

# HOUSE BILL No. 1572

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-2-16; IC 8-1-2-61.5; IC 8-1-6-4.

**Synopsis:** Indiana utility regulatory commission procedures. Moves the deadline from April 30 to March 31 for a public utility to file with the Indiana utility regulatory commission (IURC) the balance sheet of the utility's accountings from the previous year. Requires good cause before the IURC may require a formal public hearing on a petition or complaint concerning a rate change request by a utility. Allows the IURC to adopt rules or issue orders that establish regulatory procedures or standards governing a public or municipally owned utility that: (1) serves less than 5,000 customers; (2) primarily provides retail service to customers; (3) does not serve extensively another utility. Prohibits the IURC from billing or collecting a public utility fee that equals \$50  
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**Effective:** July 1, 1999.

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**Crooks**

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January 21, 1999, read first time and referred to Committee on Commerce and Economic Development.

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or less under the current system that bases fees on a fraction of a public utility's gross revenue.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## HOUSE BILL No. 1572



A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-1-2-16 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 16. The accounts shall be closed  
3 annually on the thirty-first day of December, and a balance sheet of that  
4 date promptly taken therefrom. On or before the ~~thirtieth~~ **thirty-first**  
5 day of ~~April~~ **March** following, such balance sheet, together with such  
6 other information as the commission shall prescribe, verified by an  
7 officer of the public utility, shall be filed with the commission.

8 SECTION 2. IC 8-1-2-61.5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 61.5. (a) An order  
10 affecting rates of service may be entered by the commission without a  
11 formal public hearing in the case of any public or municipally owned  
12 utility that:

- 13 (1) serves less than five thousand (5,000) customers;
- 14 (2) primarily provides retail service to customers; and
- 15 (3) does not serve extensively another utility.



1 (b) **Upon good cause shown**, the commission shall require a formal  
 2 public hearing on any petition or complaint filed under this section  
 3 concerning a rate change request by a utility upon its own motion or  
 4 upon motion of any of the following:

- 5 (1) The utility consumer counselor.  
 6 (2) A public or municipal corporation.  
 7 (3) Ten (10) individuals, firms, limited liability companies,  
 8 corporations, or associations.  
 9 (4) Ten (10) complainants of any class described in this  
 10 subsection.

11 (c) A not-for-profit water utility must include in its petition a  
 12 statement as to whether it has an outstanding indebtedness to the  
 13 federal government. When an indebtedness is shown to exist, the  
 14 commission shall require a formal hearing, unless the utility also has  
 15 included in its filing written consent from the agency of the federal  
 16 government with which the utility has outstanding indebtedness for the  
 17 utility to obtain an order affecting its rates from the commission  
 18 without a formal hearing.

19 (d) **Notwithstanding any other law, the commission may:**

- 20 (1) **on its own motion; or**  
 21 (2) **at the request of:**  
 22 (A) **the utility consumer counselor;**  
 23 (B) **a utility described in subsection (a);**  
 24 (C) **ten (10) individuals, firms, limited liability companies,**  
 25 **corporations, or associations; or**  
 26 (D) **ten (10) complainants of any class described in this**  
 27 **subsection;**

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

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

- 36 (1) **Utility cost minimalization to the extent that a utility's**  
 37 **quality of service or facilities are not diminished.**  
 38 (2) **A more accurate evaluation by the commission of a**  
 39 **utility's physical or financial conditions or needs.**  
 40 (3) **A less costly regulatory procedure for a utility, its**  
 41 **consumers, or the commission.**  
 42 (4) **Increased utility management efficiency that is beneficial**



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1           **to consumers.**  
2           SECTION 3. IC 8-1-6-4 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1999]: Sec. 4. A public utility fee is imposed  
4 upon each public utility subject to the provisions of this chapter equal  
5 to .0015 of its gross revenue for the preceding calendar year. **The**  
6 **commission may not bill or collect a public utility fee that does not**  
7 **exceed fifty dollars (\$50) or less under this calculation.**

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