

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1181 be amended to read as follows:

- 1 Page 3, delete lines 17 through 32, begin a new paragraph and
2 insert:
3 "SECTION 3. IC 8-1-8.4 IS ADDED TO THE INDIANA CODE AS
4 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
5 PASSAGE]:
6 **Chapter 8.4. Merchant Power Plants**
7 **Sec. 1. This chapter does not apply to a merchant power plant**
8 **that has filed a petition with the commission under IC 8-1-2.5**
9 **before March 1, 2001, seeking an order that the commission**
10 **decline to exercise, in whole or in part, its jurisdiction over the**
11 **merchant power plant.**
12 **Sec. 2. As used in this chapter, "merchant power plant" means**
13 **a facility within Indiana used for the:**
14 **(1) production, transmission, delivery, or furnishing of heat,**
15 **light, or power; and**
16 **(2) sale of electric energy exclusively on the wholesale market;**
17 **to other public utilities, energy service providers, or power**
18 **marketers within or outside Indiana.**
19 **Sec. 3. A merchant power plant is subject to the jurisdiction of**
20 **the commission.**
21 **Sec. 4. (a) The commission shall consider the following when**
22 **acting upon any petition by a merchant power plant under**
23 **IC 8-1-2.5 or IC 8-1-8.5:**
24 **(1) Location.**
25 **(2) Need.**
26 **(3) Impact on electric, water, and natural gas suppliers and**
27 **customers.**
28 **(4) The recommendation of the department of natural**
29 **resources under section 6 of this chapter.**
30 **(5) Other factors the commission considers relevant to the**
31 **petition.**

1 (b) The commission shall issue a decision either approving or
2 denying a merchant power plant's petition under IC 8-1-2.5 or
3 IC 8-1-8.5 not later than twelve (12) months after the date of the
4 petition.

5 Sec. 5. (a) Not later than fifteen (15) days after filing a petition
6 under IC 8-1-2.5 or IC 8-1-8.5, a merchant power plant shall do the
7 following:

8 (1) Send notice of the petition by United States mail to all
9 record owners of real property located within one-half (1/2)
10 mile of the proposed facility.

11 (2) Send notice of the petition to all of the following:

12 (A) The county commissioners of each county in which the
13 facility is proposed to be located.

14 (B) The legislative body of the municipality in which the
15 facility is proposed to be located, if any.

16 (C) The director of the department of natural resources.

17 (3) Cause notice of the petition to be published in a newspaper
18 of general circulation in each county in which the facility is
19 proposed to be located.

20 (b) The notice of the petition must include the following
21 information:

22 (1) A description of the proposed facility.

23 (2) A description of the site of the proposed facility which
24 must include the following:

25 (A) A legal description of the site.

26 (B) The common address of the site, if any.

27 (C) A map of the site.

28 (3) The following information regarding the business identity
29 of the petitioner:

30 (A) The name of the petitioner.

31 (B) The state in which the petitioner is incorporated or
32 from which the petitioner otherwise derives its legal
33 existence.

34 (C) The state in which the petitioner has its principal place
35 of business.

36 (D) The name and address of an individual who is
37 designated by the petitioner to be the petitioner's resident
38 agent in Indiana.

39 (E) The name and address of an individual from whom
40 information regarding the petition may be obtained.

41 Sec. 6. (a) For purposes of this section:

42 (1) "department" refers to the department of natural
43 resources; and

44 (2) "water resource" has the meaning set forth in
45 IC 14-25-7-8.

46 (b) When considering whether to approve a merchant power
47 plant, the commission shall obtain a recommendation from the
48 department regarding the merchant power plant's planned use of

- 1 **and its potential effect on the water resource.**
- 2 **(c) To make its recommendation, the department may do the**
- 3 **following:**
- 4 **(1) Rely on the merchant power plant's water resource**
- 5 **assessment under subsection (d).**
- 6 **(2) Consult with and advise users of the water resource.**
- 7 **(3) Enter upon any land or water in Indiana to evaluate the**
- 8 **effect of the merchant power plant on the water resource.**
- 9 **(4) Conduct studies to evaluate the availability and most**
- 10 **practical method of withdrawal, development, conservation,**
- 11 **and use of the water resource.**
- 12 **(5) Require metering or other reasonable measuring of water**
- 13 **withdrawals and reporting of the measurement to the**
- 14 **department.**
- 15 **(6) Engage in any other activity necessary to carry out the**
- 16 **purposes of this section.**
- 17 **(d) A merchant power plant shall provide an assessment of its**
- 18 **effect on the water resource and its users to the commission and**
- 19 **the department. The assessment shall be prepared by a licensed**
- 20 **professional geologist (as defined in IC 25-17.6-1-6.5) or an**
- 21 **engineer licensed under IC 25-31-1. The assessment must include**
- 22 **the following information:**
- 23 **(1) Sources of water supply.**
- 24 **(2) Total amount of water to be used by the merchant power**
- 25 **plant for each source.**
- 26 **(3) Location of wells or points of withdrawal.**
- 27 **(4) Ability of the water resource to meet the needs of the**
- 28 **merchant power plant and other users.**
- 29 **(5) Probable effects of the merchant power plant's use and**
- 30 **consumption of the water resource on other users.**
- 31 **(6) Alternative sources of water supply.**
- 32 **(7) Conservation measures proposed by the merchant power**
- 33 **plant for reducing the plant's effect on the water resource.**
- 34 **(8) Other information required by rule of the commission."**
- 35 **Renumber all SECTIONS consecutively.**
(Reference is to EHB 1181 as printed April 6, 2001.)

Senator CLARK