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# HOUSE BILL No. 1002

Proposed Changes to introduced printing by AM100215

## DIGEST OF PROPOSED AMENDMENT

Prohibition on utility reconnection fees. Prohibits an electric, gas, or water utility from charging or collecting a deposit or reconnection fee as a condition of, or in connection with, restoring service to a residential customer after termination of the customer's service.

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

6 (1) applies to a customer's account with an electricity  
7 supplier;  
8 (2) provides for the payment of a customer's bill in equal  
9 monthly installments; and  
10 (3) involves a reconciliation mechanism in which:  
11 (A) the amount of utility service actually used by the  
12 customer during a specified period is compared with the  
13 amount of utility service for which the customer was  
14 billed under the plan during the specified period; and  
15 (B) the customer's account is either billed or credited, as  
16 appropriate, for any difference identified under clause  
17 (A).

18 (b) As used in this section, "customer" refers to a residential  
19 customer who has agreed to pay for utility service from an

2026

IN 1002—LS 7032/DI 101



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1       electricity supplier under the electricity supplier's standard  
2       residential tariff.

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

5           (1) provides utility service to customers; and

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

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

10      (e) An electricity supplier shall do the following:

11           (1) Beginning with the first monthly billing cycle that begins  
12           after June 30, 2026, apply a budget billing plan to all active  
13           customer accounts:

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

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

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

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

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

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

2026

IN 1002—LS 7032/DI 101



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(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.

39 SECTION 2. IC 8-1-2-42.7, AS ADDED BY P.L.133-2013,  
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 42.7. **(a) This section does not apply to an**  
42 **electricity supplier (as defined in IC 8-1-46-6) that has filed a**

2026

IN 1002—LS 7032/DI 101



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1       **petition with the commission to change the electricity supplier's**  
 2       **basic rates and charges through the submission of a multi-year rate**  
 3       **plan under IC 8-1-46.**

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

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

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

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

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

24       **(d) (e)** In a petition filed with the commission to change basic rates  
 25       and charges, a utility may designate a test period for the commission to  
 26       use. The utility must include with its petition the utility's complete case  
 27       in chief. The commission shall approve a test period that is one (1) of  
 28       the following:

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

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

40       (3) A hybrid test period based on at least twelve (12) consecutive  
 41       months of combined historic data and projected data. The



commission may adjust the historic data as set forth in subdivision (2).

19 (1) implement the temporary increase before the date on which  
20 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 [1(d)(2) (e)(2) solely on the basis that the utility has designated a forward looking or hybrid test period.

25           (f) (g) The commission shall review the temporary rates and  
26 charges to determine compliance with this section. The temporary rates  
27 and charges take effect on the latest of the following dates unless the  
28 commission determines that the temporary rates and charges are not  
29 properly designed in compliance with this section:

30 (1) The date proposed by the utility.

33 (3) The termination of any extension of the three hundred (300)  
34 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.

2026

IN 1002—LS 7032/DI 101



1 extension.

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

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

18       SECTION 3. IC 8-1-2-121, AS AMENDED BY P.L.181-2006,  
 19 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 UPON PASSAGE]: Sec. 121. **(a)** As used in this section, "electric or  
 21 gas utility" includes a municipally owned, privately owned, or  
 22 cooperatively owned utility.

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

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

28           **(1) is issued by a local weather forecast office of the National  
 29 Weather Service; and**  
 30           **(2) is in effect in a county or region within an electric utility's  
 31 assigned service area under IC 8-1-2.3;**  
 32       **when extremely dangerous heat conditions are expected or  
 33 occurring.**

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

37           **(1) An electric or gas utility may not terminate residential  
 38 electric or gas service from December 1 through March 15 of  
 39 any year no electric or gas utility, including a municipally  
 40 owned, privately owned, or cooperatively owned utility, shall  
 41 terminate residential electric or gas service for persons  
 42 customers who are eligible for and have applied for assistance**



1 from a heating assistance program administered under IC 4-4-33.  
 2

3 **(2) On any day for which an extreme heat warning is in**  
 4 **effect in a county or region within an electric utility's**  
 5 **assigned service area under IC 8-1-2.3, the electric utility**  
 6 **may not terminate residential electric service for customers**  
 7 **who:**

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

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

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

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

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

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

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

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

33       **(2) includes:**

34       **(A) a toll free telephone number; or**

35       **(B) a link to a web page;**

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

39      **(b) (f) Any An electric or gas utility including a municipally**  
 40      **owned, privately owned, or cooperatively owned utility, shall provide**  
 41      **any residential customer whose account is delinquent an opportunity**  
 42      **to enter into a reasonable amortization agreement with such company**  
 43      **to pay the delinquent account. Such an amortization agreement must**



1 provide the customer with adequate opportunity to apply for and  
 2 receive the benefits of any available public assistance program. An  
 3 amortization agreement is subject to amendment on the customer's  
 4 request if there is a change in the customer's financial circumstances.

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

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

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

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

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

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

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

24 [ (j) Notwithstanding any other provision of law, an electric, gas,  
 25 or water utility (including a municipally owned, privately owned,  
 26 or cooperatively owned utility) may not charge or collect any:

27 (1) deposit;  
 28 (2) reconnection fee; or  
 29 (3) other similar charge;

30 as a condition of, or in connection with, restoring service to a  
 31 residential customer of the utility following a termination of the  
 32 customer's service.

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

41 (1) use the customer class revenue allocation factor based on  
 42 firm load approved in the public utility's most recent retail base



7 The public utility shall provide a copy of the petition to the office of the  
8 utility consumer counselor when the petition is filed with the  
9 commission.

13 (1) a targeted economic development project under section 11 of  
14 this chapter; or  
15 (2) transmission, distribution, and storage system improvements  
16 not described in the public utility's TDSIC plan most recently  
17 approved by the commission under section 10 of this chapter.  
18 (c) A public utility that recovers capital expenditures and TDSIC

(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.

25 (d) Except as provided in section 15 of this chapter, a public utility  
26 may not file a petition under subsection (a) within nine (9) months after  
27 the date on which the commission issues an order changing the public  
28 utility's basic rates and charges with respect to the same type of utility  
29 service.

32                   **(1) is subject to a multi-year rate plan under IC 8-1-46; or**  
33                   **(2) petitions the commission for approval of a multi-year rate**  
34                   **plan under IC 8-1-46;**

**35 during the term of the electricity supplier's approved TDSIC plan. I**  
36 **I**A public utility that implements a TDSIC under this chapter shall,  
37 before the expiration of the public utility's approved TDSIC plan,  
38 petition the commission for review and approval of the public utility's  
39 basic rates and charges with respect to the same type of utility service.

40 (f) A public utility may file a petition under this section not more  
41 than one (1) time every six (6) months.

(g) Actual capital expenditures and TDSJC costs that exceed the



1       approved capital expenditures and TDSIC costs require specific  
 2       justification by the public utility and specific approval by the  
 3       commission before being authorized for recovery in customer rates.

4       SECTION 5. IC 8-1-46 IS ADDED TO THE INDIANA CODE AS  
 5       A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
 6       PASSAGE]:

7       **Chapter 46. Performance Based Ratemaking for Electricity  
 8       Suppliers**

9       Sec. 1. (a) As used in this chapter, "average monthly  
 10      residential bill", with respect to an electricity supplier, means the  
 11      average total monthly charges billed, over the course of a calendar  
 12      year, to all customers receiving retail electric service under the  
 13      electricity supplier's standard residential tariff.

14       (b) The term includes the following charges:

- 15       (1) Fixed service charges.
- 16       (2) Energy charges based on the amount of electricity  
 17       provided to or consumed by the customer during the billing  
 18       cycle.
- 19       (3) Additional charges or credits, including any applicable  
 20       rate adjustment mechanisms approved by the commission.
- 21       (4) Taxes.

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

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

- 26       (1) that is located at a specific location in Indiana; and
- 27       (2) for which an active billing account is established by the  
 28       electricity supplier.

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

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

- 36       (1) is determined by the commission under section 23 of this  
 37      chapter for a particular rate year included in that electricity  
 38      supplier's multi-year rate plan;
- 39       (2) is based on the most recent customer affordability  
 40      performance report submitted to the commission by the  
 41      electricity supplier under section 18 of this chapter; and
- 42       (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;

**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 RIMs;**

2026

IN 1002—LS 7032/DI 101



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1       are in effect.

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

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

8           (1) is determined by the commission under section 24 of this  
 9       chapter for a particular rate year included in that electricity  
 10      supplier's multi-year rate plan;

11           (2) is based on the most recent service restoration  
 12      performance report submitted to the commission by the  
 13      electricity supplier under section 19 of this chapter; and

14           (3) is used by the commission to establish a service  
 15      restoration PIM that applies to that rate year and provides  
 16      financial rewards or penalties to the electricity supplier  
 17      based on the electricity supplier's measured service  
 18      restoration performance.

19       (b) The term includes the following:

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

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

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

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

31           (1) A planned service interruption that is:

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

34               (i) system or facilities maintenance or upgrades;

35               (ii) infrastructure improvements; or

36               (iii) new construction; and

37              (B) communicated to customers in advance.

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

42       **Sec. 16.** As used in this chapter, "system average interruption



1       **duration index", or "SAIDI", means an index that:**

2       **(1) indicates the total duration of sustained service**  

3       **interruptions for an electricity supplier's average customer**  

4       **during a specified period; and**

5       **(2) is calculated by determining the quotient of:**

6       **(A) the sum of sustained service interruption durations**  

7       **in minutes for the specified period; divided by**  

8       **(B) the total number of customers;**

9       **in accordance with IEEE 1336.**

10      **Sec. 17. As used in this chapter, "system average interruption**  

11      **frequency index", or "SAIFI", means an index that:**

12      **(1) indicates the number of sustained service interruptions**  

13      **an electricity supplier's average customer experiences over**  

14      **a specified period; and**

15      **(2) is calculated by determining the quotient of:**

16      **(A) the total number of customers that experienced**  

17      **sustained service interruptions over the specified period;**  

18      **divided by**

19      **(B) the total number of customers;**

20      **in accordance with IEEE 1336.**

21      **Sec. 18. Beginning in 2027, before February 1 of each year, an**  

22      **electricity supplier shall file with the commission, on a form**  

23      **prescribed by the commission, a customer affordability**  

24      **performance report that includes the following information:**

25      **(1) The electricity supplier's average monthly residential bill**  

26      **for each of the most recently concluded five (5) calendar**  

27      **years, normalized for weather if not otherwise normalized**  

28      **for weather through a rate adjustment mechanism described**  

29      **in section 1(b)(3) of this chapter.**

30      **(2) The average annual percentage change (rounded to the**  

31      **nearest one-tenth percent (0.1%)**) in the electricity supplier's

32      **average monthly residential bill over the course of the most**  

33      **recently concluded five (5) calendar years, normalized for**  

34      **weather if not otherwise normalized for weather through a**  

35      **rate adjustment mechanism described in section 1(b)(3) of**  

36      **this chapter.**

37      **(3) For each of the most recently concluded five (5) calendar**  

38      **years, the annual percentage change in seasonally adjusted**  

39      **electricity prices for the United States as measured by the**  

40      **Consumer Price Index, as published by the United States**  

41      **Bureau of Labor Statistics.**

42      **(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).

(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                   1, 2025.

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

5                   (A) establishes basic rates and charges for the electricity  
 6                   supplier as part of a base rate case; and  
 7                   (B) is issued after February 1, 2025, and before April 1,  
 8                   2025.

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

12                  (A) establishes basic rates and charges for the electricity  
 13                  supplier as part of a base rate case; and  
 14                  (B) is issued after June 1, 2025, and before July 1, 2025.

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

18                  (A) establishes basic rates and charges for the electricity  
 19                  supplier as part of a base rate case that is not part of a  
 20                  multi-year rate plan under this chapter; and  
 21                  (B) is issued after January 1, 2026.

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

25                  (1) after March 14, 2026; and  
 26                  (2) before the beginning of the electricity supplier's  
 27                  applicable time frame for filing the electricity supplier's first  
 28                  petition for approval of multi-year rate plan under  
 29                  subsection (a).

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

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

37                  (1) not earlier than sixty (60) days before; and  
 38                  (2) not later than thirty (30) days before;

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

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

42                  (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.

(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**

2026

IN 1002—LS 7032/DI 101



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

6 Sec. 22. (a) The commission shall approve a multi-year rate  
7 plan for an electricity supplier under this chapter if, after notice  
8 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.

- (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).

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

40 (1) the average annual percentage change (rounded to  
41 nearest one-tenth percent (0.1%)) in the electricity supplier's  
42 average monthly residential bill over the course of the most

2026

IN 1002—LS 7032/DI 101



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1                   **recently concluded five (5) calendar years (normalized for**  
 2                   **weather if not otherwise normalized for weather through a**  
 3                   **rate adjustment mechanism described in section 1(b)(3) of**  
 4                   **this chapter); minus**

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

11                  **as reported in the most recent customer affordability performance**  
 12                  **report submitted to the commission by the electricity supplier**  
 13                  **under section 18 of this chapter. The difference calculated under**  
 14                  **this subsection is the electricity supplier's customer affordability**  
 15                  **performance metric for the rate year.**

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

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

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

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

- 36                   (A) SAIDI;
- 37                   (B) SAIFI; and
- 38                   (C) CAIDI;

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



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

2                   (A) SAIDI;  
 3                   (B) SAIFI; and  
 4                   (C) CAIDI;

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

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

10                  **STEP FOUR: Calculate the quotient of the STEP THREE**  
 11                  **result divided by the STEP ONE result, rounded to the**  
 12                  **nearest one-hundredth (0.01).**

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

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

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

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

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

36                  (A) SAIDI;  
 37                  (B) SAIFI; and  
 38                  (C) CAIDI;

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



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

2                   (A) SAIDI;  
 3                   (B) SAIFI; and  
 4                   (C) CAIDI;

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

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

10                  **STEP FOUR: Calculate the quotient of the STEP THREE**  
 11                  **result divided by the STEP ONE result, rounded to the**  
 12                  **nearest one-hundredth (0.01).**

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

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

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

28                  Sec. 25. (a) Beginning in 2029, the commission shall include in  
 29                  the annual report that the commission is required to submit under  
 30                  IC 8-1-1-14 before October 1 of each year the following  
 31                  information as of the last day of the most recently concluded state  
 32                  fiscal year:

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

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

38                   (A) the date of the commission's final order approving  
 39                   the multi-year rate plan; or  
 40                   (B) if the petition is pending before the commission, the  
 41                   procedural status of the petition.

42                  (3) For each electricity supplier that is subject to this



1 chapter, the beginning and end dates of the electricity  
2 supplier's current multi-year rate plan under this chapter, to  
3 the extent applicable in a report submitted under this section  
4 before 2030.

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

7 (A) customer affordability performance metric;

8 (B) normalized service restoration performance metric;  
9 and

10 (C) MED service restoration performance metric;

11 for the current rate year in the electricity supplier's  
12 multi-year rate plan under this chapter, to the extent  
13 applicable in a report submitted under this section before  
14 2030.

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

18 (A) customer affordability performance metric;

19 (B) normalized service restoration performance metric;  
20 and

21 (C) MED service restoration performance metric;

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

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

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

29 (B) the general assembly;

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

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

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

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

41 (2) are exempt from public access and disclosure by Indiana  
42 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 6. 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

2026

IN 1002—LS 7032/DI 101



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1 to additional eligible customers under the electricity  
 2 supplier's low income customer assistance program as a  
 3 result of any limit, cap, or restriction established under  
 4 subsection (b); and

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

9 the portion of the amount allocated or to be allocated to the  
 10 program under section 6 of this chapter that has not been allocated  
 11 to low income customers enrolled in the program at time the limit,  
 12 cap, or restriction is reached shall be segregated from all other  
 13 funds of the electricity supplier and held in trust for allocation to  
 14 low income customers enrolled in the electricity supplier's low  
 15 income customer assistance program in the following calendar  
 16 year.

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

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

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

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

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

32 (1) make; and

33 (2) report to the commission;

34 a transfer required by this section.

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

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

41 (2) includes:

42 (A) a toll free telephone number; or

2026

IN 1002—LS 7032/DI 101



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10 (1) per customer funding limits;

13 established by the electricity supplier under section 5(b) of this  
14 chapter, the electricity supplier shall include on its website a  
15 statement notifying customers of that fact. If the electricity  
16 supplier is subsequently able to enroll new eligible customers in the  
17 program during that calendar year, the electricity supplier shall  
18 remove the previously posted statement from its website and post  
19 a new statement indicating that the program is again accepting  
20 new applications for assistance.

## 21 Sec. 8. If a customer:

21 See s. 11 a customer.  
22 (1) applies for assistance under an electricity supplier's low  
23 income customer assistance program; and

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.

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



1 and charges to provide for the timely recovery of eligible program  
 2 costs must include the following for a twelve (12) month period set  
 3 forth in the electricity supplier's petition:

4 (1) A description of any money, services, or property that has  
 5 been or will be provided at no cost to the electricity supplier  
 6 by or through any:

7 (A) governmental agency or program; or

8 (B) other third party, including voluntary charitable  
 9 contributions from nonprofit organizations or from  
 10 employees, customers, or shareholders of the electricity  
 11 supplier;

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

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

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

20 (A) amounts; and

21 (B) purposes;

22 for which they have been or will be incurred.

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

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

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

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

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



(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.

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

18                   **Sec. 11. (a) Beginning in 2027, the commission shall include in**  
19                   **the annual report that the commission is required to submit under**  
20                   **IC 8-1-1-14 before October 1 of each year the following**  
21                   **information for each electricity supplier with respect to the most**  
22                   **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

2026

IN 1002—LS 7032/DI 101



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**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 7. [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. [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. An emergency is declared for this act. [

