



Summary of HEA 1002 Provisions Related to Emergencies

Emergency Powers – Modification to IC 8-1-2-113

HEA 1002 rewrites the IURC's pre-existing emergency powers (IC 8-1-2-113, which allows the Commission to temporarily alter, amend, or with the consent of the utility concerned, suspend any existing rates, service, practices, schedules or orders) — narrowing and clarifying when those powers can be invoked. Previously, the IURC could use its judgment and determine whether an emergency existed. Under HEA 1002, the IURC may only recommend that the Governor declare a disaster emergency (under IC 10-14-3-12) or proclaim a state of energy emergency (under IC 10-14-3-13) — and may only do so if the emergency results from:

- A national economic depression;
- An act of war; or
- A disaster of unprecedented size and destructiveness from manmade or natural causes.

See IC 8-1-2-113(a).

Any such declaration by the Governor is subject to the General Assembly's authority to terminate or limit it. This change is also reflected in conforming amendments to telecommunications and communications statutes elsewhere in the Indiana Code.