

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 102 be amended to read as follows:

1           Page 2, between lines 29 and 30, begin a new paragraph and insert:  
2           "SECTION 2. IC 8-1-2-42.5 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 42.5. **(a)** The  
4           commission shall by rule or order, consistent with the resources of the  
5           commission and the office of the utility consumer counselor, require  
6           that the basic rates and charges of all public, municipally owned, and  
7           cooperatively owned utilities (except those utilities described in  
8           IC 8-1-2-61.5) are subject to a regularly scheduled periodic review and  
9           revision by the commission. However, the commission shall conduct  
10          the periodic review at least once every four (4) years and may not  
11          authorize a filing for an increase in basic rates and charges more  
12          frequently than is permitted by operation of section 42(a) of this  
13          chapter.  
14          **(b) Notwithstanding subsection (a), the commission shall review**  
15          **an energy utility's basic rates and charges not more than twelve**  
16          **(12) months after an energy utility (as defined in IC 8-1-2.5-2):**  
17                 **(1) closes an energy generation or production facility; or**  
18                 **(2) replaces generation capacity at an existing energy**  
19                 **generation or production facility.**  
20          **If the commission determines that a facility closure or capacity**

1 **replacement has resulted or will result in overall cost savings to an**  
2 **energy utility, the commission shall revise the energy utility's basic**  
3 **rates and charges downward to reflect the savings.".**

4       Renumber all SECTIONS consecutively.  
      (Reference is to SB 102 as printed January 25, 2011.)

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Senator SIMPSON