



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1002 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 8-1-2-4.4 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: **Sec. 4.4. (a) A public utility that provides:**

6 (1) electric;
7 (2) gas;
8 (3) water; or
9 (4) wastewater;

10 utility service to retail customers shall, not later than January 1,
11 2027, make available on the public utility's website an online
12 application that provides a retail customer of the public utility with
13 a forecast of the amount the customer will be billed for the public
14 utility's retail utility service in each of the immediately succeeding
15 twelve (12) calendar months. The forecast provided by an investor
16 owned utility must include a separate estimate of the amount the
17 customer would be billed in each of the immediately succeeding
18 twelve (12) calendar months under a levelized billing plan (as
19 defined in section 4.7 of this chapter).

20 **(b) The forecast for a calendar month provided to a customer by**
21 **a public utility's online application under subsection (a):**

(1) must:

(A) be based on the higher of:

- (i) the amount billed to the customer for the public utility's retail utility service; or**
- (ii) the customer's energy consumption in kilowatt hours, for that calendar month in each preceding year during which the customer received and was billed for the retail utility service; or**

(B) if the customer has not been billed for the public utility's retail utility service for that calendar month in a preceding year, be based on the average amount billed to the public utility's retail customers for the retail utility service for that month in the immediately preceding calendar year;

(2) must account for any change in the public utility's retail rates that will take effect in or before that calendar month; and

(3) must provide a separate estimate that accounts for any prospective change in the public utility's retail rates:

- (A) that is pending approval by the commission; and
- (B) that, if approved by the commission, would take effect in or before that calendar month.

SECTION 2. IC 8-1-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. An investor owned public utility described in section 4.4 of this chapter shall notify a residential customer of the public utility:**

(1) when the amount, in kilowatt hours, of the customer's energy consumption for a month equals fifty percent (50%) of the amount, in kilowatt hours, of the customer's total energy consumption for the immediately preceding month; and

(2) when the amount, in kilowatt hours, of the customer's energy consumption for a month equals one hundred percent (100%) of the amount, in kilowatt hours, of the customer's total energy consumption for the immediately preceding month.

A notice provided under this section must include the amount owed by the customer, at the time of the notice, for the customer's utility service for the month.".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 3. IC 8-1-2-42, AS AMENDED BY P.L.93-2024, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. (a) No change shall be made in any schedule, including schedules of joint rates, except upon ~~thirty~~ (**90**) days notice to the commission, and approval by the commission, and all such changes shall be plainly indicated upon

1 existing schedules or by filing new schedules in lieu thereof ~~thirty~~ (30)
2 **ninety (90)** days prior to the time the same are to take effect. The
3 commission may prescribe a shorter time within which a change may
4 be made. A public, municipally owned, or cooperatively owned utility
5 may not file a request for a general increase in its basic rates and
6 charges within fifteen (15) months after the filing date of its most
7 recent request for a general increase in its basic rates and charges,
8 except that the commission may order a more timely increase if:

9 (1) the requested increase relates to a different type of utility
10 service;
11 (2) the commission finds that the utility's financial integrity or
12 service reliability is threatened; or
13 (3) the increase is based on:
14 (A) a rate structure previously approved by the commission; or
15 (B) orders of federal courts or federal regulatory agencies
16 having jurisdiction over the utility.

17 The phrase "general increase in basic rates and charges" does not
18 include changes in rates related solely to the cost of fuel or to the cost
19 of purchased gas or purchased electricity or adjustments in accordance
20 with tracking provisions approved by the commission. In addition to
21 other tracking provisions the commission finds appropriate, the
22 commission may approve periodic tracking mechanisms for water
23 utilities and wastewater utilities to permit recovery of changes in
24 property taxes. The commission may also approve periodic tracking
25 mechanisms calculated to recover from customers located within the
26 geographic boundaries of local units of government the incremental
27 costs of operation and maintenance of water utilities and wastewater
28 utilities resulting from policies or ordinances that are adopted by those
29 local units and that the commission determines to be unusual but not
30 necessarily unreasonable under section 101 of this chapter. The
31 commission shall adopt rules under IC 4-22-2 to define what is
32 unreasonable with respect to road cut permits and other specifications
33 or policies established by a local unit that imposes costs on water or
34 wastewater utilities.

35 (b) No schedule of rates, tolls, and charges of a public, municipally
36 owned, or cooperatively owned utility which includes or authorizes any
37 changes in charges based upon costs is effective without the approval
38 of the commission. Before the commission approves any changes in the
39 schedule of rates, tolls, and charges of an electric utility, which
40 generates and sells electricity, based upon the cost of fuel to generate
41 electricity or upon the cost of fuel included in the cost of purchased
42 electricity, the utility consumer counselor shall examine the books and
43 records of the public, municipally owned, or cooperatively owned
44 generating utility to determine the cost of fuel upon which the proposed
45 charges are based. In addition, before such a fuel cost charge becomes
46 effective, the commission shall hold a summary hearing on the sole

1 issue of the fuel charge. The utility consumer counselor shall conduct
2 the utility consumer counselor's review and make a report to the
3 commission within twenty (20) days after the utility's request for the
4 fuel cost charge is filed. The commission shall hold the summary
5 hearing and issue its order within twenty (20) days after it receives the
6 utility consumer counselor's report. The provisions of this section and
7 sections 39, 43, 54, 55, 56, 59, 60, and 61 of this chapter concerning
8 the filing, printing, and changing of rate schedules and the time
9 required for giving notice of hearing and requiring publication of notice
10 do not apply to such a fuel cost charge or such a summary hearing.

11 (c) Regardless of the pendency of any request for a fuel cost charge
12 by any electric utility, the books and records pertaining to the cost of
13 fuel of all public, municipally owned, or cooperatively owned utilities
14 that generate electricity shall be examined by the utility consumer
15 counselor not less often than quarterly, and the books and records of all
16 electric nongenerating public, municipally owned, or cooperatively
17 owned utilities shall be examined by the utility consumer counselor not
18 less often than annually. The utility consumer counselor shall provide
19 the commission with a report as to the examination of said books and
20 records within a reasonable time following said examination. The
21 utility consumer counselor may, if appropriate, request of the
22 commission a reduction or elimination of the fuel cost charge. Upon
23 such request, the commission shall hold a hearing forthwith in the
24 manner provided in sections 58, 59, and 60 of this chapter.

25 (d) An electric generating utility may apply for a change in its fuel
26 charge not more often than each three (3) months. When such
27 application is filed the petitioning utility shall show to the commission
28 its cost of fuel to generate electricity and the cost of fuel included in the
29 cost of purchased electricity, for the period between its last order from
30 the commission approving fuel costs in its basic rates and the latest
31 month for which actual fuel costs are available. The petitioning utility
32 shall also estimate its average fuel costs for the three (3) calendar
33 months subsequent to the expiration of the twenty (20) day period
34 allowed the commission in subsection (b). The commission shall
35 conduct a formal hearing solely on the fuel cost charge requested in the
36 petition subject to the notice requirements of IC 8-1-1-8 and shall grant
37 the electric utility the requested fuel cost charge if it finds that:

38 (1) the electric utility has made every reasonable effort to acquire
39 fuel and generate or purchase power or both so as to provide
40 electricity to its retail customers at the lowest fuel cost reasonably
41 possible;
42 (2) the actual increases in fuel cost through the latest month for
43 which actual fuel costs are available since the last order of the
44 commission approving basic rates and charges of the electric
45 utility have not been offset by actual decreases in other operating
46 expenses;

1 (3) the fuel adjustment charge applied for will not result in the
2 electric utility earning a return in excess of the return authorized
3 by the commission in the last proceeding in which the basic rates
4 and charges of the electric utility were approved. However,
5 subject to section 42.3 of this chapter, if the fuel charge applied
6 for will result in the electric utility earning a return in excess of
7 the return authorized by the commission, in the last proceeding in
8 which basic rates and charges of the electric utility were
9 approved, the fuel charge applied for will be reduced to the point
10 where no such excess of return will be earned; and

11 (4) the utility's estimate of its prospective average fuel costs for
12 each such three (3) calendar months are reasonable after taking
13 into consideration:

14 (A) the actual fuel costs experienced by the utility during the
15 latest three (3) calendar months for which actual fuel costs are
16 available; and

17 (B) the estimated fuel costs for the same latest three (3)
18 calendar months for which actual fuel costs are available.

27 (f) Any change in the fuel cost charge granted by the commission
28 under the provisions of this section shall be reflected in the rates
29 charged by the utility in the same manner as any other changes in rates
30 granted by the commission in a case approving the basic rates and
31 charges of the utility. However, the utility may file the change as a
32 separate amendment to its rate schedules with a reasonable reference
33 in the amendment that such charge is applicable to all of its filed rate
34 schedules.

1 in a gas utility's rates, tolls, and charges based upon changes in its gas
2 costs shall be made in accordance with the following:

3 (1) Before the commission approves any changes in the schedule
4 of rates, tolls, and charges of a gas utility based upon the cost of
5 the gas, the utility consumer counselor may examine the books
6 and records of the public, municipally owned, or cooperatively
7 owned gas utility to determine the cost of gas upon which the
8 proposed changes are based. In addition, before such an
9 adjustment to the gas cost charge becomes effective, the
10 commission shall hold a summary hearing on the sole issue of the
11 gas cost adjustment. The utility consumer counselor shall conduct
12 the utility consumer counselor's review and make a report to the
13 commission within thirty (30) days after the utility's request for
14 the gas cost adjustment is filed. The commission shall hold the
15 summary hearing and issue its order within thirty (30) days after
16 it receives the utility consumer counselor's report. The provisions
17 of this section and sections 39, 43, 54, 55, 56, 59, 60, and 61 of
18 this chapter concerning the filing, printing, and changing of rate
19 schedules and the time required for giving notice of hearing and
20 requiring publication of notice do not apply to such a gas cost
21 adjustment or such a summary hearing.

22 (2) Regardless of the pendency of any request for a gas cost
23 adjustment by any gas utility, the books and records pertaining to
24 cost of gas of all public, municipally owned, or cooperatively
25 owned gas utilities shall be examined by the utility consumer
26 counselor not less often than annually. The utility consumer
27 counselor shall provide the commission with a report as to the
28 examination of said books and records within a reasonable time
29 following said examination. The utility consumer counselor may,
30 if appropriate, request of the commission a reduction or
31 elimination of the gas cost adjustment. Upon such request, the
32 commission shall hold a hearing forthwith in the manner provided
33 in sections 58, 59, and 60 of this chapter.

34 (3) A gas utility may apply for a change in its gas cost charge not
35 more often than each three (3) months. When such application is
36 filed, the petitioning utility shall show to the commission its cost
37 of gas for the period between its last order from the commission
38 approving gas costs in its basic rates and the latest month for
39 which actual gas costs are available. The petitioning utility shall
40 also estimate its average gas costs for a recovery period of not less
41 than the three (3) calendar months subsequent to the expiration of
42 the thirty (30) day period allowed the commission in subdivision
43 (1). The commission shall conduct a summary hearing solely on
44 the gas cost adjustment requested in the petition subject to the
45 notice requirements of IC 8-1-1-8 and may grant the gas utility the
46 requested gas cost charge if it finds that:

1 (A) the gas utility has made every reasonable effort to acquire
2 long term gas supplies so as to provide gas to its retail
3 customers at the lowest gas cost reasonably possible;
4 (B) the pipeline supplier or suppliers of the gas utility has
5 requested or has filed for a change in the costs of gas pursuant
6 to the jurisdiction and procedures of a duly constituted
7 regulatory authority;
8 (C) the gas cost adjustment applied for will not result, in the
9 case of a public utility, in its earning a return in excess of the
10 return authorized by the commission in the last proceeding in
11 which the basic rates and charges of the public utility were
12 approved; however, subject to section 42.3 of this chapter, if
13 the gas cost adjustment applied for will result in the public
14 utility earning a return in excess of the return authorized by the
15 commission in the last proceeding in which basic rates and
16 charges of the gas utility were approved, the gas cost
17 adjustment applied for will be reduced to the point where no
18 such excess of return will be earned; and
19 (D) the utility's estimate of its prospective average gas costs
20 for each such future recovery period is reasonable and gives
21 effect to:
22 (i) the actual gas costs experienced by the utility during the
23 latest recovery period for which actual gas costs are
24 available; and
25 (ii) the actual gas costs recovered by the adjustment of the
26 same recovery period.
27 (4) Should the commission at any time determine that an
28 emergency exists that could result in an abnormal change in gas
29 costs, it may, in order to protect the public or the utility from the
30 adverse effects of such change suspend the provisions of
31 subdivision (3) as to the utility or utilities affected by such an
32 emergency and initiate such procedures as may be necessary to
33 protect both the public and the utility from harm. The commission
34 shall lift the suspension when it is satisfied the emergency no
35 longer exists.
36 (5) Any change in the gas cost charge granted by the commission
37 under the provisions of this section shall be reflected in the rates
38 charged by the utility in the same manner as any other changes in
39 rates granted by the commission in a case approving the basic
40 rates and charges of the utility. However, the utility may file the
41 change as a separate amendment to its rate schedules with a
42 reasonable reference in the amendment that such charge is
43 applicable to all of its filed rate schedules.".

44 Page 6, between lines 35 and 36, begin a new paragraph and insert:
45 "SECTION 4. IC 8-1-2-42.8 IS ADDED TO THE INDIANA CODE
46 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 42.8. (a) This section applies to a public
2 utility described in section 4.4 of this chapter.

3 (b) If a change in a public utility's rates and charges authorized
4 by the commission, including:

5 (1) a change in the utility's rates and charges related solely to
6 the cost of fuel or to the cost of purchased gas or purchased
7 electricity; or

8 (2) an adjustment to the utility's retail rates and charges made
9 in accordance with a tracking provision approved by the
10 commission;

11 will result in an increase in the rates charged for retail utility
12 service by the public utility to the public utility's retail customers,
13 the public utility may not implement the change in the public
14 utility's rates and charges earlier than ninety (90) days after the
15 date on which the utility mails notice of the increase to the retail
16 customers of the utility whose rates will be affected.

17 (c) A notice of a rate increase mailed to a customer under
18 subsection (b) must include instructions as to how the customer can
19 access and use the public utility's online application under section
20 4.4 of this chapter to obtain an estimate of the amount that will be
21 billed to the customer in the first twelve (12) months during which
22 the rate increase is in effect.".

23 Rerumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 22, 2026.)

Representative Burton