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## HOUSE BILL No. 1002

AM100229 has been incorporated into January 28, 2026 printing.

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**Synopsis:** Electric utility affordability.

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Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1002

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, "levelized  
4        billing plan" means a levelized 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

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10 (c) As used in this section, "electricity supplier" means a  
11 person, other than a municipally owned utility (as defined in  
12 IC 8-1-2-1(h)), that:

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

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

22 (A) for utility service provided under the electricity  
23 supplier's standard residential tariff to a customer who  
24 is part of a household that is eligible for and has applied  
25 for assistance from a home energy assistance program  
26 administered under IC 4-4-33; and

27 (B) to which a leveled billing plan does not already  
28 apply.

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

36 (3) Not later than July 1, 2026, for any levelized billing plan  
37 offered by the electricity supplier and applied to an active  
38 customer account, regardless of the date the levelized billing  
39 plan was first offered or applied, amend or design the  
40 levelized billing plan, as applicable, so that the reconciliation  
41 mechanism described in subsection (a)(3) is applied at such  
42 times during a calendar year to reflect, to the extent possible,

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typical seasonal patterns of electricity usage by residential customers, but not more than two (2) times during a calendar year.

(f) Not later than April 1, 2026, an electricity supplier shall provide to each customer described in subsection (e)(1) a written notice that:

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

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

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

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

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

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

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

(3) offers the customer a mechanism, through one (1) or more methods described in subdivision (4), by which the customer may opt out of a levelized billing plan at any time, without penalty, before or after the levelized 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 levelized billing plan offered by the electricity supplier, regardless of the date the levelized billing plan was first offered.

(h) Except as provided in subsection (i), an electricity supplier may not refer to or promote a levelized billing plan required under this section as a "budget billing plan" in:

- (1) the information required to be posted on the electricity supplier's website under subsection (g);**
- (2) any customer bill that is issued after June 30, 2026; or**
- (3) any customer or external communications made after June 30, 2026.**

(i) The prohibition set forth in subsection (h) does not apply with respect to a billing plan that provides for levelized payments if the plan also allows a customer to:

- (1) pay current or past due amounts for utility service in lower amounts, over an extended period of time, or according to another schedule agreed upon by the electricity supplier and the customer;
- (2) defer the payment of current or past due amounts for utility service to some future date; or
- (3) receive a forbearance with respect to the payment of certain amounts owed.

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

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

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

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

- (1) Testimony, exhibits, and supporting work papers.
- (2) Proposed test year and rate base cutoff dates.
- (3) Proposed revenue requirements.



(4) Jurisdictional operating revenues and expenses, including taxes and depreciation.

(5) Balance sheet and income statements.

(6) Jurisdictional rate base.

(7) Proposed cost of capital and capital structure.

(8) Jurisdictional class cost of service study.

(9) Proposed rate design and pro forma tariff sheets.

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

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

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

- (1) A forward looking test period determined on the basis of projected data for the twelve (12) month period beginning not later than twenty-four (24) months after the date on which the utility petitions the commission for a change in its basic rates and charges.
- (2) A historic test period based on a twelve (12) month period that ends not more than two hundred seventy (270) days before the date on which the utility petitions the commission for a change in its basic rates and charges. The commission may adjust a historic test period for fixed, known, and measurable changes and appropriate normalizations and annualizations.
- (3) A hybrid test period based on at least twelve (12) consecutive months of combined historic data and projected data. The commission may adjust the historic data as set forth in subdivision (2).

(e) (f) This subsection does not apply to a proceeding in which a utility is seeking an increase in basic rates and charges and requesting initial relief under IC 8-1-2.5-5 or IC 8-1-2.5-6. If the commission does not issue an order on a petition filed by a utility under subsection (d) (e) within three hundred (300) days after the utility files its case in chief in support of the proposed increase, the utility may temporarily implement fifty percent (50%) of the utility's proposed permanent increase in basic rates and charges, subject to the commission's review and determination under subsection (f). (g). The utility shall submit the proposed temporary rates and charges to the commission at least thirty

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1       (30) days before the date on which the utility seeks to implement the  
2 temporary rates and charges. The temporary rates and charges may  
3 reflect proposed or existing approved customer class allocations and  
4 rate designs. However, if the utility uses a forward looking test period  
5 described in subsection (d)(1) (e)(1) or a hybrid test period described  
6 in subsection (d)(3); (e)(3), the utility may not:

7               (1) implement the temporary increase before the date on which  
8 the projected data period begins; or  
9               (2) object during a proceeding before the commission to a  
10 discovery request for historic data as described in subsection  
11 (d)(2) (e)(2) solely on the basis that the utility has designated a  
12 forward looking or hybrid test period.

13               (f) (g) The commission shall review the temporary rates and  
14 charges to determine compliance with this section. The temporary rates  
15 and charges take effect on the latest of the following dates unless the  
16 commission determines that the temporary rates and charges are not  
17 properly designed in compliance with this section:

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

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

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

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

35               (f) (j) If a utility implements temporary rates and charges that  
36 differ from the permanent rates and charges approved by the  
37 commission in a final order on the petition filed under subsection (d),  
38 (e), the utility shall perform a reconciliation and implement a refund,  
39 in the form of a credit rider, or a surcharge, as applicable, on customer  
40 bills rendered on or after the date the commission approves the credit  
41 or surcharge. The refund or surcharge shall be credited or added in  
42 equal amounts each month for six (6) months. The amount of the total



1 refund or surcharge equals the amount by which the temporary rates  
 2 and charges differ from the permanent rates and charges, plus, for a  
 3 refund only, interest at the applicable average prime rate for each  
 4 calendar quarter during which the temporary rates and charges were in  
 5 effect.

6 SECTION 3. IC 8-1-2-113, AS AMENDED BY P.L.93-2024,  
 7 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 113. (a) **Subject to subsections (b) and (c)**,  
 9 the commission may, when it considers **it** necessary to prevent injury  
 10 to the business or interests of the people **of**, or any public utility **of this**  
 11 **state operating in, Indiana in case the event** of any emergency **to be**  
 12 **judged by the commission, that results from:**

- 13 (1) **a national economic depression;**
- 14 (2) **an act of war; or**
- 15 (3) **a disaster of unprecedented size and destructiveness**  
 16 **resulting from manmade or natural causes;**

17 **recommend that the governor declare a disaster emergency under**  
 18 **IC 10-14-3-12 or proclaim a state of energy emergency under**  
 19 **IC 10-14-3-13, as applicable, during which the commission may**  
 20 **temporarily alter, amend, or with the consent of the public utility**  
 21 **concerned, suspend any existing rates, service, practices, schedules,**  
 22 **and order or orders** relating to or affecting any public utility or part of  
 23 any public utility **operating in this state: Indiana.** The alterations,  
 24 amendments, or suspensions of the rates, service, schedules, or  
 25 practices made by the commission **shall may** apply to one (1) or more  
 26 of the public utilities **operating in this state or to any portion thereof,**  
 27 **Indiana,** as directed by the commission, and **shall** take effect at the  
 28 time and remain in force **only** for the **length of time prescribed by the**  
 29 **commission: duration of the disaster emergency or the energy**  
 30 **emergency, as applicable.**

31 (b) The commission may adopt rules under IC 4-22-2 to carry out  
 32 this section.

33 (b) **The declaration of a disaster emergency by the governor**  
 34 **upon the recommendation of the commission under subsection (a)**  
 35 **is subject to:**

36 (1) **the time limitations set forth in IC 10-14-3-12(b); and**  
 37 (2) **termination by the general assembly under**  
 38 **IC 10-14-3-12(c).**

39 (c) **The proclamation of a state of energy emergency by the**  
 40 **governor upon the recommendation of the commission under**  
 41 **subsection (a) is subject to:**

42 (1) **the time limitation set forth in IC 10-14-3-13(c); and**



(2) approval by the general assembly under IC 10-14-3-13(d) with respect to a second or subsequent renewal of the proclamation.

SECTION 4. IC 8-1-2-121, AS AMENDED BY P.L.181-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 121. **(a) As used in this section, "electric or gas utility" includes a municipally owned, privately owned, or cooperatively owned utility.**

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

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

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

(2) Subject to subsection (d), on any day for which a local weather forecast office of the National Weather Service has forecast, not earlier than forty-eight (48) hours in advance, a heat index of at least ninety-five (95) degrees Fahrenheit for a county or region within an electric utility's assigned service area under IC 8-1-2.3, the electric utility may not terminate residential electric service for customers who:

**(A) receive residential electric service from the electric utility at a location to which the forecasted heat index applies; and**

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

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

(d) If:

(1) an electric utility has provided a notice of disconnection to a customer described in subsection (c)(2) before the local weather forecast office of the National Weather Service



1                   **forecasts a heat index described in subsection (c)(2) for the**  
2                   **customer's service location; and**

3                   **(2) the fourteen (14) day period following the issuance of the**  
4                   **disconnection notice during which the electric utility is**  
5                   **prohibited from terminating the customer's electric service**  
6                   **under 170 IAC 4-1-16 has not elapsed on the date the**  
7                   **forecast is made;**

8                   **the fourteen (14) day period described in subdivision (2) is tolled**  
9                   **for a period beginning on the date on which the forecasted heat**  
10                  **index described in subsection (c)(2) is made by the local weather**  
11                  **forecast office of the National Weather service and ending at 11:59**  
12                  **p.m. on the first day that follows the day with respect to which the**  
13                  **forecast was made and during which the forecasted heat index is**  
14                  **not reached.**

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

17                  **(1) informs customers of the relief available to eligible**  
18                  **customers under subsection (c); and**

19                  **(2) includes:**

20                  **(A) a toll free telephone number; or**  
21                  **(B) a link to a web page;**

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

25                  **(b) (f) Any An electric or gas utility including a municipally**  
26                  **owned, privately owned, or cooperatively owned utility, shall provide**  
27                  **any residential customer whose account is delinquent an opportunity**  
28                  **to enter into a reasonable amortization agreement with such company**  
29                  **to pay the delinquent account. Such an amortization agreement must**  
30                  **provide the customer with adequate opportunity to apply for and**  
31                  **receive the benefits of any available public assistance program. An**  
32                  **amortization agreement is subject to amendment on the customer's**  
33                  **request if there is a change in the customer's financial circumstances.**

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

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

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



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

11 SECTION 5. IC 8-1-6.1 IS ADDED TO THE INDIANA CODE  
12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2026]:

## 14                   **Chapter 6.1. Quarterly Residential Customer Reports by** 15                   **Electricity Suppliers**

16                    Sec. 1. As used in this chapter, "levelized billing plan" has the  
17                    meaning set forth in IC 8-1-2-4.7.

Sec. 2. As used in this chapter, "customer" refers to a residential customer who has agreed to pay for utility service from an electricity supplier.

21                    Sec. 3. As used in this chapter, "electricity supplier" means a  
22                    person, however organized, that:

26 Sec. 4. As used in this chapter, "office" refers to the office of  
27 utility consumer counselor created by IC 8-1-1.1-2.

28 Sec. 5. As used in this chapter, "payment plan" means a  
29 payment arrangement that:

32 (2) allows the customer to:

33 (A) pay current or past due amounts for utility service

34 in lower amounts or over an extended period of time, or

35 according to another agreed upon schedule;

36 (B) defer the payment of current or past due amounts

37 for utility service to some future date; or

38 (C) receive a forbearance with respect to the payment of

39 certain amounts owed.

42 (1) is for utility service that:

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(A) is provided to a customer who is vulnerable because of advanced age, serious illness, or disability; and (B) is not subject to termination or disconnection for nonpayment or for which termination or disconnection for nonpayment is restricted during specified periods; or otherwise qualifies as a protected account under elines adopted by the office under section 9 of this pter.

Sec. 7. As used in this chapter, "utility service" means residential electric service that is provided at retail.

Sec. 8. (a) An electricity supplier shall submit to the office quarterly reports containing the information set forth in this subsection with respect to the calendar quarter covered by the report. A report under this subsection shall be submitted to the office in the manner and form prescribed by the office and not later than thirty (30) days after the last day of the calendar quarter covered by the report. The first report submitted to the office under this subsection must cover the third calendar quarter of 2026. A report under this subsection must include the following information for each month in the calendar quarter covered by the report, including, to the extent available, a comparison of the same information for the same month of the immediately preceding calendar year:

- (1) The total number of open customer accounts.
- (2) The total amount billed by the electricity supplier for all open customer accounts.
- (3) The total gross receipts received by the electricity supplier for all open customer accounts.
- (4) Of the total amount of gross receipts reported under subdivision (3), the total amount that was paid through a home energy assistance program administered under IC 4-4-33.
- (5) The total number of customers who received assistance from a home energy assistance program administered under IC 4-4-33.
- (6) The total number of open protected accounts for customers.
- (7) The total number of open customer accounts that were delinquent for at least sixty (60) days and not more than ninety (90) days.
- (8) The total dollar amount owed with respect to the accounts identified under subdivision (7).

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(9) The total number of open customer accounts that were delinquent for more than ninety (90) days.

(10) The total dollar amount owed with respect to the accounts identified under subdivision (9).

(11) The total number of customer accounts referred for collection to an attorney or a collection agency.

(12) The total number of new payment plans entered into between the electricity supplier and customers of the electricity supplier.

(13) The total number of new levelized billing plans applied to customer accounts.

(14) The total number of customer accounts sent a notice of disconnection for nonpayment.

(15) The total number of utility service disconnections performed for nonpayment.

(16) The total number of utility service restorations after disconnection for nonpayment.

(17) The average duration of utility service disconnection for customer accounts identified under subdivision (16).

(18) The total number of customer accounts written off as uncollectible.

(19) The total dollar value of customer accounts identified under subdivision (18).

(20) The total dollar value of recovered bad debt with respect to customer accounts.

(21) Any other relevant information concerning customer accounts that the office:

(A) considers appropriate in evaluating:

(i) the payment history of customers; and

(ii) the billing and related practices of electricity suppliers with respect to customers; and

(B) requires under guidelines adopted under section 9 of this chapter.

(b) An electricity supplier shall report all information and data required under subsection (a) in the aggregate and in a manner that does not identify individual customers of the electricity supplier.

(c) This section does not empower the office to require electricity suppliers to disclose confidential and proprietary business information without adequate protection of the information. The office shall exercise all necessary caution to avoid disclosure of any confidential information reported by electricity

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1           **suppliers under this section.**

2           **Sec. 9. The office shall adopt guidelines to implement this**  
 3           **chapter.**

4           **Sec. 10. Beginning in 2027, the office shall annually compile**  
 5           **and summarize the information received from electricity suppliers**  
 6           **under section 8 of this chapter for the previous calendar year and**  
 7           **include the office's summary of the information in the office's**  
 8           **annual report to the interim study committee on energy, utilities,**  
 9           **and telecommunications.**

10           SECTION 6. IC 8-1-39-9, AS AMENDED BY P.L.89-2019,  
 11           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12           UPON PASSAGE]: Sec. 9. (a) Subject to subsection (d), a public  
 13           utility that provides electric or gas utility service may file with the  
 14           commission rate schedules establishing a TDSIC that will allow the  
 15           periodic automatic adjustment of the public utility's basic rates and  
 16           charges to provide for timely recovery of eighty percent (80%) of  
 17           approved capital expenditures and TDSIC costs. The petition must:

- 18           (1) use the customer class revenue allocation factor based on  
 19           firm load approved in the public utility's most recent retail base  
 20           rate case order;
- 21           (2) include the public utility's TDSIC plan for eligible  
 22           transmission, distribution, and storage system improvements;  
 23           and
- 24           (3) identify projected effects of the plan described in subdivision  
 25           (2) on retail rates and charges.

26           The public utility shall provide a copy of the petition to the office of the  
 27           utility consumer counselor when the petition is filed with the  
 28           commission.

29           (b) The public utility shall update the public utility's TDSIC plan  
 30           under subsection (a)(2) at least annually. An update may include a  
 31           petition for approval of:

- 32           (1) a targeted economic development project under section 11 of  
 33           this chapter; or
- 34           (2) transmission, distribution, and storage system improvements  
 35           not described in the public utility's TDSIC plan most recently  
 36           approved by the commission under section 10 of this chapter.

37           (c) A public utility that recovers capital expenditures and TDSIC  
 38           costs under subsection (a) shall defer the remaining twenty percent  
 39           (20%) of approved capital expenditures and TDSIC costs, including  
 40           depreciation, allowance for funds used during construction, and post in  
 41           service carrying costs, and shall recover those capital expenditures and  
 42           TDSIC costs as part of the next general rate case that the public utility

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1 files with the commission.

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

7 (e) **This subsection does not apply to an electricity supplier (as**  
 8 **defined in IC 8-1-46-6) that:**

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

12 **during the term of the electricity supplier's approved TDSIC plan.**  
 13 A public utility that implements a TDSIC under this chapter shall,  
 14 before the expiration of the public utility's approved TDSIC plan,  
 15 petition the commission for review and approval of the public utility's  
 16 basic rates and charges with respect to the same type of utility service.

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

19 (g) Actual capital expenditures and TDSIC costs that exceed the  
 20 approved capital expenditures and TDSIC costs require specific  
 21 justification by the public utility and specific approval by the  
 22 commission before being authorized for recovery in customer rates.

23 SECTION 7. IC 8-1-46 IS ADDED TO THE INDIANA CODE AS  
 24 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
 25 PASSAGE]:

26 **Chapter 46. Performance Based Ratemaking for Electricity**  
 27 **Suppliers**

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

33 (b) The term includes the following charges:

34 (1) **Fixed service charges.**  
 35 (2) **Energy charges based on the amount of electricity**  
 36 **provided to or consumed by the customer during the billing**  
 37 **cycle.**  
 38 (3) **Additional charges or credits, including any applicable**  
 39 **rate adjustment mechanisms approved by the commission.**  
 40 (4) **Taxes.**

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

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

3                   **(1) that is located at a specific location in Indiana; and**  
 4                   **(2) for which an active billing account is established by the**  
 5                   **electricity supplier.**

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

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

13                  **(1) is determined by the commission under section 23 of this**  
 14                  **chapter for a particular rate year included in that electricity**  
 15                  **supplier's multi-year rate plan;**  
 16                  **(2) is based on the most recent customer affordability**  
 17                  **performance report submitted to the commission by the**  
 18                  **electricity supplier under section 18 of this chapter; and**  
 19                  **(3) is used by the commission to establish a customer**  
 20                  **affordability PIM that applies to that rate year and provides**  
 21                  **financial rewards or penalties to the electricity supplier**  
 22                  **based on the electricity supplier's measured customer**  
 23                  **affordability performance.**

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

26                  **(1) indicates the average time required to restore electric**  
 27                  **service to an electricity supplier's customers affected by**  
 28                  **sustained service interruptions; and**  
 29                  **(2) is calculated by determining the quotient of:**  
 30                  **(A) the sum of sustained service interruption durations**  
 31                  **in minutes for a specified period; divided by**  
 32                  **(B) the total number of customers affected by the**  
 33                  **sustained service interruptions;**  
 34                  **in accordance with IEEE 1336.**

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

37                  **(1) furnishes retail electric service to customers in Indiana;**  
 38                  **and**  
 39                  **(2) is under the jurisdiction of the commission for the**  
 40                  **approval of rates and charges.**

41                  **(b) The term does not include:**  
 42                  **(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:

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**(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 PJMs;

are in effect.

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

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

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

supplier's multi-year rate plan;

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

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

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

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

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(1) A planned service interruption that is:

- (A) initiated by an electricity supplier to perform scheduled activities, such as work related to:
  - (i) system or facilities maintenance or upgrades;
  - (ii) infrastructure improvements; or
  - (iii) new construction; and
- (B) communicated to customers in advance.

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

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

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

(2) is calculated by determining the quotient of:

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

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

in accordance with IEEE 1336.

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

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

(2) is calculated by determining the quotient of:

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

(B) the total number of customers:

(B) the total number of cases in accordance with IEEE 1336.

**Sec. 18. Beginning in 2027, before March 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**

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

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

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

**Sec. 19. Beginning in 2027, before March 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, for the electricity supplier's system in Indiana as a whole:**

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

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

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



1       **supplier shall file its first petition with the commission for approval**  
2       **of a multi-year rate plan under this chapter according to the**  
3       **following schedule:**

4           **(1) After November 15, 2026, and before December 15, 2026,**  
5       **for the electricity supplier with the greatest number of**  
6       **Indiana customers.**

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

10           **(A) establishes basic rates and charges for the electricity**  
11       **supplier as part of a base rate case; and**  
12           **(B) is issued after April 30, 2024, and before February**  
13       **1, 2025.**

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

17           **(A) establishes basic rates and charges for the electricity**  
18       **supplier as part of a base rate case; and**  
19           **(B) is issued after February 1, 2025, and before April 1,**  
20       **2025.**

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

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

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

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

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

37           **(1) after March 14, 2026; and**  
38           **(2) before the beginning of the electricity supplier's**  
39       **applicable time frame for filing the electricity supplier's first**  
40       **petition for approval of multi-year rate plan under**  
41       **subsection (a).**

42       **However, the filing of a petition for relief under this subsection**



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

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

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

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

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

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

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

15           **(A) case in chief (as defined in IC 8-1-2-42.7(c),**  
 16           **including the electricity supplier's proposed:**

17           **(i) revenue requirement; and**

18           **(ii) base rates for each customer class; and**

19           **(B) proposed test period using forward looking periods**  
 20           **the close of which correspond with the end of the second**  
 21           **and third rate years in the electricity supplier's**  
 22           **multi-year rate plan;**

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

24       **(2) The base rates for the first rate year of an electricity**  
 25       **supplier's multi-year rate plan shall be established by the**  
 26       **commission in the same manner that base rates would be**  
 27       **established in a proceeding for a change in the electricity**  
 28       **supplier's basic rates and charges that occurs outside of a**  
 29       **multi-year rate plan, based on an appropriate test year**  
 30       **under IC 8-1-2-42.7(e) used to determine the electricity**  
 31       **supplier's actual and pro forma operating revenues,**  
 32       **expenses, and operating income under current and proposed**  
 33       **rates, adjusted for changes that are fixed, known, and**  
 34       **measurable for ratemaking purposes and that occur within**  
 35       **a reasonable time after the end of the test year.**

36       **(3) The base rates for the second and third rate years of an**  
 37       **electricity supplier's multi-year rate plan shall be established**  
 38       **using:**

39           **(A) changes in the electricity supplier's net plant in**  
 40           **service from the end of the immediately preceding rate**  
 41           **year, including any difference between:**

42           **(i) actual net plant in service at the end of the rate**

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year; and

(ii) the projected net plant in service used in the electricity supplier's test period for that rate year; and

**(B) changes in the net balance of any regulatory asset or liability from the end of the immediately preceding rate year.**

(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) A service performance restoration metric that:**

(i) is determined by the commission under section 24 of this chapter for that rate year;

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

**(iii) is used by the commission to establish a service**

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**restoration PIM that applies to that rate year.**

**(D) A service restoration PIM that:**

- (i) is based on the electricity supplier's performance in meeting the service restoration performance metric described in clause (C); and
- (ii) provides 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 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. In an electricity supplier's first petition for a multi-year rate plan under this chapter, the electricity supplier shall include a plan to incorporate planned capital expenditures, subject to preapproval by the commission, into the electricity supplier's subsequent multi-year rate plans under this chapter.

**(c) An electricity supplier may elect to:**

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

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

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

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

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

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

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

- (A) will result in just and reasonable rates;
- (B) is in the public interest; and

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(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.

**(5) That the multi-year rate plan meets any other legal requirement.**

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

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

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

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

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

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

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

as reported in the most recent customer affordability performance 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

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1       exceeds two (2) percentage points, the commission shall adjust the  
 2       electricity supplier's authorized return for the rate year downward  
 3       by not more than one (1) basis point.

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

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

16       **STEP ONE:** Determine the electricity supplier's average  
 17       SAIDI over the course of the five (5) calendar years  
 18       immediately preceding the most recently concluded calendar  
 19       year, including major event days, for the electricity  
 20       supplier's system in Indiana as a whole.

21       **STEP TWO:** Determine the electricity supplier's SAIDI for  
 22       the most recently concluded calendar year, including major  
 23       event days, for the electricity supplier's system in Indiana as  
 24       a whole.

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

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

30       **STEP FIVE:** Calculate the product of one hundred (100)  
 31       multiplied by the STEP FOUR result. This product is the  
 32       electricity supplier's service restoration performance metric  
 33       for the rate year.

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

39       (c) If the electricity supplier's service restoration performance  
 40       metric under subsection (a) is a negative number that when  
 41       multiplied by negative one (-1) exceeds five (5), the commission  
 42       shall adjust the electricity supplier's authorized return for the rate



1       **year downward by not more than one-half (0.50) basis point.**

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

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

11      **(2) For each petition listed under subdivision (1):**

12       **(A) the date of the commission's final order approving**  
 13       **the multi-year rate plan; or**  
 14       **(B) if the petition is pending before the commission, the**  
 15       **procedural status of the petition.**

16       **(3) For each electricity supplier that is subject to this**  
 17       **chapter, the beginning and end dates of the electricity**  
 18       **supplier's current multi-year rate plan under this chapter, to**  
 19       **the extent applicable in a report submitted under this section**  
 20       **before 2030.**

21       **(4) For each electricity supplier that is subject to this**  
 22       **chapter, the electricity supplier's calculated:**

23       **(A) customer affordability performance metric; and**  
 24       **(B) service restoration performance metric;**

25       **for the current rate year in the electricity supplier's**  
 26       **multi-year rate plan under this chapter, to the extent**  
 27       **applicable in a report submitted under this section before**  
 28       **2030.**

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

32       **(A) customer affordability performance metric; and**  
 33       **(B) service restoration performance metric;**

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

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

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

42       **to consider in evaluating multi-year rate plans under this**



## chapter.

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

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

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

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

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

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

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

SECTION 8. 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**

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1                   **income customer assistance program, including**  
2                   **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 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:**

- (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 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**

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(2) enrollment limits; or  
(3) other limits, caps, or restrictions; applicable to the low income customer assistance program based on funds available for the program from governmental agencies or programs or from other third parties, including voluntary charitable contributions from nonprofit organizations or from employees, customers, or shareholders of the electricity supplier.

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

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

(2) the full amount allocated or to be allocated to the program under section (6)(1) of this chapter has not been allocated to low income customers enrolled in the program at the time the limit, cap, or restriction is reached;

the portion of the amount allocated or to be allocated to the program under section (6)(1) of this chapter that has not been allocated to low income customers enrolled in the program at time the limit, cap, or restriction is reached shall be segregated from all other funds of the electricity supplier and held in trust for allocation to low income customers enrolled in the electricity supplier's low income customer assistance program in the following calendar year.

**Sec. 6. Beginning in 2027, not later than March 1 of each year, an electricity supplier shall fund the electricity supplier's low income customer assistance program in an amount equal to:**

(1) at least two-tenths percent (0.2%) of the electricity supplier's jurisdictional revenues for residential customers; plus

**(2) any contributions from:**

**(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.**

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

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

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1                   **customers; and**  
 2                   **(2) includes:**  
 3                    (A) a toll free telephone number; or  
 4                    (B) a link to a web page;  
 5                   **that a customer may call or access for information on how to**  
 6                   **apply for assistance under the program.**  
 7                   **(b) Not later than July 1, 2026, the electricity supplier shall**  
 8                   **post the information described in subsection (a)(1) and (a)(2) on**  
 9                   **the electricity supplier's website. If at any time during a calendar**  
 10                  **year, the electricity supplier is no longer able to offer assistance to**  
 11                  **additional eligible customers under the electricity supplier's low**  
 12                  **income customer assistance program as a result of any:**  
 13                  (1) per customer funding limits;  
 14                  (2) enrollment limits; or  
 15                  (3) other limits, caps, or restrictions;  
 16                  **established by the electricity supplier under section 5(b) of this**  
 17                  **chapter, the electricity supplier shall include on its website a**  
 18                  **statement notifying customers of that fact. If the electricity**  
 19                  **supplier is subsequently able to enroll new eligible customers in the**  
 20                  **program during that calendar year, the electricity supplier shall**  
 21                  **remove the previously posted statement from its website and post**  
 22                  **a new statement indicating that the program is again accepting**  
 23                  **new applications for assistance.**  
 24                  **Sec. 8. If a customer:**  
 25                  (1) applies for assistance under an electricity supplier's low  
 26                  income customer assistance program; and  
 27                  (2) qualifies as a low income customer under section 3(2) of  
 28                  this chapter;  
 29                  **the electricity supplier shall enroll the customer in the program, to**  
 30                  **the extent the electricity supplier is able to do so under any per**  
 31                  **customer funding limits, enrollment limits, or other limits, caps, or**  
 32                  **restrictions established by the electricity supplier under section**  
 33                  **5(b) of this chapter and applicable at the time of the customer's**  
 34                  **application.**  
 35                  **Sec. 9. (a) An electricity supplier may, but is not required to,**  
 36                  **petition the commission for approval to recover eligible program**  
 37                  **costs. An electricity supplier may file a petition the commission**  
 38                  **under this section:**  
 39                  (1) as part of a base rate case; or  
 40                  (2) at any time as part of an independent proceeding in  
 41                  which the electricity supplier petitions the commission to  
 42                  recover eligible program costs on a timely basis through a



1                   **periodic rate adjustment mechanism.**

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

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

10                   **(A) governmental agency or program; or**  
 11                   **(B) other third party, including voluntary charitable**  
 12                   **contributions from nonprofit organizations or from**  
 13                   **employees, customers, or shareholders of the electricity**  
 14                   **supplier;**

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

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

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

24                   **(A) amounts; and**  
 25                   **(B) purposes;**

26                   **for which they have been or will be incurred.**

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

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

39                   **(1) the electricity supplier has incurred or will incur eligible**  
 40                   **program costs that are reasonable in amount;**  
 41                   **(2) notwithstanding section 10 of this chapter, the effect or**  
 42                   **the potential effect, in both the long and short term, of the**



1 proposed rate schedule on the electric rates of  
 2 nonparticipating customers or other customer classes of the  
 3 electricity supplier will be minimal; and

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

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

8 (d) The commission may not approve a rate schedule under  
 9 subsection (b) that would result in an average aggregate increase  
 10 in an electricity supplier's total retail revenues of more than two  
 11 percent (2%) with respect to the twelve (12) month period on  
 12 which the electricity supplier's proposed rate schedule is based. If  
 13 an electricity supplier incurs eligible program costs in connection  
 14 with the electricity supplier's low income customer assistance  
 15 program that exceed the limit set forth in this subsection, the  
 16 electricity supplier may seek to recover those eligible program  
 17 costs for recovery in the electricity supplier's next base rate case.

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

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

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

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

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

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

37 (A) governmental agencies or programs; or

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

42 (5) An identification of the amounts of any:



(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.

- (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.

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

27 SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this  
28 SECTION, "commission" refers to the Indiana utility regulatory  
29 commission created by IC 8-1-1-2.

(1) 170 IAC 4.  
(2) 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.**

39 SECTION 10. [EFFECTIVE UPON PASSAGE] (a) Before  
40 January 1, 2027, the commission shall amend 170 IAC 4-1-23 as  
41 necessary to conform 170 IAC 4-1-23 to the requirements of  
42 IC 8-1-46, as added by this act.

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1                   **(b) This SECTION expires January 2, 2027.**  
2                   SECTION 11. **An emergency is declared for this act.**

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