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FILED
July 18, 2018
INDIANA UTILITY
REGULATORY COMMISSION

From: MARYANN STEVENS [mailto:masliver@sbcglobal.net]

Sent: Saturday, June 30, 2018 11:27 AM

To: Helene, Beth E.

Subject: Appeal of CAD decision in MaryAnn Stevens vs. IPL complaint #122291

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Ms. Helene,

With this email, I am requesting an appeal of the decision I received from Consumer Affairs Division Director, Kenya McMillin (decision letter and envelop attached) in my complaint against Indianapolis Power and Light Company, complaint #122291.

**Thank you,
MaryAnn Stevens
8554 Moore Road
Indianapolis, IN 46278**

On Tuesday, June 19, 2018 5:40 PM, "Helene, Beth E." <BHeline@urc.IN.gov> wrote:

Ms. Stevens,

If you would like to request an appeal of Ms. McMillin's decision, all you need to do is send your request in writing to me on behalf of the Indiana Utility Regulatory Commission. This can be done via email or regular mail.

After you request an appeal, an Administrative Law Judge and a Commissioner will be assigned to the case, and you may communicate with the Administrative Law Judge regarding procedural issues, such as rescheduling the hearing date.

Please let me know if you have additional questions.

Thank you.

**Beth E. Helene
General Counsel
Indiana Utility Regulatory Commission
101 W. Washington St., Suite 1500 East
Indianapolis, IN 46204
Direct line: (317) 232-2092**

Fax #: (317) 232-6758
Email: bheline@urc.in.gov

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From: MARYANN STEVENS [<mailto:masliver@sbcglobal.net>]
Sent: Tuesday, June 19, 2018 1:55 PM
To: Heline, Beth E.
Subject: Appeal of CAD decision

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Ms.Heline,

I received your name in the cover letter from Kenya McMillin's decision in my appeal. In an earlier phone conversation with Ms. McMillin, she said her decision letter would give information on how to appeal her decision. There is a short paragraph about "writing directly to the Indiana Utility Regulatory Commission within twenty (20) days of receipt of my decision" but there are no details on how to make that written appeal.

Can you please provide more detail on making an appeal:

Where so I send it?

By letter or e-mail?

Do I just ask to appeal or do I submit my objections to the decision I received from Ms. McMillian?

If the assigned hearing date is inconvenient for my schedule, can I ask for a change of date?

I appreciate any clarification you can provide.

Thank you,
MaryAnn Stevens

Regarding  122291

Duration

STATE of INDIANA

INDIANA UTILITY REGULATORY COMMISSION
101 WEST WASHINGTON STREET, SUITE 1500 EAST
INDIANAPOLIS, INDIANA 46204-3419



www.in.gov/iurc
Office: (317) 232-2701
Facsimile: (317) 232-6758

June 14, 2018

MaryAnn Stevens
8554 Moore Road
Indianapolis, IN 46278

Dear Ms. Stevens,

Thank you for contacting the Indiana Utility Regulatory Commission's (Commission), Consumer Affairs Division (CAD) regarding Indianapolis Power and Light Company (IPL). As you requested an appeal to the CAD Director, I have reviewed Complaint # 122291 and have made a determination based on the facts presented in the complaint. A copy of my decision is included with this letter for your records.

If you do not agree with my decision, you may appeal in writing directly to the Indiana Utility Regulatory Commission within twenty (20) days of receipt of my decision. An Administrative Law Judge from the IURC will mail you the date and time of a hearing regarding the appeal. As the appealing party, you may attend and participate in this hearing. Any subsequent dates to appear will be discussed at the initial hearing. If you do not attend the hearing, the case may be dismissed, unless you have communicated to the Commission that you prefer to submit a written statement detailing your complaint.

If you have any questions about this process, please contact our General Counsel, Beth E. Helene, at 317-232-2092 or BHelene@urc.in.gov.

Best Regards,

Kenya McMillin

Director, Consumer Affairs
Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500 E
Indianapolis, IN 46204
1-800-851-4268 ext. 291
kmcmillin@urc.in.gov

INDIANA UTILITY REGULATORY COMMISSION

DIRECTOR REVIEW OF CONSUMER AFFAIRS DIVISION ANALYST'S RESOLUTION

Director Review# 2018 - 4

To: MaryAnn Stevens 8554 Moore Road Indianapolis, IN 46278	From: Kenya McMillin Indiana Utility Regulatory Commission 101 West Washington St., Suite 1500 E. Indianapolis, IN 46204
Copy: Indianapolis Power & Light Company Attn: Tammy Harmon 8554 Moore Road Marion, IN 46278	

Complaint 122291: MaryAnn Stevens vs. Indianapolis Power and Light Company (IPL)

Pursuant to 170 IAC 16-1-5, the Director of the Consumer Affairs Division of the Indiana Utility Regulatory Commission has fully reviewed the Consumer Affairs Analyst's resolution regarding this complaint, and hereby affirms this resolution for the following reason:

- ☒ That, pursuant to the facts alleged in the complaint, the complaint is unsubstantiated regarding the utility's compliance with a statute, administrative rule or Commission Order governing the provision of utility services in the State of Indiana.
- ☐ That, pursuant to the facts alleged in the complaint, the complaint is substantiated regarding the utility's compliance with (cite statute, rule or Order) in that it _____
- ☐ Other _____

Conclusion:

Based on the information provided, the analyst's decision is affirmed. The concerns in Ms. MaryAnn Stevens' appeal to the CAD Director included the following 6 items:

1. **The Indiana Administrative Code (IAC) 170 IAC 4-1-2 states administrative rules apply to utilities, and 170 IAC 4-1-5(C) further indicates that the rules only apply to the utilities providing access.** Ms. Stevens is correct. 170 IAC 4-1-2 states that the rules pertain to the utilities. 170 IAC 4-1-5 and 170 IAC 4-1-5 (C) addresses the location of meters and the accessibility of the meters. However, as a condition of receiving utility service, a customer must allow the utility access to the meter. IPL's approved tariff governs its interactions with customers, and sections 15.2 and 15.3 explicitly state that the utility has the right to enter a customer's property to install meters. If the customer does not provide access to the meter, IPL may disconnect service in accordance to its approved tariff. See tariff section 15.4. Tariff section 16.1 states the customer shall provide an unrestricted access to the meter that is easily accessible. Therefore, Ms. Stevens is required to provide access to her meter. A copy of these sections of IPL's tariff is included with this decision.

2. **The right of the IPL to enter Ms. Stevens' property.** When Ms. Stevens agreed to pay for utility service, she thereby gave the utility the right to enter onto her property to access the meter. As stated prior, IPL's approved tariff sections 15.2 and 15.3 explicitly state that the utility has the right to enter a customer's property to install meters.
3. **IPL's requirement to notify customers prior to entering the property.** The IAC does not require regulated utilities to notify the customer before accessing the utility's meter on the customer's property. In Ms. Stevens appeal, she stated that the Office of Utility Consumer Counselor told her that IPL claims their customers do not want information on the installation of Automated Metering Infrastructure (AMI) meters. The CAD Director cannot address the information provided by another agency. However, the CAD Director asked IPL if it would consider sending customers notifications regarding meter changes. IPL said that the utility isn't prepared to do that at this time; although, it will be providing a new service to customers in the future that will allow them to sign up to automatically notifications such as ones regarding meter changes.
4. **The reason why IPL switched from an Automated Meter Reader (AMR) to AMI meters.** AMR meters are one-directional as oppose to AMI meters that are bi-directional. According to IPL, AMI meters are considered "self-healing." If an AMI meter is not responding to a field collector, it can respond through another meter, and the field collector can call out to a meter that is not transmitting readings. The AMI meters increase IPL's ability to obtain an actual read and gives the utility the ability to monitor outages. IPL is switching all of its customers to AMI meters upon the availability of its meter installers.
5. **The data collected by the AMI meter.** Ms. Stevens stated her meter had a FCC sticker on it that said it prohibits collecting customer usage inside the premise. IPL stated the AMI meter doesn't collect "information on people." The meter only reports energy usage. AMI meters and others are designed to collect the usage that passes through the meter. The CAD Director contacted the FCC regarding the information printed on the sticker, and left a message for a return telephone call. No one from the FCC returned the CAD Director's call. According to IPL, the only two stickers that are known to be on the meters are to warn customers that tampering is a criminal offense, and that the meter is a solar meter.
6. **IPL enter the property a second time and removed the FCC sticker from the meter.** IPL doesn't have record of anyone returning to Ms. Stevens' property after the AMR meter was changed to an AMI meter.

In summary, Ms. Stevens is required to give IPL access to the meter. In addition, IPL is not required to notify Ms. Stevens prior to accessing the meter on her property. This is the Consumer Affairs Director decision on appeal under 170 IAC 16-1-6.


Kenya McMillin

Director, Consumer Affairs Division

Date: 6/14/18

Indianapolis Power & Light Company
One Monument Circle
Indianapolis, Indiana

I.U.R.C. No. E-17

Original No. 197

14. Description of Equipment to be Served.

- 14.1 The Customer shall, upon request of the Company, present in writing to the Company a list of the devices which are to be served by the Company's lines and the location of the premises to be served; and the Company will then inform the Customer as to the voltage and other characteristics of the service it will furnish.

15. Right-of-Way - Permits.

- 15.1 The Customer shall obtain and provide, on forms provided by the Company, all necessary right-of-way in, on, over or through private property for the installation and maintenance of all poles, wires, transformers, conduits or other equipment necessary or convenient for supply of service to such Customer and other Customers in the area.
- 15.2 The Company shall have the right to install, construct and maintain such poles, wires, fixtures and other equipment (overhead and underground) on Customer's property or on easements or public right-of-way adjacent to Customer's property and shall have the right to maintain such poles, wires, fixtures and other equipment.
- 15.3 The properly authorized agents of the Company shall have the right, at all reasonable times, to enter upon the premises of the Customer for the purpose of installing, meter reading, inspecting, repairing or replacing appliances used in connection with the supply of service to the Customer and others and, upon termination of the service contract, for the purpose of obtaining a meter reading prior to physical disconnection and for removal of the Company's property.
- 15.4 Failure of any Customer to comply with subsections 15.1, 15.2 and 15.3 hereof, shall be sufficient cause for the Company to refuse, withhold or disconnect service to such Customer until compliance therewith has been obtained.

16. Space for Company's Meters, Transformers and Appliances.

- 16.1 When the character of service requires it, the Customer shall provide, free of expense to the Company, and near the service entrance, a suitable and dry space or room for the necessary meter, any and all auxiliary apparatus, distribution transformers or other appliances which may be furnished by the Company. Such spaces or rooms shall be kept easily accessible at all times, shall not be used for storage purposes and shall be kept free of foreign materials of any nature. Meter base must be installed outside of premise with four (4) feet of clearance and unrestricted access (new construction and/or altered electrical service installations).

Issued Pursuant to
Cause No. 44576
Indiana Utility Regulatory Commission
Energy Division

EFFECTIVE
March 31, 2016
Indiana Utility Regulatory
Commission

Effective March 31, 2016

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