

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 431 be amended to read as follows:

1 Delete everything after the enacting clause and insert the
2 following:

3 "SECTION 1. IC 8-1-2-128 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 1998]: **Sec. 128. (a) An independent**
6 **transmission system operator organization or similar multi-state**
7 **transmission organization (referred to in this section as an "ISO")**
8 **may own, operate, manage, or control transmission plant or**
9 **property within Indiana for the provision of electric transmission**
10 **services without the ISO, its operations or services being subject to**
11 **the requirements of this title so long as:**

12 (1) the ISO has been approved by the Federal Energy
13 Regulatory Commission and remains subject to regulation
14 by the Federal Energy Regulatory Commission under the
15 Federal Power Act; and

16 (2) the transmission plant or property subject to ownership,
17 operation, management, or control by the ISO is not used,
18 directly or indirectly, in whole or in part, to violate the
19 exclusive right of an electricity supplier to be the sole
20 provider of retail electric service under IC 8-1-2.3-4.

21 (b) Notwithstanding any other provision of this title, a person
22 or entity that owns, operates, manages, or controls plant or
23 property within Indiana for the transmission of electricity may
24 take any action necessary to participate in an ISO that meets the
25 requirements of this section, subject to the commission's approval
26 of that action as being in the public interest if the person or entity
27 is subject to the provisions of this chapter.

28 (c) Participation by a person or entity in an ISO that meets
29 the requirements of this section shall be voluntary, within the sole
30 discretion of the person or entity, and the commission may not
31 require any person or entity to so participate.

32 (d) Commission approval to participate in an ISO does not

1 **represent prior approval for ratemaking for purposes of any**
2 **expenditure made by the participating person or entity."**

(Reference is to SB 431 as printed January 28, 1998.)

Senator MILLS