

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 ENROLLED ACT No. 1420

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-38-1, AS ADDED BY P.L.174-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) As used in this chapter, "electric transmission facility" means a high voltage transmission line with a rating of at least one hundred (100) kilovolts and related transmission facilities and controls.

(b) The term does not include a line installed solely for the purpose of connecting an electric generation facility to facilities owned by a public utility.

SECTION 2. IC 8-1-38-3 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 3. (a) As used in this chapter, "local reliability electric transmission facility" means an electric transmission facility located in whole or in part in Indiana that is required by a regional transmission organization to satisfy the reliability standards of the North American Electric Reliability Corporation, a regional reliability organization, or a successor corporation or organization. If the electricity transmission facility is located in the territory of the PJM Interconnection regional transmission organization territory, or its successor organization, its rating must be:

- (1) at least one hundred (100) kilovolts; and
- (2) not more than three hundred (300) kilovolts.

(b) The term does not include an electric transmission facility to the

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extent the facility is required by a regional transmission organization primarily to address nonreliability drivers:

SECTION 3. IC 8-1-38-9, AS ADDED BY P.L.174-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) An incumbent electric transmission owner has the right to construct, own, operate, and maintain the following:

(1) ~~A local reliability~~ **An electric transmission facility that has been approved for construction through a regional transmission organization planning process and that** connects to an electric transmission facility owned by the incumbent electric transmission owner.

(2) Upgrades to an existing electric transmission facility owned by the incumbent electric transmission owner **if the upgrades have been approved for construction through a regional transmission organization planning process.**

(b) The right to construct, own, operate, and maintain ~~a local reliability~~ **an electric transmission** facility that connects to electric transmission facilities owned by two (2) or more incumbent electric transmission owners belongs individually and proportionately to each incumbent electric transmission owner, unless the incumbent electric transmission owners otherwise agree in writing.

(c) **If an electric transmission facility has been approved for construction through a regional transmission organization planning process, as described in subsection (a)(1), each incumbent electric transmission owner that has a right under subsection (b) to construct, own, operate, and maintain the electric transmission facility to be constructed shall give written notice to the commission, not later than ninety (90) days after the date of approval of the construction, regarding the incumbent electric transmission owner's intent to construct, own, operate, and maintain the approved electric transmission facility. If an incumbent electric transmission owner gives notice of the incumbent electric transmission owner's intent not to construct the approved electric transmission facility, another entity may seek to construct the approved electric transmission facility in accordance with the regional transmission organization planning process and this chapter.**

(d) **If an incumbent electric transmission owner gives to the commission during a calendar year a notice of intent under subsection (c) to construct, own, operate, and maintain an electric transmission facility approved for construction through a regional transmission organization planning process, the incumbent electric**



transmission owner shall, not later than May 1 of the subsequent calendar year, provide the commission with the following information, in the form and manner prescribed by the commission:

(1) A list of the electric transmission facilities with respect to which the incumbent electric transmission owner provided the commission a notice of intent under subsection (c) in the preceding calendar year. The list provided under this subdivision must include:

(A) a brief description of the construction;

(B) the reason for the construction; and

(C) an estimate of the total cost of the construction.

(2) A written or electronic copy of the Annual Formula Rate Update Informational Filing most recently filed by the incumbent electric transmission owner with the Federal Energy Regulatory Commission.

(e) An incumbent electric transmission owner that exercises its right under subsection (a)(1) to construct an electric transmission facility approved for construction through a regional transmission organization planning process must, to the extent commercially practicable, use competitively bid engineering, procurement, or construction contracts, as applicable, that meet all the technical, commercial, and other specifications, such as safety performance, required by the incumbent electric transmission owner with respect to the electric transmission facility.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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