

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF NORTHERN INDIANA PUBLIC)
SERVICE COMPANY LLC PURSUANT TO IND. CODE)
§§ 8-1-242.7, 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) CAUSE NO. 46120
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.)

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR
PUBLIC'S EXHIBIT NO. 5
TESTIMONY OF OUCC WITNESS
BRIAN A. WRIGHT

Respectfully submitted,

INDIANA OFFICE OF UTILITY CONSUMER
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DIRECT TESTIMONY OF BRIAN A. WRIGHT
CAUSE NO. 46120
NORTHERN INDIANA PUBLIC SERVICE COMPANY

I. INTRODUCTION

1 **Q: Please state your name and business address.**

2 A: My name is Brian A. Wright, and my business address is 115 West Washington
3 Street, Suite 1500 South, Indianapolis, Indiana 46204.

4 **Q: By whom are you employed and in what capacity?**

5 A: I am employed as a Utility Analyst II in the Indiana Office of Utility Consumer
6 Counselor's ("OUCC") Electric Division. My qualifications are summarized in
7 Appendix A.

8 **Q: What is the purpose of your testimony?**

9 A: The purpose of my testimony is to address the existing and future environmental
10 costs Northern Indiana Public Service Company LLC ("NIPSCO" or "Petitioner")
11 will incur due to the regulation of coal combustion residuals ("CCR") and the
12 effects of the recently published U.S. Environmental Protection Agency ("EPA")
13 rule on legacy CCR impoundments and CCR management units ("Legacy Rule")
14 (40 C.F.R. § 257.75).

15 **Q: What did you do to prepare your testimony?**

16 A: I reviewed the Verified Petition, Direct Testimony, and Exhibits NIPSCO filed in
17 this Cause. I also reviewed documents from the Indiana Department of
18 Environmental Management ("IDEM") related to NIPSCO's CCR disposal sites,
19 the federal CCR regulations, and NIPSCO's previous rate case (Cause No. 45772).
20 In addition, I reviewed NIPSCO's responses to data requests the OUCC and other

1 parties served.

2 **Q: What are your recommendations?**

3 A: I recommend the Commission approve NIPSCO's proposal to treat ongoing and
4 future CCR costs as decommissioning costs and achieve cost recovery through
5 accumulated depreciation.

6 **Q: If your testimony does not address a specific topic, issue, or item, should it be
7 construed to mean you agree with Petitioner's proposal?**

8 A: No. My silence on any issue should not be construed as an endorsement. Also, my
9 silence in response to any actions or adjustments stated or implied by Petitioner
10 should not be construed as an endorsement.

II. EXISTING CCR OBLIGATIONS

11 **Q: What are the requirements of the federal CCR rule?**

12 A: The federal CCR Rule, codified in 40 C.F.R. §§ 257.50-257.105 (2015), sets forth
13 multiple requirements and standards utilities must meet in operating and managing
14 their CCR disposal units. CCR includes any solid waste products remaining after
15 the combustion or use of coal as an energy source. This includes fly ash, bottom
16 ash, boiler slag, and products resulting from the flue gas desulfurization process.
17 Requirements for CCR disposal sites subject to federal regulation include weekly
18 and annual inspections (*see* 40 C.F.R. § 257.83 (2015) and 40 C.F.R. § 257.84
19 (2015)), groundwater monitoring and corrective action for leaking or leached units
20 (*see* 40 C.F.R. § 257.90 (2015) through 40 C.F.R. § 257.98 (2015)), plans for
21 closure and post-closure care (*see* 40 C.F.R. § 257.100 (2015)), and recordkeeping
22 and reporting certain data to the public through a dedicated website for both types
23 of units (*see* 40 C.F.R. § 257.105 (2015)). However, surface impoundments that

1 cannot meet structural stability requirements, fail locational requirements, or
2 demonstrate they impact groundwater will be forced to close under the CCR rule
3 (*see* 40 C.F.R. § 257.101 (2015)).

4 **Q: Was NIPSCO required to remediate CCR disposal sites under 40 C.F.R.
5 § 257.71 as issued in 2015?**

6 A: Yes. NIPSCO's CCR surface impoundments at the Bailly, Schahfer, and Michigan
7 City Generating Stations did not meet the design criteria established in the CCR
8 rule (40 C.F.R. § 257.71 (2015)).¹ As a result, NIPSCO was required to initiate
9 closure plans for a number of surface impoundments at all three plants either
10 through closure by removing the wastes, closure in place (which minimizes surface
11 and groundwater infiltration into the waste), or some hybrid of the two. NIPSCO
12 has completed or is in the process of completing closure plans for all three sites.²

13 **Q: Does NIPSCO have ongoing remediation requirements?**

14 A: Yes. As part of the federal closure requirements under 40 C.F.R. § 257.90 (2015),
15 NIPSCO must maintain groundwater monitoring at all three plants. NIPSCO's
16 monitors have detected groundwater contamination at levels above groundwater
17 protection levels that are attributable to CCR disposal.³ NIPSCO is required under
18 40 C.F.R. § 257.96 (2015) to assess corrective action measures in response to these
19 exceedances of the groundwater standards. NIPSCO will have to conduct some
20 form of groundwater remediation at all three plant sites.

21 **Q: How is NIPSCO classifying these ongoing remediation expenses?**

¹ Petitioner's Exhibit No. 8, Verified Direct Testimony of Stephen Holcomb, p. 5, ll. 7-10.

² *Id.*, pp. 8-10.

³ *Id.*, pp. 8-10.

1 A: NIPSCO is classifying these ongoing groundwater assessment costs and any future
2 groundwater remediation costs as decommissioning costs and will seek recovery of
3 those costs through depreciation rates.⁴

4 **Q: Does the OUCC support this treatment of remediation expenses?**

5 A: Yes. The OUCC supports this as the best method for recovery of reasonably
6 incurred CCR closure and remediation costs. As the OUCC previously noted in
7 Cause No. 45772, a general rate case is the appropriate forum to reflect changes to
8 estimated decommissioning costs, adjust depreciation rates, and reduce
9 accumulated depreciation to account for CCR closure expenditures made since the
10 previous rate case (as well as other reasonable decommissioning expenditures).⁵
11 Furthermore, recovering these costs through traditional ratemaking methods avoids
12 additional regulatory costs associated with tracking them through Federally
13 Mandated Cost Adjustment proceedings.⁶

III. CCR LEGACY RULE

14 **Q: Please describe the EPA's CCR Legacy Rule.**

15 A: On May 8, 2024, the U.S. EPA published its CCR Legacy Rule, codified in 40
16 C.F.R. §§ 257.50-257.107 (2024), expanding federal regulation of CCR to two new
17 categories of sites: legacy CCR surface impoundments and CCR management units
18 ("CCRMU"). Legacy CCR surface impoundments are impoundments that stopped
19 receiving waste before the effective date of the 2015 CCR rule. CCRMUs are "areas

⁴ Attachment BAW-1, NIPSCO response to OUCC DR 6-01.

⁵ Cause No. 45572, Direct Testimony of OUCC Witness Cynthia M. Armstrong, p. 20, l. 25 - p. 21, l. 3.

⁶ *Id.*, p. 16, l. 18 - p. 17, l. 2.

1 at regulated CCR facilities where CCR was disposed of or managed on land outside
2 of regulated units at CCR facilities.”⁷ This could include areas where CCR was
3 used as structural fill that have been found to pose a risk to groundwater, human
4 health, and the environment. Legacy surface impoundments and CCRMUs will be
5 subject to the same federal standards as other CCR units subject to the 2015 CCR
6 rule.⁸

7 **Q: Will NIPSCO have additional remediation requirements as a result of the**
8 **Legacy Rule?**

9 A: Yes. The notice of rulemaking for the Legacy Rule identified CCRMUs at Bailly,
10 Schahfer, and Michigan City as examples of units that would be subject to federal
11 CCR regulations under the new rule, included as Attachment BAW-2.⁹ NIPSCO
12 will need to complete evaluations of each individual site to determine what closure
13 and remediation requirements, if any, will be required for each site, but it is almost
14 certain NIPSCO will have additional CCR cleanup costs as a result of this rule since
15 NIPSCO locations are used as examples of applicable sites.

16 **Q: What is the timeframe required by the Legacy Rule?**

17 A: Under 40 C.F.R. § 257.75(c) (2024), for each CCR site that could be classified as
18 a legacy surface impoundment or CCRMU, NIPSCO must complete part one of a
19 facility evaluation report (“Part One”) no later than February 9, 2026. Under 40
20 C.F.R. § 257.75(c)(1-5) (2024), the Part One report will evaluate basic information

⁷ 2024-09157 (89 FR 38950), May 8, 2024.

⁸ *Id.*

⁹ Attachment BAW-2, Universe of CCR Management Units,
https://www.epa.gov/system/files/documents/2024-04/copy-of-universe-of-ccr-management-units.-april-2024_0.pdf

1 about the site to determine whether the Legacy Rule is applicable to the site and
2 basic site information such as size, waste disposed onsite, and any evidence of
3 groundwater contamination. Under 40 C.F.R. § 257.75(d) (2024), Part Two (“Part
4 Two”) of the facility evaluation reports must be completed by February 8, 2027.
5 Part Two will provide further details on information provided in Part One of the
6 report and any potential issues identified in Part One. If Part One and/or Part Two
7 find that the sites evaluated are in violation of the federal CCR rule, NIPSCO must
8 develop a closure plan that will minimize ground and surface water contact with
9 wastes either through removing the waste or closure in place and remediation of
10 any groundwater contamination.

11 **Q: How does NIPSCO plan to classify remediation costs required by the Legacy**
12 **Rule?**

13 A: NIPSCO plans to classify all costs associated with the CCR Legacy Rule as
14 retirement costs and recover those costs through accumulated depreciation.¹⁰

15 **Q: Does the OUCC support the classification of these costs as retirement spend?**

16 A: Yes, as I noted previously, the OUCC supports classifying reasonably incurred
17 CCR Legacy Rule closure costs as retirement spend and recovering these in the
18 same manner other decommissioning costs are recovered.

19 **Q: Did NIPSCO explain the CCR remediation costs it intends to book to**
20 **accumulated depreciation?**

21 A: No. In its case-in-chief, NIPSCO did not offer an explanation as to the locations or
22 itemized costs, or provide specific information justifying the significant increase to
23 NIPSCO's forecasted accumulated depreciation and provided no explanation

¹⁰ Attachment BAW-3, NIPSCO response to OUCC DR 6-02.

1 detailing these costs in its case-in-chief. NIPSCO did provide some of this
2 information in discovery.

IV. RECOMMENDATIONS

3 **Q: Please summarize your recommendations to the Commission.**

4 A: I recommend the Commission approve NIPSCO's request to treat reasonably
5 incurred ongoing and future CCR costs as decommissioning costs and recovery
6 through accumulated depreciation.

7 **Q: Does this conclude your testimony?**

8 A: Yes.

**APPENDIX TO TESTIMONY OF
OUCC WITNESS BRIAN WRIGHT**

1 **Q: Summarize your professional background and experience.**

2 A: I graduated from Beloit College in 1997 with a Bachelor of Arts degree in Biology.

3 I worked for nine years as a policy director with the Hoosier Environmental

4 Council. I actively worked on state and federal rulemakings regarding coal

5 combustion residuals (“CCR”) and mercury emissions from power plants. I

6 graduated from Indiana University, Bloomington in May 2010 with a Master of

7 Public Affairs degree and a Master of Science degree in Environmental Science.

8 During graduate school, I was a consultant for EarthJustice and Citizens Coal

9 Council and worked to identify ground and surface water contamination at CCR

10 disposal sites. I worked for nine years as an environmental manager in the Indiana

11 Department of Environmental Management’s Office of Air Quality. I have been

12 employed by the OUCC since January 2022.

13 **Q: Describe some of your duties at the OUCC.**

14 A: I review and analyze utilities’ requests and file recommendations on behalf of

15 consumers in utility proceedings. Depending on the case at hand, my duties may

16 also include analyzing state and federal regulations, evaluating rate design and

17 tariffs, examining books and records, inspecting facilities, and preparing various

18 studies. Since my expertise lies in environmental science and policy, I assist in

19 many cases where environmental compliance is an issue.

20 **Q: Have you previously provided testimony to the Commission?**

21 A: Yes.

Cause No. 46120
Northern Indiana Public Service Company LLC's
Objections and Responses to
Indiana Office of Utility Consumer Counselor's Sixth Set of Data Requests

OUC Request 6-001:

Please reference Stephen Holcomb's direct testimony, Petitioner's Exhibit No. 8, pages 8-10 where he discusses possible groundwater corrective action measures being considered as part of ongoing NIPSCO coal combustion residuals ("CCR") remediation projects.

- a. Please explain how NIPSCO classifies expenses for ongoing groundwater contamination assessment and studies into possible corrective measures.
- b. Please explain how NIPSCO intends to recover costs for these expenses.
- c. Please provide or identify any of these expenses included in the test year.
- d. For the treatability studies that began for Michigan City Generating Station CCR sites in 2024, please explain how NIPSCO plans to seek recovery for these costs and whether any of the costs associated with these treatability studies be included in the test year.

Objections:

Response:

- a. These costs are classified as retirement spend.
- b. These costs are included in the decommissioning cost study and recovered through depreciation rates.
- c. These amounts are not a component of direct expense included in cost of service, but rather included in the net salvage component of depreciation rates.
- d. Please see responses to parts a and b above.

Region	State	Plant Name	Unit Name	CCR Weblink	In Proposal?
5	IN	AES Petersburg	Ash Pond D	http://ccr-petersburg.com/Home/default.aspx	Yes
5	IN	AES Petersburg	Ash pond B	http://ccr-petersburg.com/Home/default.aspx	Yes
2	NY	Albany Steam Power Station (Bethlehem Energy Center)	Beacon Island	(not regulated)	No
8	ND	Antelope Valley	Landfill	https://www.basinelectric.com/environment/coal-combustion-residuals-ccr-rule-compliance-data-and-information/	No
8	CO	Arapahoe	Discharge Pond	https://www.xcelenergy.com/stateselector?stateSelected=true&goto=%2Fcoal_ash_management	Yes
8	CO	Arapahoe	Emergency Pond	https://www.xcelenergy.com/stateselector?stateSelected=true&goto=%2Fcoal_ash_management	Yes
8	CO	Arapahoe	Ash Pump Pond	https://www.xcelenergy.com/coal_ash_management	No
8	CO	Arapahoe	South Storm Water/Process Water Pond	https://www.xcelenergy.com/coal_ash_management	No
8	CO	Arapahoe	North Storm Water/Process Water Pond	https://www.xcelenergy.com/coal_ash_management	No
5	MN	Austin Northeast	Solid waste disposal area	https://www.austinutilities.com/pages/CCRRule/	Yes
5	MI	B C Cobb	CCR disposed below Bottom Ash Pond	https://merg-ccrule.com/	Yes
5	MI	B C Cobb	CCR disposed below Ponds 0-8	https://merg-ccrule.com/	Yes
5	IL	Baldwin Energy Complex	Secondary Pond	https://www.luminant.com/ccr/	Yes
5	IL	Baldwin Energy Complex	Tertiary Pond	https://www.luminant.com/ccr/	Yes
5	MI	Belle River	ash landfill pond	https://www.dteenergy.com/us/en/residential/community-and-news/environment/coal-combustion-residual-rule-compliance-data-and-information.html	No
5	MN	Black Dog	Legacy On site Ash Basin	https://www.xcelenergy.com/coal_ash_management	Yes
8	UT	Bonanza	Historical unit	https://apps.deseretpower.com/apex/f?p=400:40:15000612199970::NO::	Yes
4	GA	Bowen	Impoundment	https://www.georgiapower.com/company/environmental-compliance/plant-list/plant-bowen.html	No
5	IN	Breed	Landfill	(not regulated)	Yes
3	PA	Brunner Island	Ash Basin 5	https://www.talenenergy.com/generation/fossil-fuels/ccr-brunner-island	Yes
4	TN	Bull Run	Bottom Ash Disposal Area 1	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	TN	Bull Run	BRF/KIF Regional Landfill	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	TN	Bull Run	Dry Fly Ash Disposal Area	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	TN	Bull Run	East/West Dredge Cell	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	TN	Bull Run	Gypsum Disposal Area 2A	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	KY	Cane Run	Legacy landfill	https://lge-ku.com/CCR	Yes
5	IN	Cayuga (IN)	Historical Ash Ponds	https://www.duke-energy.com/environment/reports/ccr-compliance.asp	Yes
2	NY	Cayuga (NY)	Landfill Phase 1	scoc1.weebly.com	Yes
2	NY	Cayuga (NY)	Landfill Phase 2	scoc1.weebly.com	Yes
3	VA	Chesapeake	Historical Pond	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Yes
3	VA	Chesapeake	Lined Landfill	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Yes
5	MN	Clay Boswell	Closed Fly Ash Pond	http://mp-ccr.azurewebsites.net/Boswell	Yes
5	IN	Clifty Creek	Type III Landfill	http://www.ovec.com/CCRClify.php	Yes
3	VA	Clinch River	Ash Pond 2	https://www.aep.com/about/codeofconduct/CCRRule/	Yes
8	ND	Coal Creek	CCR disposed below Upstream Raise 91 impoundment	http://ccr.greatriverenergy.com/	Yes
8	ND	Coal Creek	Landfill 1	https://ccr.rainbowenergycenter.com/	No
8	ND	Coal Creek	Landfill 2	https://ccr.rainbowenergycenter.com/	No
8	ND	Coal Creek	Landfill 3	https://ccr.rainbowenergycenter.com/	No
8	ND	Coal Creek	Landfill 4	https://ccr.rainbowenergycenter.com/	No
8	ND	Coal Creek	Landfill 5	https://ccr.rainbowenergycenter.com/	No
5	IL	Coffeen	Fly Ash Landfill & FGD Reclaim Pond	https://www.luminant.com/ccr/#coffeen	No
4	AL	Colbert	#5 Dry Stack (fly ash)	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	AL	Colbert	#5 Inactive Ash Pond	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	AL	Colbert	#5 Stilling Pond	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	AL	Colbert	Copper Pond / Ash Pond 4	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	AL	Colbert	Old #1 Ash Pond	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
8	MT	Colstrip Energy LP	Landfill 1	https://www.talenenergy.com/ccr-colstrip/	No
8	MT	Colstrip Energy LP	Landfill 2	https://www.talenenergy.com/ccr-colstrip/	No
8	MT	Colstrip Energy LP	1 & 2 A Pond	https://www.talenenergy.com/ccr-colstrip/	Yes
8	MT	Colstrip Energy LP	Former 1&2 Bottom Ash Pond	https://www.talenenergy.com/ccr-colstrip/	Yes
8	MT	Colstrip Energy LP	1&2 Step B Cell	https://www.talenenergy.com/ccr-colstrip/	Yes
8	MT	Colstrip Energy LP	Stage 1 Evap Pond	https://www.talenenergy.com/ccr-colstrip/	Yes
8	MT	Colstrip Energy LP	A Cell	https://www.talenenergy.com/ccr-colstrip/	Yes
5	WI	Columbia (WI)	Closed Ash Ponds Landfill	http://ccr.alliantenergy.com/	Yes
5	OH	Conesville	Historical Ash Pond	https://conesvilleindustrialpark.com/	Yes
5	OH	Conesville	Pozzotec Landfill	https://conesvilleindustrialpark.com/	Yes
4	KY	Cooper	Former surface impoundment	https://www2.ekpc.coop/CCR_Rule_Compliance_Data_and_Information.html	Yes
4	SC	Cope	Landfill Leachate Pond	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Yes
4	SC	Cope	Class II Landfill	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Yes
9	AZ	Coronado	Retired LF	https://ccr.srpnet.com/	No
8	ND	Coyote	Landfill 1	http://www.ccr-cs.net/	No
8	ND	Coyote	Landfill 2	http://www.ccr-cs.net/	No
8	ND	Coyote	Landfill 3	http://www.ccr-cs.net/	No
5	IL	Crawford Generating Station	Coal Ash Fill	(not regulated)	No
5	MI	Dan E Karn	Underlying fill	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals#de-karn	Yes
5	MI	Dan E Karn	Bottom Ash Pond	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals#de-karn	Yes
4	NC	Dan River	Former Ash Stack 1	http://www.duke-energy.com/environment/reports/ccr-compliance.asp	Yes

3	MD	Dickerson	Cell C	https://www.genon.com/ccr-rule-compliance	Yes
4	KY	E W Brown	Main Ash Pond	https://lge-ku.com/CCR	Yes
5	IN	Eagle Valley	Exempt Pond D	http://ccr-eaglevalley.com/Home/default.aspx	Yes
5	IN	Eagle Valley	Exempt Pond E	http://ccr-eaglevalley.com/Home/default.aspx	Yes
5	WI	Edgewater	Ash Disposal Facility	http://ccr.alliantenergy.com/	Yes
5	WI	Edgewater	Original CCR surface impoundment	http://ccr.alliantenergy.com/	Yes
5	MI	Erickson Station	Impoundment system	http://www.lbw.com/CCR-Rule-Compliance-Data-and-Information/	Yes
3	WV	FirstEnergy Pleasants Power Station	Downstream portion of impoundment dam	http://ccrdocs.firstenergycorp.com/	Yes
9	NM	Four Corners	Fill around CWPT	https://www.aps.com/en/Utility/Regulatory-and-Legal/Environmental-Compliance	Yes
4	TN	Gallatin	Fly ash sluicing stream	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Yes
5	OH	General James M Gavin	Bottom Ash Pond	http://gavinpowerccr.com/	No
7	NE	Gerald Gentleman	Historically placed CCR	https://www.nppd.com/ccr-rule-compliance	Yes
5	IN	Gibson	Aggregate Landfill (26-02)	https://www.duke-energy.com/our-company/environment/compliance-and-reporting/ccr-rule-compliance-data	No
5	IN	Gibson	East Pond #1	https://www.duke-energy.com/our-company/environment/compliance-and-reporting/ccr-rule-compliance-data	No
5	IN	Gibson	East Pond #2	https://www.duke-energy.com/our-company/environment/compliance-and-reporting/ccr-rule-compliance-data	No
5	IN	Gibson	East Pond #3	https://www.duke-energy.com/our-company/environment/compliance-and-reporting/ccr-rule-compliance-data	No
5	OH	Gorsuch	Landfill	(not regulated)	Yes
4	GA	Hammond	Ash Pond 4	https://www.georgiapower.com/company/environmental-compliance/plant-list/plant-hammond.html	No
5	IN	Harding Street	Former Pond 2	http://ccr-hardingstreet.com/Home/default.aspx	Yes
5	IN	Harding Street	Former Pond 4A	http://ccr-hardingstreet.com/Home/default.aspx	Yes
5	IN	Harding Street	Former Pond 4B	http://ccr-hardingstreet.com/Home/default.aspx	Yes
5	IN	Harding Street	Former Pond 4	http://ccr-hardingstreet.com/Home/default.aspx	Yes
3	PA	Hatfields Ferry Power Station	Unidentified Cobalt Source (likely the Leachate Storage Impoundment)	http://ccrdocs.firstenergycorp.com/	Yes
10	AK	Healy	Historical Ash Handling Area	https://www.gvea.com/ccr-rule-compliance/?doing_wp_cron=1613578909.1270420551300048828125	Yes
5	IL	Hennepin Power Station	Ash Pond No. 4	https://www.luminant.com/ccr/#hennepin	Yes
3	PA	Homer City Generating Station	Subsurface Mixing Cells	http://www.homercitygenerationccr.com/	Yes
3	PA	Homer City Generating Station	Leachate Mixing Pond	http://www.homercitygenerationccr.com/	Yes
3	PA	Homer City Generating Station	Leachate Polishing Pond	http://www.homercitygenerationccr.com/	Yes
8	UT	Huntington	Old Landfill	http://www.berkshirehathawayenergyco.com/ccr/ppw.html	Yes
8	UT	Huntington	Historic Landfills	http://www.berkshirehathawayenergyco.com/ccr/ppw.html	Yes
5	AR	Independence Steam Electric Station	CADL Cells 1-11	http://www.energy-arkansas.com/ccr/indy/	Yes
6	AR	Independence Steam Electric Station	CADL Roadbed BU	http://www.energy-arkansas.com/ccr/indy/	Yes
5	MI	J B Sims	Ash and waste fill materials	https://ghblp.org/about-us/reports/ccr-rule-compliance-data-and-information/	Yes
5	MI	J B Sims	CCR Disposed below Unit 3 Impoundment	https://ghblp.org/about-us/reports/ccr-rule-compliance-data-and-information/	Yes
5	MI	J H Campbell	Pond B	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Yes
5	MI	J H Campbell	Pond C	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Yes
5	MI	J H Campbell	Pond D (North, Mid, Mid south, and South)	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Yes
5	MI	J H Campbell	Pond F	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Yes
5	MI	J H Campbell	Pond G (G1 and G2)	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Yes
5	MI	J H Campbell	Pond H	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Yes
5	MI	J H Campbell	Pond K	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Yes
5	OH	J M Stuart	Former Pond 8	https://ccrstuart.com/	Yes
8	MT	J. E. Corette	Landfill 1	(not regulated)	No
4	TN	John Sevier Coal Fired Fossil Plant	Ash Disposal Area J	https://www.tva.com/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Yes
4	TN	John Sevier Coal Fired Fossil Plant	Dry Fly Ash Stack	https://www.tva.com/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Yes
4	TN	Johnsonville	Ash Sluice Pond	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	TN	Johnsonville	DuPont Dredge Cell	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	TN	Johnsonville	Retired Ash Pond / Ash Disposal Area 1	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
4	TN	Johnsonville	South Rail Loop	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	No
5	IL	Joliet 29	Landfill	https://www.nrg.com/legal/coal-combustion-residuals.html	No
5	IL	Joliet 29	Ash Pond 1	https://www.nrg.com/legal/coal-combustion-residuals.html	No
5	IL	Joliet 29	Ash Pond 3	https://www.nrg.com/legal/coal-combustion-residuals.html	No
5	IL	Joppa	West Pond 1	https://www.luminant.com/ccr/#joppa	Yes
4	TN	Kingston	Sluice Trench	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Yes
5	OH	Kyger Creek	North Fly Ash Pond	http://www.ovec.com/CCRYger.php	Yes
7	IA	Lansing	Original CCR surface impoundment	http://ccr.alliantenergy.com/Lansing/index.htm	Yes
8	ND	Leland Olds	Landfill 1	https://www.basinelectric.com/environment/coal-combustion-residuals-ccr-rule-compliance-data-and-information/	No
8	MT	Lewis & Clark	Landfill 1	https://www.montana-dakota.com/energy-efficiency/ccr-rule/lewis-clark-station/	No
8	MT	Lewis & Clark	Landfill 2	https://www.montana-dakota.com/energy-efficiency/ccr-rule/lewis-clark-station/	No
6	TX	Limestone	Unit BACP	http://www.nrg.com/legal/coal-combustion-residuals/	Yes
5	IL	Lincoln Generating Facility	West Filled Area	http://www.nrg.com/legal/coal-combustion-residuals/	Yes
7	MO	Meramec	Surface Impoundment MOPF	https://www.ameren.com/Environment/ccr-rule-compliance	Yes
7	MO	Meramec	Surface Impoundment MOPG	https://www.ameren.com/Environment/ccr-rule-compliance	Yes

7	MO	Meramec	Surface Impoundment MOPH	https://www.ameren.com/Environment/ccr-rule-compliance	Yes
7	MO	Meramec	Surface Impoundment MOPI	https://www.ameren.com/Environment/ccr-rule-compliance	Yes
5	OH	Miami Fort	FGD Runoff Pond	https://www.luminant.com/ccr/#miami-fort	No
5	OH	Miami Fort	Landfill Sedimentation Pond	https://www.luminant.com/ccr/#miami-fort	No
5	OH	Miami Fort	Miamiview Road Ash Landfill	https://www.luminant.com/ccr/#miami-fort	No
5	IN	Michigan City	Historical fill under ash ponds	https://www.nipsco.com/about-us/ccr-rule-compliance-data-information	Yes
5	IN	Michigan City	Coal Ash Storage	https://www.nipsco.com/our-company/about-us/our-environment/ccr-rule-compliance	No
8	ND	Milton R Young	Cell 1	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	Yes
8	ND	Milton R Young	Landfill 1	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	No
8	ND	Milton R Young	Landfill 2	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	No
8	ND	Milton R Young	Landfill 3	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	No
8	ND	Milton R Young	Landfill 4	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	No
8	ND	Milton R Young	Landfill 5	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	No
8	ND	Milton R Young	Landfill 6	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	No
8	ND	Milton R Young	Landfill 7	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	No
6	TX	Monticello	A Ash Area	https://ccrmonitcello.com/	Yes
6	TX	Monticello	Inactive Scrubber Pond	https://ccrmonitcello.com/	Yes
6	TX	Monticello	Scrubber Sludge Decant Area	https://ccrmonitcello.com/	Yes
8	WY	Naughton	Landfill 1	https://www.brkenenergy.com/ccr/ppw.html	No
5	WI	Nelson Dewey	Fly Ash Landfill (Former Ash Setting Pond)	http://ccr.alliantenergy.com/	Yes
3	PA	New Castle Plant	Plant Landfill - older portions	https://www.genon.com/ccr-rule-compliance	Yes
3	PA	New Castle Plant	South Ash Pond	https://www.genon.com/ccr-rule-compliance	Yes
5	IL	Newton	Secondary Ash Pond	https://www.luminant.com/ccr/#newton	Yes
5	IL	Newton	Landfill 1	https://www.luminant.com/ccr/#newton	Yes
5	IN	Noblesville	Ash Disposal Site	(not regulated)	Yes
7	NE	North Omaha	Structural Fill	http://www.oppd.com/environment/environmental-reports/ccr-rule-compliance/ccr-rule-compliance-north-omaha-power-station/	Yes
8	WY	Osage	Landfill 1	(not regulated)	No
8	WY	Osage	Landfill 2	(not regulated)	No
4	KY	Paradise	Jacob's Creek Ash Pond	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Yes
7	NE	Platte	Phase 1 Landfill	https://www.giud.com/about-us/electric-generation/platte-generating-station/ccr-rule-compliance-data-and-information	Yes
5	IL	Powerton	Ash Fill	https://www.nrg.com/legal/coal-combustion-residuals.html	No
5	IL	Powerton	East Yard Runoff Basin	https://www.nrg.com/legal/coal-combustion-residuals.html	No
5	IL	Powerton	Limestone Runoff Basin	https://www.nrg.com/legal/coal-combustion-residuals.html	No
5	IL	Powerton	Metal Cleaning Basin	https://www.nrg.com/legal/coal-combustion-residuals.html	No
5	IL	Powerton	Secondary Ash Settling Basin	https://www.nrg.com/legal/coal-combustion-residuals.html	No
7	IA	Prairie Creek	Former Hydrated Fly Ash Storage Pile	https://ccr.alliantenergy.com/PrairieCreek?utm_source=WS&utm_campaign=PrairieCreek	Yes
5	MI	Presque Isle	PIP Landfill #2	http://www.we-energies.com/environmental/coal-combustion.htm	Yes
5	MI	Presque Isle	PIP Landfill #1	http://www.we-energies.com/environmental/coal-combustion.htm	Yes
5	IN	R M Schahfer	Landfill Phases 1 and 2	https://www.nipsco.com/about-us/ccr-rule-compliance-data-information	Yes
5	IN	R M Schahfer	Berm around Phased landfill	https://www.nipsco.com/about-us/ccr-rule-compliance-data-information	Yes
3	WV	R Paul Smith	Landfill	(not regulated)	No
8	ND	RM Heskett	Landfill 1	https://www.montana-dakota.com/energy-efficiency/ccr-rule/r-m-heskett-station/	No
3	PA	Shawville	Ash Landfill	(not regulated)	Yes
5	MN	Sherburne County	Pond #1	https://www.xcelenergy.com/coal_ash_management	Yes
5	MN	Sherburne County	Pond #2	https://www.xcelenergy.com/coal_ash_management	Yes
5	MN	Sherburne County	Bottom Ash pond #2	https://www.xcelenergy.com/coal_ash_management	Yes
8	ND	Stanton	Landfill 1	https://oucccr.com/	No
8	ND	Stanton	Landfill 2	https://oucccr.com/	No
4	FL	Stanton Energy Center	Landfill	https://oucccr.com/	No
5	IN	Tanners Creek	Landfill	(not regulated)	No
5	IN	Tanners Creek	Area 1	(not regulated)	No
5	IN	Tanners Creek	Area 2	(not regulated)	No
5	IN	Tanners Creek	Old Ash Area	(not regulated)	No
7	KS	Tecumseh Energy Center	Final Ash Pond	https://www.evergy.com/ccr	No
4	SC	Urquhart	Urquhart-3 (LF)	(not regulated)	No
8	CO	Valmont	Closed Valmont Station ADF	https://www.xcelenergy.com/coal_ash_management	No
4	SC	Wateree	Ash Pond 2	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Yes
5	IL	Waukegan	Old Pond	https://www.nrg.com/legal/coal-combustion-residuals.html	Yes
5	IL	Waukegan	Historic Fill	https://www.nrg.com/legal/coal-combustion-residuals.html	Yes
6	AR	White Bluff	CADL Historical Section	http://www.entergy-arkansas.com/ccr/WB/	Yes
5	IL	Will County	Pond 1 North	https://www.nrg.com/legal/coal-combustion-residuals.html	Yes
5	IL	Will County	Pond 1 South	https://www.nrg.com/legal/coal-combustion-residuals.html	Yes
4	SC	Williams	Williams Highway 17A Class II Landfill	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Yes
5	IL	Wood River	Secondary East Polishing Pond	https://ccrwoodriver.com/	Yes
8	WY	Wyodak	Landfill 1	(not regulated)	No
6	TX	Calaveras - J T Deely	J T Deely-1	https://www.cpsenergy.com/en/about-us/environment/coal-combustion-residuals.html	No
6	TX	Calaveras - J T Deely	J T Deely-2	https://www.cpsenergy.com/en/about-us/environment/coal-combustion-residuals.html	No
6	TX	Calaveras - J T Deely	J T Deely-3	https://www.cpsenergy.com/en/about-us/environment/coal-combustion-residuals.html	No
6	TX	Calaveras - J T Deely	J T Deely-4	https://www.cpsenergy.com/en/about-us/environment/coal-combustion-residuals.html	No

Cause No. 46120
Northern Indiana Public Service Company LLC's
Objections and Responses to
Indiana Office of Utility Consumer Counselor's Sixth Set of Data Requests

OUCC Request 6-002:

As part of the requirement of the US EPA CCR Legacy rule, NIPSCO will need to complete the first round of applicability determinations for legacy impoundments by November 8, 2024. Please explain how NIPSCO has classified the costs for this round of assessments and how NIPSCO will seek recovery for these costs.

Objections:

Response:

Costs associated with CCR Legacy rule will be accounted for as retirement spend and recorded to accumulated depreciation when incurred consistent with all other cost of removal. Cost of removal is collected through depreciation rates and it is anticipated that as more refined estimates are developed, the anticipated costs will be reflected in depreciation rates in future cases.

AFFIRMATION

I affirm, under the penalties for perjury, that the foregoing representations are true.

A handwritten signature in black ink, appearing to read 'Brian A. Wright', is written over a horizontal line.

Brian A. Wright
Utility Analyst II
Indiana Office of Utility Consumer Counselor

Cause No. 46120
NIPSCO, LLC

Date: December 19, 2024

CERTIFICATE OF SERVICE

This is to certify that a copy of the **Indiana Office of Utility Consumer Counselor Public's Exhibit No. 5 Testimony of OUCC Witness Brian A. Wright** has been served upon the following counsel of record in the captioned proceeding by electronic service on December 19, 2024.

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