

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF NIPSCO GENERATION LLC)
FOR CERTAIN DETERMINATIONS BY THE)
COMMISSION WITH RESPECT TO ITS JURISDICTION)
OVER PETITIONER'S ACTIVITIES AS A NON-RETAIL)
GENERATOR OF ELECTRIC POWER.)

Cause No. 46120

TESTIMONY OF
MICHAEL W. DEUPREE
ON BEHALF OF
INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR
PUBLIC'S EXHIBIT NO. 2

June 13, 2024

1 **I. INTRODUCTION**

2 **Q. WOULD YOU PLEASE STATE YOUR NAME AND BUSINESS ADDRESS?**

3 A. My name is Michael W. Deupree. My business address is 5800 One Perkins Place
4 Drive, Suite 5-F, Baton Rouge, Louisiana 70808.

5 **Q. PLEASE STATE YOUR OCCUPATION AND CURRENT PLACE OF**
6 **EMPLOYMENT.**

7 A. I am a research consultant with the Acadian Consulting Group ("ACG").

8 **Q. PLEASE DESCRIBE ACG AND ITS AREAS OF EXPERTISE.**

9 A. ACG is a research and consulting firm that specializes in the analysis of regulatory,
10 economic, financial, accounting, statistical, and public policy issues associated
11 with regulated and energy industries. ACG is a Louisiana-registered partnership,
12 formed in 1995, and located in Baton Rouge, Louisiana.

13 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL QUALIFICATIONS.**

14 A. I hold a Bachelor of Arts degree in Business Economics from Buena Vista
15 University in Storm Lake, Iowa, and a Master of Arts degree in Economics from
16 the University of Kansas in Lawrence, Kansas. I began my professional career with
17 the Staff of the Kansas Corporation Commission in 2008 while in graduate school
18 conducting analyses of topics related to energy and the economy as a Research
19 Assistant, eventually being promoted to a Research Analyst and later Senior
20 Research Economist after graduation. I left the Kansas Corporation Commission
21 to take a position with ACG in late 2011, where I have been promoted to positions
22 of increasing responsibility since, including my current position which I started in

1 mid-2021. At ACG I manage research teams supporting expert testimony and have
2 overseen dozens of litigated proceedings, including several proceedings on behalf
3 of the Indiana Office of Utility Consumer Counselor ("OUCC") relating to rate
4 design and class cost of service. Appendix A provides my professional resume,
5 which includes a listing of my publications, presentations, pre-filed expert witness
6 testimony, expert reports, and expert legislative testimony.

7 **Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?**

8 A. I have been retained by the OUCC to provide an expert opinion to the Indiana
9 Utility Regulatory Commission ("Commission") regarding the Stipulation and
10 Settlement Agreement ("Settlement Agreement" or "Settlement") entered into on
11 May 14, 2025, by NIPSCO Generation LLC ("GenCo"), Northern Indiana Public
12 Service Company LLC ("NIPSCO"), and the NIPSCO Industrial Group ("IG")
13 (collectively the "Settling Parties").

14 **Q. HOW IS THE REMAINDER OF YOUR TESTIMONY ORGANIZED?**

15 A. My testimony is organized into the following sections:

- 16 • Section II: Summary of Settlement Agreement
- 17 • Section III: Discussion
- 18 • Section IV: Conclusions and Recommendations

19 **II. SUMMARY OF SETTLEMENT AGREEMENT**

20 **Q. PLEASE SUMMARIZE THE TERMS AND CONDITIONS OF THE PROPOSED**
21 **SETTLEMENT.**

22 A. Pursuant to the Settlement, the Settling Parties agree to support GenCo's
23 requested Order from the Commission declining to exercise jurisdiction over

1 certain aspects of GenCo's purchase, ownership, development, financing,
2 construction, and operation of generating facilities and related assets.¹ The
3 Settlement Agreement includes several provisions not included in GenCo's original
4 case-in-chief. Specifically, GenCo agrees to:

- 5 1. File with the Commission special contracts or NIPSCO-GenCo
6 power purchase agreements ("PPA") serving any future 'megaload'
7 customers;
- 8 2. Hold NIPSCO as its only customer and not attempt to attract other
9 customers in competitive markets;
- 10 3. Tailor generation to NIPSCO's anticipated 'megaload' needs, as
11 informed by NIPSCO's integrated resource planning ("IRP"),
12 customer negotiations, and Commission-approved special contract
13 demand;
- 14 4. Cover Midcontinent Independent System Operator, Inc. ("MISO")
15 planning reserve margin requirements, ensuring that all proposed
16 NIPSCO-GenCo PPAs cover full load requirements of 'megaload'
17 customers;
- 18 5. Hold any potential behind-the-meter-generation service as optional
19 for GenCo customers;
- 20 6. Remove its request for declination under Ind. Code § 8-1-2-47, which
21 pertains to inspections, tests, audits, and investigations;
- 22 7. Work with NIPSCO to develop affiliate guidelines for submission to
23 the Commission no later than the time of the first NIPSCO-GenCo
24 PPA presented to the Commission for approval;
- 25 8. Enter into separate service agreements with NIPSCO and NiSource
26 Corporate Services Company that will be filed with the Commission;
27 and
- 28 9. Commit to submit PPAs and related 'megaload' customer special
29 contracts to the Commission at approximately the same time so they
30 can be evaluated concurrently.²

31 **Q. DOES NIPSCO LIKEWISE AGREE TO ADDITIONAL COMMITMENTS IN**
32 **CONJUNCTION WITH THE PROPOSED SETTLEMENT AGREEMENT?**

¹ Settlement Agreement at 2.

² Settlement Agreement at 3-4.

1 A. Yes. As part of the proposed Settlement Agreement, NIPSCO agrees to:

- 2 1. Only enter into PPAs with GenCo for energy and capacity it
- 3 reasonably expects to need to serve megaload customers;
- 4 2. File special contracts with the Commission for approval;
- 5 3. With GenCo, file PPAs with the Commission for approval;
- 6 4. With GenCo, enter into affiliate guidelines to be filed with the
- 7 Commission; and
- 8 5. With GenCo, enter into one or more services agreements filed with
- 9 the Commission establishing shared services and the allocation of
- 10 service costs between NIPSCO and GenCo.

11 **III. DISCUSSION**

12 **Q. IS THE ELECTRIC INDUSTRY CURRENTLY UNDERGOING CHANGES?**

13 A. Yes. The U.S. electric utility industry is undergoing rapid changes affecting both
14 how electricity is produced and consumed. On the production side, electric utilities
15 are increasingly focused on renewable generation resources as an alternative to
16 traditional fossil fuel resources. In the meantime, utilities continue to propose new
17 natural gas-fired generation while the research and development of small modular
18 nuclear reactors continues. The utilities' transition to renewables is to respond, in
19 part, to increasing demand from customers, especially large customers, to provide
20 renewable energy.

21 **Q. HOW IS THE CONSUMPTION OF ELECTRICITY CHANGING?**

22 A. Electricity consumption is evolving for both residential and non-residential
23 customers. Among other factors, the growth of artificial intelligence and the
24 growing application of information technologies from cloud computing and other
25 applications are quickly requiring additional generation resources to cover current
26 and projected peak and annual energy requirements.

Q. HOW DO THESE ELECTRIC INDUSTRY TRANSITIONS IMPACT THE PROPOSED CREATION AND ISOLATION OF GENCO?

A. As proposed, GenCo is designed as a means for NIPSCO to finance significant wholesale generation development in order to serve emerging data center customers involved in cloud computing, big data analytics, artificial intelligence, and other high-performance computing tasks. These customers, individually, will require hundreds of MWs of generation capacity. Indeed, Amazon Web Services ("AWS"), which hosts websites and e-commerce platforms, broke ground last year on a new campus in northern Indiana near the town of New Carlisle that is estimated to cost \$11 billion in total.³

Q. ARE DATA CENTER PROJECTS LIKE THE AWS FACILITY LOCATED NEAR NEW CARLISLE ANTICIPATED TO HAVE SIGNIFICANT GENERATION REQUIREMENTS?

A. Yes. It is estimated that this facility alone will require a staggering 2,250 MW of service capability when fully operational.⁴ To put this into perspective, the largest power plant in Indiana, Gibson Generation Station ("Gibson") operated by Duke Energy Indiana, LLC, has 3,339.5 MWs of generation capabilities across its five electric generating units ("EGUs"),⁵ meaning that serving this singular customer would require effectively dedicating four EGUs from Gibson to supplying its needs.

³ About Amazon, "AWS plans to invest \$11 billion in Indiana, the largest capital investment in the state's history", April 5, 2024, accessed June 10, 2025 at: <https://www.aboutamazon.com/news/aws/aws-indiana-investment-11-billion>.

⁴ Joseph Pete, "Indiana Data Center Could Bring Significant Power Use", Government Technology (April 23, 2025), accessed June 10, 2025 at: <https://www.govtech.com/artificial-intelligence/indiana-data-center-could-bring-significant-power-use>.

⁵ Energy Information Administration, 2024 Form EIA-860.

1 This also explains why AWS and other large data center companies are locating
2 large data centers near existing nuclear power plants or other locations where new
3 large EGUs can be easily constructed.⁶

4 **Q. DID THE OUCC EXPRESS CONCERNS ASSOCIATED WITH GENCO'S**
5 **PROPOSAL IN THIS PROCEEDING?**

6 A. Yes. The OUCC in the current proceeding noted that it was not opposed to the
7 general structure of GenCo's application, specifically, the request to establish an
8 independent entity to facilitate construction of new EGUs to serve new megaload
9 data center customers. However, the OUCC recommended denial of GenCo's
10 request because it did not meet its burden for declination under relevant Indiana
11 law.⁷

12 **Q. DOES THE PROPOSED SETTLEMENT AGREEMENT ADDRESS ALL OF THE**
13 **OUCC'S CONCERNS?**

14 A. No. In fact, if anything, the proposed Settlement Agreement exacerbates some of
15 the OUCC's concerns. The OUCC noted in its Direct Testimony that GenCo's
16 requested declination was unusual in that declinations are typically reserved for
17 specific generation projects.⁸ However, GenCo currently has no assets and no
18 customers, and requests declination for the general concept of a wholesale
19 generation company rather than for specific assets. It is unclear why future projects
20 could not be handled on an individual basis, as is typically done, as customers and

⁶ "Amazon to spend \$20B on Pennsylvania data centers, including one next to a nuclear power plant," (June 9, 2025), CBS News Philadelphia.

⁷ Direct Testimony of Brian R. Latham at 2:5-8.

⁸ *Id.* at 4:16 to 5:6.

1 the required assets arise, without requesting declination for the entire GenCo
2 entity, even if such a process might become cumbersome if the speed of data
3 center development accelerates in the future.

4 **Q. HOW DOES THE PROPOSED SETTLEMENT AGREEMENT EXACERBATE**
5 **SOME OF THE OUCC'S CONCERNS?**

6 A. The proposed Settlement Agreement changes the definition of "megaload
7 customers" from that initially proposed by GenCo. GenCo's original petition in this
8 proceeding defines "megaload customers" as customers seeking new service for
9 generally hundreds of MWs of service and in some cases thousands of MWs.⁹
10 However, the proposed Settlement Agreement redefines "megaload customers" to
11 be any non-residential, non-municipal, non-small commercial customer seeking
12 service for at least 50 MWs of firm service.¹⁰

13 **Q. HOW IS THE PROPOSED DEFINITION OF MEGALOAD CUSTOMER**
14 **CONCERNING?**

15 A. The proposed new definition does two things. First, it reduced the envisioned size
16 of customers that will be served by GenCo from at least 100 MWs to as small as
17 50 MWs, which could significantly expand the pool of affected load. More
18 concerning, the new definition eliminates the reference to customers being served
19 by GenCo as being data center customers or customers seeking new service that
20 are not already served by NIPSCO. The Commission should ensure the proposed
21 declination process does not result in loss of existing NIPSCO customers or new

⁹ Verified Petition at 2, fn. 2.

¹⁰ Settlement Agreement at 6-7.

1 customers that could be reasonably served by NIPSCO to the new GenCo entity.
2 Such losses could result in lost revenues for NIPSCO and, thus, higher rates for
3 non-GenCo NIPSCO ratepayers.

4 **Q. DOES NIPSCO HAVE A TARIFF CURRENTLY STRUCTURED TO ALLOW FOR**
5 **THIRD-PARTY GENERATION SERVICE SUCH AS THAT PROPOSED BY**
6 **GENCO?**

7 A. Yes. NIPSCO's Rate 531 – Industrial Power Service-Large, currently allows for
8 buy-through service under Tier 3: Non-Firm Third Party Generation Service. Under
9 this elected option, NIPSCO registers the customer as an asset owner at MISO
10 and allows the customer to arrange for third party energy with NIPSCO as the
11 contracting market participant.¹¹ The customer is responsible for all market
12 settlement charges by NIPSCO as the market participant or the customer as the
13 asset owner in addition to charges from the third-party energy supplier.¹² Despite
14 this existing provision, the Settlement Agreement's change in the definition of
15 'megaload' customer places customers with at least 50 MWs of firm service
16 requirements in an even more advantageous position. Customers that are
17 currently allowed to elect this buy-through service could instead elect to become
18 'megaload' customers and potentially leave NIPSCO's existing system entirely. If
19 the Commission does not reject the Settlement Agreement, then it should modify
20 the Settlement Agreement by restricting the definition of "megaload" to exclude
21 existing NIPSCO customers. This would help ensure existing customers continue

¹¹ NIPSCO Electric Service Tariff, Rate 531: Rate for Electric Service Industrial Power Service – Large, Sheet No. 75.

¹² *Id.*

1 to contribute to NIPSCO's system costs, and that GenCo exists only for the
2 provision of electric service to new "megaload" customers, as Petitioner initially
3 proposed.¹³

4 **Q. ARE THERE POTENTIAL BROADER CONCERNS ASSOCIATED WITH THE**
5 **POTENTIAL DECLINATION OF AN ENTITY NOT TIED TO A SPECIFIC**
6 **GENERATION PROJECT?**

7 A. Yes. My understanding is that GenCo's proposal, in its broadest sense, effectively
8 requests that GenCo be established as a public utility separate from NIPSCO,
9 limited in its operations to only wholesale generation. This is potentially concerning
10 as the Commission could be granting extraordinary powers typically reserved for
11 a public utility, such as the powers of Eminent Domain under Ind. Code § 32-24-
12 1-1, *et. seq.*, without Commission oversight. This is normally not a concern
13 regarding a requested declination of an entity whose property interest is confined
14 to the four corners of its creation – i.e. the generation facility it proposes to
15 construct and operate. GenCo would be given unprecedented broad powers as it
16 seeks potential new customers and investigates the construction of new EGUs to
17 serve these customers. In typical recent declination proceedings, the Commission
18 specifically stated that while the entity is a "public utility" within the meaning of Ind.
19 Code §§ 8-1-8.5-1 and 8-1-2-1, the entity "shall not exercise an Indiana public
20 utility's rights, powers, and privileges of eminent domain and of exemption from
21 local zoning, land use requirements, land use ordinances, and construction-related

¹³ Verified Petition, page 2, fn. 2.

permits in the operation and construction of the” proposed project, and that the entity “shall retain the right to limited use of the public right-of-way within the Project area”.¹⁴

Q. WHY IS THE POTENTIAL EXERCISE OF EMINENT DOMAIN BY GENCO A CONCERN?

A. One of the criteria the Commission must consider when determining whether the public interest will be served by declining jurisdiction under Ind. Code § 8-1-2.5-5(b)(1) states, in part:

Whether... the extent of regulation by other state or federal regulatory bodies render the exercise, in whole or in part, of jurisdiction by the commission unnecessary or wasteful.

Because entities in typical declination proceedings do not have the power of eminent domain, they must follow local regulations regarding their use of the land and operation of the facility, such as setback and facility decommissioning requirements. Importantly, if the Commission does not have jurisdiction over the facility, then the appropriate local regulatory bodies do have authority to regulate the facility, such that the facility does not have the ability to place itself outside any regulatory oversight. If GenCo receives its request for the Commission to decline jurisdiction while still retaining eminent domain authority, then GenCo has the ability to do exactly this and not follow any or all local regulations. It also creates a disadvantage for other entities seeking declination by allowing GenCo to retain this authority while eliminating it for these other entities. The OUCC recommends the

¹⁴ See, e.g., Cause No. 46177, *In re Royerton Solar, LLC*, Order at 10, Ordering Paragraphs 1, 4 (Ind. Util. Reg. Comm’n, May 7, 2025); Cause No. 46104, *In re Duff Solar Park LLC*, Order at 10, Ordering paragraphs 1, 4 (Ind. Util. Reg. Comm’n. Nov. 20, 2024).

1 Commission be consistent with its previous declination orders and find that GenCo
2 shall not exercise an Indiana public utility's rights, powers, and privileges of
3 eminent domain and exemption from local zoning, land use requirements, land use
4 ordinances, and construction-related permits in the operation and construction of
5 any facility GenCo intends to construct.

6 **Q. WHAT OTHER CONCERNS DOES THE OUCC HAVE REGARDING THE**
7 **SETTLEMENT?**

8 A. The Settlement provides that for generation assets, GenCo will make a filing either
9 to seek "approval of the generation resource(s) as reasonable and necessary to
10 serve expected load growth," or a declination of Commission jurisdiction under Ind.
11 Code ch. 8-1-8.5.¹⁵ It is important for the Commission to be clear that there should
12 not be any expectation or inference that GenCo receives any authority or
13 responsibility through the determination that its generation resources are
14 "reasonable and necessary." If GenCo is seeking declination of Commission
15 jurisdiction, there is no need for Commission approval of GenCo's generation
16 resources as "reasonable and necessary," and this portion of the Settlement
17 Agreement should be rejected. Additionally, there should not be any expectation
18 that GenCo will meet "expected load growth." GenCo's only "obligation" to meet
19 expected load growth, as stated in Sec. 3(i)(4) of the Settlement Agreement, is
20 merely a contractual requirement through a PPA with NIPSCO. It is solely

¹⁵ Settlement Agreement at 13, Sec. A.3(i).

1 NIPSCO's responsibility, as the regulated retail entity, to meet expected load
2 growth and to show it will meet its expected load through the PPA with GenCo.

3 **Q. DO YOU HAVE ADDITIONAL CONCERNS?**

4 A. Yes. Sec. A.1(a)(i)(3) of the Settlement Agreement states:

5 Generation under GenCo's control will be tailored to NIPSCO's
6 anticipated megaload needs, guided by NIPSCO's ongoing
7 integrated resource planning ("IRP") process and informed by
8 customer negotiations and Commission-approved special contract
9 demand.¹⁶

10 There is no specification as to what "tailored" in this passage means or how this
11 will limit the amount of generation resources GenCo will construct, purchase, or
12 lease. GenCo should provide a specific limitation on the amount of generation it
13 will construct, purchase, or lease, as a specific percentage of load NIPSCO will
14 meet, including any MISO planning reserve margin requirements. For example, if
15 NIPSCO has 1,000 MWs of additional megaload obligation, then GenCo will
16 construct, purchase, or lease only up to a specific percent above this amount.

17 Further, Sec. B.4 of the Settlement Agreement states, in part:

18 The Settling Parties acknowledge that this Agreement addresses all
19 issues in the proceeding, **including the appropriate revenue**
20 **requirement and allocation of costs**, and includes compromises
21 upon the part of each Settling Party. (emphasis added)

22 The current proceeding before the Commission does not address the recovery or
23 allocation of any costs; therefore, it is inappropriate for the Settlement Agreement
24 to incorrectly reference that it does so. There should not be any implication that
25 the Settlement Agreement would influence these issues in future proceedings. If

¹⁶ Settlement Agreement at 3.

1 the Commission accepts the Settlement Agreement, this language should be
2 removed or excepted.

3 **IV. CONCLUSION AND RECOMMENDATIONS**

4 **Q. WHAT IS YOUR RECOMMENDATION REGARDING THE PROPOSED**
5 **DECLINATION OF GENCO?**

6 A. Based on the concerns I have discussed above, I recommend the Commission
7 find that GenCo has not met the requirements under Indiana law necessary to
8 show that its proposed structure and requested declination are in the public
9 interest. The proposed Settlement Agreement falls short of including the
10 fundamental requirements necessary to show the proposal is consistent with the
11 public interest.

12 **Q. DO YOU RECOMMEND SPECIFIC CONSUMER SAFEGUARDS BE**
13 **IMPLEMENTED IF THE COMMISSION FINDS THAT GENCO HAS MET ITS**
14 **BURDEN UNDER INDIANA LAW?**

15 A. Yes. I recommend the Commission retain jurisdiction under a number of statutes
16 discussed in the Direct Testimony of Brian Latham to preserve necessary public
17 insight into aspects of GenCo's overall operations. I further recommend the
18 Commission reject the proposal to lower the megaload definition to 50 MW, setting
19 the threshold at 100 MW as originally proposed, and restrict the customers who
20 may contract with GenCo to only customers who represent loads greater than 100
21 MWs and who are not currently served by NIPSCO at retail. I also recommend the
22 Commission modify the Settlement Agreement by restricting the definition of
23 'megaload' to exclude existing NIPSCO customers. I further recommend the

1 Commission should not allow GenCo to obtain eminent domain authority, that
2 GenCo's "tailoring" of generation be specifically defined, and that the Settlement
3 Agreement's reference to revenue requirement and allocation of costs be
4 removed, as discussed above. Finally, I recommend the Commission require that
5 GenCo petition the Commission to decline jurisdiction prior to constructing,
6 purchasing, or leasing any new EGUs to serve customers.

7 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

8 **A. Yes.**

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EDUCATION

M.A. in Economics, Kansas University, 2009

B.A. in Business Economics, Buena Vista University, 2007

PROFESSIONAL EXPERIENCE

Acadian Consulting Group, Baton Rouge, Louisiana

Spring 2025 – Present	Senior Research Consultant
Summer 2021 – Spring 2025	Research Consultant
Summer 2016 – Summer 2021	Research Associate
Winter 2011 – Summer 2016	Senior Research Analyst

Kansas Corporation Commission, Topeka, Kansas

Utilities Division

Summer 2011 – Winter 2011	Senior Research Economist
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Research Division

Spring 2009 – Summer 2011	Research Analyst
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Kansas Energy Council

Summer 2008 – Spring 2009	Research Assistant
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PUBLICATIONS AND REPORTS

1. The challenges of the regulatory review of diversification mergers. With Dr. David E. Dismukes. *The Electricity Journal* 29 (2016) 8-14. (May 2016)

PROFESSIONAL AND CIVIC PRESENTATIONS

1. “Development Trends, Issues, and Challenges with Clean Hydrogen Production” (2025). Prepared for the Michigan State University, Institute of Public Utilities, Annual Regulatory Studies Program. April 15, 2025.
2. “Status and Future of Natural Gas Supply and Infrastructure” (2025). Prepared for the Michigan State University, Institute of Public Utilities, Annual Regulatory Studies Program. April 8, 2025.

3. "Observed Impact of Formula Rate Plans Across the United States" (2024). Prepared for Arizona Corporation Commission Formula Rate Plan Workshop. October 3, 2024.

EXPERT WITNESS, LEGISLATIVE, AND PUBLIC TESTIMONY; EXPERT REPORTS, RECOMMENDATIONS, AND AFFIDAVITS

1. Expert Testimony. Cause No. 46120. (2025). Before the Indiana Utility Regulatory Commission. *Verified Petition of NIPSCO Generation LLC for Certain Determinations by the Commission with Respect to its Jurisdiction Over Petitioner's Activities as a Non-Retail Generator of Electric Power*. On Behalf of the Indiana Office of Utility Consumer Counselor. Issues: Rate Design, Large Data Center Loads.
2. Expert Testimony. Case No. U-21859. (2025). Before the Michigan Public Service Commission. *In the matter of the application of Consumers Energy Company for Ex Parte Approval of Certain Amendments to Rate GPD*. On Behalf of the Michigan Attorney General. Issues: Rate Design, Large Data Center Loads.
3. Expert Testimony. Docket No. R-2025-3053112. (2025). Before the Pennsylvania Public Utilities Commission. *Pennsylvania Public Utility Commission v. Philadelphia Gas Works*. On Behalf of the Pennsylvania Office of Consumer Advocate. Issues: Decoupling, Regulatory Lag.
4. Expert Testimony. Docket No. E-01773A-24-0220. (2025). Before the Arizona Corporation Commission. *In the Matter of the Application of Arizona Electric Power Cooperative, Inc. for a Hearing to Determine the Fair Value of its Property for Ratemaking Purposes, to Fix a Just and Reasonable Return Thereon and To Approve Rates Designed to Develop Such Return*. On Behalf of Arizona Corporation Commission Staff. Issues: Cost of Service, Qualifying Facilities.
5. Expert Testimony. Case No. U-21816. (2025). Before the Michigan Public Service Commission. *In the matter of Consumer Energy Company's application for the regulatory reviews, revisions, determinations, and/or approvals necessary to fully comply with Public Act 295 of 2008, as amended by Public Act 235 of 2023*. On Behalf of the Attorney General. Issues: Capital Expense, Cost Recovery
6. Expert Testimony. Cause No. 46120. (2024). Before the Indiana Utility Regulatory Commission. *Petition of Northern Indiana Public Service Company LLC Pursuant to Ind. Code §§ 8-1-2-42.4, 8-1-2-61 and 8-1-2.5-6 for (1) Authority to Modify its Retail Rates and Charges for Electric Utility Service Through a Phase in of Rates; (2) Approval of New Schedules of Rates and Charges, General Rules and Regulations, and Riders (both Existing and New); (3) Approval of Revised Common and Electric Depreciation Rates Applicable to its Electric Plant in Service; (4) Approval of Necessary and Appropriate Accounting Relief, Including, but*

Limited to, Authority to Capitalize as Rate Base All Expenditures for Improvements to Petitioner's Information Technology Systems through the Design, Development, and Implementation of a Work and Asset Management ("WAM") Program, to the Extent Necessary; and (5) Approval of Alternative Regulatory Plans for the Partial Waiver of 170 IAC 4-1-16(f) and Proposed Remote Disconnection and Reconnection Process and, to the Extent Necessary, Implementation of a Low Income Program. On Behalf of the Indiana Office of Utility Consumer Counselor. Issues: Cost of Service, Rate Design.

7. Expert Testimony. Cause No. 46097. (2024). Before the Indiana Utility Regulatory Commission. *In the Matter of the Verified Petition of Indiana Michigan Power Company for Approval of Modifications to its Industrial Power Tariff – Tariff I.P.* On Behalf of the Indiana Office of Utility Consumer Counselor. Issues: Rate Design, Large Data Center Loads.
8. Expert Report. Docket No. AHD-00000J-23-0273. (2024). Before the Arizona Corporation Commission. *In the Matter of the Application of the Arizona Corporation Commission's Exploration of Changes to the Up to 10% Annual Reduction in the Export Rate and the 10-Year Export Rate Effective Period Under the Resource Comparison Proxy Methodology Approved in the Value and Cost of Distributed Generation Docket (E-00000J-14-0023).* On Behalf of the Arizona Corporation Commission Staff. Issues: Value of Solar.
9. Expert Testimony. Case No. U-21585. (2024). Before the Michigan Public Service Commission. *In the Matter of the Application of Consumers Energy Company for Authority to Increase its Rates for the Generation and Distribution of Electricity and Other Relief.* On Behalf of the Attorney General. Issues: Capital Expenses.
10. Expert Report. *Review of LPSC Rules Regarding Distributed Generation: Report on Phase II of Rule-Making.* Docket No. R-33929. (2019). *In Re: Review of Policies Related to Customer-owned Solar Generation and Possible Modification of the Commission's Current Net Metering Rules.* On behalf of Louisiana Public Service Commission. Issues: Solar Net Metering.
11. Expert Report. (2011). *2011 Kansas Generation Planning Survey.* On behalf of the Kansas Corporation Commission Staff.
12. Expert Testimony. Docket No. 11-KCPE-581-PRE. (2011). Before the Kansas Corporation Commission. *In the Matter of the Petition of Kansas City Power & Light Company ("KCP&L") for Determination of the Ratemaking Principles and Treatment That Will Apply to the Recovery in Rates of the Costs to be Incurred by KCP&L for Certain Electric Generation Facilities Under K.S.A. 66-1239.* On Behalf of the Kansas Corporation Commission Staff. Issues: System Planning, Predetermination.

13. Expert Testimony. Docket No. 10-KCPE-795-TAR. (2010). Before the Kansas Corporation Commission. *In the Matter of the Application of Kansas City Power & Light Company for Approval to Implement a Portfolio of Demand Side Management Programs Including Affordability, Energy Efficiency, Demand Response and Educational Programs, and to Implement a Rider for Recovery of Program Costs and Incentives Associated with this Portfolio.* On Behalf of the Kansas Corporation Commission Staff. Issues: Demand Side Management, Cost-Benefit Analyses.
14. Expert Testimony. Docket No. 10-WSEE-775-TAR. (2010). Before the Kansas Corporation Commission. *In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for an Order Authorizing them to participate in Efficiency Kansas, Approve the SimpleSavings Program Rider, and related cost recovery.* On Behalf of the Kansas Corporation Commission Staff. Issues: Demand Side Management, Cost-Benefit Analyses.
15. Expert Testimony. Docket No. 10-BHCG-639-TAR. (2010). Before the Kansas Corporation Commission. *In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy for Approval to Implement Black Hills Energy's Five-Year Energy Efficiency Plan Consisting of Natural Gas Energy Efficiency Programs to Improve Building and Equipment Efficiency and to Educate About Efficient Energy Usage, to Provide for Program Cost Recovery Through a Rider Mechanism, Permit the Implementation of a Revenue Normalization Mechanism to Replace the Weather Normalization Adjustment, a Performance Incentive Mechanism, and Appropriate Accounting Authority to Defer Expenses and Revenues Associated with the Filing.* On Behalf of the Kansas Corporation Commission Staff. Issues: Demand Side Management, Cost-Benefit Analyses.
16. Expert Testimony. Docket No. 10-EPDE-497-TAR. (2010). Before the Kansas Corporation Commission. *In the Matter of the Application of the Empire District Electric Company for Approval to Implement its Portfolio of Energy Efficiency and Demand Response Programs for its Kansas Customers, to Provide for Program Cost Recovery and Lost Revenue Through a Rider Mechanism, to Obtain any Necessary Waivers for the Commission, and for Appropriate Accounting Authority to Defer Expenses and Revenues Associated with the Filing.* On Behalf of the Kansas Corporation Commission Staff. Issues: Demand Side Management, Cost-Benefit Analyses.
17. Expert Testimony. Docket No. 10-KGSG-421-TAR. (2010). Before the Kansas Corporation Commission. *In the Matter of the Application of Kansas Gas Service, a Division of ONEOK, Inc., for Approval to Implement the Efficiency Kansas Energy Efficiency Program, to Implement Natural Gas Energy Efficiency Programs to Improve Building and Equipment Efficiency and to Educate about Efficient Energy Usage, To Provide for Program Cost Recovery Through a Rider Mechanism, to Establish Administrative Charges and a Program Initiation Fee, Permit the*

Implementation of a Revenue Decoupling Mechanism, and Appropriate Accounting Authority to Defer Expenses and Revenues Associated with the Filing.
On Behalf of the Kansas Corporation Commission Staff. Issues: Demand Side Management, Cost-Benefit Analyses.

AFFIRMATION

I affirm, under the penalties for perjury, that the foregoing representations are true and correct to the best of my information and belief.



Michael William Deupree
Research Consultant
Acadian Consulting Group
Cause No. 46183
NIPSCO, LLC

June 13, 2025 _____

Date

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **Indiana Office of Utility Consumer Counselor Public's Exhibit No. 2 Testimony of OUCC Witness Michael W. Deupree** has been served upon the following counsel of record in the captioned proceeding by electronic service on June 13, 2025.

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