

**IN THE
INDIANA COURT OF APPEALS**

CAUSE NO. 25A-EX-00486

NUCOR STEEL-INDIANA,	)	Appeal from Indiana Utility
	)	Regulatory Commission
)	
Appellant (Intervenor Below),	)	Cause No. 46038
)	
	)	The Hon. James F. Huston
v.	)	Chairman
	)	The Hon. Wesley R. Bennett
	)	The Hon. Sarah E. Freeman
DUKE ENERGY INDIANA, LLC, AND THE	)	The Hon. David E. Veleta
INDIANA UTILITY REGULATORY	)	The Hon. David E. Ziegner
COMMISSION)	
Appellees (Petitioner and	)	The Hon. Lorraine Seyfried
Administrative Agency Below).	)	Administrative Law Judge

APPELLANT’S VERIFIED MOTION FOR STAY OF APPEAL

Nucor Steel-Indiana, a division of Nucor Corporation (“Nucor or Appellant”), by counsel, and respectfully requests that, pursuant to Indiana Appellate Rule 39, the Court grant a temporary stay of this appeal to permit the Indiana Utility Regulatory Commission (“Commission” or “IURC”) to complete its post-order proceedings in this matter. In support thereof, Nucor states the following:

1. This appeal was initiated on February 28, 2025, from an Order entered by the IURC on January 29, 2025.

2. On February 18, 2025, Nucor filed its Motion for Clarification and Reconsideration with the Indiana Utility Regulatory Commission (“Nucor Petition”). On the same date, Duke Energy Indiana, LLC (“Duke Energy”) also filed its Verified Petition for Rehearing and Reconsideration Or, Alternatively Commission Clarification and/or Modification with the Commission (“Duke Petition”). Appellee Duke Energy filed its response to the Nucor Petition on February 28, 2025. Nucor’s Reply to Duke’s Response to the Nucor Petition is due

Appellant's Verified Motion for Stay of Appeal

March 7, 2025. Duke's Reply to the parties' responses to the Duke Petition is also due March 7, 2025. As of the date of this Motion, the IURC has not ruled upon the pending petitions ("Petitions").

3. An appeal from the IURC, an administrative agency as defined under App. R. 2.A., must be filed within thirty (30) days after the date of the order. App. R. 9(A)(3). To preserve its appellate rights, Nucor was required to file its Notice of Appeal. Because the IURC's decision may materially affect matters at issue in this appeal, Nucor is filing its *Motion for Stay* to allow the IURC to render its decision on the pending Nucor Petition and Duke Petition. *See, Citizens Indus. Group v. Heartland Gas Pipeline, LLC*, 856 N.E. 2d 734 (Ind. App. 2006), transfer denied, 869 N.E. 2d 453 (Ind. 2007)

4. Under the Commission's procedural rules, petitions for reconsideration are governed by the following:

(2) Responses to the petitions shall be filed and served within ten (10) days after service of the petition upon the responding party unless the presiding officer shall prescribe a different time. A reply to the responses shall be filed within seven (7) days after service of the response unless the presiding officer shall prescribe a different time.

(3) In response to the petition, the commission may:

- (A) reconsider the final order and uphold it without modification;
- (B) correct errors by modifying or clarifying it without further hearing based upon the existing record;
- (C) upon notice to the parties, reopen the proceeding for the receipt of further evidence on particular issues; or
- (D) reverse the final order.

(4) A petition for reconsideration shall be deemed a petition for rehearing for purposes of IC 8-1-3-2.

(5) A petition for reconsideration shall be deemed denied if not ruled upon or otherwise addressed within sixty (60) days following its filing.

170 Ind. Admin. Code 1-1.1-22(e).

5. Consistent with 170 I.A.C. 1-1.1-22(e)(5), Nucor commits to file a status report with the Court on or before May 14, 2025, the eighty-fifth (85th) day after the filing of the Petitions. This

Appellant's Verified Motion for Stay of Appeal

date allows for the maximum number of days should an additional petition for reconsideration be filed by other parties if the IURC uses the maximum sixty-day (60) period for its decision. Should the IURC rule prior to this time, Nucor commits to filing a status report on or before twenty-five (25) days after the IURC's decision.

6. Nucor has conferred with all parties to the Commission proceeding and reports that Appellee Duke Energy Indiana does not object to the proposed stay of the appeal. Additionally, all Intervenors in the Commission proceeding below have no objection to the proposed stay.

7. It is in the interests of judicial economy and the parties to stay this appeal pending the IURC's decision on the Petitions. Nucor respectfully submits that the granting of a temporary stay of this appeal is therefore appropriate.

WHEREFORE, Appellant Nucor respectfully requests that the Court grant its Motion for Stay, and for all other proper relief.

Respectfully submitted,

LEWIS KAPPES P.C.

/s/ Anne E. Becker

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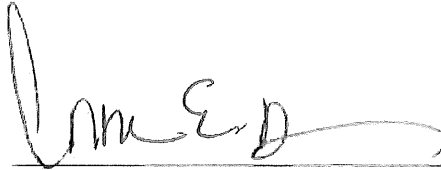
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Appellant's Verified Motion for Stay of Appeal

VERIFICATION

In compliance with Appellate Rule 34(F), I verify that the foregoing factual representations are true and correct.

A handwritten signature in black ink, appearing to read "Anne E. Becker", written over a horizontal line.

Anne E. Becker, Attorney No. 14185-03

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on March 5th, 2025 the foregoing *Appellant's Verified Motion for Stay of Appeal* was filed with the Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court using the Indiana E-Filing System.

The undersigned counsel hereby certifies that on March 5th, 2025 copies of the foregoing *Appellant's Verified Motion for Stay of Appeal* were served on the following Public Service Contacts through E-Service using the IEFS:

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Appellant's Verified Motion for Stay of Appeal

The undersigned counsel certifies that the following, not designated as Public Service Contacts, were served the foregoing *Appellant's Verified Motion for Stay of Appeal* by first class, United States mail, postage prepaid, and by electronic mail, this 5th day of March, 2025:

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