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HOUSE BILL No. 1002

Proposed Changes to introduced printing by AM100216

DIGEST OF PROPOSED AMENDMENT

Notice of outstanding balance under budget billing plan. Provides that a monthly bill provided by an electricity supplier to a customer under a budget billing plan must notify the customer of both: (1) the amount owed by the customer for the month; and (2) the total outstanding balance owed by the customer.

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

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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;

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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);

o 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 conciliation mechanism described in subsection (a)(3); and o 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.

I. (g) A monthly bill provided by an electricity supplier to a customer under a budget billing plan must notify the customer of:

(1) the amount owed by the customer to the electricity supplier for the month to which the bill applies; and

(2) the total outstanding balance owed by the customer to the electricity supplier for the month to which the bill applies; and

1 (☞[h]) 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.



1 **(~~↳~~1) The commission may adopt rules under IC 4-22-2 to**
 2 **implement this section.**

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

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

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

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

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

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

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

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

- 41 (2) A historic test period based on a twelve (12) month period
- 42 that ends not more than two hundred seventy (270) days before



1 the date on which the utility petitions the commission for a
 2 change in its basic rates and charges. The commission may
 3 adjust a historic test period for fixed, known, and measurable
 4 changes and appropriate normalizations and annualizations.

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

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

- 25 (1) implement the temporary increase before the date on which
 26 the projected data period begins; or
- 27 (2) object during a proceeding before the commission to a
 28 discovery request for historic data as described in subsection [
 29 1(d)(2) (e)(2) solely on the basis that the utility has designated a
 30 forward looking or hybrid test period.

31 (f) (g) The commission shall review the temporary rates and
 32 charges to determine compliance with this section. The temporary rates
 33 and charges take effect on the latest of the following dates unless the
 34 commission determines that the temporary rates and charges are not
 35 properly designed in compliance with this section:

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

41 If the commission determines that the temporary rates and charges are
 42 not properly designed in compliance with this section, the utility may



1 cure the defect and file the corrected temporary rates and charges with
 2 the commission within a reasonable period determined by the
 3 commission.

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

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

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

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

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

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

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

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

38 when extremely dangerous heat conditions are expected or
 39 occurring.

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



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

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

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

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

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

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

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

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

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

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

38 **(2) includes:**

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

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

41 **that a customer may call or access for information on how to**
 42 **apply for assistance from a heating assistance program**



1 administered under IC 4-4-33.

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

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

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

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

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

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

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

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

38 (1) use the customer class revenue allocation factor based on
39 firm load approved in the public utility's most recent retail base
40 rate case order;
41 (2) include the public utility's TDSIC plan for eligible
42 transmission, distribution, and storage system improvements;



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

4 The public utility shall provide a copy of the petition to the office of the
5 utility consumer counselor when the petition is filed with the
6 commission.

10 (1) a targeted economic development project under section 11 of
11 this chapter; or

12 (2) transmission, distribution, and storage system improvements
13 not described in the public utility's TDSIC plan most recently
14 approved by the commission under section 10 of this chapter.

15 (c) A public utility that recovers capital expenditures and TDSIC
16 costs under subsection (a) shall defer the remaining twenty percent
17 (20%) of approved capital expenditures and TDSIC costs, including
18 depreciation, allowance for funds used during construction, and post in
19 service carrying costs, and shall recover those capital expenditures and
20 TDSIC costs as part of the next general rate case that the public utility
21 files with the commission.

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

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

39 (g) Actual capital expenditures and TDSIC costs that exceed the
40 approved capital expenditures and TDSIC costs require specific
41 justification by the public utility and specific approval by the
42 commission before being authorized for recovery in customer rates.



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

4 **Chapter 46. Performance Based Ratemaking for Electricity
 5 Suppliers**

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

11 (b) The term includes the following charges:

12 (1) Fixed service charges.

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

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

18 (4) Taxes.

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

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

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

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

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

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

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

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

39 (3) is used by the commission to establish a customer
 40 affordability PIM that applies to that rate year and provides
 41 financial rewards or penalties to the electricity supplier
 42 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:

the utility (as defined in IC 34-21(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:

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:

amend:

- (A) the 2022 edition; or**
- (B) any subsequent edition;**

(2) 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.



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

5 (1) authorized periodic changes in the electricity supplier's
 6 base rates; and
 7 (2) adjustments to the electricity supplier's base rates based
 8 on the electricity supplier's performance with respect to each
 9 performance incentive mechanism applicable to the
 10 electricity supplier;

11 **during the three (3) year period, without requiring the electricity**
 12 **supplier to file a new base rate case with respect to the changes and**
 13 **adjustments.**

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

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

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

25 (A) reliability;
 26 (B) affordability;
 27 (C) resiliency;
 28 (D) stability; and
 29 (E) environmental sustainability;

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

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

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

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

40 **are in effect.**

41 **Sec. 13. As used in this chapter, "service interruption" means**
 42 **the loss of electric service to one (1) or more customers connected**



1 to the distribution portion of an electricity supplier's system.

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

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

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

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

16 (b) The term includes the following:

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

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

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

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

28 (1) A planned service interruption that is:

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

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

34 (B) communicated to customers in advance.

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

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

41 (1) indicates the total duration of sustained service
42 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



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

- (A) SAIDI.
- (B) SAIFI.
- (C) CAIDI.

- (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:

- (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.

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1 commission has issued an order that:

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

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

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

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

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

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

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

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

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

34 (1) not earlier than sixty (60) days before; and
 35 (2) not later than thirty (30) days before;
 36 the expiration of its then current multi-year rate plan.

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

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

42 (A) revenue requirements and base rates, or a method

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1 for calculating the electricity supplier's revenue
 2 requirements and base rates; and

3 (B) test period;

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

5 (2) The base rates for the first rate year of an electricity
 6 supplier's multi-year rate plan shall be established by the
 7 commission in the same manner that base rates would be
 8 established in a proceeding for a change in the electricity
 9 supplier's basic rates and charges that occurs outside of a
 10 multi-year rate plan, based on an appropriate test year used
 11 to determine the electricity supplier's actual and pro forma
 12 operating revenues, expenses, and operating income under
 13 current and proposed rates, adjusted for changes that are
 14 fixed, known, and measurable for ratemaking purposes and
 15 that occur within a reasonable time after the end of the test
 16 year.

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

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

28 (A) the electricity supplier; and

29 (B) the electricity supplier's ratepayers;

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

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

34 (A) A customer affordability performance metric that:

35 (i) is determined by the commission under section
 36 23 of this chapter for that rate year;

37 (ii) is based on the most recent customer
 38 affordability performance report submitted to the
 39 commission by the electricity supplier under section
 40 18 of this chapter; and

41 (iii) is used by the commission to establish a
 42 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 recovery;

costs incurred or to be incurred in a regulatory asset, to the extent those specific costs are incremental and are not otherwise already

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1 included for recovery in the electricity supplier's rates, as
 2 authorized by IC 8-1-2-10.

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

6 (1) **That the electricity supplier's rates under the multi-year**
 7 **rate plan are just and reasonable.**

8 (2) **That the multi-year rate plan reasonably assures the**
 9 **continuation of safe and reliable electric service for the**
 10 **electricity supplier's customers.**

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

15 (4) **That the multi-year rate plan:**

16 (A) **will result in just and reasonable rates;**

17 (B) **is in the public interest; and**

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

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

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

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

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

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

37 (1) **the average annual percentage change (rounded to**
 38 **nearest one-tenth percent (0.1%) in the electricity supplier's**
 39 **average monthly residential bill over the course of the most**
 40 **recently concluded five (5) calendar years (normalized for**
 41 **weather if not otherwise normalized for weather through a**
 42 **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 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:

(A) SAIFI,
(B) SAIFI; and



1 (C) CAIDI;

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

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

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

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

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

**31 STEP ONE: Calculate the sum of the electricity supplier's
32 average;**

33 (A) SAIDI;
34 (B) SAIFI; and
35 (C) CAIDI;

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

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

41 (A) SAIDI;
42 (B) SAIFI; and

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

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

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

34 (c) For each petition listed under subsection (2):

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

37 (B) if the petition is pending before the commission, the
38 procedural status of the petition.

38 procedural status of the petition.

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

40 chapter, the beginning and end dates of the electricity

41 supplier's current multi-year rate plan under this chapter, to

42 the extent applicable in a report submitted under this section

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1 **rules adopted by the commission, to:**

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

7 **with respect to an electricity supplier subject to this chapter is**
 8 **considered a reference to the establishment of the electricity**
 9 **supplier's basic rates and charges for the first year of the**
 10 **electricity supplier's multi-year rate plan under this chapter.**

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

13 **SECTION 6. IC 8-1-47 IS ADDED TO THE INDIANA CODE AS**
 14 **A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON**
 15 **PASSAGE]:**

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

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

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

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

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

30 (A) customer eligibility verification;
 31 (B) billing services; and
 32 (C) contribution management; and

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

35 (A) a required allocation under section 6 of this chapter;
 36 **or**
 37 (B) contributions of any money, services, or property
 38 that have been or will be provided at no cost to the
 39 electricity supplier by or through any:

40 (i) governmental agency or program; or
 41 (ii) other third party, including voluntary
 42 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

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1 subsection (b); and
 2 (2) the full amount allocated or to be allocated to the
 3 program under section 6 of this chapter has not been
 4 allocated to low income customers enrolled in the program
 5 at the time the limit, cap, or restriction is reached;
 6 the portion of the amount allocated or to be allocated to the
 7 program under section 6 of this chapter that has not been allocated
 8 to low income customers enrolled in the program at time the limit,
 9 cap, or restriction is reached shall be segregated from all other
 10 funds of the electricity supplier and held in trust for allocation to
 11 low income customers enrolled in the electricity supplier's low
 12 income customer assistance program in the following calendar
 13 year.

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

20 (1) IC 8-1-8.5-9(l), in the case of an electricity supplier that
 21 is not a public utility (as defined in IC 8-1-2-1(a)); or
 22 (2) IC 8-1-8.5-10(o)(2), in the case of an electricity supplier
 23 that is a public utility (as defined in IC 8-1-2-1(a));
 24 as approved program costs associated with an energy efficiency
 25 program offered by the electricity supplier.

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

29 (1) make; and
 30 (2) report to the commission;
 31 a transfer required by this section.

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

35 (1) informs customers that the electricity supplier offers a
 36 low income customer assistance program for eligible
 37 customers; and
 38 (2) includes:

39 (A) a toll free telephone number; or
 40 (B) a link to a web page;
 41 that a customer may call or access for information on how to
 42 apply for assistance under the program.



(1) per customer funding limits;

(2) enrollment limits; or

(3) other limits, caps, or restrictions;

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

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(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;

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.

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

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

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

20 (1) The number of low income customers enrolled in the
21 electricity supplier's low income customer assistance
22 program at the beginning and end of the state fiscal year.
23 (2) The total amount of assistance provided to low income
24 customers under the electricity supplier's program.
25 (3) The median amount of assistance provided to each
26 customer under the electricity supplier's program.
27 (4) Subject to subsection (c), an identification of the sources
28 and amounts of any money, services, or property contributed
29 to the electricity supplier's program by or through:



(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.

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