

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1722 be amended to read as follows:

1 Page 4, delete line 11 and insert "If".

2 Page 4, line 15, delete "shall" and insert "may".

3 Page 4, delete lines 34 through 40, begin a new paragraph and
4 insert: **(e) The commission shall allow recovery of costs under**
5 **subsections (c) and (d) only if the commission finds, after**
6 **notice and hearing, that:**

7 **(1) the gas utility has made every reasonable effort to**
8 **acquire long term gas supplies so as to provide gas to its**
9 **retail customers at the lowest gas costs reasonably possible;**

10 **(2) the substitute gas supplier or suppliers of the gas**
11 **utility has requested or has filed for a change in the costs of**
12 **gas pursuant to the jurisdiction and procedures of a duty**
13 **constituted regulatory authority;**

14 **(3) the supply of substitute gas has been and will**
15 **continue to be as reliable and adequate as traditional**
16 **supplies of natural gas;**

17 **(4) the cost recovery applied for will not result, in the**
18 **case of a public utility, in it earning a return in excess of the**
19 **return authorized by the commission in the last proceeding**
20 **in which the basic rates and charges of the public utility**
21 **were approved; however, if the cost recovery applied for**
22 **will result in the public utility earning a return in excess of**
23 **the return authorized by the commission in the last**
24 **proceeding in which basic rates and charges of the gas**
25 **utility were approved, the gas cost recovery applied for will**
26 **be reduced to the point where so such excess of return will**
27 **be earned.**

28 Page 5, line 1, delete "adversely" and insert "would result in
29 retail customers paying more than the lowest gas cost reasonably

- 1 **possible."**
- 2 Page 5, delete lines 2 through 3.
- 3 Page 5, line 7, delete "effect" and insert "**the public interest**".
- 4 Page 5, line 11, delete "limiting, altering, or" and insert "**retail**
- 5 **customers paying more than the lowest gas cost reasonably**
- 6 **possible."**
- 7 Page 5, delete lines 12 through 13.
- 8 Page 9, delete lines 29 through 42.
- 9 Delete pages 10 through 13.
- 10 Page 14, delete lines 1 through 34.
- 11 Page 15, line 14, delete "allow Indiana energy utilities to
- 12 recover" and insert "**protect Indiana's utility customers from**
- 13 **undue risks and unreasonable**".
- 14 Page 15, line 15, delete "through rate adjustments for the
- 15 utility's customers,".
- 16 Page 15, line 17, delete "promote the creation of such contracts"
- 17 and insert "**ensure that the utility's residential, commercial and**
- 18 **industrial customers do not pay more for substitute natural gas**
- 19 **than the lowest gas cost reasonably possible."**
- 20 Page 15, delete line 18.
- 21 Renumber all SECTIONS consecutively.

(Reference is to EHB 1722 as printed March 16, 2007.)

Senator BREAUX