

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED JOINT PETITION OF INDIANA )  
OFFICE OF UTILITY CONSUMER COUNSELOR )  
AND CITIZENS ACTION COALITION FOR A )  
COMMISSION INVESTIGATION INTO AES ) CAUSE NO. 45917  
INDIANA’S PRACTICES AND PROCEDURES )  
REGARDING POWER OUTAGE RESTORATION )  
AFTER THE JUNE 29, 2023 STORM. )

**JOINT PETITION FOR COMMISSION INVESTIGATION**

The Indiana Office of Utility Consumer Counselor (“OUCC”) and Citizens Action Coalition (“CAC”) respectfully petition the Indiana Utility Regulatory Commission (“Commission”) to commence an investigation to assess AES Indiana’s practices and procedures for storm outage restoration.

Severe thunderstorms moved through central Indiana during the afternoon of June 29, 2023, particularly impacting the AES Indiana customer footprint.<sup>1</sup> Additional storm activity impacted Indiana in the following days.<sup>2</sup>

AES Indiana’s storm outage reports to the Commission, during this timeframe, stated as follows:

- Its initial report stated that as of 5:54 pm on Thursday, June 29, the number of customers affected by power outages was 70,196.
- On Friday, June 30 at 4:00 pm, AES Indiana stated: 550 personnel were working on restoration efforts, the total number of affected customers was approximately 80,000, and 37,882 customers remained without power at the time.

<sup>1</sup> <https://www.weather.gov/ind/june292023derecho> Retrieved 7-11-23.

<sup>2</sup> <https://www.wthr.com/article/weather/weather-blog/sunday-storm-recap-latest-round-of-severe-weather-june-2-2023/531-afde61a8-6934-4806-9fda-eac4b6e4b934> Retrieved 7-11-23.

- As of Saturday, July 1 at 2:00 pm, 20,748 customers remained without power.
- As of Sunday, July 2 at 2:00 pm, approximately 6,857 customers remained without power. The same report included an Estimated Service Restoration Time of “Mid-Day Monday.”

- The report for Monday, July 3 at 6:00 am showed an Estimated Service Restoration Time of “Midday Today,” with 3,762 customers still out.

- The report for Monday, July 3 at 2:00 pm continued to show an Estimated Service Restoration Time of “Midday Today,” with 3,042 customers still out. In this report, the utility revised the Estimated Total Number of Customers affected to approximately 81,640.

- As of Tuesday, July 4 at 5:00 pm, AES reported it had approximately 0 customers without power.

- However, the claim of 0 outages is contradicted by several Twitter posts from AES customers in the late afternoon of July 4, which are attached hereto.

Given the storm event, the magnitude of the outages and the extended periods of time for restoration, the OUCC requests the Commission open an investigation so that the Commission, the OUCC and all stakeholders have an opportunity to learn from AES Indiana what efforts it took, both in preparation and after the storm, to mitigate damages and also the efforts taken to restore power.

Through the Indiana General Assembly, the Commission possesses broad authority to regulate operations of jurisdictional utilities within the State. In order to fulfill its statutory duties and provide meaningful oversight, the OUCC requests the Commission initiate an investigation to ascertain information from AES Indiana about the practices and procedures they took to prepare for and to address the storm outages. The Commission should evaluate

the practices and procedures, including its reporting requirements, to ensure Indiana ratepayers are receiving the best services under the circumstances and that meaningful investments have been made to protect the reliability and resiliency of its infrastructure.

In support of this Petition, the OUCC and CAC represent the following:

1. The Commission took similar action in response to the economic upheaval caused by the onset of the COVID-19 pandemic. Its May 27, 2020 Order noted:

The Commission is charged with the duty of ensuring that public utilities provide reasonably adequate service and facilities at just and reasonable rates. Ind. Code § 8-1-2-4. The Commission anticipates many impacts of the COVID-19 pandemic may not be fully understood for months, if not years, as the effect is ongoing. (Cause No. 45380, May 27, 2020, Order, p. 4.)

2. The Commission has authority to initiate an investigation into all matters relating to any public utility pursuant to Ind. Code § 8-1-2-58. In addition, Ind. Code § 8-1-2-72 authorizes the Commission to alter or amend any order made by the Commission, upon notice and after opportunity to be heard.

3. In addition to the foregoing statutory provisions, the Indiana Court of Appeals has specifically found that inherent in this grant of power is the implicit power and authority to “do that which is necessary to effectuate the regulatory scheme.” *South Eastern Indiana Natural Gas v. Ingram*, 617 N.E.2d 943, 948 (Ind. Ct. App. 1993).

4. Consistent with the Commission’s authority and obligation under Ind. Code § 8-1-2-58, the OUCC and CAC request the Commission open an investigation to ascertain the practices and procedures undertaken by AES Indiana to address the causes of the loss of power and the timely restoration of power outages as a result of the June 29, 2023 storm.

5. OUCC and CAC request the Commission make AES Indiana a respondent to this petition and that a procedural schedule be set for the purpose of receiving testimony and other evidence.

6. To the extent other requests for relief are submitted to the Commission, the OUCC and CAC request the Commission conduct a uniform investigation to address all issues in a manner that supports administrative efficiency.

Respectfully submitted,

INDIANA OFFICE OF UTILITY CONSUMER  
COUNSELOR



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William I. Fine, Attorney No. 6830-45  
Utility Consumer Counselor, State of Indiana  
115 West Washington Street, Suite 1500 South  
Indianapolis, Indiana 46204  
[wfine@oucc.in.gov](mailto:wfine@oucc.in.gov)

CITIZENS ACTION COALITION OF INDIANA



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Jennifer A. Washburn, Atty. No. 30462-4  
Citizens Action Coalition of Indiana, Inc.  
1915 W. 18<sup>th</sup> Street, Suite C  
Indianapolis, Indiana 46202  
(317) 735-7764  
[jwashburn@citact.org](mailto:jwashburn@citact.org)

**VERIFICATION**

I affirm, under the penalties for perjury, that the foregoing representations are true to the best of my knowledge and belief.

DATED: July 11, 2023



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William I. Fine, Attorney No. 6830-45  
Utility Consumer Counselor, State of Indiana

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing *Verified Joint Petition for an Investigation Into AES Indiana's Practices and Procedures Regarding Power Outage Restoration After The June 29, 2023 Storm* has been served upon the following in the captioned proceeding by electronic service on July 11, 2023.

Nicholas M. Grimmer  
Indiana Regulatory Counsel  
AES US Services LLC  
One Monument Circle  
Indianapolis, Indiana 46204  
Phone: (317) 261-8856  
Email: [nick.grimmer@aes.com](mailto:nick.grimmer@aes.com)

Courtesy copy via email to:

Kristina Lund  
President and CEO of AES Indiana  
One Monument Circle  
Indianapolis, Indiana 46204  
Email: [kristina.lund@aes.com](mailto:kristina.lund@aes.com)



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William I. Fine, Attorney No. 6830-45  
Utility Consumer Counselor, State of Indiana

**INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR**  
**PNC Center**  
115 West Washington Street, Suite 1500 South  
Indianapolis, IN 46204  
[infomgt@oucc.in.gov](mailto:infomgt@oucc.in.gov)  
317.232.2494 – Phone  
317.232.5923 – Facsimile

ATTACHMENT



**Bryan Wood**  
@brybrywood



I was just told by a customer service rep that despite not having power since Thursday and having a power line down I'm my yard we are not slated for restoration today. So stop quoting before you can deliver. Adopt the underpromise overdeliver philosophy. ✌️

5:37 PM · Jul 4, 2023 · 75 Views



**Bryan Wood**  
@brybrywood



You still have an entire street that lost power since 6/29... why is this happening? Stop quoting inaccurate information @AESIndiana . Why do I have a potentially live wire down in my yard after 5 days?!

5:44 PM · Jul 4, 2023 · 29 Views



**!EVAN™**  
@evantn



This is AGAIN a bald lie. We just spoke to your customer service AGAIN and you have NO plan to restore our power and have not been on our property to even assess.

5:59 PM · Jul 4, 2023 · 57 Views



**!EVAN™**

@evantn



The situation is what it is, but peddling misinformation is something different entirely. We have power lines down in our yard and no power since Thursday and you have been aware of it the entire time and done nothing.

6:00 PM · Jul 4, 2023 · 58 Views



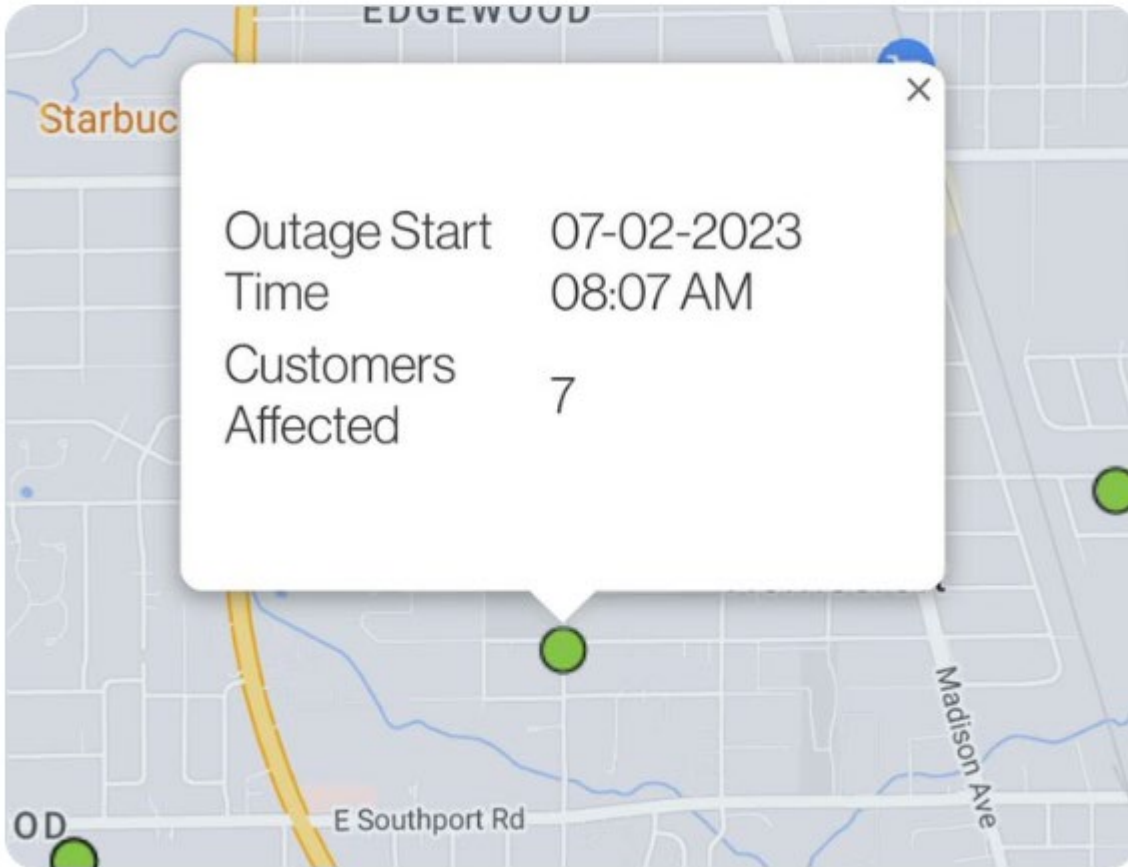


**tori X**  
@gofortori



No you haven't! PLEASE we need our power. You reassigned our street as a Sunday outage but we have been without power for SIX DAYS

Please turn your attention to our street!!!! We are NOT A SUNDAY OUTAGE we haven't had power since Thursday at 3:52pm



6:56 PM · Jul 4, 2023 · 704 Views



**Adam M**  
@SeaWasAngry



Our power that was off since Thursday was turned back on at 5pm today AND just went off again. Can someone get in touch with me over DM just like they are with the other folks who replied to your post?

8:53 PM · Jul 4, 2023 · 236 Views

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