
HOUSE BILL No. 1282

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-1.1-9.2.

Synopsis: Small business utility advocate. Creates the office of the small business utility advocate. Provides that the governor shall appoint the small business utility advocate for a term of four years. Provides that the small business utility advocate is responsible for the following: (1) Representing the interests of small business utility customers in Indiana. (2) Educating small business utility customers about the functions and duties of the small business utility advocate. (3) Soliciting the opinions, comments, and needs of small business utility customers. (4) Educating small business utility customers about utility conservation matters. (5) Notifying small business utility customers about proceedings affecting or potentially affecting small business utility customers. (6) Annually reporting findings or recommendations for legislative or administrative action to the governor, the general assembly, and the Indiana utility regulatory commission. (7) Maintaining a telephone hotline for inquiries, comments, and suggestions from small business utility customers.

Effective: July 1, 2000.

Harris, Pelath

January 11, 2000, read first time and referred to Committee on Commerce and Economic Development.

C
O
P
Y



Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

C
O
P
Y

HOUSE BILL No. 1282



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 8-1-1.1-9.2 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2000]: **Sec. 9.2. (a) As used in this section, "advocate" refers to**
- 4 **the small business utility advocate established in subsection (d).**
- 5 **(b) As used in this section, "small business" means a business**
- 6 **that:**
- 7 **(1) is independently owned and operated;**
- 8 **(2) is not dominant in its field of operation; and**
- 9 **(3) satisfies the following criteria:**
- 10 **(A) If the business is a wholesale business, its annual sales**
- 11 **for its most recently completed fiscal year do not exceed**
- 12 **four million dollars (\$4,000,000).**
- 13 **(B) If the business is a construction business, its average**
- 14 **annual receipts for the preceding three (3) fiscal years do**
- 15 **not exceed four million dollars (\$4,000,000).**
- 16 **(C) If the business is a retail business or a business selling**
- 17 **services, its annual sales and receipts do not exceed five**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

hundred thousand dollars (\$500,000).

(D) If the business is a manufacturing business, it employs one hundred (100) or fewer employees.

(c) As used in this section, "small business utility customer" means a small business that pays a public utility or a municipally owned utility for gas, electric, telecommunication, water, or sanitary sewer service.

(d) The governor shall appoint a small business utility advocate. The utility consumer counselor may advise the governor in the appointment of the small business utility advocate.

(e) The small business utility advocate shall serve for a term of four (4) years at a salary to be fixed by the governor. The advocate shall serve at the pleasure of the governor. The advocate must be a practicing attorney and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The advocate shall apply full efforts to the duties of the office and may not be actively engaged in any other occupation, practice, profession, or business.

(f) The small business utility advocate shall do the following:

- (1) Represent, protect, and promote the interests of small business utility customers in Indiana.**
- (2) Inform and educate small business utility customers about the duties and functions of the small business utility advocate.**
- (3) Actively solicit the opinions, comments, and needs of small business utility customers.**
- (4) Educate small business utility customers about available utility conservation measures.**
- (5) Notify small business utility customers about proceedings before the commission, the Federal Energy Regulatory Commission, the courts, and other public bodies. The advocate must provide notice concerning only those proceedings affecting or potentially affecting small business utility customers.**
- (6) Before November 1 of each year, report any findings, conclusions, or recommendations for legislative or administrative action to the governor, the general assembly, and the commission.**
- (7) Establish and maintain a toll free telephone number or numbers that serve as a hotline for inquiries, comments, and suggestions from small business utility customers. To the extent available resources allow, the advocate shall promote and advertise the hotline to small business utility customers.**

C
O
P
Y



1 The small business utility advocate may satisfy the requirements
2 of subdivisions (2) through (5) by publishing or soliciting
3 information on the Internet through the computer gateway
4 administered by the intelenet commission under IC 5-21-2 and
5 known as Access Indiana.

6 (g) Expenses incurred under subsection (f) shall be paid from an
7 appropriation made for that purpose by the general assembly, or
8 with the approval of the governor and the budget agency, from the
9 contingency fund established under IC 8-1-6-1.

10 (h) The small business utility advocate may, with the approval
11 of the consumer counselor, appear on behalf of small business
12 utility customers in:

13 (1) hearings before the commission, the department of state
14 revenue, or the Indiana department of transportation;

15 (2) appeals from the orders of the commission, the
16 department of state revenue, or the Indiana department of
17 transportation; and

18 (3) other proceedings, suits, and actions in which the subject
19 matter of the action affects small business utility customers.

20 (i) The small business utility advocate may, with the approval of
21 the consumer counselor, the governor, and the budget agency,
22 employ and fix the compensation of accountants, utility economists,
23 engineers, attorneys, stenographers, or other assistants necessary
24 to carry out the duties of the office of the small business utility
25 advocate. The compensation of the small business utility advocate
26 and the staff shall be paid from an appropriation made for that
27 purpose by the general assembly, or with the approval of the
28 governor and the budget agency, from the contingency fund
29 established under IC 8-1-6-1.

30 (j) The small business utility advocate may employ, with the
31 approval of the consumer counselor, the governor, and the budget
32 agency, additional stenographers, examiners, experts, engineers,
33 assistant counselors, accountants, and consulting firms with
34 expertise in utility, motor carrier, or railroad economics or
35 management, or both, at salaries and compensation and for a
36 length of time as the consumer counselor, the governor, and the
37 budget agency may approve for a particular case or investigation.
38 The compensation for additional personnel and the cost of
39 transportation, hotel, telegram, and telephone bills while traveling
40 on public business shall be paid from the expert witness fee account
41 or, with the approval of the governor and the budget agency, from
42 the contingency fund established under IC 8-1-6-1 on warrants

C
O
P
Y

1 drawn by the auditor of state and sworn to by the parties who
2 incurred the expenses.

3 (k) Expenses incurred by the regular staff of the office of the
4 small business utility advocate and approved by the small business
5 utility advocate shall be charged to and paid from the contingency
6 fund established under IC 8-1-6-1.

7 SECTION 2. [EFFECTIVE JULY 1, 2000] (a) Notwithstanding
8 IC 8-1-1.1-9.2(d), as added by this act, the governor shall appoint
9 the small business utility advocate before September 1, 2000.

10 (b) This SECTION expires December 31, 2000.

11 SECTION 3. [EFFECTIVE JULY 1, 2000] (a) Notwithstanding
12 IC 8-1-1.1-9.2(f)(7), as added by this act, the small business utility
13 advocate established under IC 8-1-1.1-9.2(d), as added by this act,
14 shall establish before December 31, 2000, a toll free telephone
15 number or numbers that serve as a hotline for inquiries, comments,
16 and suggestions from small business utility customers.

17 (b) This SECTION expires January 2, 2001.

18 SECTION 4. [EFFECTIVE JULY 1, 2000] (a) Notwithstanding
19 IC 8-1-1.1-9.2(f)(6), as added by this act, the small business utility
20 advocate established under IC 8-1-1.1-9.2(d), as added by this act,
21 is first required to report to the governor, the general assembly,
22 and the Indiana utility regulatory commission before November 1,
23 2001.

24 (b) This SECTION expires December 31, 2001.

C
O
P
Y

