

# HOUSE BILL No. 1468

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-1.1.

**Synopsis:** Utility consumer counselor. Amends the statute concerning the office of utility consumer counselor (OUCC) as follows: (1) Requires the OUCC to exercise its powers and perform its duties consistent with the state's declared policy to promote investment in utility infrastructure while protecting the affordability of utility services. (2) Requires that before employing its own staff, the OUCC shall make use of engineers, experts, and accountants employed by the utility regulatory commission, the department of environmental management, or the Indiana department of transportation. Specifies that this requirement does not apply to, or otherwise affect the employment of, a person employed by the OUCC as regular staff before July 1, 2019. (3) Provides that the OUCC may employ, with the approval of the governor and the budget agency: (A) on a full-time or part-time basis before July 1, 2019; or (B) on a part-time only basis after June 30, 2019; additional staff with the appropriate expertise for a particular case or investigation. (Current law does not specify that such staff must be part-time.) Specifies that this requirement does not apply to, or otherwise affect the employment of, a person employed by the OUCC before July 1, 2019, on a full-time basis for work on a particular case or investigation.

**Effective:** July 1, 2019.

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## VanNatter, Soliday

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January 15, 2019, read first time and referred to Committee on Utilities, Energy and Telecommunications.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1468



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 8-1-1.1-4.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.1. (a) The consumer  
3 counselor may appear on behalf of ratepayers, consumers, and the  
4 public in:  
5 (1) hearings before the commission, the department of state  
6 revenue, or the Indiana department of transportation;  
7 (2) appeals from the orders of the commission, the department of  
8 state revenue, or the Indiana department of transportation; and  
9 (3) suits and actions in a court that may involve rates for service,  
10 services, extensions, and contracts for service, valuations of  
11 utilities, applications of utilities for authority to issue securities,  
12 applications for mergers and sales, and in all other proceedings,  
13 including proceedings before federal agencies, and suits and  
14 actions in which the subject matter of the action affects the  
15 consumers of a utility, motor carrier, or railroad doing business in  
16 Indiana.  
17 (b) The counselor shall decide whether to appeal an order of the



1 commission, the department of state revenue, or the Indiana department  
 2 of transportation and may on the counselor's own motion initiate an  
 3 appeal.

4 **(c) The consumer counselor shall:**

5 **(1) exercise the powers conferred on the consumer counselor**  
 6 **by Indiana law; and**

7 **(2) perform the duties required of the consumer counselor**  
 8 **under Indiana law;**

9 **consistent with IC 8-1-2-0.5.**

10 SECTION 2. IC 8-1-1.1-6.1, AS AMENDED BY P.L.149-2016,  
 11 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2019]: Sec. 6.1. (a) **Subject to subsection (b)**, the consumer  
 13 counselor may employ and fix the compensation of, with the approval  
 14 of the governor and the budget agency, accountants, utility economists,  
 15 engineers, attorneys, stenographers, or other assistance necessary to  
 16 carry out the duties of the office. The compensation of the consumer  
 17 counselor and the counselor's staff shall be paid from an appropriation  
 18 made for that purpose by the general assembly, or with the approval of  
 19 the governor and the budget agency, from a contingency fund  
 20 established under IC 8-1-6-1.

21 **(b) Before exercising the authority granted under subsection (a),**  
 22 **and subject to:**

23 **(1) subsection (i);**

24 **(2) IC 8-1-1-5; and**

25 **(3) the commission's rules concerning ex parte contacts (170**  
 26 **IAC 1-1.5);**

27 the consumer counselor ~~may~~ **shall** make use of engineers, experts, and  
 28 accountants employed by the commission, **the department of**  
 29 **environmental management**, or the Indiana department of  
 30 transportation and direct them to make appraisals and audits in the  
 31 performance of the consumer counselor's duties under this chapter and  
 32 IC 8-1-1 and IC 8-1-2. In so doing, the consumer counselor shall have  
 33 access to the records and files of the commission, **the department of**  
 34 **environmental management**, or the Indiana department of  
 35 transportation.

36 **(c) Subject to subsection (j)**, the consumer counselor may employ,  
 37 with the approval of the governor and the budget agency:

38 **(1) on a full-time or part-time basis before July 1, 2019; or**

39 **(2) on a part-time only basis after June 30, 2019;**

40 additional stenographers, examiners, experts, engineers, assistant  
 41 counselors, accountants, and consulting firms with expertise in utility,  
 42 motor carrier, or railroad economics or management or both, at salaries



1 and compensation and for a length of time as the governor and the  
2 budget agency may approve for a particular case or investigation. The  
3 compensation for the additional personnel together with the cost of  
4 transportation, hotel, telegram, and telephone bills while traveling on  
5 public business shall be paid from the expert witness fee account, or,  
6 with the approval of the governor and the budget agency, from a  
7 contingency fund established under IC 8-1-6-1 on warrants drawn by  
8 the auditor of state, sworn to by the parties who incurred the expenses.

9 (d) Expenses incurred by the regular staff of the office and approved  
10 by the consumer counselor, or an expense incurred by the commission,  
11 **the department of environmental management**, or the Indiana  
12 department of transportation under subsection (b), shall be charged and  
13 paid in the manner provided in IC 8-1-2-70 or IC 8-1-6, whichever is  
14 appropriate under the circumstances.

15 (e) Nothing in this chapter may be construed to prevent a party  
16 interested in a proceeding, suit, or action from appearing in person or  
17 from being represented by counsel.

18 (f) Persons hired by the consumer counselor as provided by this  
19 section are exempt from the job classifications and compensation  
20 schedules established under IC 4-15.

21 (g) The consumer counselor may purchase, lease, or otherwise  
22 acquire sufficient technical equipment necessary for the consumer  
23 counselor to carry out the consumer counselor's statutory duties.

24 (h) The consumer counselor may submit to the budget agency a  
25 request for funds sufficient to carry out any new duties or  
26 responsibilities created under IC 8-1-39-12(b). The consumer  
27 counselor shall include in its annual report to the interim study  
28 committee on energy, utilities, and telecommunications:

29 (1) a description of its activities under IC 8-1-39-12(b); and

30 (2) a summary of the costs associated with those activities.

31 **(i) Subsection (b) does not apply to, or otherwise affect the**  
32 **employment of, a person employed by the consumer counselor**  
33 **under subsection (a) before July 1, 2019.**

34 **(j) Subsection (c)(2) does not apply to, or otherwise affect the**  
35 **employment of, a person employed by the consumer counselor on**  
36 **a full-time basis under subsection (c) before July 1, 2019.**

