

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 251 be amended to read as follows:

- 1 Page 4, between lines 32 and 33, begin a new paragraph and insert:
2 "SECTION 1. IC 8-1-8.5-5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) As a condition for
4 receiving the certificate required under section 2 of this chapter, the
5 applicant shall file an estimate of construction, purchase, or lease costs
6 in such detail as the commission may require.
7 (b) The commission shall hold a public hearing on each such
8 application. A certificate shall be granted only if the commission has
9 **done all the following:**
10 (1) Made a finding as to the best estimate of construction,
11 purchase, or lease costs based on the evidence of record.
12 (2) Made a finding that either **of the following apply:**
13 (A) The construction, purchase, or lease will be consistent
14 with the commission's plan (or such part of the plan as may
15 then be developed, if any) for expansion of electric generating
16 capacity. **or**
17 (B) The construction, purchase, or lease is consistent with a
18 utility specific proposal submitted under section 3(e) of this
19 chapter and approved under subsection (d). However, if the
20 commission has developed, in whole or in part, a plan for the
21 expansion of electric generating capacity and the applicant has
22 filed and the commission has approved under subsection (d)
23 a utility specific proposal submitted under section 3(e) of this
24 chapter, the commission shall make a finding under this clause

- 1 that the construction, purchase, or lease is consistent with the
 2 commission's plan, to the extent developed, and that the
 3 construction, purchase, or lease is consistent with the
 4 applicant's plan under section 3(e) of this chapter, to the extent
 5 the plan was approved by the commission.
- 6 (3) Made a finding that the public convenience and necessity
 7 require or will require the construction, purchase, or lease of the
 8 facility. ~~and~~
- 9 **(4) Made a finding that:**
- 10 **(A) the public utility seeking the certificate has met all**
 11 **applicable:**
- 12 **(i) energy savings; or**
 13 **(ii) energy efficiency;**
 14 **goals or targets that are part of a demand side**
 15 **management program that is ordered by the commission**
 16 **and to which the public utility is subject; and**
- 17 **(B) notwithstanding the commission's finding under clause**
 18 **(A), there is still need for the proposed construction,**
 19 **purchase, or lease of the facility that is the subject of the**
 20 **petition in order to meet the load demand of the public**
 21 **utility's Indiana retail customers.**
- 22 ~~(4)~~ **(5)** Made a finding that the facility, if it is a coal-consuming
 23 facility, utilizes Indiana coal or is justified, because of economic
 24 considerations or governmental requirements, in using
 25 non-Indiana coal.
- 26 (c) If:
- 27 (1) the commission grants a certificate under this chapter based
 28 upon a finding under subsection (b)(2) that the construction,
 29 purchase, or lease of a generating facility is consistent with the
 30 commission's plan for the expansion of electric generating
 31 capacity; and
- 32 (2) a court finally determines that the commission plan is invalid;
 33 the certificate shall remain in full force and effect if the certificate was
 34 also based upon a finding under subsection (b)(2) that the construction,
 35 purchase, or lease of the facility was consistent with a utility specific
 36 plan submitted under section 3(e) of this chapter and approved under
 37 subsection (d).

1 (d) The commission shall consider and approve, in whole or in part,
2 or disapprove a utility specific proposal or an amendment thereto
3 jointly with an application for a certificate under this chapter. However,
4 such an approval or disapproval shall be solely for the purpose of
5 acting upon the pending certificate for the construction, purchase, or
6 lease of a facility for the generation of electricity."

7 Renumber all SECTIONS consecutively.
(Reference is to ESB as printed April 15, 2011.)

Representative Pierce