



October 17, 2023

George Angelone  
Executive Director  
Indiana Legislative Services Agency<sup>1</sup>  
200 W. Washington Street, Suite 301  
Indianapolis, IN 46204

Re: Report regarding the progress of the Fire Prevention and Building Safety Commission on adopting rules under IC 22-14-8-10<sup>2</sup>

Dear Mr. Angelone,

House Enrolled Act No. 1173 created a new chapter in the Indiana Code entitled “Utility Scale Battery Energy Storage Systems.”<sup>3</sup> The act adopted the 2023 edition of NFPA 855 and vested rulemaking authority in the Fire Prevention and Building Safety Commission (‘Commission’) to amend the NFPA standard – and to implement the chapter and specify standards for the installation and operation of utility scale battery energy storage systems.<sup>4</sup> Pursuant to Section 2 of the act, a report on the progress of the Commission in adopting rules is due to the Executive Director of the Legislative Services Agency – by November 1, 2023 – for distribution to the members of the Interim Study Committee on Energy, Utilities, and Telecommunication.

At this time, the Commission has been apprised of its authority to adopt rules, pursuant to IC 22-14-8-10, by support staff at the Indiana Department of Homeland Security (‘Department’). To date, no rules have been adopted and the Commission is not in the process of review or study for the promulgation of rules. The Commission is currently focused on forming subcommittees for the review and adoption of a new Building Code, Fire Code, and Electrical Code.<sup>5</sup>

Sincerely,

Office of General Counsel  
Indiana Department of Homeland Security

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<sup>1</sup> Delivered via email to: george.angelone@iga.in.gov. Also submitted to the IGA Agency Reports Portal.

<sup>2</sup> See P.L.217-2023, SEC.2.

<sup>3</sup> See IC 22-14-8.

<sup>4</sup> IC 22-14-8-10.

<sup>5</sup> The most recent versions of these codes were adopted in 2012 (Building Code & Fire Code) and 2008 (Electrical Code).