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SENATE BILL No. 241

Proposed Changes to January 16, 2026 printing by AM024104

DIGEST OF PROPOSED AMENDMENT

Connection fees for water or wastewater service. Prohibits a water or wastewater utility (utility) from charging or collecting a capacity related fee or a tap fee to an eligible customer for connecting workforce housing to the utility's water or wastewater system (system): (1) to the extent that the extension of service to the workforce housing to be connected will result in a positive contribution to the utility's overall cost of service over a 20 year period; and (2) if the utility and the eligible customer have entered into a special contract with respect to the connection. Provides that if the utility determines that the extension of service to the workforce housing will not result in a positive contribution to the utility's overall cost of service over a 20 year period, the utility may charge and collect from the eligible customer, under the terms of a special contract between the utility and the eligible customer, a capacity related fee or a tap fee that does not exceed the difference between: (1) the capacity related fee or tap fee that would otherwise apply in connecting the workforce housing to the utility's system; minus (2) the contribution to the utility's overall cost of service over a 20 year period that will result from the extension of service to the workforce housing. Provides that for purposes of these provisions, an "eligible customer" means a not-for-profit organization that: (1) has entered into an agreement with the Indiana housing and community development authority under which the person will construct workforce housing in Indiana; and (2) seeks to connect the workforce housing to the water or wastewater system of a utility under the terms of a special contract with the utility. Provides that a utility may apply discretion with respect to the number of special contracts that it enters into with eligible customers under these provisions at any given time, so as to ensure that any costs associated with such special contracts are not unreasonably subsidized by other customers of the utility.

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 8-1-2-61.5, AS AMENDED BY P.L.229-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

SB 241—LS 6942/DI 101



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1 JULY 1, 2026]: Sec. 61.5. (a) An order affecting rates of service may
 2 be entered by the commission without a formal public hearing in the
 3 case of any public or municipally owned utility that:

4 (1) either:

5 (A) serves less than eight thousand (8,000) customers; or
 6 (B) has initiated a rate case on behalf of a single division of
 7 the utility and that division:

8 (i) serves less than five thousand (5,000) customers;
 9 (ii) has a commission-approved schedule of rates and
 10 charges that is separate and independent from that of
 11 any other division of the utility; and

12 (iii) itself satisfies subdivisions (2) and (3);

13 (2) primarily provides retail service to customers; and

14 (3) does not serve extensively another utility.

15 (b) The commission may require a formal public hearing on any
 16 petition or complaint filed under this section concerning a rate change
 17 request by a utility upon the commission's own motion or upon motion
 18 of any of the following:

19 (1) The utility consumer counselor.

20 (2) A public or municipal corporation.

21 (3) Ten (10) individuals, firms, limited liability companies,
 22 corporations, or associations.

23 (4) Ten (10) complainants of any class described in this
 24 subsection.

25 (c) A not-for-profit water utility or a not-for-profit sewer utility
 26 must include in its petition a statement as to whether it has an
 27 outstanding indebtedness to the federal government. When an
 28 indebtedness is shown to exist, the commission shall require a formal
 29 hearing, unless the utility also has included in its filing written consent
 30 from the agency of the federal government with which the utility has
 31 outstanding indebtedness for the utility to obtain an order affecting its
 32 rates from the commission without a formal hearing.

33 (d) Notwithstanding any other provision of this chapter, the
 34 commission may:

35 (1) on the commission's own motion; or

36 (2) at the request of:

37 (A) the utility consumer counselor;

38 (B) a water or sewer utility described in subsection (a);

39 (C) ten (10) individuals, firms, limited liability companies,
 40 corporations, or associations; or

41 (D) ten (10) complainants of any class described in this
 42 subsection;

SB 241—LS 6942/DI 101



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1 adopt a rule under IC 4-22-2, or issue an order in a specific proceeding,
 2 providing for the development, investigation, testing, and use of
 3 regulatory procedures or generic standards with respect to water or
 4 sewer utilities described in subsection (a) or their services.

5 (e) The commission may adopt a rule or enter an order under
 6 subsection (d) only if it finds, after notice and hearing, that the
 7 proposed regulatory procedures or standards are in the public interest
 8 and promote at least one (1) of the following:

9 (1) Utility cost minimization to the extent that a utility's quality
 10 of service or facilities are not diminished.

11 (2) A more accurate evaluation by the commission of a utility's
 12 physical or financial conditions or needs.

13 (3) A less costly regulatory procedure for a utility, its consumers,
 14 or the commission.

15 (4) Increased utility management efficiency that is beneficial to
 16 consumers.

17 (5) **Economic development opportunities in rural areas (as**
 18 **defined in section 89(a)(3) of this chapter) while providing**
 19 **just and reasonable protections to a utility's existing**
 20 **ratepayers.**

21 [SECTION 2. IC 8-1-2-101.7 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 101.7. (a) As used in this
 24 section, "authority" refers to the Indiana housing and community
 25 development authority created by IC 5-20-1-3.

26 (b) As used in this section, "capacity related fee" has the
 27 meaning set forth in section 101.6 of this chapter.

28 (c) As used in this section, "eligible customer" means a
 29 not-for-profit organization that is subject to IC 23-17 and is
 30 recognized as tax exempt under Section 501(c) of the Internal
 31 Revenue Code of 1986 and that:

32 (1) has entered into an agreement:

33 (A) with the authority; and

34 (B) under which the person will construct workforce
 35 housing in Indiana; and

36 (2) seeks to connect the workforce housing described in
 37 subdivision (1) to the water or wastewater system of a utility
 38 under the terms of a special contract with the utility under
 39 subsection (g) or (h).

40 (d) As used in this section, "tap fee" has the meaning set forth
 41 in section 101.6 of this chapter.

42 (e) As used in this section, "utility" means a:

SB 241—LS 6942/DI 101



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(1) public utility (as defined in section 1(a) of this chapter);
(2) municipally owned utility (as defined in section 1(h) of this chapter), including a sewer utility operated under IC 36-9-23 or IC 36-9-25;
(3) not-for-profit utility (as defined in section 125(a) of this chapter), including a utility company owned, operated, or held in trust by a consolidated city;
(4) cooperatively owned corporation;
(5) conservancy district established under IC 14-33; or
(6) regional district established under IC 13-26;
that provides water service or wastewater service, or both, to the public, regardless of whether the entity described in subdivisions (1) through (6) is under the jurisdiction of the commission for the approval of rates and charges with respect to the water service or wastewater service that is provided.

(f) As used in this section, "workforce housing" means a single family dwelling or duplex that is:

(1) constructed for a household with an income, adjusted by family size, that is less than the area median income, as published by the United States Department of Housing and Urban Development;

(2) offered for sale or lease to a household described in subdivision (1) for a monthly amount that represents not more than thirty percent (30%) of the household's monthly income; and

(3) located in reasonable proximity to employment.

The term does not include an apartment building, a multi-family development other than a duplex, or any other building that is not described in subdivision (1) or (2).

(g) Subject to subsection (i) and notwithstanding any law or rule governing the extension of service or the imposition of capacity related fees or tap fees, a utility may not charge or collect a capacity related fee or a tap fee to an eligible customer for connecting workforce housing to the utility's water or wastewater system:

(1) to the extent that the extension of service to the workforce housing to be connected will result in a positive contribution to the utility's overall cost of service over a twenty (20) year period; and

(2) if the terms and conditions of the connection are set forth in a special contract executed by the eligible customer and the utility.

SB 241—LS 6942/DI 101



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(1) the capacity related fee or tap fee that would otherwise apply in connecting the workforce housing to the utility's water or wastewater system; minus

(2) the contribution to the utility's overall cost of service over a twenty (20) year period that will result from the extension of service to the workforce housing.

(i) A utility may apply discretion with respect to the number of special contracts that it enters into with eligible customers under subsection (g) or (h) at any given time, so as to ensure that any costs associated with such special contracts are not unreasonably subsidized by other customers of the utility.

(j) The:

(1) exemption from a capacity related fee or a tap fee under subsection (g); or

(2) reduction in a capacity related fee or a tap fee under subsection (h);

is not discriminatory for purposes of this chapter or any other law regulating rates and charges for service.

29 1 SECTION ~~3~~3. IC 8-1-2.7-1.3, AS AMENDED BY
30 P.L.78-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2026]: Sec. 1.3. (a) This chapter applies to the
32 following:

33 (1) A public utility established to provide water service that is:
34 (A) privately owned and serves less than three hundred
35 (300) customers;
36 (B) a not-for-profit utility (as defined by IC 8-1-2-125(a));
37 (C) a cooperative corporation exempt from state and federal
38 income taxation; or
39 (D) a conservancy district established under IC 14-33-2
40 that:

41 (i) has as a purpose of the district the provision of a
42 water supply, including the treatment and distribution



of water, for domestic, industrial, and public use; and (ii) provides water service to less than ~~two~~ three thousand ~~(2,000)~~ (3,000) customers.

(2) A public utility established to provide sewage disposal service (as defined in IC 8-1-2-89(a)(1)) that holds a certificate of territorial authority as required by IC 8-1-2-89, and that is:

(A) privately owned and serves less than three hundred (300) customers;

(B) a not-for-profit utility (as defined in IC 8-1-2-125(a));
or

(C) a cooperative corporation exempt from state and federal income taxation.

(3) Except as provided in subsection (b), a legal entity providing only sewage treatment service to a not-for-profit sewage disposal company.

(b) Subsection (a)(3) does not include a sewage treatment provider that is otherwise subject to the commission's jurisdiction.

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

(1) Made, or to be made, by an eligible utility and related to:

(A) direct or indirect compliance with one (1) or more requirements; or

(B) installation of a new plant or equipment:

- (i) that is not a replacement plant or equipment; and
- (ii) that the commission determines is reasonable and appropriate to further health, safety, or environmental protection for the eligible utility's customers, employees, or the public.

(2) **Replacement of a plant or equipment** Any of the following that are made, or to be made, or incurred, or to be incurred, [1] to maintain existing health, safety, or environmental protection for the eligible utility's customers, employees, or the public:

(A) Replacement of a plant or equipment.

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

(i) Account 618; or

(ii) Account 718;

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

SB 241—LS 6942/DJ 101



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1 **under section 12 of this chapter for the recovery of costs described**
 2 **in section 7(2)(B) or 7(2)(C) of this chapter.** If the commission
 3 approves an eligible utility's plan under this section, or if approval is
 4 otherwise not required, the commission shall approve a rider
 5 authorizing timely recovery of the eligible utility's service enhancement
 6 improvement costs under section 12 of this chapter. The following
 7 apply to the utility's timely recovery:

8 (1) Eighty percent (80%) of the eligible utility's service
 9 enhancement improvement costs shall be recovered by the
 10 eligible utility through a periodic rate adjustment mechanism
 11 that allows the timely recovery of the approved service
 12 enhancement improvement costs.

13 (2) Twenty percent (20%) of the eligible utility's service
 14 enhancement improvement costs, including depreciation,
 15 allowance for funds used during construction, and post in service
 16 carrying costs, compounded monthly and based on the overall
 17 cost of capital most recently approved by the commission, shall
 18 be deferred and recovered by the eligible utility as part of its
 19 next general rate case filed by the eligible utility with the
 20 commission.

21 (3) Actual costs that exceed by more than twenty-five percent
 22 (25%) the projected costs set forth in the eligible utility's plan
 23 approved under this section require specific justification by the
 24 eligible utility and specific approval by the commission before
 25 being authorized in the next general rate case filed by the
 26 eligible utility with the commission.

27 SECTION ~~←6~~⁶ IS ADDED TO THE
 28 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2026]: **Sec. 9.1. (a) This section applies to the**
 30 **recalculation of costs described in section 7(2)(B) and 7(2)(C) of**
 31 **this chapter for purposes of an adjustment rider under section 12**
 32 **of this chapter.**

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

35 **(1) If:**

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

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



1 the eligible utility may submit for the commission's review
2 supporting documentation of the average actual annual cost
3 of chemicals for the two (2) year period described in
4 subdivision (2), as calculated under subdivision (2), along
5 with documentation of how the average annual cost of
6 chemicals over that period differs from the amount currently
7 being collected for chemicals through the eligible utility's
8 rates. However, if the average actual annual cost of
9 chemicals has not changed or has increased or decreased by
10 less than three percent (3%) over the course of the two (2)
11 year period described in subdivision (2), an eligible utility
12 may not seek an adjustment to the eligible utility's recovery
13 of chemical costs under this section.

14 (2) If the eligible utility has determined that the average
15 actual annual cost of chemicals has increased or decreased
16 by at least three percent (3%) over the course of the two (2)
17 year period described in this subdivision, the eligible utility
18 shall include in its submission under this subsection a
19 calculation of the average actual annual cost of chemicals for
20 the two (2) year period described in this subdivision, along
21 with a comparison of that cost to the amount currently being
22 collected for chemicals through the eligible utility's rates, as
23 follows:

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

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

34 STEP THREE: Calculate the difference between:

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



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

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

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

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

24 (1) If:

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

28 (B) the average actual annual cost of power has
 29 increased or decreased by at least three percent (3%)
 30 over the course of the two (2) year period described in
 31 subdivision (2);

32 the eligible utility may submit for the commission's review
 33 supporting documentation of the average actual annual cost
 34 of power for the two (2) year period described in subdivision
 35 (2), as calculated under subdivision (2), along with
 36 documentation of how the average annual cost of power over
 37 that period differs from the amount currently being collected
 38 for power through the eligible utility's rates. However, if the
 39 average actual annual cost of power has not changed or has
 40 increased or decreased by less than three percent (3%) over
 41 the course of the two (2) year period described in subdivision
 42 (2), an eligible utility may not seek an adjustment to the



1 eligible utility's recovery of power costs under this section.
 2 (2) If the eligible utility has determined that the average
 3 actual annual cost of power has increased or decreased by at
 4 least three percent (3%) over the course of the two (2) year
 5 period described in this subdivision, the eligible utility shall
 6 include in its submission under this subsection a calculation
 7 of the average actual annual cost of power for the two (2)
 8 year period described in this subdivision, along with a
 9 comparison of that cost to the amount currently being
 10 collected for power through the eligible utility's rates, as
 11 follows:

12 **STEP ONE:** Calculate the actual cost of power during
 13 the two (2) year period immediately preceding the date
 14 of the eligible utility's submission under this subsection
 15 by adding together the actual annual cost of power in
 16 each year of the two (2) year period.

17 **STEP TWO:** Calculate the quotient of the STEP ONE
 18 amount divided by two (2). This quotient is the average
 19 actual annual cost of power for the two (2) years
 20 immediately preceding the eligible utility's submission
 21 under this subsection.

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

23 (i) the STEP TWO result; minus
 24 (ii) the amount currently being collected for power
 25 through the eligible utility's rates on an annual
 26 basis, as authorized in the commission's most recent
 27 base rate order for the eligible utility, and adjusted
 28 to reflect the change in volume from the volume
 29 level authorized in the commission's most recent
 30 base rate order. The authorized power costs in the
 31 commission's most recent base rate order shall be
 32 divided by the number of gallons projected to be
 33 sold in the commission's most recent base rate
 34 order to impute an original cost of power per gallon
 35 of water sold per unit cost. This per unit cost shall
 36 be multiplied by the projected number of gallons of
 37 water to be sold by the eligible utility over the
 38 twelve (12) month period of the adjustment rider
 39 under section 12 of this chapter to impute an
 40 adjusted cost of power from the most recent base
 41 rate case.

42 (3) If the STEP THREE result under subdivision (2) is a



1 positive number, the amount of the STEP THREE result
 2 shall be included in the adjustment rider under section 12 of
 3 this chapter as an expense in calculating an adjustment to the
 4 rider.

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

10 SECTION ~~←6~~⁷ IC 8-1-31.7-9.2 IS ADDED TO THE
 11 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2026]: Sec. 9.2. (a) This section applies to an
 13 eligible utility for which the commission has issued an order under
 14 section 12 of this chapter to approve an adjustment rider for the
 15 recovery of costs described in section 7(2)(B) or 7(2)(C) of this
 16 chapter, as calculated under section 9.1 of this chapter.

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

19 (1) not later than thirty (30) days after the end of each twelve
 20 (12) month period after the date on which the commission
 21 issued the order under section 12 of this chapter approving
 22 the adjustment rider; and
 23 (2) until the commission issues an order in the eligible
 24 utility's next general rate case.

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

28 (d) The commission shall hold a hearing and issue an order on
 29 the petition not later than sixty (60) days after the date the petition
 30 is filed.

31 SECTION ~~←7~~⁸ IC 8-1-31.7-12, AS ADDED BY P.L.137-2020,
 32 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2026]: Sec. 12. (a) If the commission approves an eligible
 34 utility's plan under section 9 of this chapter, or if commission approval
 35 of the plan is otherwise not required, the eligible utility may file a
 36 petition to establish or adjust an adjustment rider to its rate schedules
 37 under this section so as to allow timely recovery of the eligible utility's
 38 service enhancement improvement costs. The following shall apply:

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

42 For purposes of this section, the timely recovery of costs for a



1 **municipally owned utility or a not-for-profit utility shall be in a**
 2 **manner consistent with IC 8-1-31-8(a)(3).**

3 (b) **Except as provided in subsection (i),** the adjustment rider
 4 shall provide for the timely recovery of eighty percent (80%) of the
 5 service enhancement improvement costs. The remaining twenty percent
 6 (20%) of the service enhancement improvement costs shall be deferred
 7 under section 9(f)(2) of this chapter.

8 (c) The commission shall conduct a hearing.

9 (d) The office of the utility consumer counselor may:

10 (1) examine information of the eligible utility to confirm:

11 (A) that the eligible additions are in accordance with
 12 sections 2 and 8 of this chapter, **as applicable;** and

13 (B) the proper calculation of the adjustment amount
 14 proposed under this section **or section 9.1 of this chapter,**
 15 **as applicable;** and

16 (2) submit a report to the commission not later than thirty (30)
 17 days after the petition is filed.

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

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

25 (g) A petition filed under this section may combine one (1) or
 26 more of the following:

27 (1) Service enhancement improvement costs associated with one
 28 (1) or more plans approved under section 9 of this chapter.

29 (2) Service enhancement improvement costs for which approval
 30 of a plan is not required under this chapter.

31 (h) If a petition filed under this section seeks recovery of service
 32 enhancement improvement costs associated with eligible additions
 33 made in association with service enhancement improvements described
 34 in section 7(2) 7(2)(A) of this chapter:

35 (1) the commission shall create a sub-docket to consider the
 36 service enhancement improvement costs if the petition combines
 37 the service enhancement improvement costs with service
 38 enhancement improvement costs associated with approved plans
 39 under section 7(1)(A) or 7(1)(B) of this chapter;

40 (2) to approve recovery of the service enhancement improvement
 41 costs associated with service enhancement improvements
 42 described in section 7(2) 7(2)(A) of this chapter, the commission



1 must find that the service enhancement improvements described
2 in section 7(2) 7(2)(A) of this chapter are reasonable and
3 necessary; and

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

9 **(i) An adjustment rider under this section for the recovery of**
10 **costs described in section 7(2)(B) or 7(2)(C) of this chapter shall**
11 **provide for the timely recovery of those costs in full and without**
12 **the deferral otherwise required under subsection (b).**

13 SECTION ~~8~~⁹ IC 8-1-31.7-18, AS ADDED BY P.L.137-2020,
14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 18. **Except as provided in section 9.2 of this**
16 **chapter**, an eligible utility may, but is not required to, file a petition for
17 a change in its initial adjustment amount not more than one (1) time in
18 every twelve (12) months. Section 12 of this chapter applies to a
19 petition to change an adjustment rider. [

20 **SECTION 10. An emergency is declared for this act.]**

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SB 241—LS 6942/DI 101



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