

SENATE BILL No. 152

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1.

Synopsis: Utilities matters. Allows an electric or gas utility to establish a customer assistance program for qualified residential customers. Requires the approval of the Indiana utility regulatory commission (IURC) before a public utility may sell stock, enter into certain contracts, effect a reorganization, or acquire control of another public utility. Provides that if a public utility requests IURC approval of the sale, assignment, or transfer of the public utility's franchise, works, or system, the IURC shall grant a right of first refusal to: (1) a municipality in which the public utility's works or system is located; or (2) a public charitable trust; for the purchase or acquisition of the public utility's franchise, works, or system. Provides that the IURC may not authorize a public utility that: (1) provides retail electric or natural gas service; and (2) is under the IURC's jurisdiction for the approval of rates and charges (energy utility); to recover through the energy utility's retail rates and charges any direct or indirect costs associated with specified expenses and activities related to lobbying, legislative action, political activities, charitable giving, litigation, investor relations, and other specified activities and expenses. Requires an energy utility, beginning in 2026, to file with the IURC an annual report that includes specified information concerning costs to: (1) the energy utility; or (2) an affiliate of the energy utility; that are related to these expenses or activities and that are directly billed or allocated to the energy utility. Requires the IURC to make available on the IURC's website a direct link to the annual reports provided by all energy utilities under these

(Continued next page)

Effective: Upon passage; July 1, 2026.

Hunley, Ford J.D., Spencer

January 5, 2026, read first time and referred to Committee on Utilities.



Digest Continued

provisions. Provides that on any customer bill issued by an energy utility after December 31, 2026, the energy utility must include a break down of the charges and fees that make up the total amount owed, including a description of the service or cost associated with each charge or fee. Sets forth certain charges and fees that must be delineated as specific line items on each customer bill.



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.

SENATE BILL No. 152

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 8-1-2-46, AS AMENDED BY P.L.233-2017,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 46. (a) The commission shall provide for a
4 comprehensive classification of such service for each public utility and
5 such classification may take into account the quantity used, the time
6 when used, the purpose for which used and other reasonable
7 consideration. Each public utility is required to conform its schedules
8 of rates, tolls, and charges to such classification.

9 **(b) As used in this section, "energy utility" means:**

10 **(1) a public utility, as defined in section 1(a) of this chapter;**
11 **(2) a municipally owned utility, as defined in section 1(h) of**
12 **this chapter;**
13 **(3) a cooperatively owned utility; or**
14 **(4) a not-for-profit utility, including a utility company owned,**
15 **operated, or held in trust by a consolidated city;**
16 **that provides electric utility service, gas utility service, or both**
17 **electric utility service and gas utility service to the public.**



(c) As used in this section, "utility" means:

- (1) an energy utility; or
- (2) a water or wastewater utility.

~~(b)~~ (d) As used in this section, "water or wastewater utility" means:

- (1) a public utility, as defined in section 1(a) of this chapter;
- (2) a municipally owned utility, as defined in section 1(h) of this chapter; or
- (3) a not-for-profit utility, as defined in section 125(a) of this chapter;

that provides water or wastewater service to the public.

~~(e)~~ (e) Upon request by a ~~water or wastewater~~ utility in a general rate case, the commission may allow, but may not require, a ~~water or wastewater~~ utility to establish a customer assistance program that:

- (1) uses state or federal infrastructure funds, **as applicable**; or
- (2) provides financial relief to residential customers who qualify for income related assistance.

A customer assistance program established under this subsection that affects rates and charges for service is not discriminatory for purposes of this chapter or any other law regulating rates and charges for service. In considering whether to approve a ~~water or wastewater~~ utility's proposed customer assistance program, the commission shall determine that a customer assistance program established under this subsection furthers the interests set forth in section 0.5 of this chapter and is in the public interest.

~~(f)~~ (f) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 2. IC 8-1-2-83, AS AMENDED BY P.L.136-2018, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 83. (a) **This section does not apply to:**

- (1) a corporation organized or operating under IC 8-1-13; or
- (2) a corporation organized under IC 23-17, some of the members of which are local district corporations (as defined in IC 8-1-13-23(b)).

(b) As used in this section, "control" means the power to direct the management and policies of a public utility, utility company, or utility holding company through:

- (1) the ownership of voting securities or stock;
- (2) the terms of a contract; or
- (3) other means.

The term does not include power from holding an official position or corporate office with the public utility, utility company, or utility holding company. Control is presumed to exist if a person,



1 directly or indirectly, owns, controls, has the power to vote, or has
 2 the power to vote proxies that constitute at least ten percent (10%)
 3 of the total voting power of the public utility, utility company, or
 4 utility holding company.

5 (c) As used in this section, "person" means an individual, a firm,
 6 a corporation, a company, a partnership, a limited liability
 7 company, an association, a trustee, a lessee, or a receiver.

8 (d) As used in this section, "reorganization" means a
 9 transaction that, regardless of the means by which the transaction
 10 is accomplished, results in:

11 (1) a change in the ownership of a majority of the voting
 12 capital stock of a public utility;

13 (2) a change in the ownership or control of an entity that owns
 14 or controls a majority of the voting capital stock of a public
 15 utility;

16 (3) the merger of two (2) public utilities; or

17 (4) the acquisition by one (1) public utility of substantially all
 18 assets of another public utility.

19 (e) As used in this section, "utility company" has the same
 20 meaning as the definition of "public utility" under section 1 of this
 21 chapter, except that a utility company owns, operates, manages, or
 22 controls a plant or equipment located outside Indiana.

23 (f) As used in this section, unless otherwise indicated, "utility
 24 holding company" means a company that has control over one (1)
 25 or more:

26 (1) public utilities; or

27 (2) utility companies.

28 ~~(g) No A public utility as defined in section 1 of this chapter,~~
 29 ~~shall may not do any of the following without the approval of the~~
 30 ~~commission after a hearing:~~

31 (1) Sell, assign, transfer, lease, or encumber ~~its the public~~
 32 ~~utility's stock,~~ franchise, works, or system to any other person,
 33 partnership, limited liability company, or corporation. ~~or~~

34 (2) Contract for the operation of any part of ~~its the public utility's~~
 35 works or system by any other person, partnership, limited liability
 36 company, or corporation. ~~without the approval of the commission~~
 37 ~~after hearing. And no such~~

38 (3) Contract for or effect a reorganization of the public utility.

39 (4) Acquire control, directly or indirectly, of a public utility,
 40 utility company, or utility holding company.

41 (h) A person may not acquire control, directly or indirectly, of:

42 (1) a public utility; or



1 **(2) a utility holding company that has control over a public**
 2 **utility;**

3 **without the approval of the commission after a hearing.**

4 **(i) A utility holding company that has control over at least one**
 5 **(1) public utility may not acquire control of a utility company**
 6 **without the approval of the commission after a hearing.**

7 **(j) If a public utility requests commission approval of the sale,**
 8 **assignment, or transfer of the public utility's franchise, works, or**
 9 **system under subsection (g), the commission shall grant a right of**
 10 **first refusal to:**

11 **(1) a municipality in which the public utility's works or system**
 12 **is located; or**

13 **(2) a public charitable trust;**

14 **for the purchase or acquisition of the public utility's franchise,**
 15 **works, or system.**

16 **(k) A public utility, except temporarily or in case of emergency and**
 17 **for a period of not exceeding thirty (30) days, shall may not make any**
 18 **special contract at rates, other than those prescribed in its the public**
 19 **utility's schedule of rates theretofore filed with the commission and in**
 20 **force, with any other utility for rendering any service to or procuring**
 21 **any service from such other utility, without the approval of the**
 22 **commission. It shall be lawful, however, for any a public utility to**
 23 **make a contract for service to or from another utility at rates previously**
 24 **filed with and approved by the commission and in force.**

25 **(b) (l) The approval of the commission of the sale, assignment,**
 26 **transfer, lease, or encumbrance of a franchise or any part of a franchise**
 27 **under this section shall not revive or validate any lapsed or invalid**
 28 **franchise, or enlarge or add to the powers and privileges contained in**
 29 **the grant of any franchise or waive any forfeiture. No such A public**
 30 **utility shall may not directly or indirectly purchase, acquire, or become**
 31 **the owner of any of the property, stock, or bonds of any other public**
 32 **utility authorized to engage or engaged in the same or a similar**
 33 **business, or operating or purporting to operate under a franchise from**
 34 **the same or any other municipality or under an indeterminate permit**
 35 **unless authorized so to do by the commission.**

36 **(c) (m) Nothing contained in this section shall prevent the holding**
 37 **of stock lawfully acquired before May 1, 1913, or prohibit, upon the**
 38 **surrender or exchange of said stock pursuant to a reorganization plan,**
 39 **the purchase, acquisition, taking, or holding by the owner of a**
 40 **proportionate amount of the stock of any new corporation organized to**
 41 **take over at foreclosure or other sale, the property of the corporation**
 42 **whose stock has been thus surrendered or exchanged.**



(d) (n) Every A contract by any a public utility for the purchase, acquisition, assignment, or transfer to it the public utility of any of the stock of any other public utility by or through any person, partnership, limited liability company, or corporation without the approval of the commission shall be void and of no effect, and no such transfer or assignment of such stock upon the books of the corporation pursuant to any such contract shall be effective for any purpose.

SECTION 3. IC 8-1-2-84, AS AMENDED BY P.L.11-2023, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 84. (a) With the consent and approval of the commission and with the authority of their stockholders as provided in this chapter, but not otherwise, any two (2) or more public utilities furnishing a like service or product and doing business in the same municipality or locality within Indiana, or any two (2) or more public utilities whose lines intersect or parallel each other within Indiana, may be merged and may enter into contracts with each other which will enable such public utilities to operate their plants or lines in connection with each other. Before any merger shall become effective there shall be filed with the commission proof that the voting stockholders have authorized or consented to such merger. If the law under which the company is incorporated or reorganized so provides, then the authorization and consent of the holders of the majority of the voting stock shall be shown. In all other cases the consent of the holders of three-fourths (3/4) of the outstanding voting stock of the company shall be shown. Such authority and consent may be shown by filing with the commission a certified copy of the minutes of a stockholders' meeting or by filing with the commission a written consent of such holders or both. In case of such merger, union, or consolidation, dissenting stockholders shall apply to the commission within sixty (60) days after approval by the commission to have the value of their stock assessed and determined. Stockholders not so applying shall be held to have assented. Upon the determination of the value of the stock of such dissenting stockholder, the corporation in which they are stockholders may within sixty (60) days pay the dissenting stockholders for their stock the appraised value thereof, or may elect to abandon the merger, union, or consolidation by filing with the commission notice of such election.

(b) It shall not be necessary for any public utility merging, uniting, or consolidating to comply with such provisions of any law governing the procedure in the merger, union, or consolidation of corporations as are in conflict with the provisions of this chapter. This chapter shall not create any new right of merger or enlarge any such right but is intended



only to prescribe and simplify the proceedings in mergers which are authorized by other statutes.

(c) ~~Any such~~ **Subject to section 83(j) of this chapter,** a public utility may purchase or lease the used and useful property, plant, or business, or any part thereof, of any other such public utility at a price and on terms approved by the commission. Whenever, in the case of any such purchase, the amount to be paid by the purchaser for the property, plant, or business to be purchased shall be an amount in excess of five percent (5%) of the book cost to the purchaser of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such purchase, or whenever, in the case of any such lease, the book cost to the lessor of the property, plant, or business to be leased shall be an amount in excess of five percent (5%) of the book cost to the lessee of all the properties, plants, and business owned by the lessee at the time application is made to the commission for approval of such lease, there shall be obtained from the holders of three-fourths (3/4) of the voting stock of such purchaser or lessee their consent, authority, and approval to such purchase or lease.

(d) Any such public utility may purchase or lease the used and useful property, plant, or business, or any part thereof, of a municipally owned utility, as used in this chapter, owned or operated by a city having a population of more than one hundred fifty thousand (150,000) and less than five hundred thousand (500,000), with the approval of the commission at a price or rental and on terms approved by the commission.

(e) ~~Any such~~ **Subject to section 83(j) of this chapter,** a public utility may sell or lease its used or useful property, plant, or business, or any part thereof, to any other such public utility at a price and on terms approved by the commission. Whenever in the case of any such sale or lease the book cost to the seller or lessor of such property, plant, or business to be sold or leased shall be an amount in excess of five percent (5%) of the book cost to such seller or lessor of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such sale or lease, there shall be obtained from the holders of three-fourths (3/4) of the voting stock of such seller or lessor their consent, authority, and approval to such sale or lease. Whenever in the case of any such sale or lease the book cost to the seller or lessor of such property, plant, or business to be sold or leased shall be an amount in excess of twenty percent (20%) of the book cost to such seller or lessor of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such sale or lease, dissenting stockholders of such seller



or lessor shall, if the sale or lease is consummated, be paid for their stock the appraised value thereof as determined by the commission. Dissenting stockholders in such a case shall, within sixty (60) days after publication of notice of the approval by the commission of such sale or lease, apply to the commission to have the value of their stock assessed and determined. Stockholders not so applying shall be held to have assented. Such publication of notice shall be given by the seller or lessor to its stockholders by publishing such notice once each week for three (3) successive weeks in a newspaper of general circulation printed in the English language and published in Marion County, Indiana. Upon determination of the value of the stock of such dissenting stockholders such seller or lessor may within sixty (60) days either pay the dissenting stockholders for their stock the appraised value thereof or elect to abandon the sale or lease by filing with the commission notice of its election to abandon.

(f) No such public utility shall encumber its used and useful property or business or any part thereof without the approval of the commission and the consent, authority, and approval of the owners of three-fourths (3/4) of its voting stock.

(g) Any public utility corporation upon the order of a majority of its board of directors and with the approval of the commission may acquire, purchase or lease any real or personal estate or other property of any other public utility not used and useful in the public service of such other public utility.

(h) Any public utility corporation, upon the order of a majority of its board of directors and with the approval of the commission, may sell and convey or lease to any other public utility corporation any of its real or personal estate or other property not used and useful in its public service.

SECTION 4. IC 8-1-10.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 10.5. Energy Utility Transparency and Reporting

Sec. 1. (a) As used in this chapter, "affiliate", with regard to an energy utility, means any person who directly or indirectly:

- (1) controls;**
- (2) is controlled by; or**
- (3) is under the common control of;**

the energy utility.

(b) The term includes a parent company or a subsidiary.

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



(1) provides retail:

(A) electric; or

(B) natural gas;

service to the public; and

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

Sec. 3. (a) The commission may not authorize an energy utility to recover through the energy utility's retail rates and charges any direct or indirect costs associated with the following:

(1) Membership dues, sponsorship fees, or monetary contributions paid to:

(A) a business or industry trade group or association; or

(B) a not-for-profit affiliate of the energy utility.

(2) Lobbying, legislative action, or other political activities, including research, analysis, preparation, planning, or other activities undertaken in support of lobbying or legislative action.

(3) Advertising, marketing, or communications undertaken to influence public opinion.

(4) Travel, lodging, or food and beverage expenses for:

(A) the energy utility's officers or board of directors; or

(B) the officers or board of directors of an affiliate of the energy utility.

(5) Entertainment or gifts.

(6) Leasing, owning, or chartering an aircraft for use by:

(A) the energy utility's officers or board of directors; or

(B) the officers or board of directors of an affiliate of the energy utility.

(7) Charitable giving, including contributions to any not-for-profit organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, and any expenses related to charitable giving.

(8) Compensation paid to an employee, if any portion of the employee's time in a given year is spent on lobbying, legislative action, or other political activities.

(9) Compensation paid to an employee, if any portion of the employee's time in a given year is spent litigating or appealing legislation or commission rulings.

(10) Litigation regarding existing or proposed statutes, regulations, ordinances, or legislation at the federal, state, or local level.

(11) Any expenses related to:



- 1 (A) products;
- 2 (B) services; or
- 3 (C) programs;
- 4 that are not regulated by the commission, including any
- 5 marketing, administrative, or customer service related
- 6 expenses for such products, services, or programs.
- 7 (12) Investor relations.
- 8 (b) Beginning in 2026, an energy utility shall file with the
- 9 commission, at the time and in the form and manner prescribed by
- 10 the commission, an annual report that includes the following
- 11 information concerning each activity or expense described in
- 12 subsection (a):
- 13 (1) For each expense or activity described in subsection (a),
- 14 the total costs to:
- 15 (A) the energy utility; or
- 16 (B) an affiliate of the energy utility;
- 17 that are directly billed or allocated to the energy utility. The
- 18 amounts reported under this subdivision must be separately
- 19 delineated for each expense or activity described in subsection
- 20 (a).
- 21 (2) The job title, job description, and salary of any employee
- 22 of the energy utility who performed work associated with the
- 23 activities described in subsection (a)(2), (a)(3), (a)(8), (a)(9),
- 24 (a)(10), (a)(11), or (a)(12) for the energy utility, along with the
- 25 number of hours attributable to such work by the employee.
- 26 (3) The job title, job description, and salary of any employee
- 27 of an affiliate of the energy utility who performed work
- 28 associated with the activities described in subsection (a)(2),
- 29 (a)(3), (a)(8), (a)(9), (a)(10), (a)(11), or (a)(12), along with the
- 30 number of hours attributable to such work by the employee,
- 31 to the extent that the costs associated with the work are
- 32 directly billed or allocated to the energy utility.
- 33 (4) An itemized list of the amounts billed or allocated to the
- 34 energy utility by third party vendors for any expenses or
- 35 activities described in subsection (a), including unredacted
- 36 billing amounts, billing dates, payees, and explanations of
- 37 each expenditure in sufficient detail to indicate the
- 38 expenditure's purpose, including, if applicable, all Federal
- 39 Energy Regulatory Commission Uniform System of Accounts
- 40 codes for which payment to the vendor was recorded.
- 41 (5) A list of all divisions, departments, or other organizational
- 42 groups within the energy utility that performed any activities



described in subsection (a). For each division, department, or group identified, the energy utility shall include a list of the employees who work in the division, department, or group. For each employee listed, the energy utility shall provide the following information:

(A) The employee's job title.

(B) A job description sufficient to describe the employee's responsibilities.

(C) An identification of each activity described in subsection (a) in which the employee engages, including a description sufficient to describe the nature of each activity.

(D) The employee's total annual compensation and the percentage of that compensation paid for work associated with activities described in subsection (a), including, if applicable, all Federal Energy Regulatory Commission Uniform System of Accounts codes for which payment to the employee was recorded.

(c) The commission shall make available on the commission's website a direct link to the annual reports provided by energy utilities under this section, subject to the commission's duty to redact or exclude any information that the commission is prohibited from disclosing under state or federal law.

Sec. 4. (a) On any customer bill issued by an energy utility after December 31, 2026, the energy utility must include a break down of the charges and fees that make up the total amount owed for the billing cycle, including a description of the service or cost associated with each charge or fee, if not apparent on its face. To the extent applicable, the following must be delineated as specific line items on each customer bill:

(1) Distribution and delivery charges.

(2) Generation and supply charges, including the cost per unit consumed.

(3) Individual program charges, separately stated for each program for which the customer is charged, including energy efficiency programs, low income assistance programs, demand response programs, and any other programs outside the provision of basic service.

(4) Account or program credits.

(5) Taxes.

(6) Account management and billing fees.

(7) Any other applicable charges or fees.



1 **(b) An energy utility shall take appropriate internal operational**
2 **measures to separate the energy utility's costs so as to accurately**
3 **reflect those costs in associated charges and fees charged to**
4 **customers and itemized in customer bills under subsection (a).**
5 **SECTION 5. An emergency is declared for this act.**

