

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

PETITION OF DUKE ENERGY INDIANA, LLC :
PURSUANT TO IND. CODE §§ 8-1-2-42.7 AND 8-1-2-61, :
FOR (1) AUTHORITY TO MODIFY ITS RATES AND :
CHARGES FOR ELECTRIC UTILITY SERVICE THROUGH :
A MULTI-STEP RATE IMPLEMENTATION OF NEW :
RATES AND CHARGES USING A FORECASTED TEST : CAUSE NO. 46038
PERIOD; (2) APPROVAL OF NEW SCHEDULES OF :
RATES AND CHARGES, GENERAL RULES AND :
REGULATIONS, AND RIDERS; (3) APPROVAL OF :
REVISED ELECTRIC DEPRECIATION RATES :
APPLICABLE TO ITS ELECTRIC PLANT IN SERVICE, :
AND APPROVAL OF REGULATORY ASSET TREATMENT :
UPON RETIREMENT OF THE COMPANY'S LAST COAL- :
FIRED STEAM GENERATION PLANT; (4) APPROVAL OF :
AN ADJUSTMENT TO THE COMPANY'S FAC RIDER TO :
TRACK COAL INVENTORY BALANCES; AND (5) :
APPROVAL OF NECESSARY AND APPROPRIATE :
ACCOUNTING RELIEF, INCLUDING AUTHORITY TO: :
(A) DEFER TO A REGULATORY ASSET EXPENSES :
ASSOCIATED WITH THE EDWARDSPOINT CARBON :
CAPTURE AND SEQUESTRATION STUDY, (B) DEFER TO :
A REGULATORY ASSET COSTS INCURRED TO ACHIEVE :
ORGANIZATIONAL SAVINGS, AND (C) DEFER TO A :
REGULATORY ASSET OR LIABILITY, AS APPLICABLE, :
ALL CALCULATED INCOME TAX DIFFERENCES :
RESULTING FROM FUTURE CHANGES IN INCOME TAX :
RATES :

PETITION TO INTERVENE

Pursuant to 170 IAC 1-1.1-**11** of the Indiana Utility Regulatory Commission's Rules of Practice and Procedure, The Kroger Co. ("**Kroger**"), by its attorneys, respectfully requests the Commission to permit it to intervene and become a party in the above-captioned Cause. In support of its Petition to Intervene, Kroger represents to the Commission:

1. This proceeding was initiated on April 4, 2024, by the filing of a petition by Duke Energy Indiana, LLC ("**Duke**") instituting a rate case, including seeking authority to modify its rates and charges.

2. Kroger is a corporation engaged in the business of selling groceries at retail **throughout the United States. Kroger's principal office is** located at 1014 Vine Street, Cincinnati, Ohio, 45202.

3. Kroger is one of the largest retail food companies in the United States as measured by total annual sales. Kroger purchases millions of kWh annually from Duke. The grocery stores operated by Kroger are high-load factor facilities that use energy for food storage, lighting, heating, cooling, and distribution, often on a 24-hour-a-day, 7-day-a-week basis. Accordingly, Petitioner has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.

4. As a commercial customer of Duke Energy purchasing a substantial quantity of electric services, Kroger has a direct, immediate and substantial interest in the subject matter of this proceeding.

5. Because of the importance of energy in its Indiana grocery stores, Kroger is substantially affected by the reliability and cost of electricity provided by Duke Energy. **Kroger's** intervention in this proceeding is for the purpose of addressing revenue requirement, rate allocation and rate design.

6. The interests of Kroger are not and will not be adequately represented by existing parties in this proceeding.

7. The intervention of Kroger in this proceeding will not unduly broaden the issues. Kroger understands that it is bound by the record as it stands at the time the Petition to Intervene is granted.

8. The name, address and telephone numbers of attorneys and consultants representing Kroger in this proceeding are:

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9. The above-named attorneys/consultants are authorized to accept service of papers in this proceeding on behalf of Kroger.

10. This Petition to Intervene is being filed more than five (5) days prior to the date set for the initial public evidentiary hearing on the merits in this proceeding.

WHEREFORE, The Kroger Co. respectfully requests that it be granted leave to intervene and be made a party to the above-captioned proceeding.

Dated: May 1, 2024

Respectfully submitted,

/s/ Kurt J. Boehm

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ATTORNEYS FOR THE KROGER CO.

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or regular U.S. mail, postage prepaid (unless otherwise noted), this 1st day of May, 2024 to the parties listed below.

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