

HOUSE BILL No. 1628

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2.

Synopsis: IURC enforcement authority. Gives the Indiana utility regulatory commission (IURC) authority to impose certain penalties on a utility over which the commission has jurisdiction if the utility violates Indiana utility law or fails to comply with an order of the commission or a division of the commission. Provides that the commission may impose the following penalties: (1) A civil penalty of not more than \$25,000 for each violation. (2) A cease and desist order. (3) An order that the utility take corrective action to remedy the violation. (4) Revocation or modification of the utility's certificate of territorial authority, certificate of public convenience and necessity, or other permit issued by the commission. Authorizes the attorney general to bring an action to enforce an order of the commission to impose
(Continued next page)

Effective: July 1, 1999.

Bottorff

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

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Digest Continued

a penalty. Provides for the deposit of civil penalties collected under an order issued by the commission in the commission's public utility fund account. Authorizes the commission to require a public utility to post a bond with the commission to guarantee payment of any civil penalties imposed upon the public utility. Authorizes the commission or a division of the commission to direct a utility to provide service within 24 hours of the direction if the commission or division determines that the provision of utility service is necessary to prevent injury to a person or to alleviate an emergency. Provides that each day a utility fails to provide service after directed by the commission or a division of the commission is a separate violation for purposes of the commission's authority to impose civil penalties. Repeals a superseded statute relating to the commission's enforcement powers.

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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.

HOUSE BILL No. 1628

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 8-1-2-115.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 115.1. (a) As used in this section, "order" refers to an**
4 **order, a decision, a decree, a rule, a direction, a demand, or a**
5 **requirement of the commission or a division of the commission.**
6 **(b) As used in this section, "utility" refers to a public utility over**
7 **which the commission has jurisdiction.**
8 **(c) If after notice and hearing the commission finds that a utility**
9 **has:**
10 **(1) violated a provision of this title over which the commission**
11 **has jurisdiction; or**
12 **(2) failed to comply with any part of an order;**
13 **the commission may act as provided in subsection (d).**
14 **(d) The commission may issue an order that does any of the**
15 **following if the commission makes a finding under subsection (c):**



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1 (1) Impose a civil penalty of not more than twenty-five
 2 thousand dollars (\$25,000) for each violation or
 3 noncompliance. For purposes of this subdivision, the
 4 commission may consider each day that a public utility is in
 5 violation or noncompliance a separate violation or
 6 noncompliance.

7 (2) Issue an order that the utility cease and desist from the
 8 violation or noncompliance.

9 (3) Issue an order mandating corrective action to alleviate the
 10 violation or noncompliance.

11 (4) Revoke or modify the terms of the utility's certificate of
 12 territorial authority, certificate of public convenience and
 13 necessity, or other permit issued by the commission.

14 (e) The attorney general may bring an action in the name of the
 15 state of Indiana to enforce an order of the commission under
 16 subsection (d), including the collection of an unpaid civil penalty
 17 imposed by the commission under subsection (d)(1). The attorney
 18 general may bring the action in a court that has jurisdiction in the
 19 county where the utility has its principal place of business.

20 (f) The secretary of the commission shall deposit civil penalties
 21 collected under this section in the commission's public utility fund
 22 account established under IC 8-1-6.

23 (g) The authority granted under this section is in addition to,
 24 and may be exercised independently of, any other authority
 25 granted under this article.

26 SECTION 2. IC 8-1-2-128 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 1999]: Sec. 128. (a) As used in this section, "utility" refers to a
 29 public utility over which the commission has jurisdiction.

30 (b) If the commission or a division of the commission:

31 (1) determines that the provision of utility service is necessary
 32 to prevent injury to a person or to alleviate an emergency;
 33 and

34 (2) directs a utility to provide utility service;

35 the utility shall provide utility service within twenty-four (24)
 36 hours after receiving direction from the commission or division of
 37 the commission.

38 (c) If the commission finds a utility has violated subsection (a),
 39 each day that the utility fails to provide service as directed by the
 40 commission or a division of the commission is considered a
 41 separate violation for purposes of imposing civil penalties under
 42 section 115.1 of this chapter.



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1 SECTION 3. IC 8-1-2-129 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 129. (a) The commission may require a public utility**
4 **to post with the commission a bond as a condition on the public**
5 **utility to operate in Indiana.**
6 **(b) A bond posted under this section shall be payable to the**
7 **commission if the public utility fails to pay any civil penalty**
8 **imposed under section 115.1 of this chapter.**
9 **(c) The commission may specify any amount of the bond the**
10 **commission considers necessary.**
11 SECTION 4. IC 8-1-2-115 IS REPEALED [EFFECTIVE JULY 1,
12 1999].

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