

# HOUSE BILL No. 1414

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-8.5-11.

**Synopsis:** Retirement of electric generation facilities. Provides that a public utility may not retire, sell, transfer, or terminate a lease with respect to an electric generation facility unless the public utility first obtains from the Indiana utility regulatory commission (IURC) a determination that the public convenience and necessity require the retirement, sale, transfer, or lease termination. Provides that a public utility that seeks: (1) as part of any proceeding before the IURC; and (2) based wholly, or in part, on one or more federally mandated requirements; to retire an electric generation facility, or to otherwise remove an electric generation facility from the public utility's supply portfolio, shall submit to the IURC the directive requiring the public utility to retire the electric generation facility or to otherwise remove the electric generation facility from the public utility's portfolio. Specifies what does and does not constitute a federally mandated requirement for purposes of these provisions. Prohibits a public utility from acting, or failing to act, in any manner that will materially and adversely affect the operation, safety, capacity, economic useful life, or any other aspect of the electric generation facility sought to be retired or removed.

**Effective:** July 1, 2020.

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January 15, 2020, read first time and referred to Committee on Utilities, Energy and Telecommunications.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE BILL No. 1414

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 8-1-8.5-11 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2020]: **Sec. 11. (a) A public utility may not retire, sell, transfer,**  
4 **or terminate a lease with respect to a facility used for the**  
5 **generation of electricity unless the public utility first obtains from**  
6 **the commission a determination that the public convenience and**  
7 **necessity require the retirement, sale, transfer, or lease**  
8 **termination.**  
9 (b) A public utility that seeks:  
10 (1) as part of any proceeding before the commission; and  
11 (2) based wholly, or in part, on one (1) or more federally  
12 mandated requirements (as defined in IC 8-1-8.4-5);  
13 to retire an electric generation facility, or to otherwise remove an  
14 electric generation facility from the public utility's portfolio of  
15 supply side resources, shall submit to the commission the directive  
16 requiring the public utility to retire the electric generation facility  
17 or to otherwise remove the electric generation facility from the



- 1 public utility's portfolio.
- 2 (c) For purposes of subsection (b), a public utility's proposed
- 3 retirement or removal of an electric generation facility is not
- 4 considered to be federally mandated unless it is proposed in
- 5 connection with the enforcement of an administrative rule:
- 6 (1) specifically as to the petitioning public utility; and
- 7 (2) under:
- 8 (A) a state implementation plan; or
- 9 (B) an equivalent plan or order issued by an appropriate
- 10 state or federal governmental authority.
- 11 (d) For purposes of subsection (b), a public utility does not
- 12 establish that the public utility's proposed retirement or removal
- 13 of an electric generation facility is federally mandated by
- 14 submitting any of the following to the commission:
- 15 (1) A consent decree into which the public utility was not
- 16 required to enter by a state regulatory authority.
- 17 (2) An administrative rule of the United States Environmental
- 18 Protection Agency.
- 19 (3) The public utility's interpretation of an administrative
- 20 rule.
- 21 (e) This subsection applies at any time before, during, or after
- 22 a public utility petitions the commission under this section to retire,
- 23 or remove from the public utility's portfolio, an electric generation
- 24 facility. A public utility shall not act, or fail to act, in any manner
- 25 that will materially and adversely affect the operation, safety,
- 26 capacity, economic useful life, or any other aspect of the electric
- 27 generation facility.

