

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION BY ) JORDAN CREEK WIND FARM, LLC FOR ) CERTAIN DETERMINATIONS BY THE ) COMMISSION WITH RESPECT TO ITS ) JURISDICTION OVER PETITIONER'S ) ACTIVITIES AS A GENERATOR OF ) ELECTRIC POWER )	CAUSE NO. 44978
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**JORDAN CREEK WIND FARM, LLC'S 2022 ANNUAL REPORT**

This Annual Report ("Report") is filed as required by the Commission's Order in this Cause issued on December 20, 2017. This Report provides the required information to the extent such information is known and available. The requested information is as follows:

**(1) Any changes to the information provided in the Initial Report.**

The information provided in the Initial Report, as updated by subsequent quarterly reports, including most recently the 3<sup>rd</sup> quarter 2020 report, remains unchanged.

**(2) Any reports of Interconnection System Impact Studies not previously submitted to the Commission.**

All system impact studies have been previously submitted to the Commission.

**(3) Copy of the Interconnection Service Agreement as filed with FERC.**

The Interconnection Service Agreement ("GIA") as filed with FERC in Docket No. ER17-1121-000 was attached to the testimony of Zachary Melda as Petitioner's Attachment ZM-7. The GIA was accepted by FERC on March 28, 2017.

An amendment to the GIA was entered into with an effective date of June 30, 2020. The amended GIA was included with Jordan Creek's second quarter 2020 report. The GIA was further amended with an effective date of March 21, 2023. This amended and restated GIA was filed with FERC March 30, 2023 but has not yet been accepted by FERC.

**(4) Notice of the establishment of an independent financial instrument, including its form and amount.**

1. The Power Purchase Agreement (“PPA”) with Northern Indiana Public Service Company (“NIPSCO”) dated January 3<sup>rd</sup>, 2019 requires that a security fund be established throughout the term of the PPA. A parent guarantee was issued on August 2<sup>nd</sup>, 2019 on behalf of Jordan Creek in favor of NIPSCO in the amount of Forty Eight Million Dollars (\$48,000,000). The parent guarantee was amended on December 16<sup>th</sup>, 2020 to reduce the guarantee to Forty Seven Million Eight Hundred Thirty Two Thousand Dollars (\$47,832,000) and will remain in effect until December 14<sup>th</sup>, 2040.
2. The Road Use Agreements with Benton and Warren Counties each require that a performance bond be provided that approximate the cost to repair any County roads due to heavy construction equipment and project components traversing identified County roads. A performance bond no. 019073406 dated May 5<sup>th</sup>, 2021 was issued on behalf of Jordan Creek in favor of Benton County in the amount of One Million Two Hundred Ninety-Five Thousand Two Hundred Fifty Dollars (\$1,295,250) and was terminated effective May 1<sup>st</sup>, 2022. A performance bond no. 9394480 dated March 23<sup>rd</sup>, 2022 was issued on behalf of Jordan Creek in favor of Benton County Commissioners in the amount of One Hundred Forty Eight Thousand Seven Hundred Fifty Dollars (\$148,750) and expired May 5<sup>th</sup>, 2022.
3. Two Decommissioning Agreements, one with Benton County dated August 1<sup>st</sup>, 2017 and one with Warren County dated October 12<sup>th</sup>, 2016 respectively, require Jordan Creek to provide a decommissioning security (a performance or surety bond). The decommissioning security is intended primarily to cover the cost of removing project infrastructure, of restoring the leased premises to their pre-construction condition, and of removing the foundations and other project improvements to a depth of 48 inches. Pursuant to the Decommissioning Agreements, the decommissioning securities are to be in an amount equal to the greater of one hundred percent (100%) of the Net Removal Cost or twenty-five percent (25%) of the estimated costs of decommissioning the Project.  
  
A decommissioning bond no. 9324850 dated November 11<sup>th</sup>, 2019 was issued on behalf of Jordan Creek in favor of Warren County in the amount of Seven Million Nine Hundred Twenty Five Thousand Four Hundred Dollars (\$7,925,400) and will remain in effect until February 28, 2026. A decommissioning bond no. 019073407 dated May 28<sup>th</sup>, 2020 was issued on behalf of Jordan Creek in favor of Benton County in the amount of One Million Eight Hundred Twenty Four Thousand One Hundred Dollars (\$1,824,100) and will remain in effect until April 30, 2028.
4. A right of way performance bond no. 9394478 dated April 1<sup>st</sup>, 2022 was issued on behalf of Jordan Creek in favor of the Indiana Department of Transportation (“INDOT”) in the amount of Ten Thousand Dollars (\$10,000) and will remain in effect until released by the State of Indiana.
5. A bat habitat mitigation plan performance bond no. 9409228 dated September 20<sup>th</sup>, 2022 was issued on behalf of Jordan Creek in favor of First Indiana Resource (“FIR”) in the amount of Three Hundred Five Thousand Dollars (\$305,000) and will remain in effect until September 20<sup>th</sup>, 2023.

6. A performance guarantee for post construction road upgrades has been entered into with Warren County in the amount of Two Million Three Hundred Thirty-Three Thousand Six Hundred Forty Four Dollars (\$2,333,644).
  7. A repair bond for emergency repairs has been entered into with Warren County in the amount of Fifty Thousand Dollars (\$50,000).
  8. A performance bond has been entered into with the Indiana Department of Transportation (“INDOT”) in the amount of Forty Million Dollars (\$40,000,000).
  9. A Removal, Restoration and Performance Bond has been entered into with The Earl Goodwine Trust in the amount of Two Million Two Hundred Twenty Thousand Three Hundred Dollars (\$2,212,300).
- (5) **Achievement of construction milestones described in the Interconnection Service Agreement and such events as the procurement of major equipment, the receipt of major permits material to the construction and operation of the Facility, construction start-up, initial energization, and commercial operation.**

Construction is complete, and commercial operation was achieved on December 14, 2020.

- (6) **When commercial operation is achieved, the nameplate capacity, term, and identity of a purchaser for any contracts then existing for utility sales, contingency plans (if any) detailing response plans to emergency conditions as required by state or local units of government, the interconnecting transmission owner and/or PJM, and the Facility’s certified (or accredited) dependable capacity rating.**

The nameplate capacity for Jordan Creek Wind Farm is 398.6 MW. Jordan Creek has signed a 20-year power purchase agreement with Northern Indiana Public Service Company for 398.6 MW. No state or local units of government require contingency plans detailing response plans to emergency conditions. The interconnecting transmission owner is Duke Energy Business Services, LLC. Jordan Creek’s capacity interconnection rights are up to 400 MW.

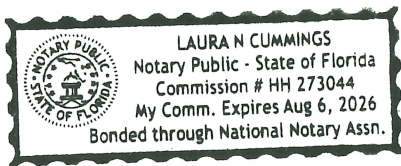
**VERIFICATION**


The undersigned, Lane S. Witten, being first duly sworn upon his oath states that he is the Vice President for Jordan Creek Wind Farm, LLC; that he prepared or supervised the preparation of Jordan Creek Wind Farm, LLC's 2022 Annual Report; and that the statements contained therein are true to the best of his knowledge, information and belief.

By:   
Lane S. Witten

STATE OF FLORIDA                    )  
  )     SS:  
COUNTY OF PALM BEACH        )

27<sup>th</sup> Subscribed and sworn to before me, a Notary Public, in and for said State and County this day of April, 2023.



  
Signature

Laura N. Cummings  
Printed

My Commission Expires:

Aug 6, 2026

My County of Residence:

Palm Beach

Respectfully submitted,



Randolph L. Seger (240-49)  
Michael T. Griffiths (26384-49)  
Dentons Bingham Greenebaum LLP  
2700 Market Tower  
10 West Market Street  
Indianapolis, Indiana 46204  
Telephone: (317) 635-8900  
Fax: (317) 236-9907  
[randy.seger@dentons.com](mailto:randy.seger@dentons.com)  
[michael.griffiths@dentons.com](mailto:michael.griffiths@dentons.com)

Attorneys for Petitioner,  
Jordan Creek Wind Farm, LLC

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served by electronic service on the following this 28<sup>th</sup> day of April, 2023:

Indiana Office of Utility Consumer Counselor  
PNC Center  
115 W. Washington Street, Suite 1500 South  
Indianapolis, Indiana 46204  
[infomgt@oucc.in.gov](mailto:infomgt@oucc.in.gov)



An attorney for Petitioner,  
Jordan Creek Wind Farm, LLC