

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF INDIANA MICHIGAN )  
POWER COMPANY (I&M) FOR (1) ISSUANCE OF )  
A CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY PURSUANT TO IND. CODE CH. 8-1- )  
8.5 FOR THE ACQUISITION OF THE OREGON )  
CLEAN ENERGY CENTER GENERATING ) CAUSE NO. 46217  
FACILITY IN ACCORDANCE WITH THE )  
PURCHASE AND SALE AGREEMENT (PSA) AS )  
PROPOSED BY I&M; (2) APPROVAL OF )  
ASSOCIATED ACCOUNTING AND RATEMAKING )  
TREATMENT; AND (3) APPROVAL OF AN )  
ALTERNATIVE REGULATORY PLAN PURSUANT )  
TO IND. CODE CH. 8-1-2.5. )

PETITIONER'S SUBMISSION OF DIRECT TESTIMONY OF  
GARY O. SPITZNOGLE

Petitioner Indiana Michigan Power Company (I&M or Company), by counsel,  
hereby submits the direct testimony of Gary O. Spitznogle.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served this 11th day of April, 2025, by email transmission, hand delivery or United States Mail, first class, postage prepaid to:

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**INDIANA MICHIGAN POWER COMPANY**

**PRE-FILED VERIFIED DIRECT TESTIMONY**

**OF**

**GARY O. SPITZNOGLE**

## **Table of Contents**

<b>I.</b>	<b>Introduction of Witness.....</b>	<b>1</b>
<b>II.</b>	<b>Purpose of Testimony .....</b>	<b>3</b>
<b>III.</b>	<b>Oregon Clean Energy Center Environmental Program .....</b>	<b>3</b>
<b>IV.</b>	<b>Environmental Sustainability Pillar .....</b>	<b>6</b>
<b>V.</b>	<b>Conclusion .....</b>	<b>7</b>

**DIRECT TESTIMONY OF GARY O. SPITZNOGLE  
ON BEHALF OF  
INDIANA MICHIGAN POWER COMPANY**

**I. Introduction of Witness**

**Q1. Please state your name and business address.**

My name is Gary O. Spitznogle and my business address is 1 Riverside Plaza,  
Columbus, Ohio 43215.

**Q2. By whom are you employed and in what capacity?**

I am employed by American Electric Power Service Corporation (AEPSC) as  
Vice President – Environmental Services. AEPSC is a wholly owned subsidiary  
of American Electric Power Company, Inc. (AEP), the parent of Indiana  
Michigan Power Company (I&M or the Company). AEPSC provides  
engineering, financing, accounting, regulatory, and similar planning and advisory  
services to AEP's regulated electric operating companies, including I&M.

**Q3. Briefly describe your educational background and professional  
experience.**

I earned a bachelor's degree in chemical engineering from The Ohio State  
University College of Engineering in 1998. I joined AEPSC in 1997 and worked  
in various positions, including several related to research and development  
activities to improve the environmental performance of AEP's power generation.  
I served as Vice President of Regulatory and Finance for Ohio Power Company,  
from 2013 to December 2015. I then served as Managing Director of Coal

1 Combustion Residuals Management for AEPSC until July 2019. I assumed my  
2 current position as Vice President – Environmental Services in July 2019.

3 **Q4. Have you previously testified before any regulatory commissions?**

4 Yes. I have testified before the Arkansas, Texas, Virginia, and West Virginia  
5 Public Utility Commissions. I have also filed testimony before the Public Utility  
6 Commission of Kentucky. In addition, I have testified several times before the  
7 Public Utilities Commission of Ohio, and I presented written and oral testimony  
8 before the United States House of Representatives Select Committee on Energy  
9 Independence and Global Warming, which was established to investigate new  
10 energy technologies with the goal of achieving energy independence while  
11 reducing or eliminating the emission of greenhouse gases.

12 **Q5. What are your responsibilities as Vice President – Environmental**  
13 **Services?**

14 I am responsible for oversight of the Environmental Services organization, which  
15 provides environmental support for all generation and energy delivery facilities  
16 owned by AEP's operating companies. Specifically, the Environmental Services  
17 organization provides permitting and compliance support, guidance, procedures,  
18 recommendations, and training to AEP's operating companies to maintain and  
19 improve their environmental programs and enhance compliance with  
20 environmental laws, regulations, and policies. As part of this effort,  
21 Environmental Services is also involved in reviewing, interpreting, and/or  
22 commenting on developing environmental regulations and coordinating with  
23 operating company staff to support AEP's corporate strategies and values  
24 concerning the environment.

## II. Purpose of Testimony

1 **Q6. What is the purpose of your testimony?**

2 The purpose of my testimony is to provide I&M's findings from our evaluation of  
3 the Oregon Clean Energy Center (Oregon) environmental program and review  
4 potential future environmental rulemakings that may apply to the facility.

## III. Oregon Clean Energy Center Environmental Program

5 **Q7. Please describe the current Environmental Requirements applicable to the**  
6 **Oregon Clean Energy Center.**

7 The Oregon facility is currently regulated by air, water, and waste-related rules  
8 administered by the Ohio Environmental Protection Agency (OEPA) and the City  
9 of Oregon. The facility's primary operational permits are the OEPA Title V  
10 Permit that regulates air emissions and the City of Oregon discharge permit that  
11 regulates wastewater. These permits establish the facility's emission and  
12 discharge limits, monitoring, and reporting. Oregon is also subject to the Title IV  
13 Acid Rain Rule and Cross State Air Pollution Rule (CSAPR) that are emission  
14 allowance cap and trade programs administered by the US Environmental  
15 Protection Agency (EPA). Further, the facility maintains a Spill Prevention,  
16 Control, and Countermeasures (SPCC) plan for the storage and handling of oil  
17 and other chemicals.

18 **Q8. Please describe the process for transferring existing permits to a new**  
19 **owner.**

20 Each permit<sup>1</sup> defines the process for transferring it to a new owner. Generally,  
21 this is an administrative change that requires the current owner to notify the

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<sup>1</sup> A list of the permits is provided in Attachment RFC-3C, Purchase and Sale Agreement (PSA), Article 4, Section 4.9 Environmental Matters.



1           permitting agency that a transfer has occurred or will occur. Some of these  
2           notifications occur at a specified time after the asset has been sold.

3           **Q9. Please summarize the emission control systems installed at the Oregon**  
4           **Clean Energy Center.**

5           Oregon is equipped with advanced control systems that effectively reduce  
6           emissions, ensuring compliance with environmental standards. The gas-fired  
7           combined-cycle combustion turbine units operate dry low nitrogen oxide (NOx)  
8           burners, selective catalytic reduction (SCR), and catalytic oxidizer systems.

9           **Q10. Have any existing permit requirements been identified that restrict current**  
10          **or future operations of the Oregon Clean Energy Center?**

11          No. My team has reviewed the facility's current environmental permits and has  
12          identified no requirements that restrict the number of hours that the facility can  
13          operate.

14          **Q11. Is Oregon positioned to continue complying with environmental**  
15          **requirements?**

16          Yes. Oregon is in compliance with environmental requirements. I&M has not  
17          identified any past or present compliance concerns. Since beginning operation  
18          in 2017, the facility has consistently demonstrated compliance with  
19          environmental obligations. No recurring compliance changes have been  
20          identified that would be expected to persist or impact future operations.

21          **Q12. Please summarize the Oregon facility's recent enforcement compliance**  
22          **history.**

23          The facility has routinely maintained compliance with its environmental  
24          obligations based on my review of operating data. Further, no record of

1 enforcement actions or violation notices for the facility appear in the EPA  
2 Enforcement and Compliance History Online database records.

3 **Q13. Please summarize the information used to assess the Oregon Clean**  
4 **Energy Center's environmental program.**

5 The assessment of the Oregon facility environmental program included a review  
6 of current permits, regulatory submittals, and the Black and Veatch  
7 Management Consulting, LLC report<sup>2</sup> described by Company witness Fisher.

8 **Q14. Are the Oregon facility's air permit requirements consistent with that of a**  
9 **controlled natural gas combined-cycle facility?**

10 Yes. The environmental controls installed on the Oregon facility are among the  
11 most stringent in the industry for combined-cycle units and the air permit  
12 requirements are consistent with a well-controlled combined-cycle facility.  
13 Additionally, as a reference point, based on my teams' review of the Oregon air  
14 permit requirements, the Oregon air permits are consistent with required air  
15 permits in Indiana.

16 **Q15. Please identify any future rulemakings that USEPA is pursuing that may**  
17 **apply to the Oregon facility.**

18 In 2024, USEPA announced plans to finalize greenhouse gas emissions  
19 standards for existing simple cycle and combined-cycle gas units and to develop  
20 National Emission Standards for Hazardous Air Pollutants for existing gas  
21 turbines units. Those potential rulemakings are currently under review by the  
22 new USEPA administration. The finalization process and potential impact on the  
23 Oregon facility remain uncertain, pending further review by the USEPA.

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<sup>2</sup> Attachment NLF-1, Oregon Clean Energy Technical and Environmental Due Diligence (TDD) Report.

1 **Q16. Has the Company considered potential future environmental rules when**  
2 **evaluating the proposed Oregon acquisition?**

3 Yes. As with any long-term investment it is reasonable and prudent for the  
4 Company to consider the potential for future environmental rules when making  
5 business decisions. However, it is important to recognize that USEPA rules can  
6 materially change from what is proposed to what is finalized. The development  
7 of greenhouse gas emission standards alone has been ongoing for over a  
8 decade and uncertainty remains on the scope and timing of any potential  
9 requirements. Changes to USEPA rules can be driven by a variety of factors  
10 such as evolving science on potential environmental impacts, new regulations,  
11 political priorities, legal challenges, and technological advancements. It is  
12 important for the Company to use reasonable assumptions that provide for  
13 flexibility for a wide range of potential outcomes. Company witness Abukaram  
14 discusses assumptions that were used in the IRP modeling that support the  
15 selection of natural gas combined-cycle resources, such as Oregon, to serve  
16 I&M's capacity and energy needs.

#### IV. Environmental Sustainability Pillar

17 **Q17. Are you familiar with the Environmental Sustainability Pillar under Ind.**  
18 **Code § 8-1-2-0.6?**

19 Yes. In short, decisions concerning such matters, like I&M's purchase of  
20 Oregon, must consider environmental sustainability, including: (A)  
21 environmental regulations impact on the cost of providing electric utility service;  
22 and (B) consumer demand for environmentally sustainable sources of electric  
23 generation.

1 **Q18. Does I&M's purchase of Oregon support the environmental sustainability**  
2 **pillar?**

3 Yes. I&M's acquisition of the Oregon facility supports environmental  
4 sustainability by complying with current environmental regulations. As an  
5 existing facility all environmental permitting has already been addressed. The  
6 facility is in good operational standing with all its environmental permit  
7 requirements and there are no known non-compliance issues. Consequently,  
8 I&M is not facing any fees or increases due to non-compliance, meaning there  
9 are no negative or increased impacts on the cost of providing generation from  
10 the Oregon facility. The Oregon facility uses combustion turbines, which are  
11 currently amongst the most efficient class available. It is also equipped with the  
12 most stringent emission control technologies available, Selective Catalytic  
13 Reduction and Oxidation Catalyst technologies. Company witness Lucas further  
14 discusses the Five Pillars in his testimony.

## V. Conclusion

15 **Q19. What is your conclusion and recommendation?**

16 Based on my review of the Oregon facility and the evaluation conducted by my  
17 team, Oregon has consistently complied with air, water, and waste regulations  
18 set by the Ohio Environmental Protection Agency (OEPA) since its operation  
19 began in 2017, with no violations reported. The facility utilizes advanced  
20 emission control technologies to meet environmental standards and is well-  
21 positioned for future compliance with potential regulations. I recommend the  
22 Commission approve the acquisition of the Oregon facility as proposed by the  
23 Company. I&M is committed to environmental compliance and the Oregon  
24 facility is well-positioned for an effective and responsible transition as a valuable  
25 resource in I&M's generation portfolio.

1     **Q20. Does this conclude your pre-filed verified direct testimony?**

2             Yes, it does.

**VERIFICATION**

I, Gary O. Spitznogle, Vice President – Environmental Services, American Electric Power Service Corporation, affirm under penalties of perjury that the foregoing representations are true and correct to the best of my knowledge, information, and belief.

Date: 04/09/2025

  
\_\_\_\_\_  
Gary O. Spitznogle