

SENATE BILL No. 314

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) Repeals provisions requiring an electricity supplier's net metering tariff to 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 1.5% of the electricity supplier's most recent summer peak load; or (B) July 1, 2022. (2) Repeals provisions requiring an electricity supplier to: (A) petition the Indiana utility regulatory commission (IURC) for a rate for the procurement of excess distributed generation produced by customers owning a distributed generation facility; and (B) credit, at the approved rate, customers for excess distributed generation supplied to the electricity supplier. (3) Provides that an electricity supplier's net metering tariff must be made and remain available to customers at least until 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 5% (versus 1.5% under current law) of the electricity supplier's most recent summer peak load. (4) Requires an electricity supplier to petition, before July 1, 2022, the IURC for approval of a new or amended net metering tariff that does the following: (A) Provides that the aggregate amount of net metering facility nameplate capacity made available for participation by customers under the net metering tariff is at least 5% of the electricity supplier's most recent summer peak load. (B) Provides that the minimum net metering facility nameplate capacity made
(Continued next page)

Effective: Upon passage.

Yoder

January 11, 2022, read first time and referred to Committee on Utilities.



available is subject to the reservation of: (i) 30% (versus 40% under current law) for participation by residential customers; and (ii) not more than 5% (versus 15% under current law) for participation by customers that install a net metering facility that uses organic waste biomass. (5) Provides that before July 1, 2022, the IURC shall make similar amendments to its net metering rules. (6) Provides that a customer that installs a net metering facility on the customer's premises before the net metering tariff of the customer's electricity supplier terminates under the bill's provisions shall continue to be served under the net metering tariff until the customer removes from the customer's premises or replaces the net metering facility. (Current law requires the customer to continue to be served under the net metering tariff until: (A) the customer removes or replaces the net metering facility; or (B) either July 1, 2032, or July 1, 2047, depending on the date of installation; whichever is earlier.) 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 these provisions. (7) Makes conforming changes in other provisions of the statute. Adds a noncode provision to address electricity suppliers that have applied for approval, or received approval, for an excess distributed generation rate or tariff from the IURC under current law, and to require: (1) the IURC to: (A) close any pending proceeding for an electricity supplier that has not yet received approval for an excess distributed generation rate or tariff; and (B) direct the electricity supplier to file a petition with the IURC for approval of a new or amended net metering tariff, as required under the bill; and (2) an electricity supplier that has been granted approval by the IURC of an excess distributed generation rate and tariff to file with the IURC, not later than 30 days after the enactment of the bill, a petition for approval of a new or amended net metering tariff, as required under the bill.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 314

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 8-1-40-3 IS REPEALED [EFFECTIVE UPON
2 PASSAGE]. ~~Sec. 3. (a) As used in this chapter, "distributed generation"~~
3 ~~means electricity produced by a generator or other device that is:~~
4 ~~(1) located on the customer's premises;~~
5 ~~(2) owned by the customer;~~
6 ~~(3) sized at a nameplate capacity of the lesser of:~~
7 ~~(A) not more than one (1) megawatt; or~~
8 ~~(B) the customer's average annual consumption of electricity~~
9 ~~on the premises; and~~
10 ~~(4) interconnected and operated in parallel with the electricity~~
11 ~~supplier's facilities in accordance with the commission's approved~~
12 ~~interconnection standards.~~
13 ~~(b) The term does not include electricity produced by the following:~~
14 ~~(1) An electric generator used exclusively for emergency~~
15 ~~purposes.~~



(2) A net metering facility (as defined in 170 IAC 4-4.2-1(k)) operating under a net metering tariff.

SECTION 2. IC 8-1-40-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 5: As used in this chapter, "excess distributed generation" means the difference between:

(1) the electricity that is supplied by an electricity supplier to a customer that produces distributed generation; and

(2) the electricity that is supplied back to the electricity supplier by the customer.

SECTION 3. IC 8-1-40-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. As used in this chapter, "install", with respect to a net metering facility (as defined in 170 IAC 4-4.2-1(k)) of a customer, means to set up so that the net metering facility (as defined in 170 IAC 4-4.2-1(k)) can be safely energized, notwithstanding any metering or inspection requirements that the customer's electricity supplier has not yet performed.

SECTION 4. IC 8-1-40-6 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 6: As used in this chapter, "marginal price of electricity" means the hourly market price for electricity as determined by a regional transmission organization of which the electricity supplier serving a customer is a member.

SECTION 5. IC 8-1-40-7, AS ADDED BY P.L.264-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. As used in this chapter, "net metering tariff" means a tariff that (1) an electricity supplier offers for net metering under 170 IAC 4-4.2. and

(2) is in effect on January 1, 2017.

SECTION 6. IC 8-1-40-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 9: As used in this chapter, "regional transmission organization" has the meaning set forth in IC 8-1-37-9.

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

(1) 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 one and one-half percent (1.5%) of the most recent summer peak load of the electricity supplier.



1 (2) ~~July 1, 2022~~; or exceeds the aggregate amount of net
 2 metering facility nameplate capacity made available, as
 3 specified by the electricity supplier under section 12(b) of this
 4 chapter, for participation by customers under the electricity
 5 supplier's net metering tariff. However, an electricity supplier
 6 may, at the electricity supplier's sole discretion, continue to
 7 make the electricity supplier's net metering tariff available to
 8 customers after the electricity supplier's limit on net metering
 9 facility nameplate capacity has been met or exceeded.

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

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

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

26 (b) Except as provided in sections 13 and 14 of this chapter, after
 27 June 30, 2022:

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

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

- 39 (1) Increase the allowed limit on the aggregate amount of net
- 40 metering facility nameplate capacity under the net metering tariff
- 41 to one and one-half percent (1.5%) of the most recent summer
- 42 peak load of the electricity supplier.



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

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

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

8 **(b) Before July 1, 2022, an electricity supplier shall petition the**
9 **commission for approval of an amended or a new net metering**
10 **tariff that does the following:**

11 **(1) Provides that the aggregate amount of net metering**
12 **facility nameplate capacity made available for participation**
13 **by customers under the net metering tariff is at least five**
14 **percent (5%) of the most recent summer peak load of the**
15 **electricity supplier. However, an electricity supplier may**
16 **increase the limit on the aggregate amount of net metering**
17 **facility nameplate capacity under the electricity supplier's net**
18 **metering tariff at the electricity supplier's sole discretion.**

19 **(2) Provides that the minimum net metering facility**
20 **nameplate capacity made available for participation by**
21 **customers under subdivision (1) is subject to following:**

22 **(A) The reservation of thirty percent (30%) of the capacity**
23 **for participation by residential customers.**

24 **(B) The reservation of not more than five percent (5%) of**
25 **the capacity for participation by customers that install a**
26 **net metering facility that uses a renewable energy resource**
27 **described in IC 8-1-37-4(a)(5).**

28 **An electricity supplier's petition under this subsection may not**
29 **include any other substantive changes to the terms and conditions**
30 **of the electricity supplier's existing net metering tariff being**
31 **amended or replaced. Not later than thirty (30) days after receipt**
32 **of a petition under this subsection, the commission shall review the**
33 **petition and, if the petition complies with subdivisions (1) and (2),**
34 **shall approve the electricity supplier's new or amended net**
35 **metering tariff. If the commission determines that the petition does**
36 **not comply with subdivisions (1) and (2), the commission shall**
37 **notify the electricity supplier of the defect and shall require the**
38 **electricity supplier to remedy the defect not later than a date set**
39 **forth by the commission in its notice to the electricity supplier**
40 **under this subsection.**

41 **(c) Before July 1, 2022, the commission shall amend 170**
42 **IAC 4-4.2 to do the following:**



1 (1) Amend 170 IAC 4-4.2-4(a) to provide that a net metering
 2 tariff of an electricity supplier must be made and remain
 3 available to the electricity supplier's customers at least until
 4 January 1 of the first calendar year after the calendar year in
 5 which the aggregate amount of net metering facility
 6 nameplate capacity under the electricity supplier's net
 7 metering tariff equals at least five percent (5%) of the most
 8 recent summer peak load of the electricity supplier.

9 (2) Amend 170 IAC 4-4.2-4(b) to:

10 (A) establish as the minimum limit on the aggregate
 11 amount of net metering facility nameplate capacity that an
 12 electricity supplier may establish under the electricity
 13 supplier's net metering tariff an amount equal to at least
 14 five percent (5%) of the most recent summer peak load of
 15 the electricity supplier; and

16 (B) provide that the required minimum net metering
 17 facility nameplate capacity made available for
 18 participation by an electricity supplier's customers under
 19 clause (A) is subject to following:

20 (i) Thirty percent (30%) of the capacity must be reserved
 21 for participation by residential customers.

22 (ii) Not more than five percent (5%) of the capacity must
 23 be reserved for participation by customers that install a
 24 net metering facility that uses a renewable energy
 25 resource described in IC 8-1-37-4(a)(5).

26 ~~(b)~~ (d) In amending 170 IAC 4-4.2-4, as required by ~~subsection~~
 27 ~~subsections~~ (a) and (c), the commission may adopt emergency rules
 28 in the manner provided by IC 4-22-2-37.1. Notwithstanding
 29 IC 4-22-2-37.1(g), an emergency rule adopted by the commission under
 30 this section and in the manner provided by IC 4-22-2-37.1 expires on
 31 the date on which a rule that supersedes the emergency rule is adopted
 32 by the commission under IC 4-22-2-24 through IC 4-22-2-36.

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

38 ~~(1) after December 31, 2017; and~~

39 ~~(2) before the date on which the net metering tariff of the~~
 40 ~~customer's electricity supplier terminates under section ~~10(1) or~~~~
 41 ~~~~10(2)~~ 10 of this chapter.~~

42 (b) A customer that is participating in an electricity supplier's net



1 metering tariff on the date on which the electricity supplier's net
 2 metering tariff terminates under section ~~10(1) or 10(2)~~ **10** of this
 3 chapter shall continue to be served under the terms and conditions of
 4 the net metering tariff until

5 ~~(1) the customer removes from the customer's premises or~~
 6 ~~replaces the net metering facility (as defined in 170~~
 7 ~~IAC 4-4.2-1(k)). or~~

8 ~~(2) July 1, 2032;~~
 9 ~~whichever occurs earlier.~~

10 (c) A successor in interest to a customer's premises on which a net
 11 metering facility (as defined in 170 IAC 4-4.2-1(k)): ~~that~~

12 **(1) is located; and**

13 **(2) was installed during the period described in subsection (a) is**
 14 **located before the date on which the net metering tariff of the**
 15 **customer's electricity supplier terminated under section 10;**
 16 may, if the successor in interest chooses, be served under the terms and
 17 conditions of the net metering tariff of the electricity supplier that
 18 provides retail electric service at the premises until

19 ~~(1) the net metering facility (as defined in 170 IAC 4-4.2-1(k)) is~~
 20 ~~removed from the premises or is replaced. or~~

21 ~~(2) July 1, 2032;~~
 22 ~~whichever occurs earlier.~~

23 **(d) The amount of nameplate capacity of a net metering facility**
 24 **(as defined in 170 IAC 4-4.2-1(k)) installed on a customer's**
 25 **premises on the date on which the net metering tariff of the**
 26 **customer's electricity supplier terminates under section 10 of this**
 27 **chapter is the amount of the customer's net metering facility (as**
 28 **defined in 170 IAC 4-4.2-1(k)) nameplate capacity considered to be**
 29 **participating in the net metering tariff of the customer's electricity**
 30 **supplier as of the date on which the net metering tariff of the**
 31 **customer's electricity supplier terminates under section 10 of this**
 32 **chapter. Any repairs, updates, or upgrades to portions of the net**
 33 **metering facility (as defined in 170 IAC 4-4.2-1(k)) that:**

34 **(1) are made after the date on which the net metering tariff of**
 35 **the customer's electricity supplier terminates under section 10**
 36 **of this chapter; and**

37 **(2) do not increase the nameplate capacity of the net metering**
 38 **facility;**

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

41 SECTION 11. IC 8-1-40-14 IS REPEALED [EFFECTIVE UPON
 42 PASSAGE]. ~~Sec. 14. (a) This section applies to a customer that installs~~



1 a net metering facility (as defined in ~~170 IAC 4-4.2-1(k)~~) on the
2 customer's premises before January 1, 2018.

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

6 (1) the customer removes from the customer's premises or
7 replaces the net metering facility (as defined in ~~170~~
8 ~~IAC 4-4.2-1(k)~~); or

9 (2) July 1, 2047;

10 whichever occurs earlier.

11 (c) A successor in interest to a customer's premises on which is
12 located a net metering facility (as defined in ~~170 IAC 4-4.2-1(k)~~) that
13 was installed before January 1, 2018, may, if the successor in interest
14 chooses, be served under the terms and conditions of the net metering
15 tariff of the electricity supplier that provides retail electric service at
16 the premises until:

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

19 (2) July 1, 2047;

20 whichever occurs earlier.

21 SECTION 12. IC 8-1-40-15 IS REPEALED [EFFECTIVE UPON
22 PASSAGE]. Sec. 15: An electricity supplier shall procure the excess
23 distributed generation produced by a customer at a rate approved by the
24 commission under section 17 of this chapter. Amounts credited to a
25 customer by an electricity supplier for excess distributed generation
26 shall be recognized in the electricity supplier's fuel adjustment
27 proceedings under IC 8-1-2-42.

28 SECTION 13. IC 8-1-40-16 IS REPEALED [EFFECTIVE UPON
29 PASSAGE]. Sec. 16: Not later than March 1, 2021, an electricity
30 supplier shall file with the commission a petition requesting a rate for
31 the procurement of excess distributed generation by the electricity
32 supplier. After an electricity supplier's initial rate for excess distributed
33 generation is approved by the commission under section 17 of this
34 chapter, the electricity supplier shall submit on an annual basis, not
35 later than March 1 of each year, an updated rate for excess distributed
36 generation in accordance with the methodology set forth in section 17
37 of this chapter.

38 SECTION 14. IC 8-1-40-17 IS REPEALED [EFFECTIVE UPON
39 PASSAGE]. Sec. 17: The commission shall review a petition filed
40 under section 16 of this chapter by an electricity supplier and, after
41 notice and a public hearing, shall approve a rate to be credited to
42 participating customers by the electricity supplier for excess distributed



1 generation if the commission finds that the rate requested by the
2 electricity supplier was accurately calculated and equals the product of:

3 (1) the average marginal price of electricity paid by the electricity
4 supplier during the most recent calendar year; multiplied by

5 (2) one and twenty-five hundredths (1.25);

6 SECTION 15. IC 8-1-40-18 IS REPEALED [EFFECTIVE UPON
7 PASSAGE]. Sec. 18: An electricity supplier shall compensate a
8 customer from whom the electricity supplier procures excess
9 distributed generation (at the rate approved by the commission under
10 section 17 of this chapter) through a credit on the customer's monthly
11 bill. Any excess credit shall be carried forward and applied against
12 future charges to the customer for as long as the customer receives
13 retail electric service from the electricity supplier at the premises.

14 SECTION 16. IC 8-1-40-19 IS REPEALED [EFFECTIVE UPON
15 PASSAGE]. Sec. 19: (a) To ensure that customers that produce
16 distributed generation are properly charged for the costs of the
17 electricity delivery system through which an electricity supplier:

18 (1) provides retail electric service to those customers; and

19 (2) procures excess distributed generation from those customers;
20 the electricity supplier may request approval by the commission of the
21 recovery of energy delivery costs attributable to serving customers that
22 produce distributed generation.

23 (b) The commission may approve a request for cost recovery
24 submitted by an electricity supplier under subsection (a) if the
25 commission finds that the request:

26 (1) is reasonable; and

27 (2) does not result in a double recovery of energy delivery costs
28 from customers that produce distributed generation.

29 SECTION 17. IC 8-1-40-20 IS REPEALED [EFFECTIVE UPON
30 PASSAGE]. Sec. 20: (a) An electricity supplier shall provide and
31 maintain the metering equipment necessary to carry out the
32 procurement of excess distributed generation from customers in
33 accordance with this chapter.

34 (b) The commission shall recognize in the electricity supplier's basic
35 rates and charges an electricity supplier's reasonable costs for the
36 metering equipment required under subsection (a).

37 SECTION 18. IC 8-1-40-21, AS ADDED BY P.L.264-2017,
38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 21. (a) Subject to subsection (b) and sections
40 **section 10 and 11** of this chapter, after June 30, 2017, the commission's
41 rules and standards set forth in:

42 (1) 170 IAC 4-4.2 (concerning net metering); and



1 (2) 170 IAC 4-4.3 (concerning interconnection);
 2 ~~remain in effect and~~ apply to net metering under an electricity
 3 supplier's net metering tariff. ~~and to distributed generation under this~~
 4 ~~chapter.~~

5 (b) After June 30, 2017, the commission may adopt changes under
 6 ~~IC 4-22-2, including emergency rules in the manner provided by~~
 7 ~~IC 4-22-2-37.1, to the rules and standards described in subsection (a)~~
 8 ~~only as necessary to:~~

9 (1) update fees or charges;

10 (2) adopt revisions necessitated by new technologies; or

11 (3) reflect changes in safety, performance, or reliability standards.
 12 Notwithstanding ~~IC 4-22-2-37.1(g)~~, an emergency rule adopted by the
 13 commission under this subsection and in the manner provided by
 14 ~~IC 4-22-2-37.1~~ expires on the date on which a rule that supersedes the
 15 emergency rule is adopted by the commission under ~~IC 4-22-2-24~~
 16 ~~through IC 4-22-2-36.~~

17 SECTION 19. IC 8-1-40-22, AS ADDED BY P.L.264-2017,
 18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 22. A **net metering** customer ~~that produces~~
 20 **distributed generation (as defined in 170 IAC 4-4.2-1(j))** shall comply
 21 with applicable safety, performance, and reliability standards
 22 established by the following:

23 (1) The commission.

24 (2) An electricity supplier, subject to approval by the commission.

25 (3) The National Electric Code.

26 (4) The National Electrical Safety Code.

27 (5) The Institute of Electrical and Electronics Engineers.

28 (6) Underwriters Laboratories.

29 (7) The Federal Energy Regulatory Commission.

30 (8) Local regulatory authorities.

31 SECTION 20. IC 8-1-40-23, AS ADDED BY P.L.264-2017,
 32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 23. (a) A **net metering** customer ~~that~~
 34 **produces distributed generation (as defined in 170 IAC 4-4.2-1(j))** has
 35 the following rights regarding the installation and ownership of
 36 ~~distributed generation equipment: a net metering facility (as defined~~
 37 **in 170 IAC 4-4.2-1(k)):**

38 (1) The right to know that the attorney general is authorized to
 39 enforce this section, including by receiving complaints
 40 concerning the installation and ownership of ~~distributed~~
 41 ~~generation equipment: a net metering facility (as defined in 170~~
 42 **IAC 4-4.2-1(k)).**



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



1 SECTION 21. [EFFECTIVE UPON PASSAGE] (a) The definitions
2 in IC 8-1-40, as amended by this act, apply throughout this
3 SECTION.

4 (b) If:
5 (1) an electricity supplier has filed, before the effective date of
6 this act, a petition with the commission under IC 8-1-40-16,
7 before its repeal by this act; and
8 (2) the commission, as of the effective date of this act, has not
9 approved:

10 (A) a rate under IC 8-1-40-17, before its repeal by this act;
11 or
12 (B) an excess distributed generation tariff;
13 for the electricity supplier;

14 the commission shall close the proceeding and direct the electricity
15 supplier to file a petition with the commission for approval of an
16 amended or a new net metering tariff as required by IC 8-1-40-12,
17 as amended by this act.

18 (c) If, before the effective date of this act, the commission has
19 approved a rate under IC 8-1-40-17, before its repeal by this act,
20 and an excess distributed generation tariff for an electricity
21 supplier, the electricity supplier shall, not later than thirty (30)
22 days after the effective date of this act, file a petition with the
23 commission for approval of an amended or a new net metering
24 tariff as required by IC 8-1-40-12, as amended by this act. Upon
25 the commission's approval of the electricity supplier's new or
26 amended net metering tariff:

27 (1) the electricity supplier's:
28 (A) rate under IC 8-1-40-17, before its repeal by this act;
29 and
30 (B) excess distributed generation tariff;
31 are no longer in effect; and

32 (2) the electricity supplier's new or amended net metering
33 tariff, as approved by the commission, is in effect and
34 available to the electricity supplier's customers, subject to
35 IC 8-1-40-10, as amended by this act, as directed by the
36 commission in its order approving the new or amended net
37 metering tariff.

38 (d) This section expires January 1, 2026.

39 SECTION 22. An emergency is declared for this act.

