination, clarify that no Commission-approved rules disqualify his participation in the Owner-initiated Program and direct Citizens Water to coordinate and fund the replacement of the lead service line in the right-of-way on his property. Mr. Beeson outlines ten points on which he believed the CAD Director erred.

4. **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.

5. **Commission Discussion and Findings.** The Commission considered each of Mr. Beeson’s arguments provided in support of his request to appeal the CAD Director’s review and decision. Mr. Beeson argues that the CAD Director’s Review and Decision acknowledges that the 45599 Order “*does not retroactively disqualify*” properties with private-side replacements before March 2, 2022. He argues that her determination also adopts this premise as the basis for denial and that such rationale constitutes an inconsistency that renders the decision contradictory and without coherent reasoning. CAD Record 306-309.

Mr. Beeson also argues that his intention is to act under Owner-initiated Program option of Citizens Water’s LSLR Plan, which allows property owners who wish to undertake replacement of their lead service line to coordinate a full replacement, with Citizens Water funding the public portion. He wants to replace his 1961 private-side line (which may contain lead unions) and coordinate with Citizens Water to replace the public-side lead portion at the same time. *Id.*

Mr. Beeson further argues that his property still has an active lead segment in service within the public right-of-way, and that it qualifies as an active lead line that should be prioritized for removal under the Owner-initiated Program’s purpose. *Id.*

Mr. Beeson notes that the CAD Director stated in her review and decision that the Owner-initiated Program “appears intended to coordinate with owners currently undertaking private-side replacements.” He argues that the CAD Director’s wording improperly narrows eligibility for the

Owner-initiated Program as the official program language instead says “property owners who wish to undertake replacement.” *Id.*

Mr. Beeson takes issue with the CAD Director’s statement in her review and decision that there is “no provision for Citizens Water to retroactively coordinate with replacements completed prior to the order.” Mr. Beeson states that he never requested retroactive coordination, and that his application proposed a new, contemporaneous full-line replacement. Mr. Beeson further emphasizes that the CAD Director acknowledges that the 45599 Order does not retroactively disqualify properties with private-side replacements prior to March 2, 2022 from participating in the Owner-initiated Program. *Id.*

The 45599 Order does not obligate Citizens Water to perform Mr. Beeson’s service line replacement based on the March 2, 2022 effective date. It is undisputed that Mr. Beeson’s service line on the customer-side does not contain lead materials; as such, his circumstances do not meet the criteria for his participation in the LSLR Plan’s Owner-initiated Program. We find the CAD Director’s decision to be consistent with and supported by the terms of the 45599 Order approving Citizens Water’s LSLR Plan.

The Commission notes that the LSLR Plan approved in the 45999 Order considers both the financial efficiencies of replacing the entire service line at one time and protecting public health by only disturbing the service line once. As the portion of the service line on Mr. Beeson’s private property was previously replaced with a copper service line, Citizens Water is not obligated to replace or fund replacement of the service line within the right-of-way under the Owner-initiated Program option of the LSLR Plan. The Commission further notes that Citizens Water is still obligated to carry out replacement of all lead service lines on the public-side up to customers’ private-side connection. For the purpose of the LSLR Plan’s Owner-initiated Program, the potential presence of an active lead segment in service within the public right-of-way is irrelevant to Mr. Beeson’s circumstances; the Owner-initiated Program is one option under the overall LSLR Plan, an option that is specifically designed to coordinate private-side replacement of lead service lines at the property owner’s expense with Citizens Water’s priority list for the public-side replacement of lead service lines.

The Commission finds that the distinction between customers who “wish” to undertake replacement and those who are “currently undertaking” replacement of a private-side service line is without impact on the determination of Mr. Beeson’s eligibility to participate in the Owner-initiated Program. As previously discussed, Mr. Beeson’s service line on his property up to the public right-of-way does not contain lead and is therefore ineligible for the coordination of lead service line replacement under the Owner-initiated Program.

For the foregoing reasons, we affirm the CAD Director’s review and decision affirming the conclusion that Mr. Beeson’s complaint is unsubstantiated.

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

1. The October 14, 2025 CAD Director’s review and decision in this Cause is affirmed.
2. This Order shall be effective on and after the date of its approval.

ZAY, DEIG, SWINGER, VELETA, AND ZIEGNER CONCUR:

APPROVED: MAR 11 2026

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

_____ on behalf of
Dana Kosco
Secretary of the Commission