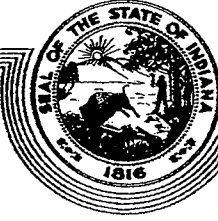


STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
101 WEST WASHINGTON STREET, SUITE 1500 EAST
INDIANAPOLIS, INDIANA 46204-3407

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INVESTIGATION BY THE INDIANA UTILITY)
REGULATORY COMMISSION, UNDER IC §§ 8-)
1-2-58 AND 59, TO INVESTIGATE ELECTRIC)
UTILITY TREE-TRIMMING PRACTICES AND)
TARIFFS RELATING TO SERVICE QUALITY)
IN THE STATE OF INDIANA.)
)
)
RESPONDENTS: ALL INDIANA)
JURISDICTIONAL ELECTRIC UTILITIES)

CAUSE NO. 43663

FILED
DEC 10 2009
INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

In the course of this investigation, the Commission has reviewed electric utility tariffs on file with the Commission in order to determine which utilities, if any, have tariff provisions related to tree-trimming practices. Commission review has identified only one utility, Indianapolis Power & Light Co., Inc. ("IPL"), which has such a tariff provision on file, namely Section 15.2 of IURC Tariff E-16. That provision states as follows:

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 *including the right to trim and remove trees located on Customer's property, as, in the Company's judgment, are reasonably necessary to the operation and maintenance of such facilities.*

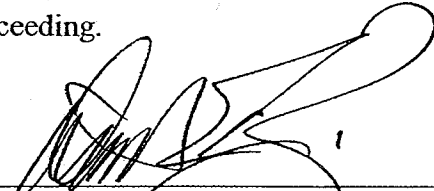
(Emphasis added.)

A public utility is required by statute to provide "reasonably adequate service." Ind. Code § 8-1-2-4. While the statute requires that public utilities provide "reasonably adequate service," that section does not grant public utilities any particular authority to carry out its statutory obligation. Instead, public utilities are authorized to charge "reasonable and just" rates in order to provide "reasonably adequate service." *Id.* Indiana Code Section 8-20-1-28 does authorize public and municipally-owned utilities to trim trees along roads or highways "outside of municipalities."

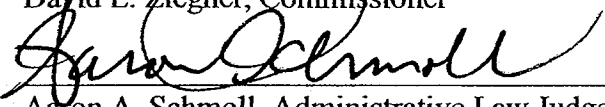
As stated above, IPL is the only public utility with a tariff provision relating to tree-trimming. All other Indiana public utilities are ostensibly able to perform tree-trimming activities without a specific provision in the utilities' tariffs. As such, it does not appear that such a provision is necessary for public utilities to provide electric service. Moreover, Section 15.2, as written, appears to be without authority granted by statute or Commission rule.

Accordingly, the above-referenced italicized text related to tree-trimming shall hereby be suspended pending the final order in this proceeding.

IT IS SO ORDERED.



David E. Ziegner, Commissioner



Aaron A. Schmoll, Administrative Law Judge

Date

December 10, 2009