

ORIGINAL

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

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**APPEAL BY MATTHEW OPLINGER OF THE)
 CONSUMER AFFAIRS DIVISION DIRECTOR’S) CAUSE NO. 46366
 DECISION CONCERNING TREE-TRIMMING)
 ACTIVITIES BY NORTHERN INDIANA PUBLIC) APPROVED: MAY 20 2026
 SERVICE COMPANY LLC)**

ORDER OF THE COMMISSION

**Presiding Officers:
 Anthony F. Swinger, Commissioner
 Loraine L. Seyfried, Chief 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 or about May 19, 2025, Matthew Oplinger contacted CAD with an informal complaint, expressing concerns about the lack of advance notice and excessive trimming of a Bradford Pear tree at his property by Northern Indiana Public Service Co. (“NIPSCO”).

On August 18, 2025, following CAD’s review and investigation of the informal complaint, CAD’s Analyst provided Mr. Oplinger with a decision resolving his informal complaint and finding the complaint against NIPSCO to be substantiated.

On August 20, 2025, NIPSCO submitted its request for the CAD Director’s review of the August 18, 2025 CAD Analyst decision, asserting that it complied with the applicable notice requirements related to tree trimming activity.

On December 23, 2025, the CAD Director issued her decision, which reversed the CAD Analyst’s determination, finding that pursuant to the facts alleged in Mr. Oplinger’s informal complaint and the information provided by the parties during the CAD investigation, Mr. Oplinger’s complaint is unsubstantiated regarding NIPSCO’s compliance with a statute, administrative rule, or Commission Order governing the provision of utility services in the State of Indiana.

On December 29, 2025, the Commission received notice from Mr. Oplinger 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.

By way of a docket entry issued on March 4, 2026, the Presiding Officers set this matter for a public hearing on April 7, 2026, at 1:30 p.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.

Also on March 4, 2026, Mr. Oplinger contacted the Commission, stating he did not wish to appear or offer oral argument at the public hearing or for the hearing to be rescheduled.

On March 25, 2026, the Presiding Officers issued a docket entry vacating 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. NIPSCO is a public utility that is subject to the jurisdiction of the Commission concerning the provision of electric service pursuant to the provisions of Ind. Code ch. 8-1-2 and the Commission's rules at issue in this Cause under 170 IAC 4-9 regarding vegetation management standards. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Cause.

2. The CAD Record.

A. Complaint. On May 19, 2025, Matthew Oplinger contacted CAD with an informal complaint, expressing concerns about the lack of advance notice and excessive trimming of a Bradford Pear tree at his property by NIPSCO. Mr. Oplinger stated that he received no prior notification before his Bradford Pear tree was trimmed, that it was damaged by excessive trimming, and that NIPSCO did not respond to his request to resolve the matter.

B. CAD Analyst's Investigation and Resolution. NIPSCO stated that it provided notice to Mr. Oplinger of its planned vegetation management work on two occasions. First, on December 26, 2023, NIPSCO's contractor left informational pamphlets along with an IURC Notification letter and a business card with contact information at Mr. Oplinger's residence on his garage door. Second, on January 8, 2024, NIPSCO's contractor left another IURC Notification Letter along with a business card at Mr. Oplinger's residence. NIPSCO explained that the window of work dates and the date of the notice are handwritten on the IURC Notification Letter. NIPSCO further stated that it did not receive a response from Mr. Oplinger prior to the commencement of the tree-trimming at Mr. Oplinger's property in March 2025. NIPSCO stated that the contractor knocked on Mr. Oplinger's door prior to starting the work, but nobody answered.

NIPSCO explained that the vegetation management work on Mr. Oplinger's property was emergent, and not routine or related to a line upgrade. However, NIPSCO subsequently stated that the delay between the time that the customer was notified in December 2023 and January 2024 and when the tree work was conducted in March 2025 was due to an associated line upgrade project being delayed until April 2025.

NIPSCO acknowledged the gap between its notice to Mr. Oplinger in January 2024 and the tree trimming work at his property in March 2025 and expressed an understanding that such delay may not meet customer expectations. NIPSCO further stated that it has implemented a review process within its tracking system to identify and re-notice customers as appropriate to avoid such gaps between notice and the commencement of the actual work going forward.

With regard to Mr. Oplinger's complaint, NIPSCO stated that Mr. Oplinger contacted NIPSCO on April 21, 2025 to express his concerns about the Bradford Pear tree that was trimmed by NIPSCO's contractor at his property. On April 28, 2025, Mr. Oplinger notified NIPSCO that the tree that was trimmed by NIPSCO's contractor was damaged and requested that NIPSCO remove the tree, grind the stump, and provide a full replacement with a 40-45 foot Bradford Pear tree. NIPSCO stated that it agreed to Mr. Oplinger's requests, except for the height of the replacement tree, which would typically be five to seven feet tall. Mr. Oplinger responded that NIPSCO should compensate him with at least \$15,000 with a seven to nine foot replacement tree. NIPSCO stated that it then offered to plant three trees of five to seven feet to more closely match the total diameter at breast height of the tree that would be removed. NIPSCO said that Mr. Oplinger refused this offer.

In his August 18, 2025 determination, the CAD Analyst stated that NIPSCO should have sent an updated notification to customers once it was clear that the work would not be performed in the first half of 2024 as communicated in NIPSCO's notifications. The CAD Analyst found that the delay between notification and the actual tree trimming work violated the notice requirements under 170 IAC 4-9-4(a) and 170 IAC 4-9-5(a).

C. CAD Director's Designee's Review and Decision. On August 20, 2025, NIPSCO requested the CAD Director's review of the CAD Analyst's determination that Mr. Oplinger's complaint was substantiated. In its request for the CAD Director's review, NIPSCO confirmed the vegetation management at issue was line-related. NIPSCO acknowledged that customer notice of vegetation management activities related to line upgrades must be provided at least 60 days prior to the utility changing a distribution or transmission line to a higher voltage level. NIPSCO argued that 170 IAC 4-9-5(a) does not limit the number of days after notice is provided in which the noticed vegetation management must occur, nor does the rule require a second notice in the event that line related work is delayed. NIPSCO stated that Mr. Oplinger was provided notice in 2024, that the line related tree work was delayed due to the line upgrade project being delayed until April 2025, and that Mr. Oplinger was provided the required notice at least 60 calendar days prior to the line related work.

On December 23, 2025, the CAD Director issued the results of her review, reversing the CAD Analyst's decision. The CAD Director's review and decision determined that, based on the facts presented, the complaint is unsubstantiated regarding NIPSCO's compliance with a statute, administrative rule, or Commission Order governing the provision of utility services in the State of Indiana.

The CAD Director stated that NIPSCO provided notice to Mr. Oplinger at least 60 calendar days prior to commencing the line-related tree-trimming work involving Mr. Oplinger's tree, as was required for such work associated with a line voltage upgrade under 170 IAC 4-9-5(a). The

CAD Director further stated that the 15-month delay between NIPSCO's notice and the actual work was unreasonable and undermined the intent of the rule, which is to ensure customers are meaningfully informed about upcoming work that affects their property.

D. Mr. Oplinger's Appeal. On December 29, 2025, Mr. Oplinger appealed the CAD Director's review and determination, seeking review by the Commission. Mr. Oplinger asked the Commission to reverse the CAD Director's review and determination. He stated the CAD Director's finding that NIPSCO did not violate 170 IAC 4-9-5(a) is irreconcilable with the CAD Director's statements that the 15-month delay between customer notice and the actual tree-trimming is unreasonable and undermined the intent of the rule.

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. NIPSCO initially indicated that the vegetation management performed at Mr. Oplinger's property was necessary due to an emergent situation. However, NIPSCO subsequently indicated, and again confirmed in its appeal to the CAD Director, that the tree-trimming activity at Mr. Oplinger's property was for work associated with line upgrades. Thus, the applicable customer notice requirements of 170 IAC 4-9-5 apply.¹

170 IAC 4-9-5 outlines the following requirements:

Sec. 5. (a) At least sixty (60) calendar days prior to a utility changing a distribution or transmission line to a higher voltage level, the utility must give notice to the affected customer if the change in the line will change the area in which vegetation management will be necessary as a result of safe clearance requirements.

(b) Notice shall be provided in the same manner as in section 4(b) of this rule.

(c) Notice shall include, at minimum, the following information:

(1) The fact that line upgrades are scheduled to occur.

(2) An explanation of what line upgrades are.

(3) An explanation as to why line upgrades are necessary for safe and reliable electric service.

(4) The fact that non-property owners living or working on the property and receiving the notice are strongly encouraged to notify the property owner as soon as possible that line upgrades are scheduled to occur.

(5) The estimated date that line upgrades are scheduled to occur.

(6) The estimated length of time construction will continue.

(7) New vegetation restrictions on the property as a result of the line upgrades.

¹ Even if the tree trimming was for an emergent situation, it would not alter our decision because the applicable notice requirements of 170 IAC 4-9-4 are similar to those in set forth in 170 IAC 4-9-5, with the relevant exception of notice being provided at least two calendar weeks in advance of the tree trimming activity instead of at least 60 days in advance.

(8) Changes to the property owner's easement or right of way as a result of the line upgrades.

(9) Contact information, including, at a minimum, a telephone number for an authorized utility representative who is able to answer customer inquiries related to line upgrades.

NIPSCO provided copies of the notice documents provided to Mr. Oplinger. The notice documents' content and the timing of the notices provided on December 26, 2023 and January 8, 2024, together with the commencement of work in March 2025 establish that NIPSCO met the notice requirements. NIPSCO provided notice to Mr. Oplinger at least 60 days in advance of when the associated work was expected to be performed. Nothing in the rule requires NIPSCO to provide additional notice to customers should the tree trimming activity be delayed. Thus, we agree with the CAD Director's finding that because NIPSCO provided notice to the customer at least 60 calendar days prior to the anticipated commencement of its tree-trimming work at Mr. Oplinger's property, NIPSCO has complied with the rule requiring notice for line upgrade related vegetation management as that rule is written.

We also, however, agree with the CAD Director's assessment of the rule as presently written and that an excessive delay between the provision of notice to the customer of estimated date the work is scheduled to occur and the date of the actual work renders such notice less meaningful and helpful to the customer. The delay of more than a year in this case is especially concerning and does not reflect best practices in customer service or customer communication. However, our agreement with a deficiency in the rule does not alter the fact that NIPSCO complied with the rule's notice requirements.

We appreciate that NIPSCO, in its response to CAD, also acknowledged that gaps between the original notice and actual vegetation management work, such as which occurred at Mr. Oplinger's property, may not meet customer expectations. The evidence further reflects that NIPSCO has implemented a review process within its tracking system to identify and re-notify customers, when appropriate, to help prevent similar situations occurring in the future. We strongly urge NIPSCO to follow through on this commitment and ensure customer re-notifications, when needed, are appropriately made.

Finally, we find that NIPSCO offered reasonable efforts to mitigate Mr. Oplinger's dissatisfaction through its willingness to remove the tree, grind the stump, prepare the site, and plant three new trees.

For the foregoing reasons, we affirm the CAD Director's review and decision reversing the CAD Analyst's conclusion.

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

1. The CAD Director's decision 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