

HOUSE BILL No. 1069

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-40.

Synopsis: Distributed generation. Provides that an electric customer: (1) that is a school corporation or a municipality; (2) that installs a net metering facility after December 31, 2017, and before the date on which the net metering tariff terminates under the state statute concerning distributed generation; and (3) whose net metering facility is subject to Level 2 interconnection review under the Indiana utility regulatory commission's interconnection rules; will be served under the terms and conditions of the net metering tariff of the customer's electricity supplier until the net metering facility is removed or until July 1, 2037, whichever occurs earlier. Defines "install", "nameplate capacity", and "successor in interest" for purposes of distributed generation. Provides that the amount of nameplate capacity in place before the net metering deadlines is the amount of nameplate capacity considered to be participating in the net metering tariff. Provides that any repairs, updates, and upgrades to portions of a net metering facility that do not increase the nameplate capacity of the net metering facility are not considered a replacement of the net metering facility.

Effective: July 1, 2018.

Ober, Hatfield

January 3, 2018, read first time and referred to Committee on Utilities, Energy and Telecommunications.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1069

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 8-1-40-5.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 5.5. As used in this chapter, "install" means to set up**
4 **so that the system can be safely energized, notwithstanding any**
5 **metering or inspection requirements that the utility has not yet**
6 **performed.**

7 SECTION 2. IC 8-1-40-6.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2018]: **Sec. 6.5. As used in this chapter, "nameplate capacity"**
10 **means the following:**

11 (1) **The full-load continuous rating of a generator under**
12 **specified conditions as designated by the manufacturer.**

13 (2) **For an inverter-based net metering facility, the aggregate**
14 **output rating of all inverters in the facility.**

15 SECTION 3. IC 8-1-40-9.5 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2018]: **Sec. 9.5. As used in this chapter, "successor in interest"**



1 **means a person or entity that follows another person or entity in**
 2 **ownership or control of property.**

3 SECTION 4. IC 8-1-40-10.5 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2018]: **Sec. 10.5. (a) The amount of nameplate capacity in place**
 6 **before the deadlines provided in sections 13, 13.5, and 14 of this**
 7 **chapter is the amount of nameplate capacity considered to be**
 8 **participating in the net metering tariff.**

9 **(b) Any repairs, updates, and upgrades to portions of a net**
 10 **metering facility that do not increase the nameplate capacity of the**
 11 **net metering facility are not considered a replacement of the net**
 12 **metering facility under section 13, 13.5, or 14 of this chapter.**

13 SECTION 5. IC 8-1-40-13, AS ADDED BY P.L.264-2017,
 14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2018]: **Sec. 13. (a) This section applies to a customer, other**
 16 **than a customer described in section 13.5 of this chapter,** that
 17 installs a net metering facility (as defined in 170 IAC 4-4.2-1(k)) on the
 18 customer's premises:

19 (1) after December 31, 2017; and

20 (2) before the date on which the net metering tariff of the
 21 customer's electricity supplier terminates under section 10(1) or
 22 10(2) of this chapter.

23 (b) A customer that is participating in an electricity supplier's net
 24 metering tariff on the date on which the electricity supplier's net
 25 metering tariff terminates under section 10(1) or 10(2) of this chapter
 26 shall continue to be served under the terms and conditions of the net
 27 metering tariff until:

28 (1) the customer removes from the customer's premises or
 29 replaces the net metering facility (as defined in 170
 30 IAC 4-4.2-1(k)); or

31 (2) July 1, 2032;

32 whichever occurs earlier.

33 (c) A successor in interest to a customer's premises on which a net
 34 metering facility (as defined in 170 IAC 4-4.2-1(k)) that was installed
 35 during the period described in subsection (a) is located may, if the
 36 successor in interest chooses, be served under the terms and conditions
 37 of the net metering tariff of the electricity supplier that provides retail
 38 electric service at the premises until:

39 (1) the net metering facility (as defined in 170 IAC 4-4.2-1(k)) is
 40 removed from the premises or is replaced; or

41 (2) July 1, 2032;

42 whichever occurs earlier.



1 SECTION 6. IC 8-1-40-13.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 13.5. (a) This section applies to a customer:**

4 **(1) that is a school corporation (as defined in IC 36-1-2-17) or**
5 **a municipality (as defined in IC 8-1-2-1(c));**

6 **(2) that installs a net metering facility (as defined in 170**
7 **IAC 4-4.2-1(k)) on the customer's premises after December**
8 **31, 2017, and before the date on which the net metering tariff**
9 **of the customer's electricity supplier terminates under section**
10 **10(1) or 10(2) of this chapter; and**

11 **(3) whose net metering facility is subject to Level 2**
12 **interconnection review under 170 IAC 4-4.3-7.**

13 **(b) A customer that is participating in an electricity supplier's**
14 **net metering tariff on the date on which the electricity supplier's**
15 **net metering tariff terminates under section 10(1) or 10(2) of this**
16 **chapter shall continue to be served under the terms and conditions**
17 **of the net metering tariff until:**

18 **(1) the customer removes from the customer's premises or**
19 **replaces the net metering facility (as defined in 170**
20 **IAC 4-4.2-1(k)); or**

21 **(2) July 1, 2037;**

22 **whichever occurs earlier.**

23 **(c) A successor in interest to a customer's premises on which a**
24 **net metering facility (as defined in 170 IAC 4-4.2-1(k)) that was**
25 **installed during the period described in subsection (a) is located**
26 **may, if the successor in interest chooses, be served under the terms**
27 **and conditions of the net metering tariff of the electricity supplier**
28 **that provides retail electric service at the premises until:**

29 **(1) the net metering facility (as defined in 170 IAC 4-4.2-1(k))**
30 **is removed from the premises or is replaced; or**

31 **(2) July 1, 2037;**

32 **whichever occurs earlier.**

