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**ENGROSSED**  
**HOUSE BILL No. 1002**

AM100234 has been incorporated into February 10, 2026 printing.

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**Synopsis:** Electric utility affordability.

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February 10, 2026

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.

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# ENGROSSED 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 4-22-2.3-7, AS ADDED BY P.L.249-2023,  
 2 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 7. The Indiana utility regulatory commission  
 4 may adopt interim rules under the interim rule procedures in  
 5 IC 4-22-2-37.2 pursuant to its authority under IC 8-1-1-3(g). ~~or~~  
 6 ~~IC 8-1-2-113~~. A rule described in this section expires not later than two  
 7 (2) years after the rule is accepted for filing by the publisher of the  
 8 Indiana Register and may not be continued in another interim rule.

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

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

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- 1           **(2) provides for the payment of a customer's bill in equal**
- 2           **monthly installments; and**
- 3           **(3) involves a reconciliation mechanism in which:**
- 4               **(A) the amount of utility service actually used by the**
- 5               **customer during a specified period is compared with the**
- 6               **amount of utility service for which the customer was**
- 7               **billed under the plan during the specified period; and**
- 8               **(B) the customer's account is either billed or credited, as**
- 9               **appropriate, for any difference identified under clause**
- 10              **(A).**
- 11           **(b) As used in this section, "customer" refers to a residential**
- 12           **customer who has agreed to pay for utility service from an**
- 13           **electricity supplier under the electricity supplier's standard**
- 14           **residential tariff. The term does not include a residential customer**
- 15           **who has agreed to pay for utility service from an electricity**
- 16           **supplier under an alternative billing tariff approved by the**
- 17           **commission.**
- 18           **(c) As used in this section, "electricity supplier" means a**
- 19           **person, other than a municipally owned utility (as defined in**
- 20           **IC 8-1-2-1(h)), that:**
- 21               **(1) provides utility service to customers; and**
- 22               **(2) is under the jurisdiction of the commission for the**
- 23               **approval of rates and charges.**
- 24           **(d) As used in this section, "utility service" means electric**
- 25           **service that is provided at retail to customers.**
- 26           **(e) An electricity supplier shall do the following:**
- 27               **(1) Beginning with the first monthly billing cycle that begins**
- 28               **after June 30, 2026, apply a levelized billing plan to all active**
- 29               **customer accounts:**
- 30                   **(A) for utility service provided under the electricity**
- 31                   **supplier's standard residential tariff to a customer who**
- 32                   **is part of a household that is eligible for and has applied**
- 33                   **for assistance from a home energy assistance program**
- 34                   **administered under IC 4-4-33; and**
- 35                   **(B) to which a levelized billing plan does not already**
- 36                   **apply.**
- 37               **(2) Not later than April 1, 2026, offer each customer of the**
- 38               **electricity supplier a mechanism, through one (1) or more**
- 39               **methods described in subsection (f)(4), by which the**
- 40               **customer may opt out of a levelized billing plan at any time,**
- 41               **without penalty, before or after the levelized billing plan is**
- 42               **applied to the customer's account, subject to the**

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1 reconciliation mechanism described in subsection (a)(3).  
 2 (3) Not later than July 1, 2026, for any levelized billing plan  
 3 offered by the electricity supplier and applied to an active  
 4 customer account, regardless of the date the levelized billing  
 5 plan was first offered or applied, amend or design the  
 6 levelized billing plan, as applicable, so that the reconciliation  
 7 mechanism described in subsection (a)(3) is applied at such  
 8 times during a calendar year to reflect, to the extent possible,  
 9 typical seasonal patterns of electricity usage by residential  
 10 customers, but not more than two (2) times during a  
 11 calendar year.  
 12 (f) Not later than April 1, 2026, an electricity supplier shall  
 13 provide to each customer described in subsection (e)(1) a written  
 14 notice that:  
 15 (1) informs the customer that a levelized billing plan will be  
 16 applied to the customer's account beginning with the first  
 17 monthly billing cycle that begins after June 30, 2026, if a  
 18 levelized billing plan does not already apply to the  
 19 customer's account;  
 20 (2) describes, in clear language that is easily understandable  
 21 to a lay person, the reconciliation mechanism described in  
 22 subsection (a)(3), including an explanation of:  
 23 (A) the number of times during a calendar year that the  
 24 reconciliation mechanism will be applied to the  
 25 customer's account, subject to subsection (e)(3);  
 26 (B) for each time during a calendar year that the  
 27 reconciliation mechanism will be applied, the monthly  
 28 billing cycle after which the reconciliation mechanism  
 29 will be applied; and  
 30 (C) the method by which the electricity supplier will:  
 31 (i) compare the amount of utility service actually  
 32 used by the customer with the amount of utility  
 33 service for which the customer was billed under the  
 34 plan during the billing cycles that are being  
 35 reconciled; and  
 36 (ii) either bill or credit the customer's account, as  
 37 appropriate, for any difference identified under  
 38 item (i);  
 39 (3) offers the customer a mechanism, through one (1) or  
 40 more methods described in subdivision (4), by which the  
 41 customer may opt out of a levelized billing plan at any time,  
 42 without penalty, before or after the levelized billing plan is

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1 applied to the customer's account, subject to the  
2 reconciliation mechanism described in subsection (a)(3); and  
3 (4) is delivered to the customer by one (1) or more of the  
4 following methods:

- 5 (A) United States mail.
- 6 (B) Electronic mail.
- 7 (C) A mobile application or another Internet based
- 8 method.

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

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

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

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

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

33 (j) If a customer's account becomes delinquent, the electricity  
34 supplier shall offer the customer a standard payment plan with a  
35 term of not less than twelve (12) months. The electricity supplier  
36 shall allow the customer to enroll in the standard payment plan  
37 through at least one (1) electronic method and one (1)  
38 nonelectronic method.

39 (k) An electricity supplier may not assess late fees, delinquency  
40 charges, or similar fees to a customer for any billing cycle in which  
41 the customer is enrolled in a payment plan under subsection (j) and  
42 is in compliance with the payment plan.

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

3           SECTION 3. 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) Subsections (g) and (j) do not**  
 6 **apply to an electricity supplier (as defined in IC 8-1-46-6) that has**  
 7 **filed a petition with the commission to change the electricity**  
 8 **supplier's basic rates and charges through the submission of a**  
 9 **multi-year rate 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

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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 ~~(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

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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 ~~(g)~~ **(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 ~~(h)~~ **(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 ~~(i)~~ **(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 4. IC 8-1-2-113, AS AMENDED BY P.L.93-2024,  
 25 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]: Sec. 113. (a) **Subject to subsections (b) and (c)**,  
 27 the commission may, when it considers it necessary to prevent injury  
 28 to the business or interests of the people ~~of~~, or any public utility ~~of this~~  
 29 **state operating in, Indiana** in ~~case the event of~~ any emergency ~~to be~~  
 30 ~~judged by the commission~~, **that results from:**

31 **(1) a national economic depression;**

32 **(2) an act of war; or**

33 **(3) a disaster of unprecedented size and destructiveness**  
 34 **resulting from manmade or natural causes;**

35 **recommend that the governor declare a disaster emergency under**  
 36 **IC 10-14-3-12 or proclaim a state of energy emergency under**  
 37 **IC 10-14-3-13, as applicable, during which the commission may**  
 38 temporarily alter, amend, or with the consent of the public utility  
 39 concerned, suspend any existing rates, service, practices, schedules,  
 40 ~~and order or orders~~ relating to or affecting any public utility or part of  
 41 any public utility **operating in this state: Indiana**. The alterations,  
 42 amendments, or suspensions of the rates, service, schedules, or

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practices made by the commission ~~shall~~ **may** apply to one (1) or more of the public utilities **operating** in this state or to any portion thereof, **Indiana**, as directed by the commission, and ~~shall~~ take effect at the time and remain in force **only** for the length of time prescribed by the commission: **duration of the disaster emergency or the energy emergency, as applicable.**

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

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

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

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

- (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 5. 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 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

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1 for a county or part of a county within an electric utility's  
2 assigned service area under IC 8-1-2.3, the electric utility  
3 may not terminate residential electric service for customers  
4 who:

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

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

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

15 (d) If:

16 (1) an electric utility has provided a notice of disconnection  
17 to a customer described in subsection (c)(2) before the local  
18 weather forecast office of the National Weather Service  
19 forecasts a heat index described in subsection (c)(2) for the  
20 customer's service location; and

21 (2) the fourteen (14) day period following the issuance of the  
22 disconnection notice during which the electric utility is  
23 prohibited from terminating the customer's electric service  
24 under 170 IAC 4-1-16 would have elapsed on the forecasted  
25 date for the heat index to reach the level described in  
26 subsection (c)(2);

27 the fourteen (14) day period described in subdivision (2) is tolled  
28 until the first day that follows the day with respect to which the  
29 forecast was made and during which the forecasted heat index is  
30 not reached.

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

33 (1) informs customers of the relief available to eligible  
34 customers under subsection (c); and

35 (2) includes:

36 (A) a toll free telephone number; or

37 (B) a link to a web page;

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

41 (b) (f) Any An electric or gas utility including a municipally  
42 owned, privately owned, or cooperatively owned utility, shall provide

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1 any residential customer whose account is delinquent an opportunity  
2 to enter into a reasonable amortization agreement with such company  
3 to pay the delinquent account. Such an amortization agreement must  
4 provide the customer with adequate opportunity to apply for and  
5 receive the benefits of any available public assistance program. An  
6 amortization agreement is subject to amendment on the customer's  
7 request if there is a change in the customer's financial circumstances.

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

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

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

- 17 (1) If a condition dangerous or hazardous to life, physical safety,  
18 or property exists.
- 19 (2) Upon order by any court, the commission, or other duly  
20 authorized public authority.
- 21 (3) If fraudulent or unauthorized use of electricity or gas is  
22 detected and the utility has reasonable grounds to believe the  
23 affected customer is responsible for such use.
- 24 (4) If the utility's regulating or measuring equipment has been  
25 tampered with and the utility has reasonable grounds to believe  
26 that the affected customer is responsible for such tampering.

27 SECTION 6. IC 8-1-2.6-2, AS AMENDED BY P.L.107-2014,  
28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 UPON PASSAGE]: Sec. 2. (a) This section applies to rules and orders  
30 that:

- 31 (1) concern telecommunications service or providers of  
32 telecommunications service; and
- 33 (2) may be adopted or issued by the commission under the  
34 authority of state or federal law.

35 (b) Rules and orders described in this section:

- 36 (1) may be adopted or issued only after notice and hearing,  
37 unless:
  - 38 (A) the commission ~~determines acts~~ in accordance with  
39 IC 8-1-2-113 ~~that an~~ **during a disaster** emergency ~~exists~~  
40 **that is declared by the governor and** that requires the  
41 commission or a provider to take immediate action to:
    - 42 (i) prevent injury to the business or interests of the

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1 citizens of Indiana; or  
 2 (ii) maintain a provider's financial integrity and ability  
 3 to provide adequate basic telecommunications service;  
 4 (B) the commission is authorized under IC 8-1-2 to adopt a  
 5 particular rule or issue a particular order without the  
 6 necessity of a hearing; or  
 7 (C) after receiving notice of the commission's proposed  
 8 action, all parties to a proceeding consent to the commission  
 9 taking action without a hearing; and  
 10 (2) must be:  
 11 (A) consistent with this chapter; and  
 12 (B) in the public interest, as determined by the commission  
 13 under subsection (d).  
 14 (c) Rules and orders described in this section must promote one  
 15 (1) or more of the following:  
 16 (1) Cost minimization for providers to the extent that a provider's  
 17 quality of service and facilities are not diminished.  
 18 (2) A more accurate evaluation by the commission of a  
 19 provider's physical or financial conditions or needs as well as a  
 20 less costly regulatory procedure for either the provider, the  
 21 provider's customers, or the commission.  
 22 (3) Consumer access to affordable basic telecommunications  
 23 service.  
 24 (4) Development of depreciation guidelines and procedures that  
 25 recognize technological obsolescence.  
 26 (5) Increased provider management efficiency beneficial to  
 27 customers.  
 28 (6) Regulation consistent with a competitive environment.  
 29 (d) In determining whether the public interest will be served, as  
 30 required under subsection (b), the commission shall consider:  
 31 (1) whether technological change, competitive forces, or  
 32 regulation by other state and federal regulatory bodies render the  
 33 exercise of jurisdiction by the commission unnecessary or  
 34 wasteful;  
 35 (2) whether the exercise of commission jurisdiction produces  
 36 tangible benefits to the customers of providers; and  
 37 (3) whether the exercise of commission jurisdiction inhibits a  
 38 regulated entity from competing with unregulated providers of  
 39 functionally similar telecommunications services or equipment.  
 40 SECTION 7. IC 8-1-6.1 IS ADDED TO THE INDIANA CODE  
 41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2026]:

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1 Chapter 6.1. Quarterly Residential Customer Reports by  
2 Electricity Suppliers

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

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

8 Sec. 3. As used in this chapter, "electricity supplier" means a  
9 person, other than a municipally owned utility (as defined in  
10 IC 8-1-2-1(h)), that:

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

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

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

- 18 (1) is entered into by an electricity supplier and a customer
- 19 of the electricity supplier; and
- 20 (2) allows the customer to:
  - 21 (A) pay current or past due amounts for utility service
  - 22 in lower amounts or over an extended period of time, or
  - 23 according to another agreed upon schedule;
  - 24 (B) defer the payment of current or past due amounts
  - 25 for utility service to some future date; or
  - 26 (C) receive a forbearance with respect to the payment of
  - 27 certain amounts owed.

28 Sec. 6. As used in this chapter, "protected account" means an  
29 account that is for utility service that is provided to a customer  
30 who is eligible for and has applied for assistance from a home  
31 energy assistance program administered under IC 4-4-33.

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

34 Sec. 8. (a) An electricity supplier shall submit to the office  
35 quarterly reports containing the information set forth in this  
36 subsection with respect to the calendar quarter covered by the  
37 report. A report under this subsection shall be submitted to the  
38 office in the manner and form prescribed by the office and not  
39 later than thirty (30) days after the last day of the calendar quarter  
40 covered by the report. The first report submitted to the office  
41 under this subsection must cover the third calendar quarter of  
42 2026. A report under this subsection must include the following

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1 information for each month in the calendar quarter covered by the  
2 report, including, to the extent available, a comparison of the same  
3 information for the same month of the immediately preceding  
4 calendar year:

- 5 (1) The total number of open customer accounts.
- 6 (2) The total number of customers who received assistance  
7 from a home energy assistance program administered under  
8 IC 4-4-33.
- 9 (3) The total number of open protected accounts for  
10 customers.
- 11 (4) The total number of open customer accounts that were  
12 delinquent for more than sixty (60) days.
- 13 (5) The total dollar amount owed with respect to the  
14 accounts identified under subdivision (4).
- 15 (6) The total number of payment plans entered into between  
16 the electricity supplier and customers of the electricity  
17 supplier.
- 18 (7) The total number of levelized billing plans applied to  
19 customer accounts.
- 20 (8) The total number of customer accounts sent a notice of  
21 disconnection for nonpayment.
- 22 (9) The total number of utility service disconnections  
23 performed for nonpayment.
- 24 (10) The total dollar value of customer accounts written off  
25 as uncollectible.

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

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

36 Sec. 9. The office shall adopt guidelines to implement this  
37 chapter.

38 Sec. 10. Beginning in 2027, the office shall annually compile  
39 and summarize the information received from electricity suppliers  
40 under section 8 of this chapter for the previous calendar year and  
41 include the office's summary of the information in the office's  
42 annual report to the interim study committee on energy, utilities,

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**and telecommunications.**

SECTION 8. IC 8-1-32.4-15, AS AMENDED BY P.L.8-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The commission may ~~declare~~ **act** in accordance with IC 8-1-2-113 ~~that an~~ **during a disaster** emergency ~~exists in~~ **that is declared by the governor and that includes** an area in Indiana that is not served by any communications service provider offering voice service through any technology or medium. If the commission ~~declares an~~ **acts in accordance with IC 8-1-2-113 during a declared disaster** emergency, ~~under this section~~, the commission may issue any order necessary to protect the health, safety, and welfare of affected residents or businesses and may expedite the availability of voice service to the affected residents or businesses.

(b) If the commission authorizes a communications service provider to offer voice service under this section, the commission shall permit the communications service provider to offer the voice service through any available technology or medium determined by the communications service provider.

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

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

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

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

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

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

4 (c) A public utility that recovers capital expenditures and TDSIC  
 5 costs under subsection (a) shall defer the remaining twenty percent  
 6 (20%) of approved capital expenditures and TDSIC costs, including  
 7 depreciation, allowance for funds used during construction, and post in  
 8 service carrying costs, and shall recover those capital expenditures and  
 9 TDSIC costs as part of the next general rate case that the public utility  
 10 files with the commission.

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

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

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

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

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

28 (g) Actual capital expenditures and TDSIC costs that exceed the  
 29 approved capital expenditures and TDSIC costs require specific  
 30 justification by the public utility and specific approval by the  
 31 commission before being authorized for recovery in customer rates.

32 SECTION 10. IC 8-1-46 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]:

35 **Chapter 46. Performance Based Ratemaking for Electricity**  
 36 **Suppliers**

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

42 (b) The term includes the following charges:

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- 1           (1) Fixed service charges.
- 2           (2) Energy charges based on the amount of electricity
- 3           provided to or consumed by the customer during the billing
- 4           cycle.
- 5           (3) Additional charges or credits, including any applicable
- 6           rate adjustment mechanisms approved by the commission.
- 7           (4) Taxes.
- 8           Sec. 2. As used in this chapter, "commission" refers to the
- 9           Indiana utility regulatory commission created by IC 8-1-1-2.
- 10          Sec. 3. (a) As used this chapter, "customer", with respect to an
- 11          electricity supplier, means a metered electrical service point:
- 12           (1) that is located at a specific location in Indiana; and
- 13           (2) for which an active billing account is established by the
- 14           electricity supplier.
- 15          (b) As the context requires, the term includes the person of
- 16          record who has agreed to pay for the retail electric service
- 17          provided by the electricity supplier at the location described in
- 18          subsection (a).
- 19          Sec. 4. As used in this chapter, "customer affordability
- 20          performance metric", with respect to an electricity supplier, means
- 21          a metric that:
- 22           (1) is determined by the commission under section 23 of this
- 23           chapter for a particular rate year included in that electricity
- 24           supplier's multi-year rate plan;
- 25           (2) is based on the most recent customer affordability
- 26           performance report submitted to the commission by the
- 27           electricity supplier under section 18 of this chapter; and
- 28           (3) is used by the commission to establish a customer
- 29           affordability PIM that applies to that rate year and provides
- 30           financial rewards or penalties to the electricity supplier
- 31           based on the electricity supplier's measured customer
- 32           affordability performance.
- 33          Sec. 5. As used in this chapter, "customer average interruption
- 34          duration index", or "CAIDI", means an index that:
- 35           (1) indicates the average time required to restore electric
- 36           service to an electricity supplier's customers affected by
- 37           sustained service interruptions; and
- 38           (2) is calculated by determining the quotient of:
- 39           (A) the sum of sustained service interruption durations
- 40           in minutes for a specified period; divided by
- 41           (B) the total number of customers affected by the
- 42           sustained service interruptions;

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1 in accordance with IEEE 1366.

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

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

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

8 (b) The term does not include:

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

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

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

14 Sec. 7. As used in this chapter, "IEEE 1366" refers to:

15 (1) the 2022 edition of IEEE 1366, IEEE Guide for Electric  
16 Power Distribution Reliability Indices, as adopted by the  
17 Institute of Electrical and Electronics Engineers; or

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

20 (A) the 2022 edition; or

21 (B) any subsequent edition;

22 of IEEE 1366, the version of IEEE 1366 as amended by the  
23 commission.

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

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

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

31 as defined in IEEE 1366.

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

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

38 (2) adjustments to the electricity supplier's base rates based  
39 on the electricity supplier's performance with respect to each  
40 performance incentive mechanism applicable to the  
41 electricity supplier;

42 during the three (3) year period, without requiring the electricity

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1 supplier to file a new base rate case with respect to the changes and  
2 adjustments.

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

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

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

- 14 (A) reliability;
- 15 (B) affordability;
- 16 (C) resiliency;
- 17 (D) stability; and
- 18 (E) environmental sustainability;

19 as described in IC 8-1-2-0.6; and  
20 (2) is based on specific performance metrics against which  
21 the electricity supplier's performance is measured.

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

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

29 are in effect.

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

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

- 36 (1) is determined by the commission under section 24 of this  
37 chapter for a particular rate year included in that electricity  
38 supplier's multi-year rate plan;
- 39 (2) is based on the most recent service restoration  
40 performance report submitted to the commission by the  
41 electricity supplier under section 19 of this chapter; and
- 42 (3) is used by the commission to establish a service

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1 restoration PIM that applies to that rate year and provides  
2 financial rewards or penalties to the electricity supplier  
3 based on the electricity supplier's measured service  
4 restoration performance.

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

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

- 10 (1) A planned service interruption that is:
  - 11 (A) initiated by an electricity supplier to perform
  - 12 scheduled activities, such as work related to:
    - 13 (i) system or facilities maintenance or upgrades;
    - 14 (ii) infrastructure improvements; or
    - 15 (iii) new construction; and
  - 16 (B) communicated to customers in advance.
- 17 (2) A curtailment or interruption of service to a customer  
18 receiving service under an interruptible service tariff to the  
19 extent that the curtailment or interruption of service occurs  
20 in accordance with the customer's service agreement.

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

- 23 (1) indicates the total duration of sustained service  
24 interruptions for an electricity supplier's average customer  
25 during a specified period; and
  - 26 (2) is calculated by determining the quotient of:
    - 27 (A) the sum of sustained service interruption durations
    - 28 in minutes for the specified period; divided by
    - 29 (B) the total number of customers;
- 30 in accordance with IEEE 1366.

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

- 33 (1) indicates the number of sustained service interruptions  
34 an electricity supplier's average customer experiences over  
35 a specified period; and
  - 36 (2) is calculated by determining the quotient of:
    - 37 (A) the total number of customers that experienced
    - 38 sustained service interruptions over the specified period;
    - 39 divided by
    - 40 (B) the total number of customers;
- 41 in accordance with IEEE 1366.

42 Sec. 18. Beginning in 2027, before March 1 of each year, an

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1 electricity supplier shall file with the commission, on a form  
2 prescribed by the commission, a customer affordability  
3 performance report that includes the following information:

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

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

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

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

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

32 (1) Each of the following indices, reported to exclude major  
33 event days, for the electricity supplier's system in Indiana as  
34 a whole:

- 35 (A) SAIDI.
- 36 (B) SAIFI.
- 37 (C) CAIDI.

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

- 41 (A) SAIDI.
- 42 (B) SAIFI.

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

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

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

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

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

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

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

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

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

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

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

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

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

**(B) is issued after January 1, 2026.**

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1 (b) An electricity supplier may file its first petition with the  
2 commission for approval of a multi-year rate plan under this  
3 chapter before the beginning of the time frame that would  
4 otherwise apply to the electricity supplier under subsection (a) if  
5 the petition:

6 (1) requests approval of a reduction in the electricity  
7 supplier's overall revenue requirement for the first rate year  
8 of the multi-year rate plan;

9 (2) meets all requirements for a multi-year rate plan under  
10 this chapter; and

11 (3) is filed with the commission not later than September 1,  
12 2026.

13 (c) An electricity supplier may petition the commission for  
14 relief for changes to the electricity supplier's basic rates and  
15 charges:

16 (1) after March 14, 2026; and

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

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

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

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

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

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

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

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

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

38 (i) revenue requirement; and

39 (ii) base rates for each customer class; and

40 (B) proposed test period using forward looking periods  
41 the close of which correspond with the end of the second  
42 and third rate years in the electricity supplier's

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- 1                   **multi-year rate plan;**  
 2                   **for each of the rate years in the multi-year rate plan.**  
 3                   **(2) The base rates for the first rate year of an electricity**  
 4                   **supplier's multi-year rate plan shall be established by the**  
 5                   **commission in the same manner that base rates would be**  
 6                   **established in a proceeding for a change in the electricity**  
 7                   **supplier's basic rates and charges that occurs outside of a**  
 8                   **multi-year rate plan, based on an appropriate test year**  
 9                   **under IC 8-1-2-42.7(e) used to determine the electricity**  
 10                   **supplier's actual and pro forma operating revenues,**  
 11                   **expenses, and operating income under current and proposed**  
 12                   **rates, adjusted for changes that are fixed, known, and**  
 13                   **measurable for ratemaking purposes and that occur within**  
 14                   **a reasonable time after the end of the test year.**  
 15                   **(3) The base rates for the second and third rate years of an**  
 16                   **electricity supplier's multi-year rate plan shall be established**  
 17                   **using:**  
 18                   **(A) changes in the electricity supplier's net plant in**  
 19                   **service from the end of the immediately preceding rate**  
 20                   **year, including any difference between:**  
 21                   **(i) actual net plant in service at the end of the rate**  
 22                   **year; and**  
 23                   **(ii) the projected net plant in service used in the**  
 24                   **electricity supplier's test period for that rate year;**  
 25                   **and**  
 26                   **(B) changes in the net balance of any regulatory asset or**  
 27                   **liability from the end of the immediately preceding rate**  
 28                   **year.**  
 29                   **As used in this subdivision, "net plant in service" refers to**  
 30                   **both utility plant in service and accumulated depreciation.**  
 31                   **(4) In establishing an electricity supplier's authorized return**  
 32                   **for the electricity supplier's multi-year rate plan, the**  
 33                   **commission shall consider any increased or decreased risk**  
 34                   **to:**  
 35                   **(A) the electricity supplier; and**  
 36                   **(B) the electricity supplier's ratepayers;**  
 37                   **that may result from the implementation of the multi-year**  
 38                   **rate plan.**  
 39                   **(5) For each rate year in an electricity supplier's multi-year**  
 40                   **rate plan, the following apply:**  
 41                   **(A) A customer affordability performance metric that:**  
 42                   **(i) is determined by the commission under section**

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- 1                   **23 of this chapter for that rate year;**
- 2                   **(ii) is based on the most recent customer**
- 3                   **affordability performance report submitted to the**
- 4                   **commission by the electricity supplier under section**
- 5                   **18 of this chapter; and**
- 6                   **(iii) is used by the commission to establish a**
- 7                   **customer affordability PIM that applies to that rate**
- 8                   **year.**
- 9                   **(B) A customer affordability PIM that:**
- 10                  **(i) is based on the electricity supplier's performance**
- 11                  **in meeting the customer affordability performance**
- 12                  **metric described in clause (A); and**
- 13                  **(ii) provides financial rewards or penalties to the**
- 14                  **electricity supplier based on that performance in**
- 15                  **accordance with section 23 of this chapter.**
- 16                  **(C) A service performance restoration metric that:**
- 17                  **(i) is determined by the commission under section**
- 18                  **24 of this chapter for that rate year;**
- 19                  **(ii) is based on the most recent service restoration**
- 20                  **performance report submitted to the commission by**
- 21                  **the electricity supplier under section 19 of this**
- 22                  **chapter; and**
- 23                  **(iii) is used by the commission to establish a service**
- 24                  **restoration PIM that applies to that rate year.**
- 25                  **(D) A service restoration PIM that:**
- 26                  **(i) is based on the electricity supplier's performance**
- 27                  **in meeting the service restoration performance**
- 28                  **metric described in clause (C); and**
- 29                  **(ii) provides financial rewards or penalties to the**
- 30                  **electricity supplier based on that performance in**
- 31                  **accordance with section 24 of this chapter.**
- 32                  **(b) An electricity supplier's petition for approval of a**
- 33                  **multi-year rate plan under this chapter may include alternative**
- 34                  **regulatory practices, procedures, accounting treatments, and**
- 35                  **mechanisms that are consistent with this chapter.**
- 36                  **(c) A multi-year rate plan under this chapter shall be**
- 37                  **considered separately by the commission from all:**
- 38                    **(1) rate adjustment mechanisms, including the fuel**
- 39                    **adjustment charge under IC 8-1-2-42; and**
- 40                    **(2) other cost recovery mechanisms;**
- 41                  **otherwise allowed by law, unless otherwise incorporated into the**
- 42                  **multi-year rate plan. In an electricity supplier's first petition for a**

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1 multi-year rate plan under this chapter, the electricity supplier  
 2 shall include a plan to incorporate planned capital expenditures,  
 3 subject to preapproval by the commission, into the electricity  
 4 supplier's subsequent multi-year rate plans under this chapter.

5 (d) An electricity supplier may elect to:

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

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

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

- 16 (1) That the electricity supplier's rates under the multi-year  
 17 rate plan are just and reasonable.
- 18 (2) That the multi-year rate plan reasonably assures the  
 19 continuation of safe and reliable electric service for the  
 20 electricity supplier's customers.
- 21 (3) That the multi-year rate plan will not unreasonably  
 22 prejudice any class of the electricity supplier's customers and  
 23 will not result in sudden substantial rate increases to the  
 24 electricity supplier's customers or any class of customers.
- 25 (4) That the multi-year rate plan:  
 26 (A) will result in just and reasonable rates;  
 27 (B) is in the public interest; and  
 28 (C) is consistent with the requirements set forth in this  
 29 chapter and in the rules adopted by the commission  
 30 under section 27 of this chapter.
- 31 (5) That the multi-year rate plan meets any other legal  
 32 requirement.

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

- 38 (1) Examine the reasonableness of the electricity supplier's  
 39 rates under the multi-year rate plan.
- 40 (2) Conduct periodic reviews with opportunities for public  
 41 hearings and comments from interested parties.
- 42 (3) Initiate a proceeding to adjust the base rates or PIMs

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1 under the multi-year rate plan as necessary to ensure that  
2 the multi-year rate plan continues to satisfy the criteria set  
3 forth in subsection (a).

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

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

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

21 as reported in the most recent customer affordability performance  
22 report submitted to the commission by the electricity supplier  
23 under section 18 of this chapter. The difference calculated under  
24 this subsection is the electricity supplier's customer affordability  
25 performance metric for the rate year.

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

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

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

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

6           **STEP TWO: Determine the electricity supplier's SAIDI for**  
 7           **the most recently concluded calendar year, including major**  
 8           **event days, for the electricity supplier's system in Indiana as**  
 9           **a whole.**

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

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

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

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

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

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

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

38           **(2) For each petition listed under subdivision (1):**  
 39           **(A) the date of the commission's final order approving**  
 40           **the multi-year rate plan; or**  
 41           **(B) if the petition is pending before the commission, the**  
 42           **procedural status of the petition.**

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- 1           **(3) For each electricity supplier that is subject to this**
- 2           **chapter, the beginning and end dates of the electricity**
- 3           **supplier's current multi-year rate plan under this chapter, to**
- 4           **the extent applicable in a report submitted under this section**
- 5           **before 2030.**
- 6           **(4) For each electricity supplier that is subject to this**
- 7           **chapter, the electricity supplier's calculated:**
  - 8               **(A) customer affordability performance metric; and**
  - 9               **(B) service restoration performance metric;**
- 10           **for the current rate year in the electricity supplier's**
- 11           **multi-year rate plan under this chapter, to the extent**
- 12           **applicable in a report submitted under this section before**
- 13           **2030.**
- 14           **(5) For each electricity supplier that is subject to this**
- 15           **chapter, any available data as to the impact on customer**
- 16           **rates of the electricity supplier's applicable:**
  - 17               **(A) customer affordability performance metric; and**
  - 18               **(B) service restoration performance metric;**
- 19           **during the most recently concluded rate year under a**
- 20           **multi-year rate plan of the electricity supplier under this**
- 21           **chapter.**
- 22           **(6) Any other quantitative or qualitative information that the**
- 23           **commission considers relevant for members of:**
  - 24               **(A) the interim study committee on energy, utilities, and**
  - 25               **telecommunications established by IC 2-5-1.3-4(8); and**
  - 26               **(B) the general assembly;**
- 27           **to consider in evaluating multi-year rate plans under this**
- 28           **chapter.**
- 29           **(b) Subject to subsection (c), an electricity supplier shall**
- 30           **provide the commission, at the time and in the manner prescribed**
- 31           **by the commission, any information or related materials required**
- 32           **by the commission to fulfill the commission's reporting obligations**
- 33           **under subsection (a).**
- 34           **(c) Upon request by an electricity supplier, the commission**
- 35           **shall determine whether any information or related materials**
- 36           **required by the commission under subsection (b):**
  - 37               **(1) are confidential under IC 5-14-3-4;**
  - 38               **(2) are exempt from public access and disclosure by Indiana**
  - 39               **law; and**
  - 40               **(3) must be treated as confidential and protected from public**
  - 41               **access and disclosure by the commission.**
- 42           **Sec. 26. After March 14, 2026, any reference in IC 8-1, or in**

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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 11. IC 8-1-47 IS ADDED TO THE INDIANA CODE  
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON 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, other than a municipally owned utility (as defined in  
 20 IC 8-1-2-1(h)), that:

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

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

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

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

- 34 (2) have not been and will not be recovered by the electricity  
 35 supplier through contributions of any money, services, or  
 36 property that have been or will be provided at no cost to the  
 37 electricity supplier by or through any:

- 38 (A) governmental agency or program; or  
 39 (B) other third party, including voluntary charitable  
 40 contributions from nonprofit organizations or from  
 41 employees, customers, or shareholders of the electricity  
 42 supplier;

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1           **in support of the program.**  
2           **(b) The term does not include lost revenues associated with an**  
3           **electricity supplier's low income customer assistance program.**  
4           **Sec. 3. As used in this chapter, "low income customer" refers**  
5           **to a residential customer who is part of a household that:**  
6               **(1) has agreed to pay for utility service from an electricity**  
7               **supplier; and**  
8               **(2) is eligible for and has applied for assistance from a home**  
9               **energy assistance program administered under IC 4-4-33.**  
10           **Sec. 4. As used in this chapter, "utility service" means electric**  
11           **service that is provided at retail to customers.**  
12           **Sec. 5. (a) Not later than July 1, 2026, an electricity supplier**  
13           **shall offer a low income customer assistance program that provides**  
14           **financial assistance to low income customers for the payment of**  
15           **monthly bills for utility service provided by the electricity supplier.**  
16           **A program that:**  
17               **(1) is offered by the electricity supplier before July 1, 2026;**  
18               **(2) provides financial assistance to low income customers for**  
19               **the payment of monthly bills for utility service provided by**  
20               **the electricity supplier;**  
21               **(3) remains in effect on July 1, 2026; and**  
22               **(4) includes eligibility criteria consistent with section 3(2) of**  
23               **this chapter;**  
24           **qualifies as a low income customer assistance program for**  
25           **purposes of this section.**  
26           **(b) Subject to subsection (c), an electricity supplier may**  
27           **establish:**  
28               **(1) per customer funding limits;**  
29               **(2) enrollment limits; or**  
30               **(3) other limits, caps, or restrictions;**  
31           **applicable to the low income customer assistance program based**  
32           **on funds available for the program from governmental agencies or**  
33           **programs or from other third parties, including voluntary**  
34           **charitable contributions from nonprofit organizations or from**  
35           **employees, customers, or shareholders of the electricity supplier.**  
36           **(c) If at any time during a calendar year:**  
37               **(1) an electricity supplier is no longer able to offer assistance**  
38               **to additional eligible customers under the electricity**  
39               **supplier's low income customer assistance program as a**  
40               **result of any limit, cap, or restriction established under**  
41               **subsection (b); and**  
42               **(2) the full amount allocated or to be allocated to the**

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

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

- 15           (1) at least two-tenths percent (0.2%) of the electricity  
 16           supplier's jurisdictional revenues for residential customers;  
 17           plus  
 18           (2) any contributions from:  
 19                (A) governmental agencies or programs; or  
 20                (B) other third parties, including voluntary charitable  
 21                contributions from nonprofit organizations or from  
 22                employees, customers, or shareholders of the electricity  
 23                supplier.

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

- 27           (1) informs customers that the electricity supplier offers a  
 28           low income customer assistance program for eligible  
 29           customers; and  
 30           (2) includes:

- 31                (A) a toll free telephone number; or  
 32                (B) a link to a web page;  
 33           that a customer may call or access for information on how to  
 34           apply for assistance under the program.

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

- 41           (1) per customer funding limits;  
 42           (2) enrollment limits; or



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

10           **Sec. 8. If a customer:**

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

15 the electricity supplier shall enroll the customer in the program, to  
 16 the extent the electricity supplier is able to do so under any per  
 17 customer funding limits, enrollment limits, or other limits, caps, or  
 18 restrictions established by the electricity supplier under section  
 19 5(b) of this chapter and applicable at the time of the customer's  
 20 application.

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

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

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

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

- 38           (A) governmental agency or program; or  
 39           (B) other third party, including voluntary charitable  
 40 contributions from nonprofit organizations or from  
 41 employees, customers, or shareholders of the electricity  
 42 supplier;



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

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

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

10 (A) amounts; and

11 (B) purposes;

12 for which they have been or will be incurred.

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

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

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

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

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

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

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

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1 program that exceed the limit set forth in this subsection, the  
 2 electricity supplier may seek to recover those eligible program  
 3 costs in the electricity supplier's next base rate case.

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

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

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

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

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

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

23 (A) governmental agencies or programs; or

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

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

29 (A) per customer funding limits;

30 (B) enrollment limits; or

31 (C) other limits, caps, or restrictions;

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

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

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

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

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

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

13          SECTION 12. [EFFECTIVE UPON PASSAGE] (a) As used in  
 14          this SECTION, "commission" refers to the Indiana utility  
 15          regulatory commission created by IC 8-1-1-2.

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

- 19           (1) 170 IAC 4.
- 20           (2) Any other rule that:
  - 21               (A) has been adopted by the commission; and
  - 22               (B) is inconsistent with IC 8-1-2-121, as amended by this
  - 23               act.

24          (c) This SECTION expires January 1, 2027.

25          SECTION 13. [EFFECTIVE UPON PASSAGE] (a) Before  
 26          January 1, 2027, the commission shall amend 170 IAC 4-1-23 as  
 27          necessary to conform 170 IAC 4-1-23 to the requirements of  
 28          IC 8-1-46, as added by this act.

29          (b) This SECTION expires January 2, 2027.

30          SECTION 14. An emergency is declared for this act.

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