

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 251 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 **(c) If the commission determines that a facility closure or**
21 **capacity replacement described in subsection (b) has resulted or**
22 **will result in overall cost savings to an energy utility, the**
23 **commission shall revise the energy utility's basic rates and charges**
24 **downward to reflect the savings. However, if the commission**
25 **determines that the facility closure or capacity replacement has**
26 **caused or will cause the energy utility to incur additional costs, the**
27 **commission may not approve a rate adjustment mechanism under**
28 **this or any other law for the energy utility with respect to those**
29 **costs until the energy utility next appears before the commission**
30 **for a periodic review of rates and charges under subsection (a)."**

- 1 Renumber all SECTIONS consecutively.
 (Reference is to SB 251 as printed February 14, 2011.)

Senator SIMPSON