

SENATE BILL No. 278

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2-121; IC 8-1-6.1.

Synopsis: Utility disconnections and customer data reports. Provides that from June 21 through September 23 (in addition to the period from December 1 through March 15, under current law) of any year, an electric or gas utility may not terminate residential electric or gas service for an individual who is eligible for and has applied for assistance from a home energy assistance program administered by the lieutenant governor. Amends the same section of the Indiana Code as follows: (1) Prohibits an electric, gas, or water utility from terminating service for any residential customer of the utility on any of the following days: (A) A Friday, Saturday, or Sunday. (B) A legal holiday. (C) Any day, or after noon on the day preceding any day, during which customer service representatives of the utility are not available to respond to inquiries from customers during regular business hours. (2) Strikes a provision that authorizes the Indiana utility regulatory commission (IURC) to establish a reasonable rate of interest that a utility may charge on the unpaid balance of a customer's delinquent bill. (3) Prohibits an electric, gas, or water utility from charging or collecting any: (A) deposit; (B) reconnection fee; or (C) other similar charge; as a condition of, or in connection with, restoring service to a residential customer following a termination of service for nonpayment. Requires the IURC to amend, not later than May 1, 2024, its administrative rules as necessary to conform the rules to these provisions. Requires a utility to: (1) amend its residential tariffs as necessary to conform the tariffs to these provisions; and (2) file with the IURC a petition for approval of each amended tariff; not later than June 1, 2024. Beginning in 2025, requires a utility that: (1) is under the
(Continued next page)

Effective: Upon passage; July 1, 2024.

Vinzant

January 16, 2024, read first time and referred to Committee on Utilities.



Digest Continued

jurisdiction of the IURC for the approval of rates and charges; and (2) provides residential electric, natural gas, water, or wastewater utility service at retail to customers and low income customers in Indiana; to report to the IURC on a quarterly basis certain data concerning customer accounts and low income customer accounts. Provides that: (1) a utility shall report all required information in the aggregate and in a manner that does not identify individual customers and low income customers; and (2) the IURC may not require utilities to disclose confidential and proprietary business information without adequate protection of the information. Requires the IURC to adopt rules to implement these provisions. Provides that, beginning in 2026, the IURC shall annually compile and summarize the information received from utilities for the previous calendar year and include the summary in the IURC's annual report.



Introduced

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 278

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 8-1-2-121, AS AMENDED BY P.L.181-2006,
2 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 121. (a) Notwithstanding any other provision
4 of law:
5 (1) from December 1 through March 15; **and**
6 (2) **from June 21 through September 23;**
7 of any year, ~~no~~ **an** electric or gas utility, including a municipally
8 owned, privately owned, or cooperatively owned utility, ~~shall~~ **may not**
9 terminate residential electric or gas service for persons who are eligible
10 for and have applied for assistance from a ~~heating home energy~~
11 assistance program administered under IC 4-4-33. The commission
12 shall implement procedures to ensure that electric or gas utility service
13 is continued while eligibility for such persons is being determined.
14 (b) **Notwithstanding any other provision of law, an electric, gas,**
15 **or water utility (including a municipally owned, privately owned,**



1 or cooperatively owned utility) may not terminate residential
 2 electric, gas, or water service for any residential customer of the
 3 utility on any of the following days:

4 (1) A Friday, Saturday, or Sunday.

5 (2) A legal holiday (as defined in IC 1-1-9-1).

6 (3) Any day, or after noon on the day preceding any day,
 7 during which customer service representatives of the utility
 8 are not available to respond to inquiries from customers
 9 during regular business hours.

10 ~~(b)~~ (c) Any electric or gas utility (including a municipally owned,
 11 privately owned, or cooperatively owned utility) shall provide any
 12 residential customer whose account is delinquent an opportunity to
 13 enter into a reasonable amortization agreement with such company to
 14 pay the delinquent account. Such an amortization agreement must
 15 provide the customer with adequate opportunity to apply for and
 16 receive the benefits of any available public assistance program. An
 17 amortization agreement is subject to amendment on the customer's
 18 request if there is a change in the customer's financial circumstances.

19 ~~(e)~~ (c) The commission may establish a reasonable rate of interest
 20 which a utility may charge on the unpaid balance of a customer's
 21 delinquent bill that may not exceed the rate established by the
 22 commission under section 34.5 of this chapter.

23 ~~(d)~~ (d) Notwithstanding any other provision of law, an electric, gas,
 24 or water utility (including a municipally owned, privately owned,
 25 or cooperatively owned utility) may not charge or collect any:

26 (1) deposit;

27 (2) reconnection fee; or

28 (3) other similar charge;

29 as a condition of, or in connection with, restoring service to a
 30 residential customer following a termination of service for
 31 nonpayment.

32 ~~(d)~~ (e) The commission shall adopt rules under IC 4-22-2 to carry
 33 out the provisions of this section.

34 ~~(e)~~ (f) This section does not prohibit an electric or gas utility from
 35 terminating residential utility service upon a request of a customer or
 36 under the following circumstances:

37 (1) If a condition dangerous or hazardous to life, physical safety,
 38 or property exists.

39 (2) Upon order by any court, the commission, or other duly
 40 authorized public authority.

41 (3) If fraudulent or unauthorized use of electricity or gas is
 42 detected and the utility has reasonable grounds to believe the



1 affected customer is responsible for such use.

2 (4) If the utility's regulating or measuring equipment has been
3 tampered with and the utility has reasonable grounds to believe
4 that the affected customer is responsible for such tampering.

5 SECTION 2. IC 8-1-6.1 IS ADDED TO THE INDIANA CODE AS
6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2024]:

8 **Chapter 6.1. Quarterly Residential Customer Reports by**
9 **Utilities**

10 **Sec. 1. As used in this chapter, "budget billing arrangement"**
11 **means a levelized payment arrangement that:**

12 **(1) is entered into by a utility and:**

13 **(A) a customer; or**

14 **(B) a low income customer;**

15 **of the utility;**

16 **(2) allows the customer or low income customer to pay for**
17 **utility service in equal monthly installments; and**

18 **(3) involves a reconciliation mechanism in which:**

19 **(A) the amount of utility service actually used by the**
20 **customer or low income customer during a specified period**
21 **is compared with the amount of utility service for which**
22 **the customer or low income customer was billed under the**
23 **arrangement during the specified period; and**

24 **(B) the account of the customer or low income customer is**
25 **either billed or credited, as appropriate, for any**
26 **discrepancy identified under clause (A).**

27 **Sec. 2. As used in this chapter, "customer" refers to a**
28 **residential customer who:**

29 **(1) has agreed to pay for utility service from a utility; and**

30 **(2) is not a low income customer.**

31 **Sec. 3. As used in this chapter, "low income customer" refers to**
32 **a residential customer who is part of a household that:**

33 **(1) has agreed to pay for utility service from a utility; and**

34 **(2) satisfies either of the following:**

35 **(A) Is eligible for and has applied for assistance from:**

36 **(i) a home energy assistance program administered**
37 **under IC 4-4-33; or**

38 **(ii) a low income household water assistance program**
39 **administered by the Indiana housing and community**
40 **development authority.**

41 **(B) Is eligible for one (1) or more of the following:**

42 **(i) The Temporary Assistance for Needy Families**



- 1 (TANF) program.
 2 (ii) The federal Supplemental Nutrition Assistance
 3 Program (SNAP).
 4 (iii) The Special Supplemental Nutrition Program for
 5 Women, Infants, and Children (WIC).
 6 (iv) Free or reduced price school meals.
 7 (v) The federal Supplemental Security Income (SSI)
 8 program.
 9 (vi) Medicaid.
 10 (vii) The healthy Indiana plan under IC 12-15-44.5.
 11 (viii) The federal Child Care and Development Fund
 12 (CCDF) grant program or the federal Head Start
 13 program.
 14 (ix) Public housing or housing assistance programs.
 15 (x) Other means tested programs.

16 **Sec. 4.** As used in this chapter, "payment plan" means a
 17 payment arrangement that:

- 18 (1) is entered into by a utility and:
 19 (A) a customer; or
 20 (B) a low income customer;
 21 of the utility; and
 22 (2) allows the customer or low income customer to:
 23 (A) pay current or past due amounts for utility service in
 24 lower amounts or over an extended period of time, or
 25 according to another agreed upon schedule;
 26 (B) defer the payment of current or past due amounts for
 27 utility service to some future date; or
 28 (C) receive a forbearance with respect to the payment of
 29 certain amounts owed.

30 **Sec. 5.** As used in this chapter, "protected account" means an
 31 account that:

- 32 (1) is for utility service that:
 33 (A) is provided to a:
 34 (i) customer; or
 35 (ii) low income customer;
 36 who is vulnerable because of advanced age, serious illness,
 37 or disability; and
 38 (B) is not subject to termination or disconnection for
 39 nonpayment or for which termination or disconnection for
 40 nonpayment is restricted during specified periods; or
 41 (2) otherwise qualifies as a protected account under rules
 42 adopted by the commission under section 9 of this chapter.



1 **Sec. 6. As used in this chapter, "utility" means a utility, however**
 2 **organized, that:**

- 3 **(1) provides utility service to customers and low income**
 4 **customers in Indiana; and**
 5 **(2) is under the jurisdiction of the commission for the**
 6 **approval of rates and charges.**

7 **Sec. 7. As used in this chapter, "utility service" means**
 8 **residential:**

- 9 **(1) electric;**
 10 **(2) natural gas;**
 11 **(3) water; or**
 12 **(4) wastewater;**

13 **service that is provided at retail.**

14 **Sec. 8. (a) Beginning in 2025, a utility shall submit to the**
 15 **commission quarterly reports containing the information set forth**
 16 **in this subsection with respect to the calendar quarter covered by**
 17 **the report. The first report required by this subsection must**
 18 **include the information set forth in this subsection with respect to**
 19 **the second calendar quarter of 2025. The reports required by this**
 20 **subsection shall be submitted to the commission at the time and in**
 21 **the manner and form prescribed by the commission. Each report**
 22 **must include the following information with respect to customers**
 23 **(not including low income customers with respect to whom a report**
 24 **is required under subsection (b)) for the calendar quarter covered**
 25 **by the report:**

- 26 **(1) The total number of open customer accounts.**
 27 **(2) The total amount billed by the utility for all open customer**
 28 **accounts.**
 29 **(3) The total gross receipts received by the utility for all open**
 30 **customer accounts.**
 31 **(4) The total number of open protected accounts for**
 32 **customers.**
 33 **(5) The total number of open customer accounts that were**
 34 **delinquent for at least sixty (60) days and not more than**
 35 **ninety (90) days.**
 36 **(6) The total dollar amount owed with respect to the accounts**
 37 **identified under subdivision (5).**
 38 **(7) The total number of open customer accounts that were**
 39 **delinquent for more than ninety (90) days.**
 40 **(8) The total dollar amount owed with respect to the accounts**
 41 **identified under subdivision (7).**
 42 **(9) The total number of customer accounts referred for**



1 collection to an attorney or a collection agency.

2 (10) The total number of new payment plans entered into
3 between the utility and customers of the utility.

4 (11) The total number of new budget billing arrangements
5 entered into between the utility and customers of the utility.

6 (12) The total number of customer accounts sent a notice of
7 disconnection for nonpayment.

8 (13) The total number of utility service disconnections
9 performed for nonpayment.

10 (14) The total number of utility service restorations after
11 disconnection for nonpayment.

12 (15) The average duration of utility service disconnection for
13 customer accounts identified under subdivision (14).

14 (16) The total number of customer accounts written off as
15 uncollectible.

16 (17) The total dollar value of customer accounts identified
17 under subdivision (16).

18 (18) The total dollar value of recovered bad debt with respect
19 to customer accounts.

20 (19) Any other relevant information concerning customer
21 accounts that the commission:

22 (A) considers appropriate in evaluating:

23 (i) the payment history of customers; and

24 (ii) the billing and related practices of utilities with
25 respect to customers; and

26 (B) requires under rules adopted under section 9 of this
27 chapter.

28 (b) Beginning in 2025, a utility shall submit to the commission
29 quarterly reports containing the information set forth in this
30 subsection with respect to the calendar quarter covered by the
31 report. The first report required by this subsection must include
32 the information set forth in this subsection with respect to the
33 second calendar quarter of 2025. The reports required by this
34 subsection shall be submitted to the commission at the time and in
35 the manner and form prescribed by the commission. Each report
36 must include the following information with respect to low income
37 customers for the calendar quarter covered by the report:

38 (1) The total number of open low income customer accounts.

39 (2) The total amount billed by the utility for all open low
40 income customer accounts.

41 (3) The total gross receipts received by the utility for all open
42 low income customer accounts.



- 1 (4) Of the total amount of gross receipts reported under
2 subdivision (3), the total amount that was paid through:
3 (A) a home energy assistance program administered under
4 IC 4-4-33; or
5 (B) a low income household water assistance program
6 administered by the Indiana housing and community
7 development authority.
8 (5) The total number of low income customers who received
9 assistance from:
10 (A) a home energy assistance program administered under
11 IC 4-4-33; or
12 (B) a low income household water assistance program
13 administered by the Indiana housing and community
14 development authority.
15 (6) The total number of open protected accounts for low
16 income customers.
17 (7) The total number of open low income customer accounts
18 that were delinquent for at least sixty (60) days and not more
19 than ninety (90) days.
20 (8) The total dollar amount owed with respect to the accounts
21 identified under subdivision (7).
22 (9) The total number of open low income customer accounts
23 that were delinquent for more than ninety (90) days.
24 (10) The total dollar amount owed with respect to the
25 accounts identified under subdivision (9).
26 (11) The total number of low income customer accounts
27 referred for collection to an attorney or a collection agency.
28 (12) The total number of new payment plans entered into
29 between the utility and low income customers of the utility.
30 (13) The total number of new budget billing arrangements
31 entered into between the utility and low income customers of
32 the utility.
33 (14) The total number of low income customer accounts sent
34 a notice of disconnection for nonpayment.
35 (15) The total number of utility service disconnections
36 performed for nonpayment.
37 (16) The total number of utility service restorations after
38 disconnection for nonpayment.
39 (17) The average duration of utility service disconnection for
40 low income customer accounts identified under subdivision
41 (16).
42 (18) The total number of low income customer accounts



1 written off as uncollectible.

2 (19) The total dollar value of low income customer accounts
3 identified under subdivision (18).

4 (20) The total dollar value of recovered bad debt with respect
5 to low income customer accounts.

6 (21) Any other relevant information concerning low income
7 customer accounts that the commission:

8 (A) considers appropriate in evaluating:

9 (i) the payment history of low income customers; and

10 (ii) the billing and related practices of utilities with
11 respect to low income customers; and

12 (B) requires under rules adopted under section 9 of this
13 chapter.

14 (c) A utility may report the information and data required
15 under subsections (a) and (b) at the same time and on the same
16 form, if so prescribed by the commission in rules adopted under
17 section 9 of this chapter.

18 (d) A utility shall report all information and data required
19 under subsections (a) and (b) in the aggregate and in a manner that
20 does not identify individual customers and low income customers
21 of the utility.

22 (e) This section does not empower the commission to require
23 utilities to disclose confidential and proprietary business
24 information without adequate protection of the information. The
25 commission shall exercise all necessary caution to avoid disclosure
26 of any confidential information reported by utilities under this
27 section.

28 **Sec. 9.** The commission shall adopt rules under IC 4-22-2 to
29 implement this chapter.

30 **Sec. 10.** Beginning in 2026, the commission shall annually
31 compile and summarize the information received from utilities
32 under section 8 of this chapter for the previous calendar year and
33 include the commission's summary of the information in the
34 commission's annual report under IC 8-1-1-14.

35 **SECTION 3.** [EFFECTIVE UPON PASSAGE] (a) As used in this
36 **SECTION**, "commission" refers to the Indiana utility regulatory
37 commission created by IC 8-1-1-2.

38 (b) As used in this **SECTION**, "utility" means an electric, gas,
39 or water utility, including a municipally owned, privately owned,
40 or cooperatively owned utility, subject to IC 8-1-2-121, as amended
41 by this act.

42 (c) Not later than May 1, 2024, the commission shall amend the



1 following rules of the commission as necessary to conform the rules
 2 with IC 8-1-2-121, as amended by this act:

3 (1) 170 IAC 4.

4 (2) 170 IAC 5.

5 (3) 170 IAC 6.

6 (4) Any other rule that:

7 (A) has been adopted by the commission; and

8 (B) is inconsistent with IC 8-1-2-121, as amended by this
 9 act.

10 (d) Not later than June 1, 2024, a utility shall do the following:

11 (1) Amend any tariff of the utility that:

12 (A) is in effect on March 14, 2024, for residential
 13 customers of the utility; and

14 (B) is inconsistent with IC 8-1-2-121, as amended by this
 15 act;

16 to conform the tariff with IC 8-1-2-121, as amended by this
 17 act.

18 (2) File with the commission a petition for approval of each
 19 tariff amended under subdivision (1).

20 (e) The commission shall either:

21 (1) approve an amended tariff filed by a utility under
 22 subsection (d)(2); or

23 (2) require the utility to make any changes to the utility's
 24 amended tariff necessary to conform the tariff with
 25 IC 8-1-2-121, as amended by this act, as determined by the
 26 commission;

27 not later than fourteen (14) days after receipt of the utility's
 28 petition under subsection (d)(2).

29 (f) This SECTION expires January 1, 2025.

30 SECTION 4. An emergency is declared for this act.

