
HOUSE BILL No. 1374

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-8-3; IC 8-1-2-129.

Synopsis: Customer-generator facilities. Provides that a customer-generator facility that owns only definite situs property that is located in one taxing district is not subject to assessment as a public utility and shall be locally assessed. Requires the utility regulatory commission to amend the rules governing interconnection to allocate: (1) interconnection costs to a customer-generator facility; and (2) distribution system improvement costs related to interconnection to an investor-owned utility.

Effective: Upon passage; July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Utilities and Energy.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1374



A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-8-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) Except as
 3 provided in subsection (c), the following companies are subject to
 4 taxation under this chapter:
 5 (1) Each company which is engaged in the business of
 6 transporting persons or property.
 7 (2) Each company which is engaged in the business of selling or
 8 distributing electricity, gas, steam, or water.
 9 (3) Each company which is engaged in the business of
 10 transmitting messages for the general public by wire or airwaves.
 11 (4) Each company which is engaged in the business of operating
 12 a sewage system or a sewage treatment plant.
 13 (b) The companies which are subject to taxation under this chapter
 14 include, but are not limited to:
 15 (1) bridge companies;
 16 (2) bus companies;
 17 (3) express companies;



- 1 (4) light, heat, or power companies;
 2 (5) pipeline companies;
 3 (6) railroad companies;
 4 (7) railroad car companies;
 5 (8) sleeping car companies;
 6 (9) street railway companies;
 7 (10) telephone, telegraph, or cable companies;
 8 (11) tunnel companies; and
 9 (12) water distribution companies.
- 10 (c) The following companies are not subject to taxation under this
 11 chapter:
- 12 (1) Aviation companies.
 13 (2) Broadcasting companies.
 14 (3) Television companies.
 15 (4) Water transportation companies.
 16 (5) Companies which are operated by a municipality or a
 17 municipal corporation, except those utility companies owned or
 18 held in trust by a first class city.
 19 **(6) A customer-generator facility that owns only definite situs**
 20 **property that is located in one (1) taxing district. For purposes**
 21 **of this subdivision, "customer-generator facility" has the**
 22 **meaning set forth in 170 IAC 4-4.3-1(d).**
- 23 SECTION 2. IC 8-1-2-129 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: **Sec. 129. (a) The definitions in 170 IAC 4-4.3,**
 26 **as in effect January 1, 2013, apply throughout this section.**
- 27 **(b) Not later September 1, 2013, the commission shall adopt**
 28 **rules to amend the interconnection rules adopted by the**
 29 **commission and codified at 170 IAC 4-4.3. The commission shall**
 30 **adopt the rules required by this subsection in the same manner as**
 31 **emergency rules are adopted under IC 4-22-2-37.1. The rules**
 32 **adopted by the commission under this subsection must do the**
 33 **following:**
- 34 **(1) Allocate costs associated with the interconnection and**
 35 **operation of a customer-generator facility to the customer**
 36 **generator facility.**
- 37 **(2) Allocate costs incurred by an investor-owned utility for**
 38 **distribution system improvements related to interconnection**
 39 **to the investor-owned utility.**
- 40 **Emergency rules adopted under this section expire on the date the**
 41 **final rules are adopted by the commission under IC 4-22-2-24**
 42 **through IC 4-22-2-36.**

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1 (c) Not later than July 1, 2013, the commission shall evaluate the
2 interconnection rules adopted by the commission and codified at
3 170 IAC 4-4.3 for compliance with the requirements set forth in
4 subsection (b). To the extent that any rules codified at 170
5 IAC 4-4.2 and 170 IAC 4-4.3 do not meet the requirements set
6 forth in subsection (b), the rules are void. Not later than July 15,
7 2013, the commission shall notify the publisher of the Indiana
8 Administrative Code and Indiana Register of any rules codified at
9 170 IAC 4-4.2 and 170 IAC 4-4.3 that are void under this
10 subsection. The publisher shall remove the rules that are void
11 under this subsection from the Indiana Administrative Code.

12 (d) Not later than November 1, 2014, the commission shall
13 report to the regulatory flexibility committee established by
14 IC 8-1-2.6-4 on the commission's progress under subsection (c) in
15 finally adopting, under IC 4-22-2-24 through IC 4-22-2-36, the
16 emergency rules initially adopted by the commission under
17 subsection (b).

18 (e) This section expires January 1, 2015.

19 SECTION 3. An emergency is declared for this act.

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