

HOUSE BILL No. 1007

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1.

Synopsis: Electric utility service. Provides that it is the continuing policy of the state that decisions concerning Indiana's electric generation resource mix, energy infrastructure, and electric service ratemaking constructs must take into account the following attributes of electric utility service: (1) Reliability. (2) Affordability. (3) Resiliency. (4) Stability. (5) Environmental sustainability. Requires the Indiana utility regulatory commission (IURC) to take each of these attributes into account when: (1) reviewing, and preparing a final director's report for, an integrated resource plan submitted by an electric utility; (2) acting upon a petition for the construction, purchase, or lease of an electric generation facility; and (3) reviewing whether the public convenience and necessity continues to require the completion of an electric generation facility under construction. Requires the IURC to commence before September 1, 2023, a comprehensive study to consider the appropriate: (1) design and framework for; and (2) requirements with respect to; performance based ratemaking for investor-owned electricity suppliers. Sets forth certain topics that the IURC shall consider and evaluate in conducting the required study. Requires the IURC to include in its annual report that is due before October 1, 2025, a report containing the IURC's findings and recommendations on the specified topics. Provides that the report must contain recommendations, supported by sufficient data and findings from the IURC's study, with respect to the appropriate: (1) design and framework for; and (2) requirements with respect to; performance based ratemaking for electricity suppliers, so as to enable the implementation of performance based ratemaking for electricity
(Continued next page)

Effective: July 1, 2023.

Soliday, Jeter, Negele

January 12, 2023, read first time and referred to Committee on Utilities, Energy and Telecommunications.



suppliers not later than January 1, 2027. Amends the statute governing reliability adequacy metrics for certain electric utilities ("public utilities" under the statute) as follows: (1) Defines the terms: (A) "fall unforced capacity", or "fall UCAP"; and (B) "spring unforced capacity", or "spring UCAP"; for purposes of the prescribed reliability adequacy metrics. (2) Reduces to 15% the 30% limit (under current law) for a public utility's summer or winter unforced capacity (UCAP) that the public utility is authorized to acquire from capacity markets, for purposes of the reliability adequacy metrics included in a resource planning report (report) submitted to the IURC after June 30, 2023. (3) Provides that the reliability metrics included in a report submitted to the IURC after June 30, 2026, must include specified information concerning a public utility's ability to meet its spring UCAP and fall UCAP. (4) Provides that if, after reviewing a public utility's report, the IURC is not satisfied that the public utility can: (A) provide reliable electric service to its Indiana customers; or (B) either: (i) satisfy both its planning reserve margin requirement or other federal reliability requirements and the reliability adequacy metrics set forth in the bill; or (ii) provide sufficient reason as to why it is unable to satisfy both its planning reserve margin requirement or other federal reliability requirements and the reliability adequacy metrics set forth in the bill; the IURC may conduct an investigation into the matter. (Current law does not require the IURC to consider whether the public utility can provide sufficient reason as to its inability to satisfy both its planning reserve margin requirement or other federal reliability requirements and the reliability adequacy metrics set forth in the bill.) (5) Requires the IURC to include in its 2025 annual report its analysis regarding the appropriate percentage or portion of: (A) total spring UCAP; and (B) total fall UCAP; that public utilities should be authorized to acquire from capacity markets.



Introduced

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1007



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 8-1-2-0.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 0.6. The general assembly declares that it is the**
4 **continuing policy of the state that decisions concerning Indiana's**
5 **electric generation resource mix, energy infrastructure, and**
6 **electric service ratemaking constructs must consider each of the**
7 **following attributes of electric utility service:**
8 (1) **Reliability, including:**
9 (A) **the adequacy of electric utility service, including the**
10 **ability of the electric system to supply the aggregate**
11 **electrical demand and energy requirements of end use**
12 **customers at all times, taking into account:**
13 (i) **scheduled; and**
14 (ii) **reasonably expected unscheduled;**
15 **outages of system elements; and**



- 1 **(B) the operating reliability of the electric system,**
 2 **including the ability of the electric system to withstand**
 3 **sudden disturbances such as electric short circuits or**
 4 **unanticipated loss of system components.**
 5 **(2) Affordability, including ratemaking constructs that result**
 6 **in retail electric utility service that is affordable and**
 7 **competitive across residential, commercial, and industrial**
 8 **customer classes.**
 9 **(3) Resiliency, including the ability of the electric system or its**
 10 **components to:**
 11 **(A) adapt to changing conditions; and**
 12 **(B) withstand and rapidly recover from disruptions or**
 13 **off-nominal events.**
 14 **(4) Stability, including the ability of the electric system to:**
 15 **(A) maintain a state of equilibrium during:**
 16 **(i) normal and abnormal conditions; or**
 17 **(ii) disturbances; and**
 18 **(B) deliver a stable source of electricity, in which**
 19 **frequency and voltage are maintained within defined**
 20 **parameters, consistent with industry standards.**
 21 **(5) Environmental sustainability, including:**
 22 **(A) the impact of environmental regulations on the cost of**
 23 **providing electric utility service; and**
 24 **(B) demand from consumers for environmentally**
 25 **sustainable sources of electric generation.**
 26 SECTION 2. IC 8-1-2.5-6.5 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2023]: **Sec. 6.5. (a) As used in this section, "electricity supplier"**
 29 **means a public utility (as defined in IC 8-1-2-1(a)) that furnishes**
 30 **retail electric service to customers in Indiana. The term does not**
 31 **include a utility that is:**
 32 **(1) a municipally owned utility (as defined in IC 8-1-2-1(h));**
 33 **(2) a corporation organized under IC 8-1-13; or**
 34 **(3) a corporation organized under IC 23-17 that is an electric**
 35 **cooperative and that has at least one (1) member that is a**
 36 **corporation organized under IC 8-1-13.**
 37 **(b) Before September 1, 2023, the commission shall commence**
 38 **a comprehensive study to consider the appropriate:**
 39 **(1) design and framework for; and**
 40 **(2) requirements with respect to;**
 41 **performance based ratemaking (as described in section 6(a)(2) of**
 42 **this chapter) for electricity suppliers.**



1 (c) In conducting the study required by this section, the
2 commission shall consider and evaluate the following:

3 (1) Multi-year rate plans with incremental rate increases.

4 (2) Index-driven revenue formulas.

5 (3) Performance incentive mechanisms, including both
6 rewards and penalties, for meeting, or failing to meet, metrics
7 related to service or infrastructure investments.

8 (4) The use of performance incentive mechanisms in
9 conjunction with traditional cost-of-service ratemaking, to
10 provide regulatory oversight and ensure that rewards and
11 penalties are equitably balanced and do not:

12 (A) over-compensate electricity suppliers for benefits
13 provided; or

14 (B) under-compensate electricity suppliers for costs and
15 risks incurred;

16 as applicable.

17 (5) Best practices for allocating the costs, benefits, and risks
18 associated with performance incentive mechanisms between:

19 (A) customers and customer classes; and

20 (B) shareholders.

21 with affordability of service prioritized.

22 (6) Best practices for establishing quantifiable, verifiable, and
23 clearly defined performance metrics in connection with
24 performance incentive mechanisms.

25 (7) Best practices for the collection and protection of data
26 from electricity suppliers as needed to justify or evaluate
27 proposed or approved performance incentive mechanisms.

28 (8) Any other aspect of performance based ratemaking that
29 the commission determines to be appropriate to incentivize
30 electricity suppliers to provide value to ratepayers.

31 (d) In conducting the study required by this section, the
32 commission may invite comments from:

33 (1) electricity suppliers;

34 (2) the office of utility consumer counselor;

35 (3) associations or organizations representing utility
36 ratepayers;

37 (4) regulatory commissions or agencies in other states that
38 have experience with performance based ratemaking;

39 (5) rate design experts; or

40 (6) other stakeholders.

41 The commission may incorporate any comments received under
42 this subsection in its report under subsection (e).



1 (e) The commission shall include in the annual report that the
2 commission is required to submit under IC 8-1-1-14 before
3 October 1, 2025, a report that includes the commission's findings
4 and recommendations on the topics outlined in subsection (c). The
5 report required by this subsection must contain recommendations,
6 supported by sufficient data and findings from the commission's
7 study under this section, with respect to the appropriate:

8 (1) design and framework for; and

9 (2) requirements with respect to;

10 performance based ratemaking (as described in section 6(a)(2) of
11 this chapter) for electricity suppliers, so as to enable the
12 implementation of performance based ratemaking for electricity
13 suppliers not later than January 1, 2027, subject to the direction of
14 the general assembly.

15 SECTION 3. IC 8-1-8.5-3.3 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2023]: Sec. 3.3. (a) Except as otherwise provided in this section,
18 the definitions in 170 IAC 4-7 apply throughout this section.

19 (b) As used in this section, "electric utility" refers to an electric
20 utility listed in 170 IAC 4-7-2(a).

21 (c) In reviewing an integrated resource plan that is submitted to
22 the commission by an electric utility under section 3(e)(2) of this
23 chapter after June 30, 2023, the commission shall evaluate and
24 comment in the commission's final director's report for the plan as
25 to whether the electric utility's preferred resource portfolio takes
26 into account the attributes of electric utility service set forth in
27 IC 8-1-2-0.6, including:

28 (1) reliability;

29 (2) affordability;

30 (3) resiliency;

31 (4) stability; and

32 (5) environmental sustainability;

33 as described in IC 8-1-2-0.6.

34 SECTION 4. IC 8-1-8.5-4, AS AMENDED BY P.L.180-2021,
35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2023]: Sec. 4. (a) As used in this section, "federal phaseout
37 mandate" means any federal statutory or regulatory requirement that:

38 (1) is established after April 20, 2021, by the Congress of the
39 United States, a federal regulatory agency, or a federal executive
40 order; and

41 (2) requires the phaseout or discontinuance of a particular type of
42 electric generating facility, technology, or fuel source.



1 (b) In acting upon any petition for the construction, purchase, or
 2 lease of any facility for the generation of electricity, the commission
 3 shall take into account the following:

4 (1) The applicant's current and potential arrangement with other
 5 electric utilities for:

6 (A) the interchange of power;

7 (B) the pooling of facilities;

8 (C) the purchase of power; and

9 (D) joint ownership of facilities.

10 (2) Other methods for providing reliable, efficient, and
 11 economical electric service, including the refurbishment of
 12 existing facilities, conservation, load management, cogeneration,
 13 and renewable energy sources.

14 (3) With respect to a petition that:

15 (A) is for the construction of a new generating facility; and

16 (B) is submitted to the commission after June 30, 2021, and
 17 before January 1, 2025;

18 the impact of federal phaseout mandates on the estimated useful
 19 life of each proposed generating facility included in the petition,
 20 including depreciation expense associated with each facility.

21 **(4) With respect to a petition that is submitted to the**
 22 **commission after June 30, 2023, whether the proposed**
 23 **construction, purchase, or lease of the facility will result in the**
 24 **provision of electric utility service with the attributes set forth**
 25 **in IC 8-1-2-0.6, including:**

26 **(A) reliability;**

27 **(B) affordability;**

28 **(C) resiliency;**

29 **(D) stability; and**

30 **(E) environmental sustainability;**

31 **as described in IC 8-1-2-0.6.**

32 SECTION 5. IC 8-1-8.5-5.5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5.5. When, in the
 34 opinion of the commission, changes in the estimate of the probable
 35 future growth of the use of electricity so indicate, the commission shall
 36 commence a review of any certificate granted under this chapter to
 37 determine whether the public convenience and necessity continues to
 38 require the facility under construction. If the commission finds that
 39 completion of the facility under construction is no longer in the public
 40 interest, the commission may modify or revoke the certificate. **In**
 41 **conducting a review under this section, the commission shall**
 42 **consider whether the completion of the facility under construction**



1 will result in the provision of electric utility service with the
2 attributes set forth in IC 8-1-2-0.6, including:

- 3 (1) reliability;
4 (2) affordability;
5 (3) resiliency;
6 (4) stability; and
7 (5) environmental sustainability;

8 as described in IC 8-1-2-0.6, in making a determination as to
9 whether the public convenience and necessity continues to require
10 the facility under construction.

11 SECTION 6. IC 8-1-8.5-13, AS ADDED BY P.L.60-2021,
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2023]: Sec. 13. (a) The general assembly finds that it is in the
14 public interest to support the reliability, availability, and diversity of
15 electric generating capacity in Indiana for the purpose of providing
16 reliable and stable electric service to customers of public utilities.

17 (b) As used in this section, "appropriate regional transmission
18 organization", with respect to a public utility, refers to the regional
19 transmission organization approved by the Federal Energy Regulatory
20 Commission for the control area that includes the public utility's
21 assigned service area (as defined in IC 8-1-2.3-2).

22 (c) As used in this section, "capacity market" means an auction
23 conducted by an appropriate regional transmission organization
24 to determine a market clearing price for capacity based on the
25 planning reserve margin requirements established by the
26 appropriate regional transmission organization for a planning year
27 with respect to which an auction has not yet been conducted.

28 (d) As used in this section, "fall unforced capacity", or "fall
29 UCAP", with respect to an electric generating facility, means:

- 30 (1) the capacity value of the electric generating facility's
31 installed capacity rate adjusted for the electric generating
32 facility's average forced outage rate for the fall period,
33 calculated as required by the appropriate regional
34 transmission organization or by the Federal Energy
35 Regulatory Commission;
36 (2) a metric that is similar to the metric described in
37 subdivision (1) and that is required by the appropriate
38 regional transmission organization; or
39 (3) if the appropriate regional transmission organization does
40 not require a metric described in subdivision (1) or (2), a
41 metric that:

- 42 (A) can be used to demonstrate that a public utility has



1 **sufficient capacity to:**

2 **(i) provide reliable electric service to Indiana customers**
 3 **for the fall period; and**

4 **(ii) meet its planning reserve margin requirement and**
 5 **other federal reliability requirements described in**
 6 **subsection (l)(4); and**

7 **(B) is acceptable to the commission.**

8 ~~(e)~~ **(e)** As used in this section, "MISO" refers to the regional
 9 transmission organization known as the Midcontinent Independent
 10 System Operator that operates the bulk power transmission system
 11 serving most of the geographic territory in Indiana.

12 ~~(f)~~ **(f)** As used in this section, "planning reserve margin
 13 requirement", with respect to a public utility for a particular resource
 14 planning year, means the planning reserve margin requirement for that
 15 planning year that the public utility is obligated to meet in accordance
 16 with the public utility's membership in the appropriate regional
 17 transmission organization.

18 ~~(g)~~ **(g)** As used in this section, "reliability adequacy metrics", with
 19 respect to a public utility, means calculations used to demonstrate ~~both~~
 20 **all** of the following:

21 (1) **Subject to subsection (q)(2)(B)**, that the public utility:

22 (A) has in place sufficient summer UCAP; or

23 (B) can reasonably acquire not more than:

24 **(i) thirty percent (30%) of its total summer UCAP from**
 25 **capacity markets, with respect to a report filed with the**

26 **commission under subsection (l) before July 1, 2023; or**

27 **(ii) fifteen percent (15%) of its total summer UCAP from**
 28 **capacity markets, with respect to a report filed with the**

29 **commission under subsection (l) after June 30, 2023;**

30 such that it will have sufficient summer UCAP;

31 to provide reliable electric service to Indiana customers, and to
 32 meet its planning reserve margin requirement and other federal
 33 reliability requirements described in subsection ~~(i)(4):~~ **(l)(4).**

34 (2) **Subject to subsection (q)(2)(B)**, that the public utility:

35 (A) has in place sufficient winter UCAP; or

36 (B) can reasonably acquire not more than:

37 **(i) thirty percent (30%) of its total winter UCAP from**
 38 **capacity markets, with respect to a report filed with the**

39 **commission under subsection (l) before July 1, 2023; or**

40 **(ii) fifteen percent (15%) of its total winter UCAP from**
 41 **capacity markets, with respect to a report filed with the**

42 **commission under subsection (l) after June 30, 2023;**



1 such that it will have sufficient winter UCAP;
 2 to provide reliable electric service to Indiana customers, and to
 3 meet its planning reserve margin requirement and other federal
 4 reliability requirements described in subsection ~~(i)(4)~~: **(l)(4)**.

5 **(3) Subject to subsection (q)(2)(B), with respect to a report**
 6 **filed with the commission under subsection (l) after June 30,**
 7 **2026, that the public utility:**

8 **(A) has in place sufficient spring UCAP; or**

9 **(B) can reasonably acquire not more than fifteen percent**
 10 **(15%) of its total spring UCAP from capacity markets,**
 11 **such that it will have sufficient spring UCAP;**

12 **to provide reliable electric service to Indiana customers, and**
 13 **to meet its planning reserve margin requirement and other**
 14 **federal reliability requirements described in subsection (l)(4).**

15 **(4) Subject to subsection (q)(2)(B), with respect to a report**
 16 **filed with the commission under subsection (l) after June 30,**
 17 **2026, that the public utility:**

18 **(A) has in place sufficient fall UCAP; or**

19 **(B) can reasonably acquire not more than fifteen percent**
 20 **(15%) of its total fall UCAP from capacity markets, such**
 21 **that it will have sufficient fall UCAP;**

22 **to provide reliable electric service to Indiana customers, and**
 23 **to meet its planning reserve margin requirement and other**
 24 **federal reliability requirements described in subsection (l)(4).**

25 For purposes of this subsection, "capacity markets" means the auctions
 26 conducted by an appropriate regional transmission organization to
 27 determine a market clearing price for capacity based on the planning
 28 reserve margin requirements established by the appropriate regional
 29 transmission organization.

30 **(h) As used in this section, "spring unforced capacity", or**
 31 **"spring UCAP", with respect to an electric generating facility,**
 32 **means:**

33 **(1) the capacity value of the electric generating facility's**
 34 **installed capacity rate adjusted for the electric generating**
 35 **facility's average forced outage rate for the spring period,**
 36 **calculated as required by the appropriate regional**
 37 **transmission organization or by the Federal Energy**
 38 **Regulatory Commission;**

39 **(2) a metric that is similar to the metric described in**
 40 **subdivision (1) and that is required by the appropriate**
 41 **regional transmission organization; or**

42 **(3) if the appropriate regional transmission organization does**



1 not require a metric described in subdivision (1) or (2), a
2 metric that:

3 (A) can be used to demonstrate that a public utility has
4 sufficient capacity to:

5 (i) provide reliable electric service to Indiana customers
6 for the spring period; and

7 (ii) meet its planning reserve margin requirement and
8 other federal reliability requirements described in
9 subsection (1)(4); and

10 (B) is acceptable to the commission.

11 ~~(f)~~ (i) As used in this section, "summer unforced capacity", or
12 "summer UCAP", with respect to an electric generating facility, means:

13 (1) the capacity value of the electric generating facility's installed
14 capacity rate adjusted for the electric generating facility's average
15 forced outage rate for the summer period, calculated as required
16 by the appropriate regional transmission organization or by the
17 Federal Energy Regulatory Commission; or

18 (2) a metric that is similar to the metric described in subdivision
19 (1) and that is required by the appropriate regional transmission
20 organization.

21 ~~(g)~~ (j) As used in this section, "winter unforced capacity", or "winter
22 UCAP", with respect to an electric generating facility, means:

23 (1) the capacity value of the electric generating facility's installed
24 capacity rate adjusted for the electric generating facility's average
25 forced outage rate for the winter period, calculated as required by
26 the appropriate regional transmission organization or by the
27 Federal Energy Regulatory Commission;

28 (2) a metric that is similar to the metric described in subdivision
29 (1) and that is required by the appropriate regional transmission
30 organization; or

31 (3) if the appropriate regional transmission organization does not
32 require a metric described in subdivision (1) or (2), a metric that:

33 (A) can be used to demonstrate that a public utility has
34 sufficient capacity to:

35 (i) provide reliable electric service to Indiana customers for
36 the winter period; and

37 (ii) meet its planning reserve margin requirement and other
38 federal reliability requirements described in subsection

39 ~~(i)(4); (1)(4); and~~

40 (B) is acceptable to the commission.

41 ~~(h)~~ (k) A public utility that owns and operates an electric generating
42 facility serving customers in Indiana shall operate and maintain the



1 facility using good utility practices and in a manner:

- 2 (1) reasonably intended to support the provision of reliable and
 3 economic electric service to customers of the public utility; and
 4 (2) reasonably consistent with the resource reliability
 5 requirements of MISO or any other appropriate regional
 6 transmission organization.

7 (†) (1) Not later than thirty (30) days after the deadline for submitting
 8 an annual planning reserve margin report to MISO, each public utility
 9 providing electric service to Indiana customers shall, regardless of
 10 whether the public utility is required to submit an annual planning
 11 reserve margin report to MISO, file with the commission a report, in a
 12 form specified by the commission, that provides the following
 13 information for each of the next three (3) resource planning years,
 14 beginning with the planning year covered by the planning reserve
 15 margin report to MISO described in this subsection:

- 16 (1) The:
 17 (A) capacity;
 18 (B) location; and
 19 (C) fuel source;

20 for each electric generating facility that is owned and operated by
 21 the electric utility and that will be used to provide electric service
 22 to Indiana customers.

23 (2) The amount of generating resource capacity or energy, or
 24 both, that the public utility has procured under contract and that
 25 will be used to provide electric service to Indiana customers,
 26 including the:

- 27 (A) capacity;
 28 (B) location; and
 29 (C) fuel source;

30 for each electric generating facility that will supply capacity or
 31 energy under the contract, to the extent known by the public
 32 utility.

33 (3) The amount of demand response resources available to the
 34 public utility under contracts and tariffs.

35 (4) The following:

36 (A) The planning reserve margin requirements established by
 37 MISO for the planning years covered by the report, to the
 38 extent known by the public utility with respect to any
 39 particular planning year covered by the report.

40 (B) If applicable, any other planning reserve margin
 41 requirement that:

- 42 (i) applies to the planning years covered by the report; and



- 1 (ii) the public utility is obligated to meet in accordance with
 2 the public utility's membership in an appropriate regional
 3 transmission organization;
 4 to the extent known by the public utility with respect to any
 5 particular planning year covered by the report.
 6 (C) Other federal reliability requirements that the public utility
 7 is obligated to meet in accordance with its membership in an
 8 appropriate regional transmission organization with respect to
 9 the planning years covered by the report, to the extent known
 10 by the public utility with respect to any particular planning
 11 year covered by the report.
 12 For each planning reserve margin requirement reported under
 13 clause (A) or (B), the public utility shall include a comparison of
 14 that planning reserve margin requirement to the planning reserve
 15 margin requirement established by the same regional transmission
 16 organization for the 2021-2022 planning year.
 17 (5) The reliability adequacy metrics of the public utility, as
 18 forecasted for the three (3) planning years covered by the report.
 19 ~~(j)~~ **(m)** Upon request by a public utility, the commission shall
 20 determine whether information provided in a report filed by the public
 21 utility under subsection ~~(j)~~: **(l)**:
 22 (1) is confidential under IC 5-14-3-4 or is a trade secret under
 23 IC 24-2-3;
 24 (2) is exempt from public access and disclosure by Indiana law;
 25 and
 26 (3) shall be treated as confidential and protected from public
 27 access and disclosure by the commission.
 28 ~~(k)~~ **(n)** A joint agency created under IC 8-1-2.2 may file the report
 29 required under subsection ~~(j)~~ **(l)** as a consolidated report on behalf of
 30 any or all of the municipally owned utilities that make up its
 31 membership.
 32 ~~(l)~~ **(o)** A:
 33 (1) corporation organized under IC 23-17 that is an electric
 34 cooperative and that has at least one (1) member that is a
 35 corporation organized under IC 8-1-13; or
 36 (2) general district corporation within the meaning of
 37 IC 8-1-13-23;
 38 may file the report required under subsection ~~(j)~~ **(l)** as a consolidated
 39 report on behalf of any or all of the cooperatively owned electric
 40 utilities that it serves.
 41 ~~(m)~~ **(p)** In reviewing a report filed by a public utility under
 42 subsection ~~(j)~~; **(l)**, the commission may request technical assistance



1 from MISO or any other appropriate regional transmission organization
2 in determining:

- 3 (1) the planning reserve margin requirements or other federal
4 reliability **requirement requirements** that the public utility is
5 obligated to meet, as described in subsection ~~(i)(4); (l)(4);~~ and
6 (2) whether the resources available to the public utility under
7 subsections ~~(i)(1) (l)(1)~~ through ~~(i)(3) (l)(3)~~ will be adequate to
8 support the provision of reliable electric service to the public
9 utility's Indiana customers.

10 ~~(n)~~ **(q)** If, after reviewing a report filed by a public utility under
11 subsection ~~(i); (l)~~, the commission is not satisfied that the public utility
12 can:

13 (1) provide reliable electric service to the public utility's Indiana
14 customers; or

15 (2) **either:**

16 **(A) meet satisfy both:**

17 **(i)** its planning reserve margin requirement or other federal
18 reliability requirements that the public utility is obligated to
19 meet, as described in subsection ~~(i)(4); (l)(4);~~ and

20 **(ii) the reliability adequacy metrics set forth in**
21 **subsection (g); or**

22 **(B) provide sufficient reason as to why the public utility is**
23 **unable to satisfy both:**

24 **(i) its planning reserve margin requirement or other**
25 **federal reliability requirements that the public utility is**
26 **obligated to meet, as described in subsection (l)(4); and**

27 **(ii) the reliability adequacy metrics set forth in**
28 **subsection (g);**

29 during one (1) more of the planning years covered by the report, the
30 commission may conduct an investigation under IC 8-1-2-58 ~~and~~
31 ~~IC 8-1-2-59~~ **through IC 8-1-2-60** as to the reasons for the public
32 utility's potential inability to meet the requirements described in
33 subdivision (1) or (2), or both.

34 ~~(o)~~ **(r)** If, upon investigation under IC 8-1-2-58 ~~and IC 8-1-2-59;~~
35 **through IC 8-1-2-60**, and after notice and hearing, as required by
36 IC 8-1-2-59, the commission determines that the capacity resources
37 available to the public utility under subsections ~~(i)(1) (l)(1)~~ through
38 ~~(i)(3) (l)(3)~~ will not be adequate to support the provision of reliable
39 electric service to the public utility's Indiana customers, or to allow the
40 public utility to **meet satisfy both** its planning reserve margin
41 requirements or other federal reliability requirements that the public
42 utility is obligated to meet (as described in subsection ~~(i)(4); (l)(4)~~)



1 **and the reliability adequacy metrics set forth in subsection (g)**, the
 2 commission shall issue an order directing the public utility to acquire
 3 or construct such capacity resources that are reasonable and necessary
 4 to enable the public utility to provide reliable electric service to its
 5 Indiana customers, and to ~~meet~~ **satisfy both** its planning reserve
 6 margin requirements or other federal reliability requirements described
 7 in subsection ~~(f)(4)~~: **(l)(4) and the reliability adequacy metrics set**
 8 **forth in subsection (g)**. Not later than ninety (90) days after the date
 9 of the commission's order under this subsection, the public utility shall
 10 file for approval with the commission a plan to comply with the
 11 commission's order. The public utility's plan may include:

12 (1) a request for a certificate of public convenience and necessity
 13 under this chapter; or

14 (2) an application under IC 8-1-8.8;

15 or both.

16 ~~(p)~~ **(s)** Beginning in 2022, the commission shall ~~before November~~
 17 ~~† of each year submit to the governor and to the interim study~~
 18 ~~committee on energy, utilities, and telecommunications established by~~
 19 ~~IC 2-5-1.3-4(8) a report that includes~~ **include in its annual report**
 20 **under IC 8-1-1-14 the following information:**

21 (1) The commission's analysis regarding the ability of public
 22 utilities to:

23 (A) provide reliable electric service to Indiana customers; and

24 (B) ~~meet~~ **satisfy both:**

25 (i) their planning reserve margin requirements or other
 26 federal reliability requirements; **and**

27 (ii) **the reliability adequacy metrics set forth in**
 28 **subsection (g);**

29 for the next three (3) utility resource planning years, based on the
 30 most recent reports filed by public utilities under subsection ~~(f)~~:

31 **(l).**

32 (2) A summary of:

33 (A) the projected demand for retail electricity in Indiana over
 34 the next calendar year; and

35 (B) the amount and type of capacity resources committed to
 36 meeting the projected demand.

37 In preparing the summary required under this subdivision, the
 38 commission may consult with the forecasting group established
 39 under section 3.5 of this chapter.

40 **(3) Beginning with the commission's annual report filed under**
 41 **IC 8-1-1-14 in 2025, the commission's analysis regarding the**
 42 **appropriate percentage or portion of:**



1 **(A) total spring UCAP that public utilities should be**
 2 **authorized to acquire from capacity markets under**
 3 **subsection (g)(3)(B); and**

4 **(B) total fall UCAP that public utilities should be**
 5 **authorized to acquire from capacity markets under**
 6 **subsection (g)(4)(B).**

7 A report under this subsection to the interim study committee on
 8 energy, utilities, and telecommunications established by
 9 ~~IC 2-5-1.3-4(8)~~ must be in an electronic format under ~~IC 5-14-6~~.

10 ~~(q)~~ **(t)** The commission may adopt rules under IC 4-22-2 to
 11 implement this section. In adopting rules to implement this section, the
 12 commission may adopt emergency rules in the manner provided by
 13 IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule
 14 adopted by the commission under this subsection and in the manner
 15 provided by IC 4-22-2-37.1 expires on the date on which a rule that
 16 supersedes the emergency rule is adopted by the commission under
 17 IC 4-22-2-24 through IC 4-22-2-36.

