

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION BY )  
WEST FORK WIND, LLC FOR CERTAIN )  
DETERMINATIONS BY THE COMMISSION ) CAUSE NO. 45047  
WITH RESPECT TO ITS JURISDICTION )  
OVER PETITIONER'S ACTIVITIES AS A )  
GENERATOR OF ELECTRIC POWER )

**MOTION FOR MODIFICATION OF PROCEDURAL SCHEDULE  
AND CONTINUANCE OF EVIDENTIARY HEARING**

Petitioner West Fork Wind, LLC ("Petitioner"), by counsel, hereby submits this Motion for Modification of Procedural Schedule and Continuance of Evidentiary Hearing ("Motion") in accordance with 170 I.A.C. 1-1.1-12. In support of this Motion, Petitioner states as follows:

1. Petitioner filed its petition and case-in-chief on February 8, 2018, requesting that the Commission issue an order declining to exercise its jurisdiction, pursuant to Ind. Code § 8-1-2.5-5, over the West Fork Wind project ("Project").
2. On February 23, 2018, the Commission issued a docket entry establishing a procedural schedule in this Cause which, among other things, established a public evidentiary hearing date of April 19, 2018.
3. On March 22, 2018, the Office of Utility Consumer Counselor ("OUCC") filed its prefiled testimony. In its testimony, the OUCC concluded that a declination of jurisdiction by the Commission was premature due to a need for additional evidence concerning, among other things, the status of transmission and interconnection permits related to the Project. As a result, the parties agreed that additional time was needed to allow Petitioner to receive from third parties additional evidence in support of the Project. The parties filed a joint motion requesting

that the Commission modify the procedural schedule and continue the evidentiary hearing to allow Petitioner additional time to receive additional evidence from third parties. On April 12, 2018, the Commission issued a docket entry granting the joint motion which, among other things, continued the evidentiary hearing to October 22, 2018. The parties filed two additional requests requesting that the Commission modify the procedural schedule and continue the evidentiary hearing to allow Petitioner additional time to receive additional evidence from third parties, with the Commission's February 18, 2019, docket entry setting Petitioner's supplemental case-in-chief filing date for July 16, 2019.

4. Petitioner has been actively seeking the completion of additional evidence from third parties with regard to transmission and interconnection permits that Petitioner intends to provide in this Cause. However, Petitioner has recently been informed by a third party that the studies they are performing are not yet complete.

5. After further discussions between Petitioner and the OUCC, the parties have agreed that additional time is needed to allow Petitioner to receive from third parties the studies and permits they are performing in support of the Project.

6. Petitioner requests that the Commission adopt the following revised procedural schedule:

Petitioner's Supplemental Case-In-Chief Filing – December 6, 2019

OUCC's Reply to Petitioner's Supplemental Filing – January 17, 2020

Petitioner's Rebuttal to OUCC's Reply – January 31, 2020

Evidentiary Hearing – one day during the week of February 10, 2020

Proposed Order and Supporting Briefs – February 26, 2020

7. Petitioner has conferred with the OUCC regarding this Motion and the revised procedural schedule and is authorized to represent that the OUCC has no objections to the Motion or revised procedural schedule.

8. In accordance with 170 I.A.C. 1-1.1-20, Petitioner moves for continuance of the hearing to a date during the week of February 10, 2020.

WHEREFORE, Petitioner requests that the Commission grant this Motion and modify the procedural schedule as set forth above.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was electronically delivered  
this 8<sup>th</sup> day of July, 2019, to the following:

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