

**IN THE INDIANA COURT OF APPEALS**

**CAUSE NO. 21A-EX-\_\_\_\_\_**

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR,	)	Appeal from the
	)	Indiana Utility Regulatory Commission
	)	
Appellant (Statutory Representative Below),	)	IURC Cause No: 45253 S1
	)	
v.	)	The Honorable James F. Huston, Chairman
	)	
DUKE ENERGY INDIANA, LLC and INDIANA UTILITY REGULATORY COMMISSION	)	The Honorable Sarah E. Freeman, Stefanie Krevda, David Ober and David E. Ziegner, Commissioners
	)	
Appellees (Petitioner and Administrative Agency Below).	)	The Honorable David E. Veleta, Senior Administrative Law Judge.

**NOTICE OF APPEAL**

Not an expedited appeal under App. R. 14.1

**(Appearance)**

**PARTY INFORMATION:**

Name: Indiana Office of Utility Consumer Counselor  
Address: 115 West Washington Street, Suite 1500 South  
Indianapolis, IN 46204

Requesting service of orders and opinions of the Court by: E-mail

*In forma pauperis:* No

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**PARTY INFORMATION (Cont'd):**

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Attorney Name: Lorraine Hitz, Deputy Consumer Counselor  
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Attorney Name: Scott Franson, Deputy Consumer Counselor  
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Each attorney specified above:

(a) certifies that the contact information listed for him or her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date this Notice of Appeal is filed;

(b) acknowledges that all orders, opinions, and notices in this matter will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and

(c) understands that he or she is solely responsible for keeping his or her Roll of Attorneys contact information current and accurate, *see* Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Indiana Courts Portal.

**TRIAL INFORMATION:**

Title of case: The proceeding below was captioned as follows:

PETITION OF DUKE ENERGY INDIANA, LLC FOR APPROVAL OF A FEDERAL MANDATE CERTIFICATE UNDER IND. CODE § 8-1-8.4-1.

Names of All Parties: Duke Energy Indiana, LLC (Petitioner); Indiana Office of Utility Consumer Counselor (Statutory Party); Duke Industrial Group (Intervenor); Citizens Action Coalition of Indiana, Inc. (“CAC”) (Intervenor); The Department of The Navy (“DON”), on behalf of Federal Executive Agencies (“FEA”) (Intervenor); and Nucor Steel-Indiana (Intervenor).

Administrative Agency: Indiana Utility Regulatory Commission

Cause Number: 45253 S1

Names of Presiding Officers: Honorable James F. Huston, Chairman; Honorable Sarah E. Freeman, Commissioner; Honorable Stefanie Krevda, Commissioner; Honorable David Ober, Commissioner; Honorable David E. Ziegner, Commissioner; and Honorable David E. Veleta, Senior Administrative Law Judge

**INFORMATION FOR ORDER BEING APPEALED:**

Date of Order being appealed: November 3, 2021

Title of Order being appealed: Order of the Commission

Basis for Appellate Jurisdiction: Appeal from a final order of the Indiana Utility Regulatory Commission, as defined by Appellate Rule 2(H) and 9(I)

This appeal will be taken to: Court of Appeals of Indiana, pursuant to Appellate Rule 5

**Administrative Agency/Court Reporter Instructions:**

Pursuant to Appellate Rules 10 and 13, the Clerk of the Indiana Utility Regulatory Commission is requested to assemble the Clerk’s Record, as defined in Appellate Rules 2(E) and 13.

Pursuant to Appellate Rules 11 and 13, the Court Reporter of the Indiana Utility Regulatory Commission is requested to transcribe, certify, and file with the clerk of the Indiana Utility Regulatory Commission the following hearings of record, including exhibits: Evidentiary Hearing conducted on September 14, 2020.

**Public Access Information:**

Was the entire agency record sealed or excluded from public access?

☐ Yes ☒ No

Was a portion of the agency record sealed or excluded from public access?

☒ Yes ☐ No

If yes, which provision in the Rules on Access to Court Records provides the basis for this exclusion: 5(B)(2) and 5(B)(4).

If Rule 6 of the Rules on Access to Court Records provides the basis for this exclusion, was the trial court or agency order issued in accordance with the requirements of this rule?

☒ Yes ☐ No

**Appellate Alternative Dispute Resolution:**

The OUCC is not willing to participate in Appellate Dispute Resolution.

**Attachments:**

- 1) Order of the Indiana Utility Regulatory Commission dated November 3, 2021.
- 2) Indiana Utility Regulatory Commission Docket Entry relating to its decision to seal or exclude information from public access of Duke Energy Indiana, LLC dated April 24, 2020.
- 3) Indiana Utility Regulatory Commission Docket Entry relating to its decision to seal or exclude information from public access of Duke Energy Indiana, LLC dated July 28, 2020.

**Certification:**

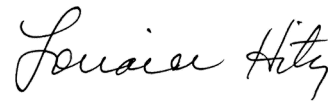
By signing below, I certify that:

- (1) This case does not involve an interlocutory appeal; issues of child custody, support, visitation, adoption, paternity, determination that a child is in need of

services, termination of parental rights; or an appeal entitled to priority by rule or statute;

- (2) I have reviewed and complied, and will continue to comply, with the requirements of Appellate Rule 9(J), 23(F), and Access to Court Records Rule 5 on appeal; and,
- (3) I will make satisfactory payment arrangements for any Transcripts ordered in this Notice of Appeal as required by Appellate Rule 9(H).

Respectfully submitted,



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Lorraine Hitz  
Deputy Consumer Counselor  
Indiana Office of Utility Consumer Counselor  
115 West Washington Street, Suite 1500 South  
Indianapolis, IN 46204  
(317) 232-2775  
Indiana Attorney Number: 18006-29

## CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2021, I electronically filed the foregoing *Notice of Appeal of the Indiana Office of Utility Consumer Counselor* with the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court using the Indiana E-Filing System.

I also certify that on December 3, 2021, the foregoing *Notice of Appeal of the Indiana Office of Utility Consumer Counselor* was served upon the following persons via the IEFS:

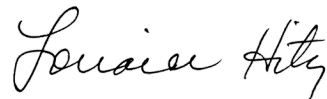
<b><u>Counsel of Record</u></b>  <b><i>Duke Energy Indiana, LLC</i></b> Kelley A. Karn Melanie D. Price Elizabeth A. Heneghan Andrew J. Wells DUKE ENERGY BUSINESS SERVICES LLC <a href="mailto:kelley.karn@duke-energy.com">kelley.karn@duke-energy.com</a> <a href="mailto:melanie.price@duke-energy.com">melanie.price@duke-energy.com</a> <a href="mailto:beth.heneghan@duke-energy.com">beth.heneghan@duke-energy.com</a> <a href="mailto:andrew.wells@duke-energy.com">andrew.wells@duke-energy.com</a>  <b><i>Duke Industrial Group</i></b> Todd A. Richardson Tabitha L. Balzer Aaron A. Schmoll LEWIS & KAPPES, P.C. <a href="mailto:trichardson@lewis-kappes.com">trichardson@lewis-kappes.com</a> <a href="mailto:tbalzer@lewis-kappes.com">tbalzer@lewis-kappes.com</a> <a href="mailto:aschmoll@lewis-kappes.com">aschmoll@lewis-kappes.com</a>	<b><i>Citizens Action Coalition of Indiana, Inc.</i></b> Jennifer A. Washburn CITIZENS ACTION COALITION OF INDIANA, INC. <a href="mailto:jwashburn@citact.org">jwashburn@citact.org</a>  <b><i>The Department of The Navy, on behalf of Fed. Exec. Agencies</i></b> Cheryl Ann Stone, Esq. Office of Counsel NSWC Crane, Department of the Navy <a href="mailto:Cheryl.Stone1@navy.mil">Cheryl.Stone1@navy.mil</a>  <b><i>Nucor Steel-Indiana</i></b> Anne E. Becker LEWIS & KAPPES, P.C. <a href="mailto:abecker@lewis-kappes.com">abecker@lewis-kappes.com</a>
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I further certify the foregoing *Notice of Appeal of the Indiana Office of Utility Consumer Counselor* was served on December 3, 2021, upon the following person, not designated as a Public Service Contact, via first-class U.S. mail, postage prepaid, addressed as follows:

<b><u>Counsel of Record</u></b>  <b><i>Duke Energy Indiana, LLC</i></b> Andrew J. Wells DUKE ENERGY BUSINESS SERVICES LLC 1000 East Main Street Plainfield, Indiana 46168
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Courtesy copy via IEFS to:

<p>Kay E. Pashos Mark R. Alson ICE MILLER LLP <a href="mailto:kay.pashos@icemiller.com">kay.pashos@icemiller.com</a> <a href="mailto:mark.alson@icemiller.com">mark.alson@icemiller.com</a></p> <p><i>The Department of The Navy, on behalf of Fed. Exec. Agencies</i> Kay Davoodi Larry Allen Utility Rates and Studies Office NAVFAC HQ, Department of the Navy <a href="mailto:Khojaesteh.Davoodi@navy.mil">Khojaesteh.Davoodi@navy.mil</a> <a href="mailto:larry.r.allen@navy.mil">larry.r.allen@navy.mil</a></p>	<p><b><i>Administrative Agency General Counsel</i></b> Beth E. Heline INDIANA UTILITY REGULATORY COMMISSION <a href="mailto:bheline@urc.in.gov">bheline@urc.in.gov</a></p> <p><b><i>Office of the Indiana Attorney General</i></b> Theodore E. Rokita, Attorney General <a href="mailto:efile@atg.in.gov">efile@atg.in.gov</a></p>
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Lorraine Hitz  
Deputy Consumer Counselor