

## SENATE BILL No. 241

AM024103 has been incorporated into introduced printing.

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**Synopsis:** Utility service enhancement improvement costs.

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2026

IN 241—LS 6942/DI 101



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Introduced

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. 241

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 8-1-31.7-7, AS ADDED BY P.L.137-2020,  
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 7. As used in this chapter, "service enhancement  
4 improvement" means an expenditure that is either of the following:

5 (1) Made, or to be made, by an eligible utility and related to:  
6 (A) direct or indirect compliance with one (1) or more  
7 requirements; or  
8 (B) installation of a new plant or equipment:  
9 (i) that is not a replacement plant or equipment; and  
10 (ii) that the commission determines is reasonable and  
11 appropriate to further health, safety, or environmental  
12 protection for the eligible utility's customers,  
13 employees, or the public.  
14 (2) **Replacement of a plant or equipment Any of the following**  
15 **that are made, or to be made, or incurred, or to be incurred,**

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1 to maintain existing health, safety, or environmental protection  
 2 for the eligible utility's customers, employees, or the public:

3                   **(A) Replacement of a plant or equipment.**

4                   **(B) Subject to section 9.1 of this chapter, chemical costs**  
 5                   **recorded in:**

6                    (i) Account 618; or  
 7                    (ii) Account 718;

8                    **of the National Association of Regulatory Utility**  
 9                   **Commissioners Uniform System of Accounts as adopted**  
 10                   **by the commission under 170 IAC 6-2-2.**

11                   **(C) Subject to section 9.1 of this chapter, power costs**  
 12                   **recorded in:**

13                    (i) Account 615; or  
 14                    (ii) Account 715;

15                    **of the National Association of Regulatory Utility**  
 16                   **Commissioners Uniform System of Accounts as adopted**  
 17                   **by the commission under 170 IAC 6-2-2.**

18                   SECTION 2. IC 8-1-31.7-9, AS AMENDED BY P.L.100-2023,  
 19                   SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20                   JULY 1, 2026]: Sec. 9. (a) Except as provided in subsection (e), before  
 21                   an eligible utility may seek to recover its service enhancement  
 22                   improvement costs through a periodic rate adjustment under section 12  
 23                   of this chapter, it must first obtain preapproval from the commission of  
 24                   its plan for the proposed service enhancement improvement or  
 25                   improvements. The eligible utility must file with the commission a  
 26                   petition and a case in chief, including supporting information described  
 27                   in section 10 or 11 of this chapter, as applicable. If the petition includes  
 28                   a request for an allocation of costs under IC 8-1-30.3-6.5, the eligible  
 29                   utility shall provide a copy of:

30                    (1) the petition; and  
 31                    (2) the eligible utility's case in chief;

32                   to each intervenor in the eligible utility's last general rate case.

33                   (b) After holding a public hearing for which proper notice is given  
 34                   under IC 8-1-1-8, the commission shall preapprove the eligible utility's  
 35                   plan under this section if the commission makes the required findings  
 36                   under section 10 or 11 of this chapter, as applicable. If the service  
 37                   enhancement improvement is not described in section 7(1)(A) of this  
 38                   chapter, the commission shall preapprove the eligible utility's plan  
 39                   under this section if the commission makes the required finding under  
 40                   section 7(1)(B)(ii) of this chapter.

41                   (c) The commission shall issue its final order on the petition not  
 42                   later than two hundred ten (210) days after the filing of the eligible



1       utility's case in chief.

2           (d) An eligible utility may have more than one (1) plan, and an  
3       eligible utility may file separate petitions for separate plans.

4           (e) An eligible utility is not required to seek preapproval of a plan  
5       in order to seek recovery under section 12 of this chapter for:

6           **(1) eligible additions service enhancement improvements** that  
7       are described in section 7(2)(A) of this chapter; or

8           **(2) costs that are described in section 7(2)(B) or 7(2)(C) of**  
9       **this chapter.**

10          (f) **This subsection does not apply to an adjustment rider**  
11       **under section 12 of this chapter for the recovery of costs described**  
12       **in section 7(2)(B) or 7(2)(C) of this chapter.** If the commission  
13       approves an eligible utility's plan under this section, or if approval is  
14       otherwise not required, the commission shall approve a rider  
15       authorizing timely recovery of the eligible utility's service enhancement  
16       improvement costs under section 12 of this chapter. The following  
17       apply to the utility's timely recovery:

18           (1) Eighty percent (80%) of the eligible utility's service  
19       enhancement improvement costs shall be recovered by the  
20       eligible utility through a periodic rate adjustment mechanism  
21       that allows the timely recovery of the approved service  
22       enhancement improvement costs.

23           (2) Twenty percent (20%) of the eligible utility's service  
24       enhancement improvement costs, including depreciation,  
25       allowance for funds used during construction, and post in service  
26       carrying costs, compounded monthly and based on the overall  
27       cost of capital most recently approved by the commission, shall  
28       be deferred and recovered by the eligible utility as part of its  
29       next general rate case filed by the eligible utility with the  
30       commission.

31           (3) Actual costs that exceed by more than twenty-five percent  
32       (25%) the projected costs set forth in the eligible utility's plan  
33       approved under this section require specific justification by the  
34       eligible utility and specific approval by the commission before  
35       being authorized in the next general rate case filed by the  
36       eligible utility with the commission.

37          SECTION 3. IC 8-1-31.7-9.1 IS ADDED TO THE INDIANA  
38       CODE AS A NEW SECTION TO READ AS FOLLOWS  
39       [EFFECTIVE JULY 1, 2026]: **Sec. 9.1. (a) This section applies to the**  
40       **recalculation of costs described in section 7(2)(B) and 7(2)(C) of**  
41       **this chapter for purposes of an adjustment rider under section 12**



1       **of this chapter.**

2       **(b) Chemical costs described in section 7(2)(B) of this chapter**  
3       **may be recalculated as follows:**

4       **(1) If:**

5           **(A) at least two (2) years have elapsed since the date of**  
6           **the commission's most recent order adjusting the basic**  
7           **rates and charges of an eligible utility; and**

8           **(B) the average actual annual cost of chemicals has**  
9           **increased or decreased by at least three percent (3%)**  
10          **over the course of the two (2) year period described in**  
11          **subdivision (2);**

12          **the eligible utility may submit for the commission's review**  
13          **supporting documentation of the average actual annual cost**  
14          **of chemicals for the two (2) year period described in**  
15          **subdivision (2), as calculated under subdivision (2), along**  
16          **with documentation of how the average annual cost of**  
17          **chemicals over that period differs from the amount currently**  
18          **being collected for chemicals through the eligible utility's**  
19          **rates. However, if the average actual annual cost of**  
20          **chemicals has not changed or has increased or decreased by**  
21          **less than three percent (3%) over the course of the two (2)**  
22          **year period described in subdivision (2), an eligible utility**  
23          **may not seek an adjustment to the eligible utility's recovery**  
24          **of chemical costs under this section.**

25          **(2) If the eligible utility has determined that the average**  
26          **actual annual cost of chemicals has increased or decreased**  
27          **by at least three percent (3%) over the course of the two (2)**  
28          **year period described in this subdivision, the eligible utility**  
29          **shall include in its submission under this subsection a**  
30          **calculation of the average actual annual cost of chemicals for**  
31          **the two (2) year period described in this subdivision, along**  
32          **with a comparison of that cost to the amount currently being**  
33          **collected for chemicals through the eligible utility's rates, as**  
34          **follows:**

35           **STEP ONE: Calculate the actual cost of chemicals**  
36           **during the two (2) year period immediately preceding**  
37           **the date of the eligible utility's submission under this**  
38           **subsection by adding together the actual annual cost of**  
39           **chemicals in each year of the two (2) year period.**

40           **STEP TWO: Calculate the quotient of the STEP ONE**  
41           **amount divided by two (2). This quotient is the average**  
42           **actual annual cost of chemicals for the two (2) years**



**immediately preceding the eligible utility's submission under this subsection.**

### **STEP THREE: Calculate the difference between:**

(i) the STEP TWO result; minus  
(ii) the amount currently being collected for chemicals through the eligible utility's rates on an annual basis, as authorized in the commission's most recent base rate order for the eligible utility, and adjusted to reflect the change in volume from the volume level authorized in the commission's most recent base rate order. The authorized chemical costs in the commission's most recent base rate order shall be divided by the number of gallons projected to be sold in the commission's most recent base rate order to impute an original cost of chemicals per gallon of water sold per unit cost. This per unit cost shall be multiplied by the projected number of gallons of water to be sold by the eligible utility over the twelve (12) month period of the adjustment rider under section 12 of this chapter to impute an adjusted cost of chemicals from the most recent base rate case.

(3) If the STEP THREE result under subdivision (2) is a positive number, the amount of the STEP THREE result shall be included in the adjustment rider under section 12 of this chapter as an expense in calculating an adjustment to the rider.

(4) If the STEP THREE result under subdivision (2) is a negative number, the amount of the STEP THREE result shall be included in the adjustment rider under section 12 of this chapter as a credit in calculating an adjustment to the rider.

**(c) Power costs described in section 7(2)(C) of this chapter may be recalculated as follows:**

(1) If:

- (A) at least two (2) years have elapsed since the date of the commission's most recent order adjusting the basic rates and charges of an eligible utility; and
- (B) the average actual annual cost of power has increased or decreased by at least three percent (3%) over the course of the two (2) year period described in subdivision (2);

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1 the eligible utility may submit for the commission's review  
2 supporting documentation of the average actual annual cost  
3 of power for the two (2) year period described in subdivision  
4 (2), as calculated under subdivision (2), along with  
5 documentation of how the average annual cost of power over  
6 that period differs from the amount currently being collected  
7 for power through the eligible utility's rates. However, if the  
8 average actual annual cost of power has not changed or has  
9 increased or decreased by less than three percent (3%) over  
10 the course of the two (2) year period described in subdivision  
11 (2), an eligible utility may not seek an adjustment to the  
12 eligible utility's recovery of power costs under this section.  
13 (2) If the eligible utility has determined that the average  
14 actual annual cost of power has increased or decreased by at  
15 least three percent (3%) over the course of the two (2) year  
16 period described in this subdivision, the eligible utility shall  
17 include in its submission under this subsection a calculation  
18 of the average actual annual cost of power for the two (2)  
19 year period described in this subdivision, along with a  
20 comparison of that cost to the amount currently being  
21 collected for power through the eligible utility's rates, as  
22 follows:

23 **STEP ONE: Calculate the actual cost of power during**  
24 **the two (2) year period immediately preceding the date**  
25 **of the eligible utility's submission under this subsection**  
26 **by adding together the actual annual cost of power in**  
27 **each year of the two (2) year period.**

28 **STEP TWO: Calculate the quotient of the STEP ONE**  
29 **amount divided by two (2). This quotient is the average**  
30 **actual annual cost of power for the two (2) years**  
31 **immediately preceding the eligible utility's submission**  
32 **under this subsection.**

33 **STEP THREE: Calculate the difference between:**

34 **(i) the STEP TWO result; minus**  
35 **(ii) the amount currently being collected for power**  
36 **through the eligible utility's rates on an annual**  
37 **basis, as authorized in the commission's most recent**  
38 **base rate order for the eligible utility, and adjusted**  
39 **to reflect the change in volume from the volume**  
40 **level authorized in the commission's most recent**  
41 **base rate order. The authorized power costs in the**  
42 **commission's most recent base rate order shall be**



1 divided by the number of gallons projected to be  
2 sold in the commission's most recent base rate  
3 order to impute an original cost of power per gallon  
4 of water sold per unit cost. This per unit cost shall  
5 be multiplied by the projected number of gallons of  
6 water to be sold by the eligible utility over the  
7 twelve (12) month period of the adjustment rider  
8 under section 12 of this chapter to impute an  
9 adjusted cost of power from the most recent base  
10 rate case.

SECTION 4. IC 8-1-31.7-9.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 9.2. (a) This section applies to an eligible utility for which the commission has issued an order under section 12 of this chapter to approve an adjustment rider for the recovery of costs described in section 7(2)(B) or 7(2)(C) of this chapter, as calculated under section 9.1 of this chapter.**

(b) An eligible utility to which this section applies shall file a petition for a change in its adjustment amount:

30 (1) not later than thirty (30) days after the end of each twelve  
31 (12) month period after the date on which the commission  
32 issued the order under section 12 of this chapter approving  
33 the adjustment rider; and

36 (c) Upon filing a petition with the commission under  
37 subsection (b), an eligible utility shall serve a copy of the petition  
38 on the office of utility consumer counselor.

38 on the office of utility consumer counselor.

39 (d) The commission shall hold a hearing and issue an order on

40 the petition not later than sixty (60) days after the date the petition

41 is filed.

42 SECTION 5. JC 8-1-31.7-12, AS ADDED BY P.L.137-2020.

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1 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2026]: Sec. 12. (a) If the commission approves an eligible  
 3 utility's plan under section 9 of this chapter, or if commission approval  
 4 of the plan is otherwise not required, the eligible utility may file a  
 5 petition to establish or adjust an adjustment rider to its rate schedules  
 6 under this section so as to allow timely recovery of the eligible utility's  
 7 service enhancement improvement costs. The following shall apply:

- 8           (1) The adjustment rider shall be calculated as a fixed charge  
 9           based upon equivalent meter size.
- 10           (2) Publication of notice of the filing is not required.

11 **For purposes of this section, the timely recovery of costs for a  
 12 municipally owned utility or a not-for-profit utility shall be in a  
 13 manner consistent with IC 8-1-31-8(a)(3).**

14           (b) **Except as provided in subsection (i),** the adjustment rider  
 15 shall provide for the timely recovery of eighty percent (80%) of the  
 16 service enhancement improvement costs. The remaining twenty percent  
 17 (20%) of the service enhancement improvement costs shall be deferred  
 18 under section 9(f)(2) of this chapter.

- 19           (c) The commission shall conduct a hearing.
- 20           (d) The office of the utility consumer counselor may:
  - 21           (1) examine information of the eligible utility to confirm:
    - 22           (A) that the eligible additions are in accordance with  
 23           sections 2 and 8 of this chapter, **as applicable;** and
    - 24           (B) the proper calculation of the adjustment amount  
 25           proposed under this section **or section 9.1 of this chapter,**  
 26           **as applicable;** and
  - 27           (2) submit a report to the commission not later than thirty (30)  
 28           days after the petition is filed.

29           (e) Except as provided in subsection (h), the commission shall  
 30 hold the hearing and issue its order not later than sixty (60) days after  
 31 the petition is filed.

32           (f) Except as provided in subsection (h), the commission shall  
 33 enter an order approving a petition filed under this section to the extent  
 34 the commission finds that the petition complies with the requirements  
 35 of this chapter.

- 36           (g) A petition filed under this section may combine one (1) or  
 37           more of the following:
  - 38           (1) Service enhancement improvement costs associated with one  
 39           (1) or more plans approved under section 9 of this chapter.
  - 40           (2) Service enhancement improvement costs for which approval  
 41           of a plan is not required under this chapter.



5 (1) the commission shall create a sub-docket to consider the  
6 service enhancement improvement costs if the petition combines  
7 the service enhancement improvement costs with service  
8 enhancement improvement costs associated with approved plans  
9 under section 7(1)(A) or 7(1)(B) of this chapter:

16 (3) the time period for issuance of an order under subsection (e)  
17 is extended to one hundred twenty (120) days with respect to the  
18 service enhancement improvement costs associated with service  
19 enhancement improvements described in section 7(2)(A) of  
20 this chapter.

25 SECTION 6. IC 8-1-31.7-18, AS ADDED BY P.L.137-2020,  
26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2026]: Sec. 18. **Except as provided in section 9.2 of this**  
28 **chapter**, an eligible utility may, but is not required to, file a petition for  
29 a change in its initial adjustment amount not more than one (1) time in  
30 every twelve (12) months. Section 12 of this chapter applies to a  
31 petition to change an adjustment rider.

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