

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF NORTHERN INDIANA)
PUBLIC SERVICE COMPANY LLC FOR (1) APPROVAL)
OF AND A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR A FEDERALLY MANDATED)
ASH POND COMPLIANCE PROJECT; (2) AUTHORITY)
TO RECOVER FEDERALLY MANDATED COSTS)
INCURRED IN CONNECTION WITH THE ASH POND)
COMPLIANCE PROJECT; (3) APPROVAL OF THE)
ESTIMATED FEDERALLY MANDATED COSTS)
ASSOCIATED WITH THE ASH POND COMPLIANCE)
PROJECT; (4) AUTHORITY FOR THE TIMELY)
RECOVERY OF 80% OF THE FEDERALLY MANDATED)
COSTS THROUGH RIDER 887 – ADJUSTMENT OF)
FEDERALLY MANDATED COSTS AND APPENDIX I –)
FEDERALLY MANDATED COST ADJUSTMENT)
FACTOR (“FMCA MECHANISM”); (5) AUTHORITY TO)
DEFER 20% OF THE FEDERALLY MANDATED COSTS)
FOR RECOVERY IN NIPSCO’S NEXT GENERAL RATE)
CASE; (6) APPROVAL OF SPECIFIC RATEMAKING)
AND ACCOUNTING TREATMENT; (7) APPROVAL TO)
AMORTIZE THE ASH POND COMPLIANCE PROJECT)
COSTS THROUGH 2032; (8) APPROVAL OF ONGOING)
REVIEW OF THE ASH POND COMPLIANCE PROJECT;)
ALL PURSUANT TO IND. CODE § 8-1-8.4-1 *ET SEQ.*, § 8-)
1-2-19, § 8-1-2-23, AND § 8-1-2-42; AND, TO THE EXTENT)
NECESSARY, APPROVAL OF AN ALTERNATIVE)
REGULATORY PLAN PURSUANT TO IND. CODE §)
8-1-2.5-6.)

CAUSE NO. 45700

MOTION TO STAY PROCEEDING

Petitioner, Northern Indiana Public Service Company LLC (“NIPSCO”), by
counsel, and pursuant to 170 IAC 1-1.1-12, respectfully moves to stay the relief

requested in this Cause. As of the filing of this Motion, a Joint Stipulation and Settlement Agreement (“Settlement Agreement”) has been filed in Cause No. 45772 by NIPSCO and the Settling Parties,¹ which, if approved, will resolve all issues in this proceeding. The grounds for stay are as follows:

1. NIPSCO initiated this Cause on March 30, 2022 and filed its direct testimony on May 2, 2022. The OUCC and Intervenors Industrial Group, and CAC submitted their testimonies on September 7, 2022.

2. On September 19, 2022, NIPSCO filed its verified petition and direct testimony in Cause No. 45772, seeking to change its retail rates and charges for electric service. The OUCC, Industrial Group, and CAC filed their testimonies in that Cause on January 20, 2023.

3. On March 10, 2023, the Settling Parties in Cause No. 45772 filed a Settlement Agreement resolving all issues in that Cause and addressing matters related to Cause No. 45700 to the Parties’ satisfaction. Specifically, the Settlement Agreement provides that costs which were sought for recovery through the FMCA Mechanism in this proceeding will, instead, be recovered through depreciation expense as demolition costs in NIPSCO’s base rates. It further provides that NIPSCO will move to stay this

¹ The Indiana Office of Utility Consumer Counselor (“OUCC”), the NIPSCO Industrial Group (“Industrial Group”), NLMK Indiana, United States Steel Corporation, Walmart Inc., and RV Industry User’s Group, are signatories to the Settlement Agreement, and Indiana Municipal Utility Group and Citizens Action Coalition of Indiana Inc. (“CAC”) do not oppose the Settlement Agreement but are not signatories thereto.

proceeding until the Commission approves the Settlement Agreement, as well as actions that will be taken based on Commission action on the Settlement Agreement.

4. Consistent with the Settlement Agreement, NIPSCO seeks to stay this proceeding as outlined in Paragraph 3. Should the Commission approve the Settlement Agreement, NIPSCO's requested relief in this proceeding will be fully addressed by the ratemaking procedures described within the Settlement Agreement and supported by the Settling Parties and would render NIPSCO's request in this Cause moot.

5. Staying this proceeding while the Settlement Agreement is pending before the Commission in Cause No. 45772 promotes judicial and administrative economy. Should the Commission deny or modify the Settlement Agreement in a manner that is unacceptable to the Settling Parties and not as contemplated in Paragraph 3, the parties in this proceeding will seek to convene an attorney's conference in this Cause for the purpose of establishing a schedule for resolution of any remaining matters not addressed by the Commission's Cause No. 45772 Order.

6. All parties to this Cause are a party in Cause No. 45772 and are either a signatory to the Settlement Agreement or do not oppose the terms thereof. As such, staying this matter will not unduly prejudice the rights of any party to this proceeding.

WHEREFORE, NIPSCO moves to stay its request for relief in this Cause as described in Paragraph 3 of this Motion, and for any other relief the Commission deems appropriate.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served by email transmission upon the following:

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Dated this 10th day of March, 2023.



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