

IC 8-1-2-61.5 Rate orders; formal public hearing; adoption of rules

Sec. 61.5. (a) An order affecting rates of service may be entered by the commission without a formal public hearing in the case of any public or municipally owned utility that:

- (1) either:
 - (A) serves less than eight thousand (8,000) customers; or
 - (B) has initiated a rate case on behalf of a single division of the utility and that division:
 - (i) serves less than five thousand (5,000) customers;
 - (ii) has a commission-approved schedule of rates and charges that is separate and independent from that of any other division of the utility; and
 - (iii) itself satisfies subdivisions (2) and (3);
- (2) primarily provides retail service to customers; and
- (3) does not serve extensively another utility.

(b) The commission may require a formal public hearing on any petition or complaint filed under this section concerning a rate change request by a utility upon the commission's own motion or upon motion of any of the following:

- (1) The utility consumer counselor.
- (2) A public or municipal corporation.
- (3) Ten (10) individuals, firms, limited liability companies, corporations, or associations.
- (4) Ten (10) complainants of any class described in this subsection.

(c) A not-for-profit water utility or a not-for-profit sewer utility must include in its petition a statement as to whether it has an outstanding indebtedness to the federal government. When an indebtedness is shown to exist, the commission shall require a formal hearing, unless the utility also has included in its filing written consent from the agency of the federal government with which the utility has outstanding indebtedness for the utility to obtain an order affecting its rates from the commission without a formal hearing.

(d) Notwithstanding any other provision of this chapter, the commission may:

- (1) on the commission's own motion; or
- (2) at the request of:
 - (A) the utility consumer counselor;
 - (B) a water or sewer utility described in subsection (a);
 - (C) ten (10) individuals, firms, limited liability companies, corporations, or associations; or
 - (D) ten (10) complainants of any class described in this subsection;

adopt a rule under [IC 4-22-2](#), or issue an order in a specific proceeding, providing for the development, investigation, testing, and use of regulatory procedures or generic standards with respect to water or sewer utilities described in subsection (a) or their services.

(e) The commission may adopt a rule or enter an order under subsection (d) only if it finds, after notice and hearing, that the proposed regulatory procedures or standards are in the public interest and promote at least one (1) of the following:

- (1) Utility cost minimalization to the extent that a utility's quality of service or facilities are not diminished.
- (2) A more accurate evaluation by the commission of a utility's physical or financial conditions or needs.
- (3) A less costly regulatory procedure for a utility, its consumers, or the commission.
- (4) Increased utility management efficiency that is beneficial to consumers.

As added by P.L.88-1985, SEC.5. Amended by P.L.116-1987, SEC.1; P.L.107-1989, SEC.1; P.L.8-1993, SEC.110; P.L.159-1999, SEC.1; P.L.226-2001, SEC.1; P.L.229-2019, SEC.1.