Reprinted
February 11, 2025

HOUSE BILL No. 1007

DIGEST OF HB 1007 (Updated February 10, 2025 3:11 pm - DI 101)

Citations Affected: IC 6-3.1; IC 8-1.

Synopsis: Energy generation resources. Provides a credit against state tax liability for expenses incurred in the manufacture of a small modular nuclear reactor (SMR) in Indiana. Establishes procedures under which certain energy utilities may request approval for one or more of the following from the Indiana utility regulatory commission (IURC): (1) An expedited generation resource plan (EGR plan) to meet customer load growth that exceeds a specified threshold. (2) A generation resource submittal for the acquisition of a specific generation resource in accordance with an approved EGR plan. (3) A project to serve one or more large load customers. Sets forth: (1) the requirements for approval of each of these types of requests; (2) standards for financial assurances by large load customers; and (3) cost
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Effective: Upon passage; January 1, 2025 (retroactive); July 1, 2025.

Soliday, Shonkwiler, Pressel, Bartels

January 13, 2025, read first time and referred to Committee on Utilities, Energy and Telecommunications.
January 29, 2025, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 126.3.
February 6, 2025, reported — Do Pass.
February 10, 2025, read second time, amended, ordered engrossed.

recovery mechanisms for certain acquisition costs or project costs incurred by energy utilities. Provides that any standard tariff offered by an energy utility after June 30, 2025, to a large load customer of the energy utility must include a provision that requires reimbursement by the large load customer of at least 80% of the project costs reasonably allocable to the large load customer, regardless of whether the large load customer ultimately takes service in any anticipated amount and within any anticipated time frame. Authorizes a public utility to petition the IURC for approval to incur, before obtaining a certificate of public convenience and necessity (CPCN) for an SMR, project development costs for the development of the SMR. Provides that if a public utility receives approval to incur project development costs for an SMR, the public utility may petition the IURC for the approval of a rate schedule that periodically adjusts the public utility's rates and charges to provide for the timely recovery of project development costs. Provides that a public utility that is authorized to recover project development costs shall: (1) recover 80% of the approved project development costs under the approved rate schedule; and (2) defer the remaining 20% of approved project development costs for recovery as part of public utility's next general rate case before the IURC. Provides that project development costs that: (1) are incurred by a public utility; and (2) exceed the best estimate of project development costs included in the IURC's order authorizing the public utility to incur project development costs; may not be included in the public utility's rates and charges unless found by the IURC to be reasonable, necessary, and prudent in supporting the construction, purchase, or lease of the SMR for which they were incurred. Provides that: (1) project development costs incurred for a project that is canceled or not completed may be recovered by the public utility if found by the IURC to be reasonable, necessary, and prudently incurred; but (2) such costs shall be recovered without a return unless the IURC makes certain additional findings. Amends the statute concerning public utilities' annual electric resource planning reports to the IURC to provide that for an annual report submitted after December 31, 2025, a public utility must include information as to the amount of generating resource capacity or energy that the public utility plans to retire or refuel with respect to any electric generation resource of at least 125 megawatts. Provides that for any planned retirement or refueling, the public utility must include, along with other specified information, information as to the public utility's plans with respect to the following: (1) For a retirement, the amount of replacement capacity identified to provide approximately the same accredited capacity within the appropriate regional transmission organization (RTO) as the capacity of the facility to be retired. (2) For a refueling, the extent to which the refueling will maintain or increase the current generating resource accredited capacity or energy that the electric generating facility provides, so as to provide approximately the same accredited capacity within the appropriate RTO. Requires IURC staff to prepare a staff report for each public utility report that includes a planned electric generation resource retirement. Provides that if, after reviewing a public utility's report and any related staff report, the IURC is not satisfied that the public utility can satisfy both its planning reserve margin requirement and the statute's prescribed reliability adequacy metrics, the IURC shall conduct an investigation into the reasons for the public utility's inability to meet these requirements. Provides that if the public utility's report indicates that the public utility plans to retire an electric generating facility within one year of the date of the report, the IURC must conduct such an investigation. Provides that: (1) a public utility may request, not earlier than three years before the planned retirement date of an electric generation facility, that the IURC conduct an investigation into the planned retirement; and (2) if the IURC conducts an investigation at the request of the public utility within that three year period, the IURC may not conduct a subsequent

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investigation that would otherwise be required under the bill's provisions unless the IURC is not satisfied that the public utility can satisfy both its planning reserve margin requirement and the statutory reliability adequacy metrics as of the time the investigation would otherwise be required. Provides that if a CPCN is granted by the IURC for a facility intended to repower or replace a generation unit that is planned for retirement, and the CPCN includes findings that the project will result in at least equivalent accredited capacity and will provide economic benefit to ratepayers as compared to the continued operation of the generating unit to be retired, the CPCN constitutes approval by the IURC for purposes of an investigation that would otherwise be required. Provides that if, after an investigation, the IURC determines that the capacity resources available to the public utility will not be adequate to allow the public utility to satisfy both its planning reserve margin requirements and the statute's prescribed reliability adequacy metrics, the IURC shall issue an order: (1) directing the public utility to acquire or construct; or (2) prohibiting the retirement or refueling of; such capacity resources that are reasonable and necessary to enable the public utility to meet these requirements. Provides that if the IURC does not issue an order in an investigation within 120 days after the initiation of the investigation, the public utility is considered to be able to satisfy both its planning reserve margin requirement and the statutory reliability adequacy metrics with respect to the retirement of the facility under investigation. Provides that if the IURC issues an order to prohibit the retirement or refueling of an electric generation resource, the IURC shall create a sub-docket to authorize the public utility to recover in rates the costs of the continued operation of the electric generation resource proposed to be retired or refueled, subject to a finding by the IURC that the continued costs of operation are just and reasonable. Makes a technical change to another Indiana Code section to recognize the redesignation of subsections within the section containing these provisions.

Reprinted
February 11, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1007

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 6-3.1-45 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025 (RETROACTIVE)]:

Chapter 45. Small Modular Nuclear Reactor Manufacturing Expense Tax Credit

Sec. 1. This chapter applies to a taxable year beginning after December 31, 2024.

Sec. 2. As used in this chapter, "department" refers to the department of state revenue.

Sec. 3. As used in this chapter, "qualified investment" means a taxpayer's expenditures incurred in the manufacture of a small modular nuclear reactor in Indiana.

Sec. 4. As used in this chapter, "small modular nuclear reactor" means a nuclear reactor that:

(1) has a rated electric generating capacity of not more than

four hundred seventy (470) megawatts;

(2) is capable of being constructed and operated, either:

(A) alone; or

(B) in combination with one (1) or more similar reactors if additional reactors are, or become, necessary;

at a single site; and

(3) is required to be licensed by the United States Nuclear Regulatory Commission.

The term includes a nuclear reactor that is described in this section and that uses a process to produce hydrogen that can be used for energy storage, as a fuel, or for other uses.

Sec. 5. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 6-5.5 (the financial institutions tax); and

(3) IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 6. As used in this chapter, "taxpayer" means a person, corporation, partnership, or other entity that makes a qualified investment.

Sec. 7. A taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer makes a qualified investment. The amount of the credit provided by this section is equal to twenty percent (20%) of the amount of the taxpayer's qualified investment.

Sec. 8. (a) If the amount determined under section 7 of this chapter for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess over to the following taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year.

(b) A taxpayer is not entitled to a carryback or refund of any unused credit.

Sec. 9. (a) If a pass through entity is entitled to a credit under section 7 of this chapter but does not have state tax liability against which the tax credit may be applied, an individual who is a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for

the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

(b) The credit provided under subsection (a) is in addition to a tax credit to which a shareholder, partner, or member of a pass through entity is otherwise entitled under this chapter. However, a pass through entity and an individual who is a shareholder, partner, or member of the pass through entity may not claim more than one (1) credit for the same qualified investment.

Sec. 10. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department:

(1) information verifying that the taxpayer's qualified investment was made with respect to a small modular nuclear reactor that will be manufactured in Indiana; and

(2) all information that the department determines is necessary for the calculation of the credit provided by this chapter.

SECTION 2. IC 8-1-2-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24.5. (a) As used in this section, "energy utility" means:**

(1) an electric utility listed in 170 IAC 4-7-2(a) and any successor in interest to that utility; or

(2) a corporation organized under IC 8-1-13.

(b) As used in this section, "large load customer" means a new or existing customer of an energy utility, or not more than four (4) multiple new or existing customers of an energy utility, that requests new or additional electricity demand that in the aggregate exceeds the lesser of:

(1) five percent (5%) of the energy utility's average peak demand over the most recent three (3) calendar years; or

(2) one hundred fifty (150) megawatts.

(c) As used in this section, "project" refers to a project relating to energy infrastructure or generation resources that:

(1) are required primarily to serve a large load customer of an energy utility; and

(2) may be designed to serve more than one (1) large load customer of the energy utility or to meet other customer demand or energy needs.

(d) As used in this section, "project costs" means the total costs of a project, including:

(1) planning costs; and

(2) construction and operating costs;

related to the project.

(e) Any standard tariff offered by an energy utility after June 30, 2025, to a large load customer of the energy utility must include a provision that requires reimbursement by the large load customer of at least eighty percent (80%) of the project costs reasonably allocable to the large load customer, regardless of whether the large load customer ultimately takes service in any anticipated amount and within any anticipated time frame.

SECTION 3. IC 8-1-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.2. Expedited Generation Resource Plans and Large Load Customers

Sec. 1. (a) As used in this chapter, "acquisition" means a project or an arrangement that is undertaken:

(1) by an energy utility to construct, purchase, lease, or otherwise acquire a generation resource; and

(2) in accordance with an approved EGR plan.

(b) The term includes the purchase of energy or capacity through a power purchase agreement.

Sec. 2. As used in this chapter, "acquisition costs" means the total costs of an acquisition made under an EGR plan, including:

(1) planning;

(2) construction; and

(3) operating;

costs related to the acquisition.

Sec. 3. As used in this chapter, "appropriate regional transmission organization" has the meaning set forth in IC 8-1-8.5-13(b).

Sec. 4. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 5. (a) As used in this chapter, "construction and operating costs" means costs:

(1) incurred or to be incurred by an energy utility under this chapter after the issuance of an order by the commission under this chapter; and

(2) related to an approved or commission modified acquisition or project.

(b) The term includes procurement, contractual, construction, operating, maintenance, financing, legal, regulatory, and project evaluation, analysis, and development costs incurred after the issuance of an order by the commission under this chapter.

Sec. 6. As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1 or its successor.

Sec. 7. As used in this chapter, "energy utility" means:

(1) an electric utility listed in 170 IAC 4-7-2(a) and any successor in interest to that utility; or

(2) a corporation organized under IC 8-1-13.

Sec. 8. As used in this chapter, "expedited generation resource plan", or "EGR plan", means a plan developed by an energy utility for acquiring generation resources to meet load growth that exceeds the lesser of:

(1) five percent (5%) of the energy utility's average peak demand over the most recent three (3) calendar years; or

(2) one hundred fifty (150) megawatts.

Sec. 9. As used in this chapter, "generation resource submittal" means a compliance filing made to the commission for approval of the acquisition of a specific generation resource in accordance with the criteria set forth in an approved EGR plan.

Sec. 10. As used in this chapter, "large load customer" means a new or existing customer of an energy utility, or not more than four (4) multiple new or existing customers of an energy utility, that:

(1) requests new or additional electricity demand that in the aggregate exceeds the lesser of:

(A) five percent (5%) of the energy utility's average peak demand over the most recent three (3) calendar years; or

(B) one hundred fifty (150) megawatts;

(2) plans to make a capital investment that exceeds five hundred million dollars ($500,000,000) in a new or expanded facility in Indiana; and

(3) plans to employ at the new or expanded facility in Indiana at least fifty (50) full-time employees with wages that on average meet or exceed the most recently published annual national average according to the Bureau of Labor Statistics of the United States Department of Labor.

Sec. 11. As used in this chapter, "office" refers to the Indiana office of energy development established by IC 4-3-23-3.

Sec. 12. (a) As used in this chapter, "planning costs" mean costs:

(1) incurred or to be incurred by an energy utility before the issuance of an order by the commission under this chapter; and

(2) related to an acquisition or project.

(b) The term includes study, analysis, pre-engineering, engineering, legal, financing, and regulatory costs.

Sec. 13. As used in this chapter, "pre-filing meeting" means a meeting to review and discuss a filing or submittal by an energy utility in accordance with:

(1) section 18 of this chapter;

(2) section 20 of this chapter; or

(3) section 22 of this chapter;

as applicable.

Sec. 14. As used in this chapter, "project" refers to a project relating to energy infrastructure and generation resources that:

(1) are required primarily to serve a large load customer of an energy utility; and

(2) may be designed to serve more than one (1) large load customer of the energy utility or to meet other customer demand or energy needs.

Sec. 15. As used in this chapter, "project costs" means the total costs of a project, including:

(1) planning costs; and

(2) construction and operating costs;

related to the project.

Sec. 16. As used in this chapter, "reasonable risk premium" means compensation:

(1) negotiated between an energy utility and a large load customer; and

(2) paid by the large load customer.

Sec. 17. (a) The commission may expedite, in accordance with this chapter, the review of filings and submittals made by an energy utility to meet the energy infrastructure and generation resource needs of customers. An energy utility may request an expedited review by the commission under either or both of the following:

(1) Sections 18 through 21 of this chapter (concerning EGR plans).

(2) Sections 22 through 24 of this chapter (concerning large load customer projects).

(b) This chapter does not preclude an energy utility from petitioning the commission under other applicable statutes for

approval of a generation resource acquisition to meet the needs of its customers.

(c) This chapter does not preclude an energy utility from petitioning the commission under, or in conjunction with, other applicable statutes, including:

(1) IC 8-1-2-24;

(2) IC 8-1-2-42;

(3) IC 8-1-2.5;

(4) IC 8-1-8.5;

(5) IC 8-1-8.8; or

(6) IC 8-1-39;

for approval of a project to meet the needs of large load customers.

Sec. 18. (a) This section applies to an energy utility that petitions the commission for approval of an EGR plan.

(b) An energy utility may file a petition with the commission for approval of an EGR plan to acquire generation resources to meet the extraordinary needs for electricity by the energy utility's customers.

(c) In petition under this section, an energy utility must do the following:

(1) Describe the energy utility's EGR plan for acquiring generation resources to meet the anticipated extraordinary growth in the load of its customers.

(2) Demonstrate a need for generation capacity that exceeds the lesser of:

(A) five percent (5%) of the energy utility's average peak demand over the most recent three (3) calendar years; or

(B) one hundred fifty (150) megawatts.

(3) Provide a load growth forecast for a minimum of five (5) years from the date of the petition.

(4) Describe the status of customer contracts and commitments that support the load growth forecast described in subdivision (3).

(5) Explain how the EGR plan is consistent with or differs from the energy utility's most recent integrated resource plan.

(6) Propose the accounting authority needed from the commission to support the EGR plan.

(7) Propose the manner in which the capital costs and operating and maintenance expenses related to the EGR plan will be included in the energy utility's revenue requirement.

(8) Identify the type and amount of capacity and energy:

(A) that is included in the EGR plan;

(B) that does not exceed seventy-five percent (75%) of the energy utility's peak capacity over the forecast period described in subdivision (3); and
(C) with respect to which the energy utility may request expedited approval in a subsequent generation resource submittal.
(9) Identify the criteria to be included in a generation resource submittal that must be met for the acquisition to be approved by the commission.
(10) Certify that at least thirty (30) days before the filing of the petition the energy utility held a pre-filing meeting with the commission and the office of utility consumer counselor to review the EGR plan.
(11) Describe how the energy utility considered implementing grid enhancing technologies to defer or minimize the need for additional investment in generation.
(12) Describe how the EGR plan will support the provision of electric utility service with the attributes set forth in IC 8-1-2-0.6, including:
(A) reliability;
(B) affordability;
(C) resiliency;
(D) stability; and
(E) environmental sustainability.
(13) Describe how the EGR plan reasonably protects existing and future customers and is consistent with:
(A) the provision of safe, reliable, and affordable electric utility service; and
(B) economical rates.
(14) Include:
(A) verified testimony; and
(B) exhibits;
supporting the petition and constituting the energy utility's case in chief.
(15) Include a proposed order for the petition.

Sec. 19. (a) This section applies to an energy utility that petitions the commission for approval of an EGR plan.

(b) Notwithstanding IC 8-1-8.5 or any other statute, the commission may approve an energy utility's EGR plan to construct, purchase, lease, or otherwise acquire generation resources under this chapter for purposes of meeting the needs of the energy utility's customers. The commission shall make its

decision based on whether the relief requested is just, reasonable, and in the public interest.

(c) The commission may:

(1) approve the energy utility's petition in its entirety;

(2) deny the energy utility's petition in its entirety; or

(3) modify the petition, subject to the energy utility's acceptance of the modification.

(d) The commission shall issue a final order on the petition not later than ninety (90) days after receiving the energy utility's complete petition. A petition is considered:

(1) complete unless the commission provides a notice of deficiency to the energy utility not later than five (5) business days after the filing of the petition; and

(2) approved if the commission does not issue a final order on the petition within the ninety (90) day period set forth in this subsection.

Sec. 20. (a) This section applies to an energy utility that submits to the commission for approval a generation resource submittal in accordance with an approved EGR plan.

(b) An energy utility may submit a generation resource submittal to the commission for approval of an acquisition that the energy utility intends to make in accordance with an approved EGR plan.

(c) In a generation resource submittal under this section, an energy utility must do the following:

(1) Describe:

(A) the type of technology used in the generation resource to be acquired;

(B) the amount of capacity and energy to be acquired;

(C) key contractual terms for the acquisition; and

(D) the estimated acquisition costs.

(2) Demonstrate that the acquisition meets the criteria set forth in the energy utility's approved EGR plan.

(3) Explain how the acquisition is consistent with or differs from the energy utility's most recent integrated resource plan.

(4) Detail the status of customer contracts and commitments that support the acquisition.

(5) Certify that at least thirty (30) days before the filing of the generation resource submittal the energy utility held a pre-filing meeting with the commission and the office of utility consumer counselor to review the acquisition.

(6) Describe how the energy utility considered implementing

grid enhancing technologies to defer or minimize the need for additional investment in generation.

(7) Describe how the acquisition will support the provision of electric utility service with the attributes set forth in IC 8-1-2-0.6, including:

(A) reliability;

(B) affordability;

(C) resiliency;

(D) stability; and

(E) environmental sustainability.

(8) Describe how the acquisition reasonably protects existing and future customers and is consistent with:

(A) the provision of safe, reliable, and affordable electric utility service; and

(B) economical rates.

(9) Include supporting affidavits and exhibits.

(10) Include a proposed order for the submittal.

Sec. 21. (a) This section applies to an energy utility that submits to the commission for approval a generation resource submittal in accordance with an approved EGR plan.

(b) Notwithstanding IC 8-1-8.5 or any other statute, the commission may approve an energy utility's generation resource submittal to construct, purchase, lease, or otherwise acquire generation resources under this chapter for purposes of meeting the needs of the energy utility's customers. The commission shall make its decision based solely on whether the submittal meets the criteria and requirements set forth in the energy utility's approved EGR plan.

(c) The commission may:

(1) approve the energy utility's generation resource submittal in its entirety;

(2) deny the energy utility's generation resource submittal in its entirety; or

(3) modify the energy utility's generation resource submittal, subject to the energy utility's acceptance of the modification.

(d) The commission shall issue a final order on the energy utility's generation resource submittal not later than:

(1) sixty (60) days after receiving the energy utility's complete generation resource submittal, if the acquisition is a clean energy project (as defined in IC 8-1-8.8-2); or

(2) one hundred twenty (120) days after receiving the energy utility's complete generation resource submittal, if the

acquisition would otherwise require a certificate under IC 8-1-8.5-2.

A generation resource submittal is considered complete unless the commission provides a notice of deficiency to the energy utility not later than five (5) business days after the filing of the generation resource submittal. A generation resource submittal is considered approved if the commission does not issue a final order on the generation resource submittal within the period set forth in subdivision (1) or (2), as applicable.

Sec. 22. (a) This section applies to an energy utility that petitions the commission for approval of a project to serve a large load customer.

(b) An energy utility may submit to the commission a petition for approval of a project to serve a large load customer only if the following are satisfied:

(1) The petition concerns serving the energy needs of a large load customer.

(2) The large load customer commits to significant and meaningful financial assurances that must:

(A) include reimbursement by the large load customer of at least eighty percent (80%) of the project costs reasonably allocable to the large load customer; and

(B) afford protections for the energy utility's existing and future customers from project costs reasonably allocable to the large load customer regardless of whether the large load customer ultimately takes service in the anticipated amount and within the anticipated time frame.

(3) At least thirty (30) days before the energy utility's submission of the petition to the commission, the energy utility held at least one (1) pre-filing meeting with:

(A) the corporation;

(B) the office;

(C) the office of utility consumer counselor;

(D) the appropriate regional transmission organization; and

(E) the large load customer;

to review the project.

(c) An energy utility may petition the commission for approval of a project to serve:

(1) one (1) or more large load customers at one (1) or more locations; or

(2) not more than four (4) customers whose aggregate demand

satisfies the amount set forth in section 10(1) of this chapter. In any case in which more than one (1) large load customer is to be served by a project, a reference in this chapter to one (1) large load customer is a reference to all large load customers to be served by the project, in accordance with IC 1-1-4-1(3).

(d) In submitting a petition to the commission under this section, an energy utility must demonstrate that the large load customer and the associated projects meet the requirements of this chapter.

Sec. 23. (a) This section applies to an energy utility that petitions the commission for approval of a project to serve a large load customer.

(b) In a petition under this section, an energy utility must include, at a minimum, the following:

(1) The energy utility's complete case in chief, which must include, at a minimum, the following:

(A) An agreement from the large load customer that describes the financial assurances:

(i) that afford protections for the energy utility's existing and future customers; and

(ii) to which the large load customer has committed regardless of whether the large load customer ultimately takes service in the anticipated amount and within the anticipated time frame.

(B) A description of:

(i) the demand side management and self-generation options reviewed with the large load customer; and

(ii) the investments the large load customer will undertake to reasonably minimize the amount of incremental and other costs incurred by the energy utility.

(C) A description of how the energy utility considered implementing grid enhancing technologies to defer or minimize the need for additional investment in generation.

(D) A description of how the energy utility may provide for the requisite amount of electricity needed by the large load customer, including the estimated project costs.

(E) A description of how the expected project solution will support the provision of electric utility service with the attributes set forth in IC 8-1-2-0.6, including:

(i) reliability;

(ii) affordability;

(iii) resiliency;

(iv) stability; and
(v) environmental sustainability.
(F) A description of how the expected project solution and its implementation, if approved by the commission, reasonably protects existing and future customers and is consistent with:
(i) the provision of safe, reliable, and affordable electric utility service; and
(ii) economical rates.
(G) A description of the changes that the energy utility will make to the energy utility's:
(i) submissions under IC 8-1-8.5; or
(ii) filings under IC 8-1-39;
or both, that are necessary to update the energy utility's plans under those statutes to incorporate the project.
(H) Information concerning each:
(i) large load customer; and
(ii) economic development project;
included in the petition.
(I) A letter to the energy utility from the corporation supporting the petition's request.
(J) A letter to the energy utility from the office certifying that a pre-filing meeting took place and that at the meeting:
(i) the large load customer's proposed project; and
(ii) the expected project solution proposed by the energy utility;
were adequately discussed.
(K) A description of the communications and information sharing that:
(i) took place with the appropriate regional transmission organization before the pre-filing meeting described in clause (J); and
(ii) concerned the capacity and energy needs of each large load customer included in the petition.
(L) A proposed order for the petition.
(2) A copy of a notice of filing with:
(A) the corporation;
(B) the office;
(C) the office of utility consumer counselor; and
(D) the appropriate regional transmission organization.
A notice that is delivered electronically to the parties set forth

in this subdivision satisfies the notice requirement under this subdivision.

Sec. 24. (a) This section applies to an energy utility that petitions the commission for approval of a project to serve a large load customer.

(b) The commission may approve a petition in whole or in part. The commission shall make its decision based on whether the relief requested is just, reasonable, and in the public interest. The commission shall issue its final order on the petition not later than one hundred fifty (150) days after receiving the energy utility's complete petition and case in chief. A petition is considered:

(1) complete unless the commission provides a notice of deficiency to the energy utility not later than seven (7) business days after the filing of the petition; and

(2) approved if the commission does not issue a final order on the petition within the one hundred fifty (150) day period set forth in this subsection.

(c) If an energy utility files a petition that includes one (1) or more large load customers and one (1) or more proposed projects, the commission may:

(1) approve the energy utility's petition in its entirety;

(2) deny the energy utility's petition in its entirety; or

(3) modify the petition, subject to the energy utility's acceptance of the modification.

(d) The commission may approve a reasonable risk premium for a project if requested in an energy utility's petition and if the commission finds that the reasonable risk premium is appropriate. If the commission approves a reasonable risk premium:

(1) the large load customer is responsible for the amount of the reasonable risk premium; and

(2) the reasonable risk premium may not be:

(A) included in the energy utility's:

(i) revenue requirement;

(ii) authorized net operating income; or

(iii) calculations under IC 8-1-2-42(d)(3) or IC 8-1-2-42(g)(3)(C); or

(B) otherwise considered for purposes of setting the authorized return in any future general rate case or other regulatory proceeding involving the energy utility.

(e) The commission may approve an energy utility's request to construct, purchase, lease, or otherwise acquire an energy generation resource under this chapter (notwithstanding and

instead of under IC 8-1-2.5, IC 8-1-8.5, or IC 8-1-8.8) for the purpose of serving one (1) or more large load customers. In approving an energy utility's request under this chapter to acquire an energy generation resource to serve one (1) or more large load customers, the commission must find that:

(1) the information provided by the energy utility under section 23 of this chapter is complete;

(2) reasonable and demonstrable consideration was given to non-generation alternatives by the parties involved;

(3) existing and future customers of the energy utility will be adequately protected if the request is granted; and

(4) the energy utility has considered the impact of the request on the energy utility's preferred resource portfolio in the energy utility's most recent integrated resource plan.

(f) An energy utility shall promptly notify the commission if, after the commission has approved a petition under subsection (e), one (1) or more of the large load customers with respect to whom the petition was approved:

(1) no longer requires service from the energy utility or materially alters or terminates the large load customer's service requirements; and

(2) the project is incomplete.

(g) The commission may, not later than sixty (60) days after receiving a notice under subsection (f), conduct an investigation under IC 8-1-2-58 through IC 8-1-2-60 to determine whether the public interest would still be served by completion of the project. An investigation under this subsection does not preclude the energy utility from continuing construction of the project to serve the large load customer or from continuing to serve the large load customer. If the commission finds that completion of the project is no longer in the public interest, the commission may modify or revoke the order approving the petition.

Sec. 25. (a) The commission shall review an energy utility's:

(1) estimated acquisition costs submitted under section 20(c)(1)(D) of this chapter; or

(2) estimated project costs filed under section 23(b)(1)(D) of this chapter;

as applicable.

(b) If the commission approves, with or without modification, an energy utility's generation resource submittal or petition for approval of a project, the energy utility may recover:

(1) acquisition costs; or

(2) project costs;

as applicable, that have been reviewed and found reasonable by the commission, with a return at the energy utility's weighted average cost of capital.

(c) If the commission denies an energy utility's generation resource submittal or petition for approval of a project, the energy utility may recover planning costs that have been reviewed and found reasonable by the commission, without a return.

(d) Absent fraud, concealment, or gross mismanagement, an energy utility may recover:

(1) acquisition costs; or

(2) project costs;

as applicable, with a return at the energy utility's weighted average cost of capital, that the energy utility has incurred or contractually will incur in reliance on a commission order issued under this chapter.

Sec. 26. (a) Upon request by an energy utility, the commission shall determine whether the information and related materials filed or submitted, or to be filed or submitted, by an energy utility under this chapter:

(1) are confidential under IC 5-14-3-4 or are trade secrets under IC 24-2-3;

(2) are exempt from public access and disclosure by Indiana law; and

(3) must be treated as confidential and protected from public access and disclosure by the commission.

(b) The parties to a pre-filing meeting under this chapter shall execute a nondisclosure agreement to review or discuss information or materials considered confidential under IC 5-14-3-4 or to be trade secrets under IC 24-2-3.

(c) If the corporation is in negotiations with an industrial, research, or commercial prospect about a potential economic development project and, based on communications related to those negotiations, determines that the potential economic development project for a new or expanded facility in Indiana may result in the economic development project requiring new or increased energy demand of at least twenty (20) megawatts, the corporation shall notify the affected energy utility not later than fifteen (15) days after making the determination. All communications of the corporation, including notice under this section to an affected energy utility, regarding a potential economic development project are considered confidential and exempt from

disclosure under IC 5-14-3-4(b)(5). Upon the corporation's provision of the notice required by this subsection, any subsequent:

(1) meeting;

(2) pre-filing meeting;

(3) communications; or

(4) information sharing;

involving the corporation, the affected energy utility, or the industrial, research, or commercial prospect about a potential economic development project may be subject to a nondisclosure agreement with respect to information or materials considered confidential under IC 5-14-3-4 or to be trade secrets under IC 24-2-3.

(d) An energy utility may request, and the commission may approve, financial incentives under IC 8-1-8.8-11(a) for:

(1) an acquisition; or

(2) a project;

that qualifies as a clean energy project (as defined in IC 8-1-8.8-2).

(e) An energy utility may request that review of an arrangement under IC 8-1-2-42 and any related rates and charges under IC 8-1-2-43 that are:

(1) submitted with a generation resource submittal; or

(2) filed with a petition for a project;

under this chapter be reviewed and approved or denied by the commission not later than ninety (90) dates after the date of submittal or filing, as applicable.

(f) Notwithstanding IC 8-1-8.5 or any other applicable statute, an energy utility may begin construction of an acquisition or a project before filing a petition or submittal under this chapter.

(g) The commission may require an energy utility to file with the commission progress reports and updates with respect to an acquisition or project under this chapter. Any required progress reports or updates under this subsection shall be made in a form and at a frequency that the commission determines to be reasonable.

SECTION 4. IC 8-1-8.5-2.1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2025 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2.1. (a) This section does not apply to the retirement, sale, or transfer of:

(1) a public utility's electric generation facility if the retirement, sale, or transfer is necessary in order for the public utility to comply with a federal consent decree; or

(2) an electric generation facility that generates electricity for sale exclusively to the wholesale market.

(b) A public utility shall notify the commission if:

(1) the public utility intends or decides to retire, sell, or transfer an electric generation facility with a capacity of at least eighty (80) megawatts; and

(2) the retirement, sale, or transfer:

(A) was not set forth in; or

(B) is to take place on a date earlier than the date specified in;

the public utility's short term action plan in the public utility's most recently filed integrated resource plan.

(c) Upon receiving notice from a public utility under subsection (b), the commission shall consider and may investigate, under IC 8-1-2-58 through IC 8-1-2-60, the public utility's intention or decision to retire, sell, or transfer the electric generation facility. In considering the public utility's intention or decision under this subsection, the commission shall examine the impact the retirement, sale, or transfer would have on the public utility's ability to meet:

(1) the public utility's planning reserve margin requirements or other federal reliability requirements that the public utility is obligated to meet, as described in section ~~13(i)(4)~~ **13(n)(6)** of this chapter; and

(2) the reliability adequacy metrics set forth in section ~~13(e)~~ **13(h)** of this chapter.

(d) Before July 1, 2026, if:

(1) a public utility intends or decides to retire, sell, or transfer an electric generation facility with a capacity of at least eighty (80) megawatts; and

(2) the retirement, sale, or transfer:

(A) was not set forth in; or

(B) is to take place on a date earlier than the date specified in;

the public utility's short term action plan in the public utility's most recently filed integrated resource plan;

the commission shall not permit the public utility's depreciation rates, as established under IC 8-1-2-19, to be amended to reflect the accelerated date for the retirement, sale, or transfer of the electric generation asset unless the commission finds that such an adjustment is necessary to ensure the ability of the public utility to provide reliable service to its customers, and that the unamended depreciation rates would cause an unjust and unreasonable impact on the public utility and its ratepayers.

(e) The commission may issue a general administrative order to implement this section.

(f) This section expires July 1, 2026.

SECTION 5. IC 8-1-8.5-12.1, AS AMENDED BY P.L.93-2024, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 12.1. **(a) As used in this section, "project development costs" means costs that have been incurred, or are reasonably estimated to be incurred, in the development of one (1) or more small modular nuclear reactors, including:**

(1) evaluation, design, and engineering costs;
(2) costs for federal approvals and licensing;
(3) costs for environmental analyses and permitting;
(4) early site permit (as defined in 10 CFR 52.1) costs;
(5) equipment procurement costs; and
(6) authorized carrying costs.

~~(a)~~ **(b)** As used in this section, "small modular nuclear reactor" means a nuclear reactor that:

(1) has a rated electric generating capacity of not more than four hundred seventy (470) megawatts;
(2) is capable of being constructed and operated, either:
(A) alone; or
(B) in combination with one (1) or more similar reactors if additional reactors are, or become, necessary;
at a single site; and
(3) is required to be licensed by the United States Nuclear Regulatory Commission.

The term includes a nuclear reactor that is described in this subsection and that uses a process to produce hydrogen that can be used for energy storage, as a fuel, or for other uses.

~~(b)~~ **(c)** Not later than July 1, 2023, the commission, in consultation with the department of environmental management, shall adopt rules under IC 4-22-2 concerning the granting of certificates under this chapter for the construction, purchase, or lease of small modular nuclear reactors:

(1) in Indiana for the generation of electricity to be directly or indirectly used to furnish public utility service to Indiana customers; or
(2) at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011.

~~(c)~~ **(d)** Rules adopted by the commission under this section must provide for the following:

(1) That in acting on a public utility's petition for the construction,

purchase, or lease of one (1) or more small modular nuclear reactors, as described in subsection ~~(b),~~ **(c),** the commission shall consider the following:

(A) Whether, and to what extent, the one (1) or more small modular nuclear reactors proposed by the public utility will replace a loss of generating capacity in the public utility's portfolio resulting from the retirement or planned retirement of one (1) or more of the public utility's existing electric generating facilities that:

(i) are located in Indiana; and

(ii) use coal or natural gas as a fuel source.

(B) Whether one (1) or more of the small modular nuclear reactors that will replace an existing facility will be located on the same site as or near the existing facility and, if so, potential opportunities for the public utility to:

(i) make use of any land and existing infrastructure or facilities already owned or under the control of the public utility; or

(ii) create new employment opportunities for workers who have been, or would be, displaced as a result of the retirement of the existing facility.

(2) That the commission may grant a certificate under this chapter under circumstances and for locations other than those described in subdivision (1).

(3) That the commission may not grant a certificate under this chapter unless the owner or operator of a proposed small modular nuclear reactor provides evidence of a plan to apply for all licenses or permits to construct or operate the proposed small modular nuclear reactor as may be required by:

(A) the United States Nuclear Regulatory Commission;

(B) the department of environmental management; or

(C) any other relevant state or federal regulatory agency with jurisdiction over the construction or operation of nuclear generating facilities.

(4) That any:

(A) reports;

(B) notices of violations; or

(C) other notifications;

sent to or from the United States Nuclear Regulatory Commission by or to the owner or operator of a proposed small nuclear reactor must be submitted by the owner or operator to the commission within such times as prescribed by the commission, subject to the commission's duty to treat as confidential and protect from public access and disclosure any information that is contained in a report or notice and that is considered confidential or exempt from public access and disclosure under state or federal law.

(5) That any person that owns or operates a small modular nuclear reactor in Indiana may not store:

(A) spent nuclear fuel (as defined in IC 13-11-2-216); or

(B) high level radioactive waste (as defined in IC 13-11-2-102);

from the small modular nuclear reactor on the site of the small modular nuclear reactor without first meeting all applicable requirements of the United States Nuclear Regulatory Commission.

~~(d) In adopting the rules required by this section, the commission may adopt rules under IC 4-22-2.~~

(e) A public utility may petition the commission for approval to incur, before obtaining a certificate under this chapter, project development costs for the development of one (1) or more small modular nuclear reactors. The public utility must file with the petition the public utility's case in chief, which must contain the information and supporting documentation regarding the factors the commission must consider under this subsection. In reviewing a petition and the supporting case in chief under this subsection, the commission shall consider the following:

(1) Whether a project by the utility to construct, purchase, or lease a small modular nuclear reactor is reasonably consistent with:

(A) this section and rules adopted by the commission under this section; and

(B) the purposes set forth in IC 8-1-8.8-1(b), as applicable.

(2) The following factors with respect to the project development costs and the project for which they are to be incurred:

(A) The amount of project development costs the public utility anticipates incurring.

(B) The anticipated timeline for incurring the project development costs.

(C) The anticipated date by which the public utility will make a decision as to whether to seek a certificate under this chapter.

The commission shall review a petition submitted under this subsection and issue a final order approving or denying the petition

not later than one hundred eighty (180) days after receiving the petition and complete case in chief. However, if the commission makes a docket entry extending the procedural schedule and the public utility does not object to the entered extension, the commission may extend the one hundred eighty (180) day time frame for issuing a final order under this subsection for the amount of time set forth in the docket entry. In an order approving a petition, the commission must make a finding as to the best estimate and reasonableness of project development costs based on the evidence of record.

(f) If a public utility has received approval from the commission under subsection (e) to incur project development costs, the public utility may petition the commission at any time before or during the development and execution of a small modular nuclear reactor project for the approval of a rate schedule that periodically adjusts the public utility's rates and charges to provide for the timely recovery of project development costs. A petition under this subsection must describe any efforts by the public utility to pursue funding opportunities from the United States Department of Energy to offset the project development costs that the public utility seeks to recover under the proposed rate schedule.

(g) If, after reviewing a public utility's proposed rate schedule in a petition submitted under subsection (f), the commission determines that the public utility has incurred or will incur project development costs that are:

(1) reasonable in amount;

(2) necessary to support the construction, purchase, or lease of a small modular nuclear reactor; and

(3) consistent with the commission's finding as to the best estimate of project development costs in the commission's order of approval under subsection (e);

the commission shall approve the recovery of the project development costs, subject to subsections (h) and (i). However, a public utility may not file adjustments to a rate schedule to adjust for cost recovery approved under this subsection more than one (1) time every twelve (12) months.

(h) A public utility that recovers project development costs under subsection (g) shall recover eighty percent (80%) of the approved project development costs under the rate schedule approved under subsection (g) and shall defer the remaining twenty percent (20%) of approved project development costs, including, to the extent applicable, depreciation, allowance for

funds used during construction, and post in service carrying costs, based on the overall cost of capital most recently approved by the commission, and shall recover those project development costs as part of the next general rate case that the public utility files with the commission.

(i) The recovery of a public utility's project development costs through a periodic rate adjustment mechanism approved by the commission under subsection (g) must occur over a period that is equal to:

(1) the period over which the approved project development costs are incurred; or

(2) three (3) years;

whichever is less.

(j) Project development costs that are found by the commission to be reasonable, necessary, and consistent with the best estimate of project development costs in the commission's order of approval under subsection (e) shall be recovered by a public utility by inclusion in the public utility's rates and charges. Project development costs that are incurred by a public utility and that exceed the best estimate of project development costs under subsection (e) may not be included in the public utility's rates and charges unless found by the commission to be reasonable, necessary, and prudent in supporting the construction, purchase, or lease of the small modular nuclear reactor for which they were incurred. Project development costs that are incurred by a public utility for a project that is canceled or not completed may be recovered by the public utility if found by the commission to be reasonable, necessary, and prudently incurred, but such costs shall be recovered without a return unless the commission also finds that:

(1) the decision to cancel or not complete the project was prudently made for good cause;

(2) the project development costs incurred will be offset, as applicable, by:

(A) funding opportunities from the United States Department of Energy that are pursued in good faith by the public utility;

(B) a recoupment of revenues received by the public utility from one (1) or more third parties for the transfer of assets created through the costs incurred; or

(C) a reimbursement of costs by a single customer or prospective customer at whose request the project was

pursued; and

(3) a return on the project development costs incurred is appropriate under the circumstances to avoid harm to the public utility and its customers.

(k) A public utility may elect not to seek approval of, or cost recovery for, project development costs under subsections (e) through (i) and instead seek approval from the commission to defer and amortize project development costs in accordance with the procedures set forth in section 6.5 of this chapter with respect to construction costs.

(l) The commission may adopt rules under IC 4-22-2 to implement subsections (e) through (k).

~~(e)~~ **(m)** This section shall not be construed to affect the authority of the United States Nuclear Regulatory Commission.

SECTION 6. IC 8-1-8.5-13, AS AMENDED BY P.L.93-2024, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 13. (a) The general assembly finds that it is in the public interest to support the reliability, availability, and diversity of electric generating capacity in Indiana for the purpose of providing reliable and stable electric service to customers of public utilities.

(b) As used in this section, "appropriate regional transmission organization", with respect to a public utility, refers to the regional transmission organization approved by the Federal Energy Regulatory Commission for the control area that includes the public utility's assigned service area (as defined in IC 8-1-2.3-2).

(c) As used in this section, "capacity market" means an auction conducted by an appropriate regional transmission organization to determine a market clearing price for capacity based on the planning reserve margin requirements established by the appropriate regional transmission organization for a planning year with respect to which an auction has not yet been conducted.

(d) As used in this section, "fall unforced capacity", or "fall UCAP", with respect to an electric generating facility, means:

(1) the capacity value of the electric generating facility's installed capacity rate adjusted for the electric generating facility's average forced outage rate for the fall period, calculated as required by the appropriate regional transmission organization or by the Federal Energy Regulatory Commission;

(2) a metric that is similar to the metric described in subdivision (1) and that is required by the appropriate regional transmission organization; or

(3) if the appropriate regional transmission organization does not

require a metric described in subdivision (1) or (2), a metric that:

(A) can be used to demonstrate that a public utility has sufficient capacity to:

(i) provide reliable electric service to Indiana customers for the fall period; and

(ii) meet its planning reserve margin requirement and other federal reliability requirements described in subsection ~~(l)(4);~~ **(n)(6);** and

(B) is acceptable to the commission.

(e) As used in this section, "MISO" refers to the regional transmission organization known as the Midcontinent Independent System Operator that operates the bulk power transmission system serving most of the geographic territory in Indiana.

(f) As used in this section, "planning reserve margin requirement", with respect to a public utility for a particular resource planning year, means the planning reserve margin requirement for that planning year that the public utility is obligated to meet in accordance with the public utility's membership in the appropriate regional transmission organization.

(g) As used in this section, "refuel" or "refueling" means a planned fuel conversion from one fuel source to another fuel source with respect to an electric generation resource with a nameplate capacity of at least one hundred twenty-five (125) megawatts by a public utility.

~~(g)~~ **(h)** As used in this section, "reliability adequacy metrics", with respect to a public utility, means calculations used to demonstrate all of the following:

(1) Subject to subsection ~~(q)(2)(B),~~ **(u)(2),** that the public utility:

(A) has in place sufficient summer UCAP; or

(B) can reasonably acquire not more than:

(i) thirty percent (30%) of its total summer UCAP from capacity markets, with respect to a report filed with the commission under subsection ~~(l)~~ **(n)** before July 1, 2023; or

(ii) fifteen percent (15%) of its total summer UCAP from capacity markets, with respect to a report filed with the commission under subsection ~~(l)~~ **(n)** after June 30, 2023;

such that it will have sufficient summer UCAP;

to provide reliable electric service to Indiana customers, and to meet its planning reserve margin requirement and other federal reliability requirements described in subsection ~~(l)(4).~~ **(n)(6).**

(2) Subject to subsection ~~(q)(2)(B),~~ **(u)(2),** that the public utility:

(A) has in place sufficient winter UCAP; or

(B) can reasonably acquire not more than:
(i) thirty percent (30%) of its total winter UCAP from capacity markets, with respect to a report filed with the commission under subsection ~~(l)~~ **(n)** before July 1, 2023; or
(ii) fifteen percent (15%) of its total winter UCAP from capacity markets, with respect to a report filed with the commission under subsection ~~(l)~~ **(n)** after June 30, 2023;
such that it will have sufficient winter UCAP;
to provide reliable electric service to Indiana customers, and to meet its planning reserve margin requirement and other federal reliability requirements described in subsection ~~(l)(4).~~ **(n)(6).**
(3) Subject to subsection ~~(q)(2)(B),~~ **(u)(2),** with respect to a report filed with the commission under subsection ~~(l)~~ **(n)** after June 30, 2026, that the public utility:
(A) has in place sufficient spring UCAP; or
(B) can reasonably acquire not more than fifteen percent (15%) of its total spring UCAP from capacity markets, such that it will have sufficient spring UCAP;
to provide reliable electric service to Indiana customers, and to meet its planning reserve margin requirement and other federal reliability requirements described in subsection ~~(l)(4).~~ **(n)(6).**
(4) Subject to subsection ~~(q)(2)(B),~~ **(u)(2),** with respect to a report filed with the commission under subsection ~~(l)~~ **(n)** after June 30, 2026, that the public utility:
(A) has in place sufficient fall UCAP; or
(B) can reasonably acquire not more than fifteen percent (15%) of its total fall UCAP from capacity markets, such that it will have sufficient fall UCAP;
to provide reliable electric service to Indiana customers, and to meet its planning reserve margin requirement and other federal reliability requirements described in subsection ~~(l)(4).~~ **(n)(6).**

(i) As used in this section, "retire" or retirement" means a planned permanent ceasing of electric generation operations with respect to an electric generation resource with a nameplate capacity of at least one hundred twenty-five (125) megawatts by a public utility.

~~(h)~~ **(j)** As used in this section, "spring unforced capacity", or "spring UCAP", with respect to an electric generating facility, means:
(1) the capacity value of the electric generating facility's installed capacity rate adjusted for the electric generating facility's average forced outage rate for the spring period, calculated as required by the appropriate regional transmission organization or by the

Federal Energy Regulatory Commission;
(2) a metric that is similar to the metric described in subdivision (1) and that is required by the appropriate regional transmission organization; or
(3) if the appropriate regional transmission organization does not require a metric described in subdivision (1) or (2), a metric that:
(A) can be used to demonstrate that a public utility has sufficient capacity to:
(i) provide reliable electric service to Indiana customers for the spring period; and
(ii) meet its planning reserve margin requirement and other federal reliability requirements described in subsection ~~(l)(4);~~ **(n)(6);** and
(B) is acceptable to the commission.

~~(i)~~ **(k)** As used in this section, "summer unforced capacity", or "summer UCAP", with respect to an electric generating facility, means:
(1) the capacity value of the electric generating facility's installed capacity rate adjusted for the electric generating facility's average forced outage rate for the summer period, calculated as required by the appropriate regional transmission organization or by the Federal Energy Regulatory Commission; or
(2) a metric that is similar to the metric described in subdivision (1) and that is required by the appropriate regional transmission organization.

~~(j)~~ **(l)** As used in this section, "winter unforced capacity", or "winter UCAP", with respect to an electric generating facility, means:
(1) the capacity value of the electric generating facility's installed capacity rate adjusted for the electric generating facility's average forced outage rate for the winter period, calculated as required by the appropriate regional transmission organization or by the Federal Energy Regulatory Commission;
(2) a metric that is similar to the metric described in subdivision (1) and that is required by the appropriate regional transmission organization; or
(3) if the appropriate regional transmission organization does not require a metric described in subdivision (1) or (2), a metric that:
(A) can be used to demonstrate that a public utility has sufficient capacity to:
(i) provide reliable electric service to Indiana customers for the winter period; and
(ii) meet its planning reserve margin requirement and other federal reliability requirements described in subsection

~~(l)(4);~~ **(n)(6);** and
(B) is acceptable to the commission.

~~(k)~~ **(m)** A public utility that owns and operates an electric generating facility serving customers in Indiana shall operate and maintain the facility using good utility practices and in a manner:

(1) reasonably intended to support the provision of reliable and economic electric service to customers of the public utility; ~~and~~
(2) reasonably consistent with the resource reliability requirements of MISO or any other appropriate regional transmission organization; **and**
(3) reasonably maximizes the economic value of the electric generating facility.

~~(l)~~ **(n)** Not later than thirty (30) days after the deadline for submitting an annual planning reserve margin report to MISO, each public utility providing electric service to Indiana customers shall, regardless of whether the public utility is required to submit an annual planning reserve margin report to MISO, file with the commission a report, in a form specified by the commission, that provides the following information for each of the next three (3) resource planning years, beginning with the planning year covered by the planning reserve margin report to MISO described in this subsection:

(1) The:
(A) capacity;
(B) location; and
(C) fuel source;
for each electric generating facility that is owned and operated by the electric utility and that will be used to provide electric service to Indiana customers.
(2) With respect to a report submitted to the commission after December 31, 2025, the amount of generating resource capacity or energy, or both, that the public utility plans to retire and that is owned and operated by the public utility and used to provide retail electric service in Indiana, including the:
(A) capacity;
(B) location;
(C) fuel source; and
(D) planned retirement date;
for each electric generating facility. The public utility must include information as to whether the planned retirement is required in order to comply with environmental laws, regulations, or court orders, including consent decrees, that

are or will be in effect at the time of the planned retirement. In addition, the public utility must provide its economic rationale for the planned retirement, including anticipated ratepayer impacts, and information concerning the public utility's plan or plans with respect to the amount of replacement capacity identified to provide approximately the same accredited capacity within the appropriate regional transmission organization as the amount of capacity of the facility to be retired.

(3) With respect to a report submitted to the commission after December 31, 2025, the amount of generating resource capacity or energy, or both, that the public utility plans to refuel, including the:

(A) capacity;
(B) location;
(C) existing fuel source;
(D) proposed fuel source; and
(E) planned completion date of the refueling;

with respect to each electric generating facility that the public utility plans to refuel. The public utility must provide its economic rationale for the planned refueling, including anticipated ratepayer impacts, and information concerning the public utility's plan or plans with respect to the extent to which the refueling will maintain or increase the current generating resource accredited capacity or energy, or both, that the electric generating facility provides, so as to provide approximately the same accredited capacity within the appropriate regional transmission organization.

~~(2)~~ **(4)** The amount of generating resource capacity or energy, or both, that the public utility has procured under contract and that will be used to provide electric service to Indiana customers, including the:

(A) capacity;
(B) location; and
(C) fuel source;

for each electric generating facility that will supply capacity or energy under the contract, to the extent known by the public utility.

~~(3)~~ **(5)** The amount of demand response resources available to the public utility under contracts and tariffs.

~~(4)~~ **(6)** The following:

(A) The planning reserve margin requirements established by

MISO for the planning years covered by the report, to the extent known by the public utility with respect to any particular planning year covered by the report.

(B) If applicable, any other planning reserve margin requirement that:

(i) applies to the planning years covered by the report; and

(ii) the public utility is obligated to meet in accordance with the public utility's membership in an appropriate regional transmission organization;

to the extent known by the public utility with respect to any particular planning year covered by the report.

(C) Other federal reliability requirements that the public utility is obligated to meet in accordance with its membership in an appropriate regional transmission organization with respect to the planning years covered by the report, to the extent known by the public utility with respect to any particular planning year covered by the report.

For each planning reserve margin requirement reported under clause (A) or (B), the public utility shall include a comparison of that planning reserve margin requirement to the planning reserve margin requirement established by the same regional transmission organization for the 2021-2022 planning year.

~~(5)~~ **(7)** The reliability adequacy metrics of the public utility, as forecasted for the three (3) planning years covered by the report.

~~(m)~~ **(o)** Upon request by a public utility, the commission shall determine whether information provided in a report filed by the public utility under subsection ~~(l):~~ **(n):**

(1) is confidential under IC 5-14-3-4 or is a trade secret under IC 24-2-3;

(2) is exempt from public access and disclosure by Indiana law; and

(3) shall be treated as confidential and protected from public access and disclosure by the commission.

~~(n)~~ **(p)** A joint agency created under IC 8-1-2.2 may file the report required under subsection ~~(l)~~ **(n)** as a consolidated report on behalf of any or all of the municipally owned utilities that make up its membership.

~~(o)~~ **(q)** A:

(1) corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13; or

(2) general district corporation within the meaning of

IC 8-1-13-23;

may file the report required under subsection ~~(l)~~ **(n)** as a consolidated report on behalf of any or all of the cooperatively owned electric utilities that it serves.

~~(p)~~ **(r)** In reviewing a report filed by a public utility under subsection ~~(l),~~ **(n),** the commission may request technical assistance from MISO or any other appropriate regional transmission organization in determining:

(1) the planning reserve margin requirements or other federal reliability requirements that the public utility is obligated to meet, as described in subsection ~~(l)(4);~~ **(n)(6);** and

(2) whether the resources available to the public utility under subsections ~~(l)(1)~~ **(n)(1)** through ~~(l)(3)~~ **(n)(5)** will be adequate to support the provision of reliable electric service to the public utility's Indiana customers.

(s) With respect to a report submitted under subsection (n) after December 31, 2025, commission staff shall review the reports submitted by public utilities and shall, not later than ninety (90) days after the date of submission of the reports, submit to the commission a staff report concerning any planned retirements included in the reports under subsection (n)(2). The report must make recommendations to the commission based on whether each planned retirement:

(1) is consistent with the standards set forth in subsection (m);

(2) will be replaced with an amount of replacement capacity that will provide approximately the same accredited capacity within the appropriate regional transmission organization as the amount of capacity of the facility to be retired;

(3) will not adversely and unreasonably impact a public utility's ability to provide safe, reliable, and economical electric utility service to the public utility's customers;

(4) will result in the provision to Indiana customers of electric utility service with the attributes of:

(A) reliability;

(B) affordability;

(C) resiliency;

(D) stability; and

(E) environmental sustainability;

as set forth in IC 8-1-2-0.6; and

(5) is required in order to comply with environmental laws, regulations, or court orders, including consent decrees, that are or will be in effect at the time of the planned retirement.

(t) The commission shall make the staff reports prepared under subsection (s) publicly available by posting the staff reports on the commission's website. Upon the posting of a staff report on the commission's website, the commission shall accept public comments on the report for a period not to exceed thirty (30) days after the date of posting.

~~(q)~~ **(u)** If, after reviewing a report filed by a public utility under subsection ~~(l),~~ **(n) and any staff report prepared with respect to the public utility under subsection (s),** the commission is not satisfied that the public utility can **either:**

~~(1) provide reliable electric service to the public utility's Indiana customers; or~~

~~(2) either:~~

~~(A)~~ **(1)** satisfy both:

~~(i)~~ **(A)** its planning reserve margin requirement or other federal reliability requirements that the public utility is obligated to meet, as described in subsection ~~(l)(4);~~ **(n)(6);** and

~~(ii)~~ **(B)** the reliability adequacy metrics set forth in subsection ~~(g);~~ **(h);** or

~~(B)~~ **(2)** provide sufficient reason as to why the public utility is unable to satisfy both:

~~(i)~~ **(A)** its planning reserve margin requirement or other federal reliability requirements that the public utility is obligated to meet, as described in subsection ~~(l)(4);~~ **(n)(6);** and

~~(ii)~~ **(B)** the reliability adequacy metrics set forth in subsection ~~(g);~~ **(h);**

during one (1) more of the planning years covered by the report, the commission ~~may~~ **shall** conduct an investigation under IC 8-1-2-58 through IC 8-1-2-60 as to the reasons for the public utility's potential inability to meet the requirements described in subdivision (1) or ~~(2), or both.~~ **provide sufficient reason as to that inability, as described in subdivision (2). In addition, if the public utility has indicated in its report under subsection (n)(2) that it plans to retire an electric generating facility within one (1) year of the date of the report, the commission must conduct an investigation under IC 8-1-2-58 through IC 8-1-2-60 as to the reasons for the public utility's potential inability to meet the requirements described in subdivision (1) or provide sufficient reason as to that inability, as described in subdivision (2). However, a public utility may request, not earlier than three (3) years before the planned retirement date of an electric generation facility, that the commission conduct an investigation under IC 8-1-2-58 through IC 8-1-2-60, for the**

purposes described in this subsection, with respect to the planned retirement. If the commission conducts an investigation at the request of a public utility within the three (3) year period before the planned retirement date of an electric generation facility, the commission may not conduct a subsequent investigation that would otherwise be required under this subsection with respect to the retirement of that same electric generation facility unless the commission is not satisfied, as of the time that an investigation would otherwise be required under this subsection, that the public utility can meet the requirements described in subdivision (1) or provide sufficient reason as to that inability, as described in subdivision (2). If a certificate is granted by the commission under this chapter for a facility intended to repower or replace a generation unit that is planned for retirement, and the certificate includes findings that the project will result in at least equivalent accredited capacity and will provide economic benefit to ratepayers as compared to the continued operation of the generating unit to be retired, the certificate under this chapter constitutes approval by the commission for purposes of an investigation required by this subsection. However, if the commission finds that facts and circumstances regarding the planned retirement have changed significantly since the certificate was granted and that those changes concern the public utility's ability to meet the requirements described in subdivision (1), the commission may conduct an investigation into the planned retirement of the unit.

~~(r)~~ **(v)** If, upon investigation under IC 8-1-2-58 through IC 8-1-2-60, and after notice and hearing, as required by IC 8-1-2-59, the commission determines that the capacity resources available to the public utility under subsections ~~(l)(1)~~ **(n)(1)** through ~~(l)(3)~~ **(n)(5)** will not be adequate ~~to support the provision of reliable electric service to the public utility's Indiana customers, or~~ to allow the public utility to satisfy both its planning reserve margin requirements or other federal reliability requirements that the public utility is obligated to meet (as described in subsection ~~(l)(4))~~ **(n)(6))** and the reliability adequacy metrics set forth in subsection ~~(g),~~ **(h),** the commission shall issue an order:

(1) directing the public utility to acquire or construct; **or**

(2) prohibiting the retirement or refueling of;

such capacity resources that are reasonable and necessary to enable the public utility to provide reliable electric service to its Indiana customers, and to satisfy both its planning reserve margin requirements or other federal reliability requirements described in subsection ~~(l)(4)~~ **(n)(6)** and the reliability adequacy metrics set forth in subsection ~~(g).~~ **(h). The commission shall issue an order under this subsection not later than one hundred twenty (120) days after the initiation of the investigation under subsection (u). If the commission does not issue an order within the one hundred twenty (120) day period prescribed by this subsection, the public utility is considered to be able to meet the requirements described in subsection (u)(1) with respect to the retirement of the electric generation facility under investigation.** Not later than ninety (90) days after the date of ~~the commission's~~ **an** order **by the commission** under this subsection, the public utility shall file for approval with the commission a plan to comply with the commission's order. **Notwithstanding IC 8-1-3 or any other law, any appeal of an order by the commission under this subsection is entitled to priority review and shall be given expedited consideration in accordance with Rule 21 of the Indiana Rules of Appellate Procedure.**

(w) With respect to a report submitted under subsection (n) after December 31, 2025, if the commission issues an order under subsection (v) to prohibit the retirement or refueling of an electric generation resource, the commission shall create a sub-docket to authorize the public utility to recover in rates the costs of the continued operation of the electric generation resource that was proposed to be retired or refueled. The commission must find that the continued costs of operation are just and reasonable before authorizing their recovery in the public utility's rates. The creation of a sub-docket under this subsection is not subject to the one hundred twenty (120) day time frame for the commission to issue an order under subsection (v).

~~The~~ **(x) A** public utility's plan **under subsection (v)** may include:

(1) a request for a certificate of public convenience and necessity under this chapter; or

(2) an application under IC 8-1-8.8;

or both.

~~(s)~~ **(y)** Beginning in 2022, the commission shall include in its annual report under IC 8-1-1-14 the following information:

(1) The commission's analysis regarding the ability of public utilities to:

(A) provide reliable electric service to Indiana customers; and

(B) satisfy both:

(i) their planning reserve margin requirements or other federal reliability requirements; and

(ii) the reliability adequacy metrics set forth in subsection ~~(g);~~ **(h);**

for the next three (3) utility resource planning years, based on the most recent reports filed by public utilities under subsection ~~(l).~~ **(n).**

(2) A summary of:

(A) the projected demand for retail electricity in Indiana over the next calendar year; ~~and~~

(B) the amount and type of capacity resources committed to meeting the projected demand;

(C) beginning with the commission's annual report due before October 1, 2026, and in each subsequent annual report, the planned retirements or refuelings of electric generation resources and the plans to replace or retain the capacity or energy, or both, of the electric generation resources planned to be retired or refueled; and

(D) beginning with the commission's annual report due before October 1, 2026, and in each subsequent annual report, the reports of commission staff under subsection (s).

In preparing the summary required under this subdivision, the commission may consult with the forecasting group established under section 3.5 of this chapter.

(3) Beginning with the commission's annual report filed under IC 8-1-1-14 in 2025, the commission's analysis regarding the appropriate percentage or portion of:

(A) total spring UCAP that public utilities should be authorized to acquire from capacity markets under subsection ~~(g)(3)(B);~~ **(h)(3)(B);** and

(B) total fall UCAP that public utilities should be authorized to acquire from capacity markets under subsection ~~(g)(4)(B).~~ **(h)(4)(B).**

~~(t)~~ **(z)** The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 7. **An emergency is declared for this act.**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 26, delete "ten percent (10%)" and insert "**twenty percent (20%)**".

Page 3, line 17, delete "installed" and insert "**manufactured**".

Page 3, line 26, after "1." insert "**(a)**".

Page 3, line 26, after "project" insert "**or an arrangement**".

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"**(b) The term includes the purchase of energy or capacity through a power purchase agreement.**".

Page 4, line 8, delete "planning" and insert "**project evaluation, analysis, and development**".

Page 4, line 14, delete "means an" and insert "**means:**

(1) an electric utility listed in 170 IAC 4-7-2(a) and any successor in interest to that utility; or

(2) a corporation organized under IC 8-1-13.".

Page 4, delete lines 15 through 16.

Page 9, between lines 21 and 22, begin a new line block indented and insert:

"**(10) Include a proposed order for the submittal.**".

Page 15, line 35, delete "determines that any potential economic" and insert "**is in negotiations with an industrial, research, or commercial prospect about a potential economic development project and, based on communications related to those negotiations, determines that the potential economic development project for a new or expanded facility in Indiana may result in the economic development project requiring new or increased energy demand of at least twenty (20) megawatts, the corporation shall notify the affected energy utility not later than fifteen (15) days after making the determination. All communications of the corporation, including notice under this section to an affected energy utility, regarding a potential economic development project are considered confidential and exempt from disclosure under IC 5-14-3-4(b)(5).**".

Page 15, delete lines 36 through 39.

Page 15, line 40, delete "later than fifteen (15) days after making the determination.".

Page 16, line 5, delete "one (1) or" and insert "**the industrial, research, or commercial prospect about a potential economic development project**".

Page 16, line 6, delete "more potential new large load customers".

Page 22, line 2, delete "Actual project development costs that are".

Page 22, delete lines 3 through 8.

Page 22, line 17, delete "Reasonable and necessary project development costs that are" and insert "**Project development costs that are found by the commission to be reasonable, necessary, and consistent with the best estimate of project development costs in the commission's order of approval under subsection (e) shall be recovered by a public utility by inclusion in the public utility's rates and charges. Project development costs that are incurred by a public utility and that exceed the best estimate of project development costs under subsection (e) may not be included in the public utility's rates and charges unless found by the commission to be reasonable, necessary, and prudent in supporting the construction, purchase, or lease of the small modular nuclear reactor for which they were incurred. Project development costs that are incurred by a public utility for a project that is canceled or not completed may be recovered by the public utility if found by the commission to be reasonable, necessary, and prudently incurred, but such costs shall be recovered without a return unless the commission also finds that:**

(1) the decision to cancel or not complete the project was prudently made for good cause;

(2) the project development costs incurred will be offset, as applicable, by:

(A) funding opportunities from the United States Department of Energy that are pursued in good faith by the public utility;

(B) a recoupment of revenues received by the public utility from one (1) or more third parties for the transfer of assets created through the costs incurred; or

(C) a reimbursement of costs by a single customer or prospective customer at whose request the project was pursued; and

(3) a return on the project development costs incurred is appropriate under the circumstances to avoid harm to the public utility and its customers.

(k) A public utility may elect not to seek approval of, or cost recovery for, project development costs under subsections (e)

through (i) and instead seek approval from the commission to defer and amortize project development costs in accordance with the procedures set forth in section 6.5 of this chapter with respect to construction costs.".

Page 22, delete lines 18 through 31.

Page 22, line 32, delete "(k)" and insert "**(l)**".

Page 22, line 33, delete "(j)." and insert "**(k).**".

Page 22, line 34, delete "(l)" and insert "**(m)**".

Page 24, line 1, delete "of at least one" and insert "**with a nameplate capacity of at least one hundred twenty-five (125) megawatts by a public utility.**".

Page 24, delete line 2.

Page 24, line 6, delete "(u)(2)(B)," and insert "**(u)(2),**".

Page 24, line 20, delete "(u)(2)(B)," and insert "**(u)(2),**".

Page 24, line 34, delete "(u)(2)(B)," and insert "**(u)(2),**".

Page 25, line 2, delete "(u)(2)(B)," and insert "**(u)(2),**".

Page 25, line 14, delete "of at least one hundred" and insert "**with a nameplate capacity of at least one hundred twenty-five (125) megawatts by a public utility.**".

Page 25, delete line 15.

Page 27, line 11, delete "retire," and insert "**retire and that is owned and operated by the public utility and used to provide retail electric service in Indiana,**".

Page 27, line 16, delete "facility that the public utility" and insert "**facility. The public utility must include information as to whether the planned retirement is required in order to comply with environmental laws, regulations, or court orders, including consent decrees, that are or will be in effect at the time of the planned retirement.**".

Page 27, line 17, delete "plans to retire. The" and insert "**In addition, the**".

Page 27, line 22, delete "credit" and insert "**accredited**".

Page 27, line 40, after "resource" insert "**accredited**".

Page 27, line 41, delete "provides." and insert "**provides, so as to provide approximately the same accredited capacity within the appropriate regional transmission organization.**".

Page 29, line 29, delete "Commission" and insert "**With respect to a report submitted under subsection (n) after December 31, 2025, commission**".

Page 29, line 30, delete "under subsection (n)".

Page 29, line 38, delete "capacity credit" and insert "**accredited capacity**".

Page 30, line 1, delete "and".

Page 30, line 9, delete "IC 8-1-2-0.6." and insert "**IC 8-1-2-0.6; and (5) is required in order to comply with environmental laws, regulations, or court orders, including consent decrees, that are or will be in effect at the time of the planned retirement.**".

Page 30, line 19, after "can" delete ":" and insert "**either:**".

Page 30, strike lines 20 through 22.

Page 30, line 23, beginning with "(A)" begin a new line block indented.

Page 30, line 23, strike "(A)" and insert "**(1)**".

Page 30, line 24, beginning with "(i)" begin a new line double block indented.

Page 30, line 24, strike "(i)" and insert "**(A)**".

Page 30, line 27, beginning with "(ii)" begin a new line double block indented.

Page 30, line 27, strike "(ii)" and insert "**(B)**".

Page 30, line 29, beginning with "(B)" begin a new line block indented.

Page 30, line 29, strike "(B)" and insert "**(2)**".

Page 30, line 31, beginning with "(i)" begin a new line double block indented.

Page 30, line 31, strike "(i)" and insert "**(A)**".

Page 30, line 34, beginning with "(ii)" begin a new line double block indented.

Page 30, line 34, strike "(ii)" and insert "**(B)**".

Page 30, line 37, strike "may" and insert "**shall**".

Page 30, line 39, strike "(2), or both." and insert "**provide sufficient reason as to that inability, as described in subdivision (2).**".

Page 30, line 40, delete "However," and insert "**In addition,**".

Page 30, line 41, delete "(n)" and insert "**(n)(2)**".

Page 31, line 3, delete "(2), or both." and insert "**provide sufficient reason as to that inability, as described in subdivision (2). However, a public utility may request, not earlier than three (3) years before the planned retirement date of an electric generation facility, that the commission conduct an investigation under IC 8-1-2-58 through IC 8-1-2-60, for the purposes described in this subsection, with respect to the planned retirement. If the commission conducts an investigation at the request of a public utility within the three (3) year period before the planned retirement date of an electric generation facility, the commission may not conduct a subsequent investigation that would otherwise be required under this subsection with respect to the retirement of that same electric**

generation facility unless the commission is not satisfied, as of the time that an investigation would otherwise be required under this subsection, that the public utility can meet the requirements described in subdivision (1) or provide sufficient reason as to that inability, as described in subdivision (2). If a certificate is granted by the commission under this chapter for a facility intended to repower or replace a generation unit that is planned for retirement, and the certificate includes findings that the project will result in at least equivalent accredited capacity and will provide economic benefit to ratepayers as compared to the continued operation of the generating unit to be retired, the certificate under this chapter constitutes approval by the commission for purposes of an investigation required by this subsection. However, if the commission finds that facts and circumstances regarding the planned retirement have changed significantly since the certificate was granted and that those changes concern the public utility's ability to meet the requirements described in subdivision (1), the commission may conduct an investigation into the planned retirement of the unit.".

Page 31, line 8, strike "to support the provision of reliable electric service to".

Page 31, line 9, strike "the public utility's Indiana customers, or".

Page 31, line 22, after "(h)." insert "**The commission shall issue an order under this subsection not later than one hundred twenty (120) days after the initiation of the investigation under subsection (u). If the commission does not issue an order within the one hundred twenty (120) day period prescribed by this subsection, the public utility is considered to be able to meet the requirements described in subsection (u)(1) with respect to the retirement of the electric generation facility under investigation.**".

Page 31, line 22, strike "the commission's" and insert "**an**".

Page 31, line 23, after "order" insert "**by the commission**".

Page 31, between lines 28 and 29, begin a new paragraph and insert:

"**(w) With respect to a report submitted under subsection (n) after December 31, 2025, if the commission issues an order under subsection (v) to prohibit the retirement or refueling of an electric generation resource, the commission shall create a sub-docket to authorize the public utility to recover in rates the costs of the continued operation of the electric generation resource that was proposed to be retired or refueled. The commission must find that the continued costs of operation are just and reasonable before authorizing their recovery in the public utility's rates. The creation**

of a sub-docket under this subsection is not subject to the one hundred twenty (120) day time frame for the commission to issue an order under subsection (v).".

Page 31, line 29, delete "(w)" and insert "**(x)**".
Page 31, line 34, delete "(x)" and insert "**(y)**".
Page 32, line 32, delete "(y)" and insert "**(z)**".

and when so amended that said bill do pass.

(Reference is to HB 1007 as introduced.)

SOLIDAY

Committee Vote: yeas 9, nays 4.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1007 as printed January 29, 2025.)

THOMPSON

Committee Vote: Yeas 16, Nays 7

HOUSE MOTION

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 3, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 2. IC 8-1-2-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24.5. (a) As used in this section, "energy utility" means:**

(1) an electric utility listed in 170 IAC 4-7-2(a) and any successor in interest to that utility; or

(2) a corporation organized under IC 8-1-13.

(b) As used in this section, "large load customer" means a new or existing customer of an energy utility, or not more than four (4)

multiple new or existing customers of an energy utility, that requests new or additional electricity demand that in the aggregate exceeds the lesser of:

(1) five percent (5%) of the energy utility's average peak demand over the most recent three (3) calendar years; or

(2) one hundred fifty (150) megawatts.

(c) As used in this section, "project" refers to a project relating to energy infrastructure or generation resources that:

(1) are required primarily to serve a large load customer of an energy utility; and

(2) may be designed to serve more than one (1) large load customer of the energy utility or to meet other customer demand or energy needs.

(d) As used in this section, "project costs" means the total costs of a project, including:

(1) planning costs; and

(2) construction and operating costs;

related to the project.

(e) Any standard tariff offered by an energy utility after June 30, 2025, to a large load customer of the energy utility must include a provision that requires reimbursement by the large load customer of at least eighty percent (80%) of the project costs reasonably allocable to the large load customer, regardless of whether the large load customer ultimately takes service in any anticipated amount and within any anticipated time frame.".

Page 10, line 29, delete "seventy-five percent (75%)" and insert "**eighty percent (80%)**".

Page 11, line 6, after "large" insert "**load**".

Page 13, line 24, after "hundred" insert "**fifty**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed February 6, 2025.)

PIERCE M