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HOUSE BILL No. 1002

Proposed Changes to introduced printing by AM100213

DIGEST OF PROPOSED AMENDMENT

Utility rate forecasting and notice. Requires a public utility that provides electric, gas, water, or wastewater utility service to retail customers (public utility) to make available on the public utility's website an online application (rate forecasting tool) that provides a retail customer of the public utility with an estimate of the amount the customer will be billed for the public utility's retail utility service in each of the next 12 calendar months. Requires an investor owned public utility to provide a separate estimate of the amount the customer would be billed under a budget billing plan. Requires an investor owned public utility to notify a residential customer: (1) when the customer's energy consumption for a month equals 50% of the customer's total energy consumption for the immediately preceding month; and (2) when the customer's energy consumption for a month equals 100% of the customer's total energy consumption for the immediately preceding month. Provides that: (1) if a change in a public utility's rates and charges authorized by the Indiana utility regulatory commission will result in an increase in the rates charged for retail utility service by the public utility to the public utility's retail customers, the public utility may not implement the change earlier than 90 days after the date on which the utility mails notice of the increase to the retail customers whose rates will be affected; and (2) the notice must include instructions as to how a retail customer can access and use the public utility's rate forecasting tool.

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

- 1 [SECTION 1. IC 8-1-2-4.3 IS ADDED TO THE INDIANA CODE
- 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 4.3. (a) A public utility that provides:
- 4 (1) electric;
- 5 (2) gas;
- 6 (3) water; or

2026

IN 1002—LS 7032/DI 101



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

(b) The forecast for a calendar month provided to a customer
by 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 8-1-2-4.4 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 4.4. An investor owned public utility
described in section 4.3 of this chapter shall notify a residential
customer of the public utility:

(1) when the amount, in kilowatt hours, of the customer's



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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.

] SECTION ~~8-1-2-4.7~~ [3]. IC 8-1-2-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.7. (a) As used in this section, "budget billing plan" means a levelized payment plan, however denominated, that:**

(1) applies to a customer's account with an electricity supplier;

(2) provides for the payment of a customer's bill in equal monthly installments; and

(3) involves a reconciliation mechanism in which:

(A) the amount of utility service actually used by the customer during a specified period is compared with the amount of utility service for which the customer was billed under the plan during the specified period; and

(B) the customer's account is either billed or credited, as appropriate, for any difference identified under clause (A).

(b) As used in this section, "customer" refers to a residential customer who has agreed to pay for utility service from an electricity supplier under the electricity supplier's standard residential tariff.

(c) As used in this section, "electricity supplier" means a person, however organized, that:

(1) provides utility service to customers; and

(2) is under the jurisdiction of the commission for the approval of rates and charges.

(d) As used in this section, "utility service" means electric service that is provided at retail to customers.

(e) An electricity supplier shall do the following:

(1) Beginning with the first monthly billing cycle that begins



after June 30, 2026, apply a budget billing plan to all active customer accounts:

(A) for utility service provided under the electricity supplier's standard residential tariff; and

(B) to which a budget billing plan does not already apply.

(2) Not later than April 1, 2026, offer each customer a mechanism, through one (1) or more methods described in subsection (f)(4), by which the customer may opt out of the budget billing plan at any time, without penalty, before or after the budget billing plan is applied to the customer's account, subject to the reconciliation mechanism described in subsection (a)(3).

(3) Not later than July 1, 2026, for any budget billing plan offered by the electricity supplier and applied to an active customer account, regardless of the date the budget billing plan was first offered or applied, amend or design the budget billing plan, as applicable, so that the reconciliation mechanism described in subsection (a)(3) is applied at least two (2) times during a calendar year to reflect, to the extent possible, typical seasonal patterns of electricity usage by residential customers.

(f) Not later than April 1, 2026, an electricity supplier shall provide to each customer having an active account for utility service provided under the electricity supplier's standard residential tariff a written notice that:

(1) informs the customer that a budget billing plan will be applied to the customer's account beginning with the first monthly billing cycle that begins after June 30, 2026, if a budget billing plan does not already apply to the customer's account;

(2) describes, in clear language that is easily understandable to a lay person, the reconciliation mechanism described in subsection (a)(3), including an explanation of:

(A) the number of times during a calendar year that the reconciliation mechanism will be applied to the customer's account, subject to subsection (e)(3);

(B) for each time during a calendar year that the reconciliation mechanism will be applied, the monthly billing cycle after which the reconciliation mechanism will be applied; and

(C) the method by which the electricity supplier will:



(i) compare the amount of utility service actually used by the customer with the amount of utility service for which the customer was billed under the plan during the billing cycles that are being reconciled; and

(ii) either bill or credit the customer's account, as appropriate, for any difference identified under item (i);

(3) offers the customer a mechanism, through one (1) or more methods described in subdivision (4), by which the customer may opt out of a budget billing plan at any time, without penalty, before or after the budget billing plan is applied to the customer's account, subject to the reconciliation mechanism described in subsection (a)(3); and (4) is delivered to the customer by one (1) or more of the following methods:

(A) United States mail.

(B) Electronic mail.

(C) A mobile application or another Internet based method.

(g) Not later than April 1, 2026, an electricity supplier shall post on its website the information set forth in subsection (f)(2) and (f)(3) for each budget billing plan offered by the electricity supplier, regardless of the date the budget billing plan was first offered.

(h) The commission may adopt rules under IC 4-22-2 to implement this section.

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

(1) the requested increase relates to a different type of utility



1 service;

2 (2) the commission finds that the utility's financial integrity or
 3 service reliability is threatened; or

4 (3) the increase is based on:

5 (A) a rate structure previously approved by the commission;

6 or

7 (B) orders of federal courts or federal regulatory agencies
 8 having jurisdiction over the utility.

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

27 (b) No schedule of rates, tolls, and charges of a public,
 28 municipally owned, or cooperatively owned utility which includes or
 29 authorizes any changes in charges based upon costs is effective without
 30 the approval of the commission. Before the commission approves any
 31 changes in the schedule of rates, tolls, and charges of an electric utility,
 32 which generates and sells electricity, based upon the cost of fuel to
 33 generate electricity or upon the cost of fuel included in the cost of
 34 purchased electricity, the utility consumer counselor shall examine the
 35 books and records of the public, municipally owned, or cooperatively
 36 owned generating utility to determine the cost of fuel upon which the
 37 proposed charges are based. In addition, before such a fuel cost charge
 38 becomes effective, the commission shall hold a summary hearing on
 39 the sole issue of the fuel charge. The utility consumer counselor shall
 40 conduct the utility consumer counselor's review and make a report to
 41 the commission within twenty (20) days after the utility's request for
 42 the fuel cost charge is filed. The commission shall hold the summary



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

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

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

35 (1) the electric utility has made every reasonable effort to
 36 acquire fuel and generate or purchase power or both so as to
 37 provide electricity to its retail customers at the lowest fuel cost
 38 reasonably possible;

39 (2) the actual increases in fuel cost through the latest month for
 40 which actual fuel costs are available since the last order of the
 41 commission approving basic rates and charges of the electric
 42 utility have not been offset by actual decreases in other operating



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expenses;

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

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

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

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

(e) Should the commission at any time determine that an emergency exists that could result in an abnormal change in fuel costs, it may, in order to protect the public from the adverse effects of such change suspend the provisions of subsection (d) as to the utility or utilities affected by such an emergency and initiate such procedures as may be necessary to protect both the public and the utility from harm. The commission shall lift the suspension when it is satisfied the emergency no longer exists.

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

(g) No schedule of rates, tolls, and charges of a public, municipally owned, or cooperatively owned gas utility that includes or authorizes any changes in charges based upon gas costs is effective without the approval of the commission except those rates, tolls, and charges contained in schedules that contain specific provisions for changes in gas costs or the cost of gas that have previously been approved by the commission. Gas costs or cost of gas may include the gas utility's costs



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for gas purchased by it from pipeline suppliers, costs incurred for leased gas storage and related transportation, costs for supplemental and substitute gas supplies, costs incurred for exploration and development of its own sources of gas supplies and other expenses relating to gas costs as shall be approved by the commission. Changes in a gas utility's rates, tolls, and charges based upon changes in its gas costs shall be made in accordance with the following:

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

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

(3) A gas utility may apply for a change in its gas cost charge not more often than each three (3) months. When such application is filed, the petitioning utility shall show to the commission its cost of gas for the period between its last order from the



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1 commission approving gas costs in its basic rates and the latest
 2 month for which actual gas costs are available. The petitioning
 3 utility shall also estimate its average gas costs for a recovery
 4 period of not less than the three (3) calendar months subsequent
 5 to the expiration of the thirty (30) day period allowed the
 6 commission in subdivision (1). The commission shall conduct a
 7 summary hearing solely on the gas cost adjustment requested in
 8 the petition subject to the notice requirements of IC 8-1-1-8 and
 9 may grant the gas utility the requested gas cost charge if it finds
 10 that:

11 (A) the gas utility has made every reasonable effort to
 12 acquire long term gas supplies so as to provide gas to its
 13 retail customers at the lowest gas cost reasonably possible;

14 (B) the pipeline supplier or suppliers of the gas utility has
 15 requested or has filed for a change in the costs of gas
 16 pursuant to the jurisdiction and procedures of a duly
 17 constituted regulatory authority;

18 (C) the gas cost adjustment applied for will not result, in the
 19 case of a public utility, in its earning a return in excess of
 20 the return authorized by the commission in the last
 21 proceeding in which the basic rates and charges of the
 22 public utility were approved; however, subject to section
 23 42.3 of this chapter, if the gas cost adjustment applied for
 24 will result in the public utility earning a return in excess of
 25 the return authorized by the commission in the last
 26 proceeding in which basic rates and charges of the gas
 27 utility were approved, the gas cost adjustment applied for
 28 will be reduced to the point where no such excess of return
 29 will be earned; and

30 (D) the utility's estimate of its prospective average gas costs
 31 for each such future recovery period is reasonable and gives
 32 effect to:

33 (i) the actual gas costs experienced by the utility during
 34 the latest recovery period for which actual gas costs are
 35 available; and

36 (ii) the actual gas costs recovered by the adjustment of
 37 the same recovery period.

38 (4) Should the commission at any time determine that an
 39 emergency exists that could result in an abnormal change in gas
 40 costs, it may, in order to protect the public or the utility from the
 41 adverse effects of such change suspend the provisions of
 42 subdivision (3) as to the utility or utilities affected by such an



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emergency and initiate such procedures as may be necessary to protect both the public and the utility from harm. The commission shall lift the suspension when it is satisfied the emergency no longer exists.

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

SECTION 5]. IC 8-1-2-42.7, AS ADDED BY P.L.133-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42.7. (a) This section does not apply to an electricity supplier (as defined in IC 8-1-46-6) that has filed a petition with the commission to change the electricity supplier's basic rates and charges through the submission of a multi-year rate plan under IC 8-1-46.

~~(a)~~ **(b)** For purposes of this section, "average prime rate" means the arithmetic mean, to the nearest one-hundredth of one percent (0.01%), of the prime rate values published in the Federal Reserve Bulletin for the three (3) months preceding the first month of a calendar quarter.

~~(b)~~ **(c)** For purposes of this section, "case in chief" includes the following:

- (1) Testimony, exhibits, and supporting work papers.
- (2) Proposed test year and rate base cutoff dates.
- (3) Proposed revenue requirements.
- (4) Jurisdictional operating revenues and expenses, including taxes and depreciation.
- (5) Balance sheet and income statements.
- (6) Jurisdictional rate base.
- (7) Proposed cost of capital and capital structure.
- (8) Jurisdictional class cost of service study.
- (9) Proposed rate design and pro forma tariff sheets.

~~(c)~~ **(d)** For purposes of this section, "utility" refers to the following:

- (1) A public utility.
- (2) A municipally owned utility.
- (3) A cooperative owned utility.

~~(d)~~ **(e)** In a petition filed with the commission to change basic rates and charges, a utility may designate a test period for the commission to



use. The utility must include with its petition the utility's complete case in chief. The commission shall approve a test period that is one (1) of the following:

(1) A forward looking test period determined on the basis of projected data for the twelve (12) month period beginning not later than twenty-four (24) months after the date on which the utility petitions the commission for a change in its basic rates and charges.

(2) A historic test period based on a twelve (12) month period that ends not more than two hundred seventy (270) days before the date on which the utility petitions the commission for a change in its basic rates and charges. The commission may adjust a historic test period for fixed, known, and measurable changes and appropriate normalizations and annualizations.

(3) A hybrid test period based on at least twelve (12) consecutive months of combined historic data and projected data. The commission may adjust the historic data as set forth in subdivision (2).

~~(e)~~ (f) This subsection does not apply to a proceeding in which a utility is seeking an increase in basic rates and charges and requesting initial relief under IC 8-1-2.5-5 or IC 8-1-2.5-6. If the commission does not issue an order on a petition filed by a utility under subsection ~~(d)~~ (e) within three hundred (300) days after the utility files its case in chief in support of the proposed increase, the utility may temporarily implement fifty percent (50%) of the utility's proposed permanent increase in basic rates and charges, subject to the commission's review and determination under subsection ~~(f)~~ (g). The utility shall submit the proposed temporary rates and charges to the commission at least thirty (30) days before the date on which the utility seeks to implement the temporary rates and charges. The temporary rates and charges may reflect proposed or existing approved customer class allocations and rate designs. However, if the utility uses a forward looking test period described in subsection ~~(d)(1)~~ (e)(1) or a hybrid test period described in subsection ~~(d)(3)~~ (e)(3), the utility may not:

(1) implement the temporary increase before the date on which the projected data period begins; or

(2) object during a proceeding before the commission to a discovery request for historic data as described in subsection ~~(d)(2)~~ (e)(2) solely on the basis that the utility has designated a forward looking or hybrid test period.

~~(f)~~ (g) The commission shall review the temporary rates and charges to determine compliance with this section. The temporary rates



and charges take effect on the latest of the following dates unless the commission determines that the temporary rates and charges are not properly designed in compliance with this section:

- (1) The date proposed by the utility.
- (2) Three hundred (300) days after the date on which the utility files its case in chief.
- (3) The termination of any extension of the three hundred (300) day deadline authorized under subsection ~~(g)~~ **(h)** or ~~(h)~~ **(i)**.

If the commission determines that the temporary rates and charges are not properly designed in compliance with this section, the utility may cure the defect and file the corrected temporary rates and charges with the commission within a reasonable period determined by the commission.

~~(g)~~ **(h)** If the commission grants a utility an extension of the procedural schedule, the commission may extend the three hundred (300) day deadline set forth in subsection ~~(e)~~ **(f)** by the length of the extension.

~~(h)~~ **(i)** The commission may suspend the three hundred (300) day deadline set forth in subsection ~~(e)~~ **(f)** one (1) time for good cause. The suspension may not exceed sixty (60) days.

~~(i)~~ **(j)** If a utility implements temporary rates and charges that differ from the permanent rates and charges approved by the commission in a final order on the petition filed under subsection ~~(d)~~ **(e)**, the utility shall perform a reconciliation and implement a refund, in the form of a credit rider, or a surcharge, as applicable, on customer bills rendered on or after the date the commission approves the credit or surcharge. The refund or surcharge shall be credited or added in equal amounts each month for six (6) months. The amount of the total refund or surcharge equals the amount by which the temporary rates and charges differ from the permanent rates and charges, plus, for a refund only, interest at the applicable average prime rate for each calendar quarter during which the temporary rates and charges were in effect.

[SECTION 6.IC 8-1-2-42.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42.8. (a) This section applies to a public utility described in section 4.3 of this chapter.

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

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



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

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

(c) A notice of a rate increase mailed to a customer under subsection (b) must include instructions as to how the customer can access and use the public utility's online application under section 4.3 of this chapter to obtain an estimate of the amount that will be billed to the customer in the first twelve (12) months during which the rate increase is in effect.

1 SECTION ~~48~~ [7]. IC 8-1-2-121, AS AMENDED BY P.L.181-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 121. (a) As used in this section, "electric or gas utility" includes a municipally owned, privately owned, or cooperatively owned utility.

(b) As used in this section, "electric utility" includes a municipally owned, privately owned, or cooperatively owned utility.

(c) As used in this section, "extreme heat warning" means an alert that:

(1) is issued by a local weather forecast office of the National Weather Service; and

(2) is in effect in a county or region within an electric utility's assigned service area under IC 8-1-2.3;

when extremely dangerous heat conditions are expected or occurring.

~~(a)~~ (d) Notwithstanding any other provision of law, but subject to subsection (i), the following apply with respect to the termination of residential electric or gas service:

(1) An electric or gas utility may not terminate residential electric or gas service from December 1 through March 15 of any year no electric or gas utility, including a municipally owned, privately owned, or cooperatively owned utility, shall terminate residential electric or gas service for persons customers who are eligible for and have applied for assistance from a heating assistance program administered under IC 4-4-33.

(2) On any day for which an extreme heat warning is in



effect in a county or region within an electric utility's assigned service area under IC 8-1-2.3, the electric utility may not terminate residential electric service for customers who:

(A) receive residential electric service from the electric utility at a location for which the extreme heat warning is in effect; and

(B) are eligible for and have applied for assistance under a heating assistance program administered under IC 4-4-33 during the calendar year in which the extreme heat warning is in effect.

If residential electric service is terminated for a customer described in this subdivision at any time after an extreme heat warning has been issued and remains in effect, the electric utility shall restore the terminated service as soon as practicable after the extreme heat warning is issued and may not resume the service termination until after the extreme heat warning is no longer in effect.

For purposes of subdivision (1), the commission shall implement procedures to ensure that electric or gas utility service is continued while eligibility for such persons customers is being determined.

(e) Not later than June 1, 2026, an electric or gas utility shall post on the electric or gas utility's website a notice that:

(1) informs customers of the relief available to eligible customers under:

(A) subsection (d)(1), in the case of an electric or gas utility; and

(B) subsection (d)(2), in the case of an electric utility; and

(2) includes:

(A) a toll free telephone number; or

(B) a link to a web page;

that a customer may call or access for information on how to apply for assistance from a heating assistance program administered under IC 4-4-33.

(b) (f) Any An electric or gas utility including a municipally owned, privately owned, or cooperatively owned utility, shall provide any residential customer whose account is delinquent an opportunity to enter into a reasonable amortization agreement with such company to pay the delinquent account. Such an amortization agreement must provide the customer with adequate opportunity to apply for and receive the benefits of any available public assistance program. An



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1 amortization agreement is subject to amendment on the customer's
2 request if there is a change in the customer's financial circumstances.

3 ~~(e)~~ (g) The commission may establish a reasonable rate of interest
4 which a utility may charge on the unpaid balance of a customer's
5 delinquent bill that may not exceed the rate established by the
6 commission under section 34.5 of this chapter.

7 ~~(d)~~ (h) The commission shall adopt rules under IC 4-22-2 to carry
8 out the provisions of this section.

9 ~~(e)~~ (i) This section does not prohibit an electric or gas utility from
10 terminating residential utility service upon a request of a customer or
11 under the following circumstances:

12 (1) If a condition dangerous or hazardous to life, physical safety,
13 or property exists.

14 (2) Upon order by any court, the commission, or other duly
15 authorized public authority.

16 (3) If fraudulent or unauthorized use of electricity or gas is
17 detected and the utility has reasonable grounds to believe the
18 affected customer is responsible for such use.

19 (4) If the utility's regulating or measuring equipment has been
20 tampered with and the utility has reasonable grounds to believe
21 that the affected customer is responsible for such tampering.

22 SECTION ~~4~~ [8]. IC 8-1-39-9, AS AMENDED BY P.L. 89-2019,
23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 UPON PASSAGE]: Sec. 9. (a) Subject to subsection (d), a public
25 utility that provides electric or gas utility service may file with the
26 commission rate schedules establishing a TDSIC that will allow the
27 periodic automatic adjustment of the public utility's basic rates and
28 charges to provide for timely recovery of eighty percent (80%) of
29 approved capital expenditures and TDSIC costs. The petition must:

30 (1) use the customer class revenue allocation factor based on
31 firm load approved in the public utility's most recent retail base
32 rate case order;

33 (2) include the public utility's TDSIC plan for eligible
34 transmission, distribution, and storage system improvements;
35 and

36 (3) identify projected effects of the plan described in subdivision
37 (2) on retail rates and charges.

38 The public utility shall provide a copy of the petition to the office of the
39 utility consumer counselor when the petition is filed with the
40 commission.

41 (b) The public utility shall update the public utility's TDSIC plan
42 under subsection (a)(2) at least annually. An update may include a



- petition for approval of:
- (1) a targeted economic development project under section 11 of this chapter; or
 - (2) transmission, distribution, and storage system improvements not described in the public utility's TDSIC plan most recently approved by the commission under section 10 of this chapter.
- (c) A public utility that recovers capital expenditures and TDSIC costs under subsection (a) shall defer the remaining twenty percent (20%) of approved capital expenditures and TDSIC costs, including depreciation, allowance for funds used during construction, and post in service carrying costs, and shall recover those capital expenditures and TDSIC costs as part of the next general rate case that the public utility files with the commission.
- (d) Except as provided in section 15 of this chapter, a public utility may not file a petition under subsection (a) within nine (9) months after the date on which the commission issues an order changing the public utility's basic rates and charges with respect to the same type of utility service.
- (e) **This subsection does not apply to an electricity supplier (as defined in IC 8-1-46-6) that:**
- (1) is subject to a multi-year rate plan under IC 8-1-46; or**
 - (2) petitions the commission for approval of a multi-year rate plan under IC 8-1-46;**
- during the term of the electricity supplier's approved TDSIC plan.**
- [A public utility that implements a TDSIC under this chapter shall, before the expiration of the public utility's approved TDSIC plan, petition the commission for review and approval of the public utility's basic rates and charges with respect to the same type of utility service.
- (f) A public utility may file a petition under this section not more than one (1) time every six (6) months.
- (g) Actual capital expenditures and TDSIC costs that exceed the approved capital expenditures and TDSIC costs require specific justification by the public utility and specific approval by the commission before being authorized for recovery in customer rates.
- SECTION ~~8-1-46~~ [9]. IC 8-1-46 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:
- Chapter 46. Performance Based Ratemaking for Electricity Suppliers**
- Sec. 1. (a) As used in this chapter, "average monthly residential bill", with respect to an electricity supplier, means the average total monthly charges billed, over the course of a calendar**



year, to all customers receiving retail electric service under the electricity supplier's standard residential tariff.

(b) The term includes the following charges:

(1) Fixed service charges.

(2) Energy charges based on the amount of electricity provided to or consumed by the customer during the billing cycle.

(3) Additional charges or credits, including any applicable rate adjustment mechanisms approved by the commission.

(4) Taxes.

Sec. 2. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 3. (a) As used this chapter, "customer", with respect to an electricity supplier, means a metered electrical service point:

(1) that is located at a specific location in Indiana; and

(2) for which an active billing account is established by the electricity supplier.

(b) As the context requires, the term includes the person of record who has agreed to pay for the retail electric service provided by the electricity supplier at the location described in subsection (a).

Sec. 4. As used in this chapter, "customer affordability performance metric", with respect to an electricity supplier, means a metric that:

(1) is determined by the commission under section 23 of this chapter for a particular rate year included in that electricity supplier's multi-year rate plan;

(2) is based on the most recent customer affordability performance report submitted to the commission by the electricity supplier under section 18 of this chapter; and

(3) is used by the commission to establish a customer affordability PIM that applies to that rate year and provides financial rewards or penalties to the electricity supplier based on the electricity supplier's measured customer affordability performance.

Sec. 5. As used in this chapter, "customer average interruption duration index", or "CAIDI", means an index that:

(1) indicates the average time required to restore electric service to an electricity supplier's customers affected by sustained service interruptions; and

(2) is calculated by determining the quotient of:

(A) the sum of sustained service interruption durations



in minutes for a specified period; divided by
 (B) the total number of customers affected by the
 sustained service interruptions;

in accordance with IEEE 1336.

Sec. 6. (a) As used in this chapter, "electricity supplier" means
 a public utility (as defined in IC 8-1-2-1(a)) that:

(1) furnishes retail electric service to customers in Indiana;
 and

(2) is under the jurisdiction of the commission for the
 approval of rates and charges.

(b) The term does not include:

(1) a municipally owned utility (as defined in IC 8-1-2-1(h));

(2) a corporation organized under IC 8-1-13; or

(3) a corporation organized under IC 23-17 that is an electric
 cooperative and that has at least one (1) member that is a
 corporation organized under IC 8-1-13.

Sec. 7. As used in this chapter, "IEEE 1336" refers to:

(1) the 2022 edition of IEEE 1336, IEEE Guide for Electric
 Power Distribution Reliability Indices, as adopted by the
 Institute of Electrical and Electronics Engineers; or

(2) if the commission adopts a rule under IC 4-22-2 to
 amend:

(A) the 2022 edition; or

(B) any subsequent edition;

of IEEE 1336, the version of IEEE 1336 as amended by the
 commission.

Sec. 8. As used in this chapter, "major event day", or "MED",
 means a day with respect to which an electricity supplier's daily
 system SAIDI exceeds a statistical threshold value that is:

(1) calculated using the 2.5 Beta methodology developed by
 the Institute of Electrical and Electronics Engineers; and

(2) based on the most recent five (5) years of relevant data
 for the electricity supplier;

as defined in IEEE 1336.

Sec. 9. As used in this chapter, "multi-year rate plan" means
 a ratemaking mechanism under which the commission sets an
 electricity supplier's base rates for a three (3) year period that
 includes:

(1) authorized periodic changes in the electricity supplier's
 base rates; and

(2) adjustments to the electricity supplier's base rates based
 on the electricity supplier's performance with respect to each



performance incentive mechanism applicable to the electricity supplier; during the three (3) year period, without requiring the electricity supplier to file a new base rate case with respect to the changes and adjustments.

Sec. 10. As used in this chapter, "performance based ratemaking" means an alternative ratemaking approach for electricity suppliers that includes one (1) or more performance incentive mechanisms in the context of a multi-year rate plan.

Sec. 11. As used in this chapter, "performance incentive mechanism", or "PIM", means a ratemaking mechanism that is approved by the commission and that:

(1) links an electricity supplier's earnings to the electricity supplier's performance in targeted areas that are consistent with the provision of electric utility service with the attributes set forth in IC 8-1-2-0.6, including:

- (A) reliability;
- (B) affordability;
- (C) resiliency;
- (D) stability; and
- (E) environmental sustainability;

as described in IC 8-1-2-0.6; and

(2) is based on specific performance metrics against which the electricity supplier's performance is measured.

Sec. 12. As used in this chapter, "rate year" refers to a particular year in a multi-year rate plan with respect to which:

- (1) authorized base rates; and
- (2) adjustments to base rates, including adjustments based on an electricity supplier's performance in meeting performance metrics serving as the basis of all applicable PIMs;

are in effect.

Sec. 13. As used in this chapter, "service interruption" means the loss of electric service to one (1) or more customers connected to the distribution portion of an electricity supplier's system.

Sec. 14. (a) As used in this chapter, "service restoration performance metric", with respect to an electricity supplier, means a metric that:

- (1) is determined by the commission under section 24 of this chapter for a particular rate year included in that electricity supplier's multi-year rate plan;
- (2) is based on the most recent service restoration



performance report submitted to the commission by the electricity supplier under section 19 of this chapter; and (3) is used by the commission to establish a service restoration PIM that applies to that rate year and provides financial rewards or penalties to the electricity supplier based on the electricity supplier's measured service restoration performance.

(b) The term includes the following:

(1) A normalized service restoration performance metric determined by the commission under section 24(a) of this chapter.

(2) A MED service restoration performance metric determined by the commission under section 24(d) of this chapter.

Sec. 15. (a) As used in this chapter, "sustained service interruption" means a service interruption that is at least five (5) minutes in duration.

(b) The term does not include the following, regardless of duration:

(1) A planned service interruption that is:

(A) initiated by an electricity supplier to perform scheduled activities, such as work related to:

- (i) system or facilities maintenance or upgrades;
- (ii) infrastructure improvements; or
- (iii) new construction; and

(B) communicated to customers in advance.

(2) A curtailment or interruption of service to a customer receiving service under an interruptible service tariff to the extent that the curtailment or interruption of service occurs in accordance with the customer's service agreement.

Sec. 16. As used in this chapter, "system average interruption duration index", or "SAIDI", means an index that:

(1) indicates the total duration of sustained service interruptions for an electricity supplier's average customer during a specified period; and

(2) is calculated by determining the quotient of:

(A) the sum of sustained service interruption durations in minutes for the specified period; divided by

(B) the total number of customers;

in accordance with IEEE 1336.

Sec. 17. As used in this chapter, "system average interruption frequency index", or "SAIFI", means an index that:



(1) indicates the number of sustained service interruptions an electricity supplier's average customer experiences over a specified period; and

(2) is calculated by determining the quotient of:

(A) the total number of customers that experienced sustained service interruptions over the specified period; divided by

(B) the total number of customers;

in accordance with IEEE 1336.

Sec. 18. Beginning in 2027, before February 1 of each year, an electricity supplier shall file with the commission, on a form prescribed by the commission, a customer affordability performance report that includes the following information:

(1) The electricity supplier's average monthly residential bill for each of the most recently concluded five (5) calendar years, normalized for weather if not otherwise normalized for weather through a rate adjustment mechanism described in section 1(b)(3) of this chapter.

(2) The average annual percentage change (rounded to the nearest one-tenth percent (0.1%)) in the electricity supplier's average monthly residential bill over the course of the most recently concluded five (5) calendar years, normalized for weather if not otherwise normalized for weather through a rate adjustment mechanism described in section 1(b)(3) of this chapter.

(3) For each of the most recently concluded five (5) calendar years, the annual percentage change in seasonally adjusted electricity prices for the United States as measured by the Consumer Price Index, as published by the United States Bureau of Labor Statistics.

(4) The average annual percentage change (rounded to the nearest one-tenth percent (0.1%)) in seasonally adjusted electricity prices for the United States as measured by the Consumer Price Index, as published by the United States Bureau of Labor Statistics, over the course of the most recently concluded five (5) calendar years.

Sec. 19. Beginning in 2027, before February 1 of each year, an electricity supplier shall file with the commission, on a form prescribed by the commission, a service restoration performance report that includes the following information for each of the most recently concluded six (6) calendar years:

(1) Each of the following indices, reported to exclude major



event days, for the electricity supplier's system in Indiana as a whole:

(A) SAIDI.

(B) SAIFI.

(C) CAIDI.

(2) Each of the following indices, reported to include major event days only, for the electricity supplier's system in Indiana as a whole:

(A) SAIDI.

(B) SAIFI.

(C) CAIDI.

(3) The number of customers used by the utility in calculating each index required under subdivisions (1) and (2).

Sec. 20. (a) Except as otherwise provided in subsection (b), and subject to the schedule set forth in this section, an electricity supplier must petition the commission for approval of any change in its basic rates and charges through the submission of a multi-year rate plan in accordance with this chapter. An electricity supplier shall file its first petition with the commission for approval of a multi-year rate plan under this chapter according to the following schedule:

(1) After December 31, 2026, and before February 1, 2027, for the electricity supplier with the greatest number of Indiana customers.

(2) After June 30, 2027, and before August 1, 2027, for an electricity supplier with respect to which the commission has issued an order that:

(A) establishes basic rates and charges for the electricity supplier as part of a base rate case; and

(B) is issued after April 30, 2024, and before February 1, 2025.

(3) After December 31, 2027, and before February 1, 2028, for an electricity supplier with respect to which the commission has issued an order that:

(A) establishes basic rates and charges for the electricity supplier as part of a base rate case; and

(B) is issued after February 1, 2025, and before April 1, 2025.

(4) After June 30, 2028, and before August 1, 2028, for an electricity supplier with respect to which the commission has issued an order that:



(A) establishes basic rates and charges for the electricity supplier as part of a base rate case; and

(B) is issued after June 1, 2025, and before July 1, 2025.

(5) After December 31, 2028, and before February 1, 2029, for an electricity supplier with respect to which the commission has issued an order that:

(A) establishes basic rates and charges for the electricity supplier as part of a base rate case that is not part of a multi-year rate plan under this chapter; and

(B) is issued after January 1, 2026.

(b) An electricity supplier may petition the commission for relief under IC 8-1-2-113 for changes to the electricity supplier's basic rates and charges:

(1) after March 14, 2026; and

(2) before the beginning of the electricity supplier's applicable time frame for filing the electricity supplier's first petition for approval of multi-year rate plan under subsection (a).

However, the filing of a petition for relief under this subsection does not exempt an electricity supplier from filing its first petition for a multi-year rate plan under this chapter in accordance with the schedule set forth in subsection (a).

(c) An electricity supplier shall file its second petition and all subsequent petitions with the commission for approval of a multi-year rate plan under this chapter:

(1) not earlier than sixty (60) days before; and

(2) not later than thirty (30) days before;

the expiration of its then current multi-year rate plan.

Sec. 21. (a) The following apply to a multi-year rate plan under this chapter:

(1) An electricity supplier's petition for approval of a multi-year rate plan under this chapter must include the electricity supplier's proposed:

(A) revenue requirements and base rates, or a method for calculating the electricity supplier's revenue requirements and base rates; and

(B) test period;

for each of the rate years in the multi-year rate plan.

(2) The base rates for the first rate year of an electricity supplier's multi-year rate plan shall be established by the commission in the same manner that base rates would be established in a proceeding for a change in the electricity



supplier's basic rates and charges that occurs outside of a multi-year rate plan, based on an appropriate test year used to determine the electricity supplier's actual and pro forma operating revenues, expenses, and operating income under current and proposed rates, adjusted for changes that are fixed, known, and measurable for ratemaking purposes and that occur within a reasonable time after the end of the test year.

(3) The base rates for the second and third rate years of an electricity supplier's multi-year rate plan shall be established using current or forward looking data that is adjusted to reflect the electricity supplier's actual jurisdictional financial performance results based on the most current available data at the time of the electricity supplier's petition for approval of the multi-year rate plan.

(4) In establishing an electricity supplier's authorized return for the electricity supplier's multi-year rate plan, the commission shall consider any increased or decreased risk to:

(A) the electricity supplier; and

(B) the electricity supplier's ratepayers;

that may result from the implementation of the multi-year rate plan.

(5) For each rate year in an electricity supplier's multi-year rate plan, the following apply:

(A) A customer affordability performance metric that:

(i) is determined by the commission under section 23 of this chapter for that rate year;

(ii) is based on the most recent customer affordability performance report submitted to the commission by the electricity supplier under section 18 of this chapter; and

(iii) is used by the commission to establish a customer affordability PIM that applies to that rate year.

(B) A customer affordability PIM that:

(i) is based on the electricity supplier's performance in meeting the customer affordability performance metric described in clause (A); and

(ii) provides financial rewards or penalties to the electricity supplier based on that performance in accordance with section 23 of this chapter.



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(C) Two (2) service restoration performance metrics, consisting of a normalized service restoration performance metric and a MED service restoration performance metric, that:

- (i) are determined by the commission under section 24 of this chapter for that rate year;
- (ii) are based on the most recent service restoration performance report submitted to the commission by the electricity supplier under section 19 of this chapter; and
- (iii) are each used by the commission to establish two (2) separate service restoration PIMs that apply to that rate year.

(D) Two (2) service restoration PIMs that:

- (i) are based on the electricity supplier's performance in meeting the service restoration performance metrics described in clause (C); and
- (ii) provide financial rewards or penalties to the electricity supplier based on that performance in accordance with section 24 of this chapter.

(b) A multi-year rate plan under this chapter operates independently of, and shall be considered separately by the commission from, all:

- (1) rate adjustment mechanisms, including the fuel adjustment charge under IC 8-1-2-42; and
- (2) other cost recovery mechanisms;

otherwise allowed by law, unless otherwise incorporated into the multi-year rate plan.

(c) An electricity supplier may elect to:

- (1) exclude from its proposed multi-year rate plan; and
- (2) defer for consideration by the commission and for future recovery;

costs incurred or to be incurred in a regulatory asset, to the extent those specific costs are incremental and are not otherwise already included for recovery in the electricity supplier's rates, as authorized by IC 8-1-2-10.

Sec. 22. (a) The commission shall approve a multi-year rate plan for an electricity supplier under this chapter if, after notice and hearing, the commission finds the following:

- (1) That the electricity supplier's rates under the multi-year rate plan are just and reasonable.
- (2) That the multi-year rate plan reasonably assures the



continuation of safe and reliable electric service for the electricity supplier's customers.

(3) That the multi-year rate plan will not unreasonably prejudice any class of the electricity supplier's customers and will not result in sudden substantial rate increases to the electricity supplier's customers or any class of customers.

(4) That the multi-year rate plan:

(A) will result in just and reasonable rates;

(B) is in the public interest; and

(C) is consistent with the requirements set forth in this chapter and in the rules adopted by the commission under section 27 of this chapter.

(b) At any time before the expiration of an electricity supplier's approved multi-year rate plan under this chapter, the commission may, with good cause and upon its own motion, or at the request of the electricity supplier do any of the following:

(1) Examine the reasonableness of the electricity supplier's rates under the multi-year rate plan.

(2) Conduct periodic reviews with opportunities for public hearings and comments from interested parties.

(3) Initiate a proceeding to adjust the base rates or PIMs under the multi-year rate plan as necessary to ensure that the multi-year rate plan continues to satisfy the criteria set forth in subsection (a).

Sec. 23. (a) For each rate year in an electricity supplier's multi-year rate plan, the commission shall determine a customer affordability performance metric for that electricity supplier by calculating the difference between:

(1) the average annual percentage change (rounded to nearest one-tenth percent (0.1%)) in the electricity supplier's average monthly residential bill over the course of the most recently concluded five (5) calendar years (normalized for weather if not otherwise normalized for weather through a rate adjustment mechanism described in section 1(b)(3) of this chapter); minus

(2) the average annual percentage change (rounded to nearest one-tenth percent (0.1%)) in seasonally adjusted electricity prices for the United States as measured by the Consumer Price Index, as published by the United States Bureau of Labor Statistics, over the course of the most recently concluded five (5) calendar years;

as reported in the most recent customer affordability performance



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report submitted to the commission by the electricity supplier under section 18 of this chapter. The difference calculated under this subsection is the electricity supplier's customer affordability performance metric for the rate year.

(b) If the electricity supplier's customer affordability performance metric under subsection (a) is a positive number that exceeds two (2) percentage points, the commission shall adjust the electricity supplier's authorized return for the rate year downward by not more than one (1) basis point.

(c) If the electricity supplier's customer affordability performance metric under subsection (a) is a negative number that when multiplied by negative one (-1) exceeds two (2) percentage points, the commission shall adjust the electricity supplier's authorized return for the rate year upward by not more than one (1) basis point.

Sec. 24. (a) For each rate year included in an electricity supplier's multi-year rate plan, the commission shall determine, using the most recent service restoration performance report submitted to the commission by the electricity supplier under section 19 of this chapter, a normalized service restoration performance metric for that electricity supplier in the following manner:

STEP ONE: Calculate the sum of the electricity supplier's average:

- (A) SAIDI;
- (B) SAIFI; and
- (C) CAIDI;

over the course of the five (5) calendar years immediately preceding the most recently concluded calendar year, excluding major event days, for the electricity supplier's system in Indiana as a whole.

STEP TWO: Calculate the sum of the electricity supplier's:

- (A) SAIDI;
- (B) SAIFI; and
- (C) CAIDI;

for the most recently concluded calendar year, excluding major event days, for the electricity supplier's system in Indiana as a whole.

STEP THREE: Calculate the difference between the STEP ONE result minus the STEP TWO result.

STEP FOUR: Calculate the quotient of the STEP THREE result divided by the STEP ONE result, rounded to the



1 nearest one-hundredth (0.01).

2 **STEP FIVE:** Calculate the product of one hundred (100)
3 multiplied by the STEP FOUR result. This product is the
4 electricity supplier's normalized service restoration
5 performance metric for the rate year.

6 (b) If the electricity supplier's normalized service restoration
7 performance metric under subsection (a) is a positive number that
8 exceeds five (5), the commission shall adjust the electricity
9 supplier's authorized return for the rate year upward by not more
10 than one-half (0.50) basis point.

11 (c) If the electricity supplier's normalized service restoration
12 performance metric under subsection (a) is a negative number that
13 when multiplied by negative one (-1) exceeds five (5), the
14 commission shall adjust the electricity supplier's authorized return
15 for the rate year downward by not more than one-half (0.50) basis
16 point.

17 (d) For each rate year included in an electricity supplier's
18 multi-year rate plan, the commission shall determine, using the
19 most recent service restoration performance report submitted to
20 the commission by the electricity supplier under section 19 of this
21 chapter, a MED service restoration performance metric for that
22 electricity supplier in the following manner:

23 **STEP ONE:** Calculate the sum of the electricity supplier's
24 average:

25 (A) SAIDI;

26 (B) SAIFI; and

27 (C) CAIDI;

28 over the course of the five (5) calendar years immediately
29 preceding the most recently concluded calendar year,
30 including major event days only, for the electricity supplier's
31 system in Indiana as a whole.

32 **STEP TWO:** Calculate the sum of the electricity supplier's:

33 (A) SAIDI;

34 (B) SAIFI; and

35 (C) CAIDI;

36 for the most recently concluded calendar year, including
37 major event days only, for the electricity supplier's system in
38 Indiana as a whole.

39 **STEP THREE:** Calculate the difference between the STEP
40 ONE result minus the STEP TWO result.

41 **STEP FOUR:** Calculate the quotient of the STEP THREE
42 result divided by the STEP ONE result, rounded to the



1 nearest one-hundredth (0.01).

2 **STEP FIVE:** Calculate the product of one hundred (100)
3 multiplied by the STEP FOUR result. This product is the
4 electricity supplier's MED service restoration performance
5 metric for the rate year.

6 (e) If the electricity supplier's MED service restoration
7 performance metric under subsection (d) is a positive number that
8 exceeds five (5), the commission shall adjust the electricity
9 supplier's authorized return for the rate year upward by not more
10 than one-half (0.50) basis point.

11 (f) If the electricity supplier's MED service restoration
12 performance metric under subsection (d) is a negative number that
13 when multiplied by negative one (-1) exceeds five (5), the
14 commission shall adjust the electricity supplier's authorized return
15 for the rate year downward by not more than one-half (0.50) basis
16 point.

17 **Sec. 25. (a)** Beginning in 2029, the commission shall include in
18 the annual report that the commission is required to submit under
19 IC 8-1-1-14 before October 1 of each year the following
20 information as of the last day of the most recently concluded state
21 fiscal year:

22 (1) For each electricity supplier that is subject to this
23 chapter, the date of the electricity supplier's most recently
24 filed petition for approval of a multi-year rate plan under
25 this chapter.

26 (2) For each petition listed under subdivision (1):

27 (A) the date of the commission's final order approving
28 the multi-year rate plan; or

29 (B) if the petition is pending before the commission, the
30 procedural status of the petition.

31 (3) For each electricity supplier that is subject to this
32 chapter, the beginning and end dates of the electricity
33 supplier's current multi-year rate plan under this chapter, to
34 the extent applicable in a report submitted under this section
35 before 2030.

36 (4) For each electricity supplier that is subject to this
37 chapter, the electricity supplier's calculated:

38 (A) customer affordability performance metric;

39 (B) normalized service restoration performance metric;
40 and

41 (C) MED service restoration performance metric;

42 for the current rate year in the electricity supplier's



multi-year rate plan under this chapter, to the extent applicable in a report submitted under this section before 2030.

(5) For each electricity supplier that is subject to this chapter, any available data as to the impact on customer rates of the electricity supplier's applicable:

- (A) customer affordability performance metric;
- (B) normalized service restoration performance metric;
- and
- (C) MED service restoration performance metric;

during the most recently concluded rate year under a multi-year rate plan of the electricity supplier under this chapter.

(6) Any other quantitative or qualitative information that the commission considers relevant for members of:

- (A) the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8); and
- (B) the general assembly;

to consider in evaluating multi-year rate plans under this chapter.

(b) Subject to subsection (c), an electricity supplier shall provide the commission, at the time and in the manner prescribed by the commission, any information or related materials required by the commission to fulfill the commission's reporting obligations under subsection (a).

(c) Upon request by an electricity supplier, the commission shall determine whether any information or related materials required by the commission under subsection (b):

- (1) are confidential under IC 5-14-3-4;
- (2) are exempt from public access and disclosure by Indiana law; and
- (3) must be treated as confidential and protected from public access and disclosure by the commission.

Sec. 26. After March 14, 2026, any reference in IC 8-1, or in rules adopted by the commission, to:

- (1) a "base rate case";
- (2) a "general rate case";
- (3) a proceeding for a change or increase in "basic rates and charges"; or
- (4) words of similar import;

with respect to an electricity supplier subject to this chapter is considered a reference to the establishment of the electricity



supplier's basic rates and charges for the first year of the electricity supplier's multi-year rate plan under this chapter.

Sec. 27. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION ~~66~~ [10]. IC 8-1-47 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 47. Low Income Customer Assistance Programs for Electric Utility Service

Sec. 1. As used in this chapter, "electricity supplier" means a person, however organized, that:

- (1) provides utility service to customers; and
- (2) is under the jurisdiction of the commission for the approval of rates and charges.

Sec. 2. (a) As used in this chapter, "eligible program costs" means costs that are associated with an electricity supplier's low income customer assistance program and that:

- (1) have been incurred, or are reasonably estimated to be incurred, by the electricity supplier in administering the low income customer assistance program, including administrative activities involving:

- (A) customer eligibility verification;
- (B) billing services; and
- (C) contribution management; and

- (2) have not been and will not be recovered by the electricity supplier through:

- (A) a required allocation under section 6 of this chapter; or

- (B) contributions of any money, services, or property that have been or will be provided at no cost to the electricity supplier by or through any:

- (i) governmental agency or program; or
- (ii) other third party, including voluntary charitable contributions from nonprofit organizations or from employees, customers, or shareholders of the electricity supplier;

in support of the program.

(b) The term does not include lost revenues associated with an electricity supplier's low income customer assistance program.

Sec. 3. As used in this chapter, "low income customer" refers to a residential customer who is part of a household that:

- (1) has agreed to pay for utility service from an electricity



supplier; and

(2) is eligible for and has applied for assistance from a home energy assistance program administered under IC 4-4-33.

Sec. 4. As used in this chapter, "utility service" means electric service that is provided at retail to customers.

Sec. 5. (a) Not later than July 1, 2026, an electricity supplier shall offer a low income customer assistance program that provides financial assistance to low income customers for the payment of monthly bills for utility service provided by the electricity supplier.

A program that:

(1) is offered by the electricity supplier before July 1, 2026;

(2) provides financial assistance to low income customers for the payment of monthly bills for utility service provided by the electricity supplier;

(3) remains in effect on July 1, 2026; and

(4) includes eligibility criteria consistent with section 3(2) of this chapter;

qualifies as a low income customer assistance program for purposes of this section.

(b) Subject to subsection (c), an electricity supplier may establish:

(1) per customer funding limits;

(2) enrollment limits; or

(3) other limits, caps, or restrictions;

applicable to the low income customer assistance program based on funds available for the program from governmental agencies or programs or from other third parties, including voluntary charitable contributions from nonprofit organizations or from employees, customers, or shareholders of the electricity supplier.

(c) If at any time during a calendar year:

(1) an electricity supplier is no longer able to offer assistance to additional eligible customers under the electricity supplier's low income customer assistance program as a result of any limit, cap, or restriction established under subsection (b); and

(2) the full amount allocated or to be allocated to the program under section 6 of this chapter has not been allocated to low income customers enrolled in the program at the time the limit, cap, or restriction is reached;

the portion of the amount allocated or to be allocated to the program under section 6 of this chapter that has not been allocated to low income customers enrolled in the program at time the limit,



cap, or restriction is reached shall be segregated from all other funds of the electricity supplier and held in trust for allocation to low income customers enrolled in the electricity supplier's low income customer assistance program in the following calendar year.

Sec. 6. (a) Beginning in 2027, not later than March 1 of each year, an electricity supplier shall allocate to the electricity supplier's low income customer assistance program an amount equal to at least fifty percent (50%) of the amount of any lost revenues recovered by the electricity supplier during the most recently concluded calendar year under:

(1) IC 8-1-8.5-9(l), in the case of an electricity supplier that is not a public utility (as defined in IC 8-1-2-1(a)); or

(2) IC 8-1-8.5-10(o)(2), in the case of an electricity supplier that is a public utility (as defined in IC 8-1-2-1(a));

as approved program costs associated with an energy efficiency program offered by the electricity supplier.

(b) The commission shall prescribe in the rules adopted by the commission under section 12 of this chapter the procedures by which an electricity supplier shall:

(1) make; and

(2) report to the commission;

a transfer required by this section.

Sec. 7. (a) In each residential customer bill issued by an electricity supplier after June 30, 2026, the electricity supplier must include a notice that:

(1) informs customers that the electricity supplier offers a low income customer assistance program for eligible customers; and

(2) includes:

(A) a toll free telephone number; or

(B) a link to a web page;

that a customer may call or access for information on how to apply for assistance under the program.

(b) Not later than July 1, 2026, the electricity supplier shall post the information described in subsection (a)(1) and (a)(2) on the electricity supplier's website. If at any time during a calendar year, the electricity supplier is no longer able to offer assistance to additional eligible customers under the electricity supplier's low income customer assistance program as a result of any:

(1) per customer funding limits;

(2) enrollment limits; or



(3) other limits, caps, or restrictions; established by the electricity supplier under section 5(b) of this chapter, the electricity supplier shall include on its website a statement notifying customers of that fact. If the electricity supplier is subsequently able to enroll new eligible customers in the program during that calendar year, the electricity supplier shall remove the previously posted statement from its website and post a new statement indicating that the program is again accepting new applications for assistance.

Sec. 8. If a customer:

- (1) applies for assistance under an electricity supplier's low income customer assistance program; and
- (2) qualifies as a low income customer under section 3(2) of this chapter;

the electricity supplier shall enroll the customer in the program, to the extent the electricity supplier is able to do so under any per customer funding limits, enrollment limits, or other limits, caps, or restrictions established by the electricity supplier under section 5(b) of this chapter and applicable at the time of the customer's application.

Sec. 9. (a) An electricity supplier may, but is not required to, petition the commission for approval to recover eligible program costs. An electricity supplier may file a petition the commission under this section:

- (1) as part of a base rate case; or
- (2) at any time as part of an independent proceeding in which the electricity supplier petitions the commission to recover eligible program costs on a timely basis through a periodic rate adjustment mechanism.

(b) A petition under subsection (a)(2) for approval of a rate schedule that periodically adjusts the electricity supplier's rates and charges to provide for the timely recovery of eligible program costs must include the following for a twelve (12) month period set forth in the electricity supplier's petition:

- (1) A description of any money, services, or property that has been or will be provided at no cost to the electricity supplier by or through any:
 - (A) governmental agency or program; or
 - (B) other third party, including voluntary charitable contributions from nonprofit organizations or from employees, customers, or shareholders of the electricity supplier;



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in support of the low income customer assistance program, including the actual or estimated amount or value of the money, services, or property described.

(2) A statement of any amounts that have been or will be allocated to the electricity supplier's low income customer assistance program under section 6 of this chapter.

(3) A breakdown of eligible program costs that have been or will be incurred by the electricity supplier, including the:

(A) amounts; and

(B) purposes;

for which they have been or will be incurred.

A rate schedule proposed by an electricity supplier under this subsection may be based in whole or in part on reasonable cost forecasts over all or any part of the twelve (12) month period on which the electricity supplier's petition is based, subject to the commission's consideration of the electricity supplier's historical forecasting accuracy. If forecasted data is used, the proposed rate schedule must provide for a reconciliation mechanism to correct for any variance between the forecasted eligible program costs and the actual eligible program costs incurred.

(c) Subject to subsection (d), after reviewing an electricity supplier's petition under subsection (a)(2), the commission determines that:

(1) the electricity supplier has incurred or will incur eligible program costs that are reasonable in amount;

(2) notwithstanding section 10 of this chapter, the effect or the potential effect, in both the long and short term, of the proposed rate schedule on the electric rates of nonparticipating customers or other customer classes of the electricity supplier will be minimal; and

(3) approval of the proposed rate schedule is in the public interest;

the commission shall approve the electricity supplier's proposed rate schedule under subsection (b).

(d) The commission may not approve a rate schedule under subsection (b) that would result in an average aggregate increase in an electricity supplier's total retail revenues of more than two percent (2%) with respect to the twelve (12) month period on which the electricity supplier's proposed rate schedule is based. If an electricity supplier incurs eligible program costs in connection with the electricity supplier's low income customer assistance program that exceed the limit set forth in this subsection, the



electricity supplier may seek to recover those eligible program costs for recovery in the electricity supplier's next base rate case.

Sec. 10. A low income customer assistance program offered under this chapter that affects rates and charges for service is not discriminatory for purposes of this chapter or any other law regulating rates and charges for service.

Sec. 11. (a) Beginning in 2027, the commission shall include in the annual report that the commission is required to submit under IC 8-1-1-14 before October 1 of each year the following information for each electricity supplier with respect to the most recently concluded state fiscal year:

(1) The number of low income customers enrolled in the electricity supplier's low income customer assistance program at the beginning and end of the state fiscal year.

(2) The total amount of assistance provided to low income customers under the electricity supplier's program.

(3) The median amount of assistance provided to each customer under the electricity supplier's program.

(4) Subject to subsection (c), an identification of the sources and amounts of any money, services, or property contributed to the electricity supplier's program by or through:

(A) governmental agencies or programs; or

(B) other third parties, including voluntary charitable contributions from nonprofit organizations or from employees, customers, or shareholders of the electricity supplier.

(5) An identification of the amounts of any:

(A) per customer funding limits;

(B) enrollment limits; or

(C) other limits, caps, or restrictions;

established by the electricity supplier under section 5(b) of this chapter, along with information as to whether and when any such limits, caps, or restrictions were reached or applied during the state fiscal year.

(b) Subject to subsection (c), an electricity supplier shall provide the commission, at the time and in the manner prescribed by the commission, any information required under subsection (a) to be included in the commission's annual report.

(c) Upon request by an electricity supplier, the commission shall determine whether any information and related materials described in subsection (a):

(1) are confidential under IC 5-14-3-4;



(2) are exempt from public access and disclosure by Indiana law; and

(3) must be treated as confidential and protected from public access and disclosure by the commission.

In addition, an electricity supplier is not required to name individual third party donors under subsection (a)(4) and may instead report the types of third party organizations and individuals that contributed to the electricity supplier's program and the amounts contributed by each type.

Sec. 12. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION ~~8~~ [\[11\]](#). [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(b) Not later than May 1, 2026, the commission shall amend the following rules of the commission as necessary to conform the rules with IC 8-1-2-121, as amended by this act:

(1) 170 IAC 4.

(2) 170 IAC 5.

(3) Any other rule that:

(A) has been adopted by the commission; and

(B) is inconsistent with IC 8-1-2-121, as amended by this act.

(c) This SECTION expires January 1, 2027.

SECTION ~~8~~ [\[12\]](#). [EFFECTIVE UPON PASSAGE] (a) Before January 1, 2027, the commission shall amend 170 IAC 4-1-23 as necessary to conform 170 IAC 4-1-23 to the requirements of IC 8-1-46, as added by this act.

(b) This SECTION expires January 2, 2027.

SECTION ~~9~~ [\[13\]](#). An emergency is declared for this act. [\[](#)

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