

HOUSE BILL No. 1394

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-40.

Synopsis: Net metering for electricity generation. Amends the statute concerning distributed electricity generation as follows: (1) Defines a "public use customer" of an electricity supplier as a customer that is: (A) a school corporation; or (B) a local unit. (2) Provides that an electricity supplier's net metering tariff must be made and remain available to customers until the earlier of: (A) January 1 of the first calendar year after the calendar year in which the aggregate amount of net metering facility nameplate capacity under the electricity supplier's net metering tariff equals at least 3% (versus 1.5% under current law) of the electricity supplier's most recent summer peak load; or (B) July 1, 2024 (versus July 1, 2022, under current law). (3) Provides that before July 1, 2021, an electricity supplier shall amend its net metering tariff, or file a new net metering tariff with the utility regulatory commission (IURC), to do the following: (A) Establish as the allowed limit on the aggregate amount of net metering facility nameplate capacity under the tariff an amount equal to at least three percent (3%) of the electricity supplier's most recent summer peak load. (B) Allow a public use customer that: (i) operates a net metering facility on a premises that the public use customer owns or controls before the installation of the net metering facility; and (ii) is billed by the electricity supplier for electricity measured at more than one meter; to choose to be billed or credited for the difference between the kilowatt hours delivered by the electricity supplier as measured by any one or more of those meters, not to exceed three, and the kilowatt hours generated and delivered to the electricity supplier by the net metering facility. (4) Provides that before July 1, 2021, the IURC shall make
(Continued next page)

Effective: Upon passage.

Cook, Negele, Schaibley

January 14, 2021, read first time and referred to Committee on Utilities, Energy and Telecommunications.



Digest Continued

similar amendments to its net metering rules. (5) Specifies that any repairs, updates, or upgrades to portions of a net metering facility that do not increase the nameplate capacity of the net metering facility are not considered a replacement of the net metering facility for purposes of certain provisions providing for the extended availability of an electricity supplier's net metering tariff for customers that install a net metering facility before certain specified deadlines. (6) Specifies that net metering customers must comply with certain safety, performance, and reliability standards with which customers that produce distributed generation must comply. (7) Specifies that a net metering customer has certain rights regarding the installation and ownership of a net metering facility that a customer that produces distributed generation has with respect to the installation and ownership of distributed generation equipment. (8) Adds a noncode provision staying the implementation of a rate for the procurement of excess distributed generation for which an electricity supplier has applied or received approval from the IURC under current law, until such time as the conditions for the expiration of the electricity supplier's net metering tariff, as set forth in the bill, apply to the electricity supplier.



Introduced

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1394

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

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

- 1 SECTION 1. IC 8-1-40-5.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: **Sec. 5.5. As used in this chapter, "install", with**
- 4 **respect to a net metering facility (as defined in 170 IAC 4-4.2-1(k))**
- 5 **of a customer, means to set up so that the net metering facility (as**
- 6 **defined in 170 IAC 4-4.2-1(k)) can be safely energized,**
- 7 **notwithstanding any metering or inspection requirements that the**
- 8 **customer's electricity supplier has not yet performed.**
- 9 SECTION 2. IC 8-1-40-6.5 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
- 11 UPON PASSAGE]: **Sec. 6.5. As used in this chapter, "nameplate**
- 12 **capacity" means the following:**
- 13 (1) **The full-load continuous rating of a generator under**
- 14 **specified conditions, as designated by the manufacturer.**
- 15 (2) **For an inverter-based net metering facility, the aggregate**



1 **output rating of all inverters in the facility, measured in**
 2 **kilowatts.**

3 SECTION 3. IC 8-1-40-7, AS ADDED BY P.L.264-2017,
 4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 7. As used in this chapter, "net metering
 6 tariff" means a tariff that

7 (†) an electricity supplier offers for net metering under 170
 8 IAC 4-4.2. ~~and~~

9 (‡) ~~is in effect on January 1, 2017.~~

10 SECTION 4. IC 8-1-40-8, AS ADDED BY P.L.264-2017,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 8. As used in this chapter, "premises" means
 13 a single tract of land on which a customer consumes electricity for
 14 residential, business, or other **private or public** purposes.

15 SECTION 5. IC 8-1-40-8.2 IS ADDED TO THE INDIANA CODE
 16 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: **Sec. 8.2. As used in this chapter, "public use**
 18 **customer" means a customer that is:**

19 **(1) a school corporation (as defined in IC 36-1-2-17); or**

20 **(2) a unit (as defined in IC 36-1-2-23).**

21 SECTION 6. IC 8-1-40-9.3 IS ADDED TO THE INDIANA CODE
 22 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: **Sec. 9.3. As used in this chapter, "successor in**
 24 **interest" means a person or entity that follows another person or**
 25 **entity in the ownership or control of property.**

26 SECTION 7. IC 8-1-40-10, AS ADDED BY P.L.264-2017,
 27 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 10. **(a)** Subject to sections 13 and 14 of this
 29 chapter, a net metering tariff of an electricity supplier must **be made**
 30 **and** remain available to the electricity supplier's customers until the
 31 earlier of the following:

32 (1) January 1 of the first calendar year after the calendar year in
 33 which the aggregate amount of net metering facility nameplate
 34 capacity under the electricity supplier's net metering tariff equals
 35 at least ~~one and one-half~~ **three** percent (~~1.5%~~) **(3%)** of the most
 36 recent summer peak load of the electricity supplier.

37 (2) July 1, ~~2022.~~ **2024.**

38 **(b) Before July 1, 2021, each electricity supplier shall petition**
 39 **the commission for approval of an amended or a new net metering**
 40 **tariff that:**

41 **(1) complies with this section and section 12(b) of this chapter;**
 42 **and**



1 **(2) does not include any other substantive changes to the**
 2 **terms and conditions of the existing net metering tariff being**
 3 **amended or replaced.**

4 **Not later than thirty (30) days after receipt of a petition under this**
 5 **subsection, the commission shall review the petition and, if the**
 6 **petition complies with subdivisions (1) and (2), shall approve the**
 7 **electricity supplier's new or amended net metering tariff. If the**
 8 **commission determines that the petition does not comply with**
 9 **subdivisions (1) and (2), the commission shall notify the electricity**
 10 **supplier of the defect and shall require the electricity supplier to**
 11 **remedy the defect not later than a date set forth by the commission**
 12 **in its notice to the electricity supplier under this subsection.**

13 (c) Before July 1, ~~2022~~, **2024**, if an electricity supplier reasonably
 14 anticipates, at any point in a calendar year, that the aggregate amount
 15 of net metering facility nameplate capacity under the electricity
 16 supplier's net metering tariff will equal at least ~~one and one-half~~ **three**
 17 percent (~~1.5%~~) **(3%)** of the most recent summer peak load of the
 18 electricity supplier, the electricity supplier shall, in accordance with
 19 section 16 of this chapter, petition the commission for approval of a
 20 rate for the procurement of excess distributed generation.

21 SECTION 8. IC 8-1-40-11, AS ADDED BY P.L.264-2017,
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 11. (a) Except as provided in sections **10(b)**,
 24 12, and 21(b) of this chapter, before July 1, ~~2047~~: **2049**:

- 25 (1) an electricity supplier may not seek to change the terms and
 26 conditions of the electricity supplier's net metering tariff; and
 27 (2) the commission may not approve changes to an electricity
 28 supplier's net metering tariff.

29 (b) Except as provided in sections 13 and 14 of this chapter, after
 30 June 30, ~~2022~~: **2024**:

- 31 (1) an electricity supplier may not make a net metering tariff
 32 available to customers; and
 33 (2) the terms and conditions of a net metering tariff offered by an
 34 electricity supplier before July 1, ~~2022~~, **2024**, expire and are
 35 unenforceable.

36 SECTION 9. IC 8-1-40-12, AS ADDED BY P.L.264-2017,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 12. (a) Before January 1, 2018, the
 39 commission shall amend 170 IAC 4-4.2-4, and an electricity supplier
 40 shall amend the electricity supplier's net metering tariff, to do the
 41 following:

- 42 (1) Increase the allowed limit on the aggregate amount of net



1 metering facility nameplate capacity under the net metering tariff
 2 to one and one-half percent (1.5%) of the most recent summer
 3 peak load of the electricity supplier.

4 (2) Modify the required reservation of capacity under the limit
 5 described in subdivision (1) to require the reservation of:

6 (A) forty percent (40%) of the capacity for participation by
 7 residential customers; and

8 (B) fifteen percent (15%) of the capacity for participation by
 9 customers that install a net metering facility that uses a
 10 renewable energy resource described in IC 8-1-37-4(a)(5).

11 **(b) Before July 1, 2021, an electricity supplier shall amend, in**
 12 **accordance with section 10(b) of this chapter, the electricity**
 13 **supplier's net metering tariff, or shall file a new net metering tariff,**
 14 **to do the following:**

15 (1) Establish as the allowed limit on the aggregate amount of
 16 net metering facility nameplate capacity under the net
 17 metering tariff an amount equal to at least three percent (3%)
 18 of the most recent summer peak load of the electricity
 19 supplier.

20 (2) Allow a public use customer that:

21 (A) operates a net metering facility (as defined in 170
 22 IAC 4-4.2-1(k)) on a premises that is:

23 (i) owned or controlled by the public use customer before
 24 the installation of the net metering facility; and

25 (ii) within the electricity supplier's service area; and

26 (B) is billed by the electricity supplier for electricity
 27 measured at more than one (1) meter;

28 to choose to be billed or credited under 170 IAC 4-4.2-7 for
 29 the difference between the kilowatt hours delivered by the
 30 electricity supplier as measured by any one (1) or more of the
 31 customer's meters, not to exceed three (3), as specified by the
 32 customer, and the kilowatt hours generated and delivered to
 33 the electricity supplier by the net metering facility (as defined
 34 in 170 IAC 4-4.2-1(k)).

35 (c) Before July 1, 2021, the commission shall amend 170
 36 IAC 4-4.2 to do the following:

37 (1) Establish as the allowed limit on the aggregate amount of
 38 net metering facility nameplate capacity that an electricity
 39 supplier may establish under the electricity supplier's net
 40 metering tariff an amount equal to at least three percent (3%)
 41 of the most recent summer peak load of the electricity
 42 supplier.



1 **(2) Provide that an electricity supplier must allow a public use**
 2 **customer that:**

3 **(A) operates a net metering facility (as defined in 170**
 4 **IAC 4-4.2-1(k)) on a premises that is:**

5 **(i) owned or controlled by the public use customer before**
 6 **the installation of the net metering facility; and**

7 **(ii) within the electricity supplier's service area; and**

8 **(B) is billed by the electricity supplier for electricity**
 9 **measured at more than one (1) meter;**

10 **to choose to be billed or credited under 170 IAC 4-4.2-7 for**
 11 **the difference between the kilowatt hours delivered by the**
 12 **electricity supplier as measured by any one (1) or more of the**
 13 **customer's meters, not to exceed three (3), as specified by the**
 14 **customer, and the kilowatt hours generated and delivered to**
 15 **the electricity supplier by the net metering facility (as defined**
 16 **in 170 IAC 4-4.2-1(k)).**

17 ~~(b)~~ **(d)** In amending 170 IAC 4-4.2-4, as required by ~~subsection~~
 18 **subsections (a) and (c)**, the commission may adopt emergency rules
 19 in the manner provided by IC 4-22-2-37.1. Notwithstanding
 20 IC 4-22-2-37.1(g), an emergency rule adopted by the commission under
 21 this section and in the manner provided by IC 4-22-2-37.1 expires on
 22 the date on which a rule that supersedes the emergency rule is adopted
 23 by the commission under IC 4-22-2-24 through IC 4-22-2-36.

24 SECTION 10. IC 8-1-40-13, AS ADDED BY P.L.264-2017,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 13. (a) This section applies to a customer that
 27 installs a net metering facility (as defined in 170 IAC 4-4.2-1(k)) on the
 28 customer's premises:

29 (1) after December 31, 2017; and

30 (2) before the date on which the net metering tariff of the
 31 customer's electricity supplier terminates under section ~~10(1)~~
 32 **10(a)(1) or 10(a)(2)** of this chapter.

33 (b) A customer that is participating in an electricity supplier's net
 34 metering tariff on the date on which the electricity supplier's net
 35 metering tariff terminates under section ~~10(1)~~ **10(a)(1)** or ~~10(2)~~
 36 **10(a)(2)** of this chapter shall continue to be served under the terms and
 37 conditions of the net metering tariff until:

38 (1) the customer removes from the customer's premises or
 39 replaces the net metering facility (as defined in 170
 40 IAC 4-4.2-1(k)); or

41 (2) July 1, ~~2032~~; **2034**;

42 whichever occurs earlier.



1 (c) A successor in interest to a customer's premises on which a net
 2 metering facility (as defined in 170 IAC 4-4.2-1(k)) that was installed
 3 during the period described in subsection (a) is located may, if the
 4 successor in interest chooses, be served under the terms and conditions
 5 of the net metering tariff of the electricity supplier that provides retail
 6 electric service at the premises until:

7 (1) the net metering facility (as defined in 170 IAC 4-4.2-1(k)) is
 8 removed from the premises or is replaced; or

9 (2) July 1, ~~2032~~; **2034**;

10 whichever occurs earlier.

11 **(d) The amount of nameplate capacity of a net metering facility**
 12 **(as defined in 170 IAC 4-4.2-1(k)) installed on a customer's**
 13 **premises during the time frame set forth in subsection (a) is the**
 14 **amount of the customer's net metering facility (as defined in 170**
 15 **IAC 4-4.2-1(k)) nameplate capacity considered to be participating**
 16 **in the net metering tariff of the customer's electricity supplier as**
 17 **of the end of the time frame set forth in subsection (a). Any repairs,**
 18 **updates, or upgrades to portions of the net metering facility (as**
 19 **defined in 170 IAC 4-4.2-1(k)) that:**

20 **(1) are made after the time frame set forth in subsection (a);**
 21 **and**

22 **(2) do not increase the nameplate capacity of the net metering**
 23 **facility;**

24 **are not considered a replacement of the net metering facility for**
 25 **purposes of subsections (b)(1) and (c)(1).**

26 SECTION 11. IC 8-1-40-14, AS ADDED BY P.L.264-2017,
 27 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 14. (a) This section applies to a customer that
 29 installs a net metering facility (as defined in 170 IAC 4-4.2-1(k)) on the
 30 customer's premises before January 1, 2018.

31 (b) A customer that is participating in an electricity supplier's net
 32 metering tariff on December 31, 2017, shall continue to be served
 33 under the terms and conditions of the net metering tariff until:

34 (1) the customer removes from the customer's premises or
 35 replaces the net metering facility (as defined in 170
 36 IAC 4-4.2-1(k)); or

37 (2) July 1, ~~2047~~; **2049**;

38 whichever occurs earlier.

39 (c) A successor in interest to a customer's premises on which is
 40 located a net metering facility (as defined in 170 IAC 4-4.2-1(k)) that
 41 was installed before January 1, 2018, may, if the successor in interest
 42 chooses, be served under the terms and conditions of the net metering



1 tariff of the electricity supplier that provides retail electric service at
2 the premises until:

3 (1) the net metering facility (as defined in 170 IAC 4-4.2-1(k)) is
4 removed from the premises or is replaced; or

5 (2) July 1, ~~2047~~, **2049**;

6 whichever occurs earlier.

7 **(d) The amount of nameplate capacity of a net metering facility**
8 **(as defined in 170 IAC 4-4.2-1(k)) installed on a customer's**
9 **premises before January 1, 2018, is the amount of the customer's**
10 **net metering facility (as defined in 170 IAC 4-4.2-1(k)) nameplate**
11 **capacity considered to be participating in the net metering tariff of**
12 **the customer's electricity supplier as of December 31, 2017. Any**
13 **repairs, updates, or upgrades to portions of the net metering**
14 **facility (as defined in 170 IAC 4-4.2-1(k)) that:**

15 **(1) are made after December 31, 2017; and**

16 **(2) do not increase the nameplate capacity of the net metering**
17 **facility;**

18 **are not considered a replacement of the net metering facility for**
19 **purposes of subsections (b)(1) and (c)(1).**

20 SECTION 12. IC 8-1-40-16, AS ADDED BY P.L.264-2017,
21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 16. Not later than March 1, ~~2021~~, **2023**, an
23 electricity supplier shall file with the commission a petition requesting
24 a rate for the procurement of excess distributed generation by the
25 electricity supplier. After an electricity supplier's initial rate for excess
26 distributed generation is approved by the commission under section 17
27 of this chapter, the electricity supplier shall submit on an annual basis,
28 not later than March 1 of each year, an updated rate for excess
29 distributed generation in accordance with the methodology set forth in
30 section 17 of this chapter.

31 SECTION 13. IC 8-1-40-21, AS ADDED BY P.L.264-2017,
32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 21. (a) Subject to subsection (b) and sections
34 10 and 11 of this chapter, after June 30, 2017, the commission's rules
35 and standards set forth in:

36 (1) 170 IAC 4-4.2 (concerning net metering); and

37 (2) 170 IAC 4-4.3 (concerning interconnection);

38 remain in effect and apply to net metering under an electricity
39 supplier's net metering tariff and to distributed generation under this
40 chapter.

41 **(b) Except as provided in section 12 of this chapter**, after June 30,
42 2017, the commission may adopt changes under IC 4-22-2, including



1 emergency rules in the manner provided by IC 4-22-2-37.1, to the rules
2 and standards described in subsection (a) only as necessary to:

- 3 (1) update fees or charges;
- 4 (2) adopt revisions necessitated by new technologies; or
- 5 (3) reflect changes in safety, performance, or reliability standards.

6 Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the
7 commission under this subsection and in the manner provided by
8 IC 4-22-2-37.1 expires on the date on which a rule that supersedes the
9 emergency rule is adopted by the commission under IC 4-22-2-24
10 through IC 4-22-2-36.

11 SECTION 14. IC 8-1-40-22, AS ADDED BY P.L.264-2017,
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 22. A **net metering customer (as defined in**
14 **170 IAC 4-4.2-1(j)) or a customer** that produces distributed generation
15 shall comply with applicable safety, performance, and reliability
16 standards established by the following:

- 17 (1) The commission.
- 18 (2) An electricity supplier, subject to approval by the commission.
- 19 (3) The National Electric Code.
- 20 (4) The National Electrical Safety Code.
- 21 (5) The Institute of Electrical and Electronics Engineers.
- 22 (6) Underwriters Laboratories.
- 23 (7) The Federal Energy Regulatory Commission.
- 24 (8) Local regulatory authorities.

25 SECTION 15. IC 8-1-40-23, AS ADDED BY P.L.264-2017,
26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 23. (a) A **net metering customer (as defined**
28 **in 170 IAC 4-4.2-1(j)) or a customer** that produces distributed
29 generation has the following rights regarding the installation and
30 ownership of a **net metering facility (as defined in 170**
31 **IAC 4-4.2-1(k)) or distributed generation equipment, as applicable:**

- 32 (1) The right to know that the attorney general is authorized to
33 enforce this section, including by receiving complaints
34 concerning the installation and ownership of a **net metering**
35 **facility (as defined in 170 IAC 4-4.2-1(k)) or distributed**
36 **generation equipment.**
- 37 (2) The right to know the expected amount of electricity that will
38 be produced by the **net metering facility (as defined in 170**
39 **IAC 4-4.2-1(k)) or the distributed generation equipment** that the
40 customer is purchasing.
- 41 (3) The right to know all costs associated with installing a **net**
42 **metering facility (as defined in 170 IAC 4-4.2-1(k)) or**



- 1 distributed generation equipment, including any taxes for which
 2 the customer is liable.
- 3 (4) The right to know the value of all federal, state, or local tax
 4 credits or other incentives or rebates that the customer may
 5 receive.
- 6 (5) The right to know the rate at which the customer will be
 7 credited for electricity produced by the customer's **net metering**
 8 **facility (as defined in 170 IAC 4-4.2-1(k))** or distributed
 9 generation equipment and delivered to a public utility (as defined
 10 in IC 8-1-2-1).
- 11 (6) The right to know if a provider of a **net metering facility (as**
 12 **defined in 170 IAC 4-4.2-1(k))** or distributed generation
 13 equipment insures the **net metering facility (as defined in 170**
 14 **IAC 4-4.2-1(k))** or distributed generation equipment against
 15 damage or loss and, if applicable, any circumstances under which
 16 the provider does not insure against or otherwise cover damage to
 17 or loss of the **net metering facility (as defined in 170**
 18 **IAC 4-4.2-1(k))** or distributed generation equipment.
- 19 (7) The right to know the responsibilities of a provider of a **net**
 20 **metering facility (as defined in 170 IAC 4-4.2-1(k))** or
 21 distributed generation equipment with respect to installing or
 22 removing the **net metering facility (as defined in 170**
 23 **IAC 4-4.2-1(k))** or distributed generation equipment.
- 24 (b) The attorney general, in consultation with the commission, shall
 25 adopt rules under IC 4-22-2 that the attorney general considers
 26 necessary to implement and enforce this section, including a rule
 27 requiring written disclosure of the rights set forth in subsection (a) by
 28 a provider of a **net metering facility (as defined in 170**
 29 **IAC 4-4.2-1(k))** or distributed generation equipment to a customer. In
 30 adopting the rules required by this subsection, the attorney general may
 31 adopt emergency rules in the manner provided by IC 4-22-2-37.1.
 32 Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the
 33 attorney general under this subsection and in the manner provided by
 34 IC 4-22-2-37.1 expires on the date on which a rule that supersedes the
 35 emergency rule is adopted by the attorney general under IC 4-22-2-24
 36 through IC 4-22-2-36.
- 37 SECTION 16. [EFFECTIVE UPON PASSAGE] (a) **The definitions**
 38 **in IC 8-1-40, as amended by this act, apply throughout this**
 39 **SECTION.**
- 40 (b) **Notwithstanding IC 8-1-40, before its amendment by this act,**
 41 **an electricity supplier shall make a net metering tariff available to**
 42 **the electricity supplier's customers under IC 8-1-40, as amended by**



1 this act, regardless of whether, as of the effective date of this act:

2 (1) the aggregate amount of net metering facility nameplate
3 capacity under the electricity supplier's net metering tariff
4 equals at least one and one-half percent (1.5%) of the most
5 recent summer peak load of the electricity supplier;

6 (2) the electricity supplier has filed a petition with the
7 commission under IC 8-1-40-16, before its amendment by this
8 act; or

9 (3) the commission has approved a rate for the electricity
10 supplier under IC 8-1-40-17.

11 (c) If, before the effective date of this act, an electricity supplier
12 has filed a petition with the commission under IC 8-1-40-16, before
13 its amendment by this act, and the commission, as of the effective
14 date of this act, has not approved a rate for the electricity supplier
15 under IC 8-1-40-17, the commission:

16 (1) shall stay review of the petition until the conditions under
17 IC 8-1-40-10, as amended by this act, apply to the electricity
18 supplier; and

19 (2) may allow or require the electricity supplier to file an
20 amended petition under IC 8-1-40-16, as amended by this act,
21 when the conditions under IC 8-1-40-10, as amended by this
22 act, apply to the electricity supplier.

23 (d) If, before the effective date of this act, the commission
24 approved a rate for an electricity supplier under IC 8-1-40-17, the
25 electricity supplier may not procure excess distributed generation
26 produced by a customer at the rate unless:

27 (1) the conditions under IC 8-1-40-10, as amended by this act,
28 apply to the electricity supplier;

29 (2) the electricity supplier files a petition with the commission
30 requesting approval for the electricity supplier to procure
31 excess distributed generation produced by a customer at the
32 rate; and

33 (3) the commission approves the electricity supplier's petition
34 filed under subdivision (2).

35 (e) This SECTION expires January 1, 2025.

36 SECTION 17. An emergency is declared for this act.

