

Joint NIPSCO-CAC Exhibit 4

Witness Baacke

NIPSCO's Public Responses to CAC Data Requests 1-4 (with Attachment C), 3-7, 4-2, 4-4, 8-1, 17-6, 22-3, and 25-1; NIPSCO Responses to OUCC Data Requests 2-9, 2-11, 2-26, and 2-27.

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Northern Indiana Public Service Company LLC's
Objections and Responses to
Citizens Action Coalition of Indiana, Inc.'s First Set of Data Requests

CAC Request 1-004:

At page 5, line 11 - page 6, line 8, Mr. Warren states, "S&L then developed an Engineer, Procure, Construct ("EPC") technical specification for the installation of the peaker power plant at the Schahfer site. This EPC specification was used by NIPSCO in a Request for Proposals ("RFP") issued in Fall 2022 to power generation EPC contractors (the "EPC RFP"). NIPSCO solicited bids from experienced contractors to install the facility. NIPSCO received bids from potential EPC contractors and S&L supported NIPSCO in the technical evaluation of one of those bids. As NIPSCO Witness Baacke explains, NIPSCO ultimately determined to reject all of the bids and proceed with a self-build 1 option. At that point, S&L was requested to provide additional services associated with NIPSCO self-performing the installation of the peaker power plant. These services include the development of a CT specification, the development of a generator step-up transformer specification, and additional support relative to procurement of this equipment. S&L is currently supporting NIPSCO in procuring this equipment, along with additional engineering and cost estimation services." With respect to these statements please answer the following:

- (a) Please provide all bids received in response to the EPC RFP.
- (b) Please provide all documents produced in the course of the "technical evaluation" of the EPC RFP bids.
- (c) Please provide all communications between S&L and NIPSCO regarding the RFP including but not limited to the development of the RFP, receipt of the bids, bid evaluation, and the decision to reject all the bids and proceed with a self-build option.
- (d) Please provide all contracts between S&L and NIPSCO relating to work described above.

Objections:

NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, highly confidential, proprietary and/or trade secret.

NIPSCO further objects to parts (b) and (c) of the Request on the separate and independent grounds and to the extent that such Request is overly broad and unduly burdensome in that it seeks "all" communications and documents, the scope of which

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is inconsistent with the informal and expedited nature of discovery in this and other proceedings before the IURC.

NIPSCO further objects to part (c) to this Request on the separate and independent grounds and to the extent the Request is based on an erroneous premise; specifically, that NIPSCO's decision to self-build the proposed CT Project was based on consultation with S&L.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

- (a) CAC Request 1-004 Highly Confidential Attachment A includes copies of all bids received in response to the EPC RFP.
- (b) CAC Request 1-004 Highly Confidential Attachment B includes a "technical evaluation" of the EPC RFP bids by POWER Engineers, Inc. for two of the three bids that were received. The third bid contained less than five pages of information and was not evaluated for further consideration.
- (c) CAC Request 1-004 Attachment C includes the technical specifications and other related bid documents produced by S&L for the purpose of the EPC RFP. As stated in part (b), POWER Engineers, Inc. performed the technical evaluation of two of the three submitted bids. See CAC Request 1-004 Confidential Attachment B for a copy of POWER Engineers, Inc.'s technical evaluation. As referenced in the Request, NIPSCO determined to reject all of the bids and proceed with a self-build option; therefore, no communications between NIPSCO and S&L regarding that determination exist.
- (d) CAC Request 1-004 Highly Confidential Attachment D includes S&L's proposal to develop the technical specification and other related bid documents for the purpose of the EPC RFP. CAC Request 1-004 Highly Confidential Attachment E includes S&L's proposal to develop the technical specifications and other related documents for the CT and generator step-up transformer bid events.

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Northern Indiana Public Service Company LLC's
Objections and Responses to
Citizens Action Coalition of Indiana, Inc.'s Third Set of Data Requests

CAC Request 3-007:

Please refer to Mr. Baacke's testimony at page 10, lines 8 – 9, which state, "After NIPSCO elected to move forward with the self-build option to capture cost savings and other advantages..."

- a. To what specific cost savings and other advantages does Mr. Baacke refer?
- b. Please compare and contrast the line items for which NIPSCO anticipates cost savings in the estimate contained in Confidential Attachment 5-B to the EPC estimates received in response to the 2022 RFP.
- c. Why did NIPSCO issue an EPC RFP if self-build with a multi-prime contracting strategy was expected to be less costly?

Objections:

NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, proprietary and/or trade secret.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

- (a) The cost savings referred to the comparison of the higher estimated cost from the EPC RFP results versus the cost estimate to self-build the CT Project under a multi-prime contracting strategy. As stated in Mr. Baacke's testimony on page 11, lines 15 – 17, "A third bid aligned with the technical specifications, however, the proposal price was \$100 million more than the self-build option costs of construction shown in Attachment 5-A." Other advantages from self-building the CT Project under a multi-prime contracting strategy include, but are not limited to: a shorter project schedule, greater ability to procure long lead time equipment and materials sooner, and direct involvement to ensure quality of engineering, fabrication, and installation of equipment and materials.

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- (b) Please see CAC Request 3-007 Confidential Attachment A for the comparison of cost line items between the self-build option and the EPC RFP event option that was scored most favorably.
- (c) At the time of the EPC RFP event in 2022, it was not known whether the self-build multi-prime contracting strategy cost estimate would be less costly than the bids received for an EPC option. It was not until EPC RFP bids were received and reviewed that the self-build, multi-prime option would be recognized as the lower cost option between the two.

Cause No. 45947
Northern Indiana Public Service Company LLC's
Objections and Responses to
Citizens Action Coalition of Indiana, Inc.'s Fourth Set of Data Requests

<u>CAC Request 4-002:</u>
Please provide the bids responsive to the turbine equipment RFP issued in June 2023 and discussed in Mr. Baacke's testimony.
<u>Objections:</u>
NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, proprietary, and/or trade secret.
<u>Response:</u>
Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response: Bids were received from General Electric Gas Power and Siemens Energy. Mitsubishi Power declined to bid. CAC Request 4-002 Confidential Attachment A.zip includes copies of the bids received in response to the turbine equipment RFP.

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Supplemental Responses to
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CAC Request 4-004:

The response to CAC Request 3-007(b) states, "Other advantages from self-building the CT Project under a multi-prime contracting strategy include, but are not limited to: a shorter project schedule, greater ability to procure long lead time equipment and materials sooner, and direct involvement to ensure quality of engineering, fabrication, and installation of equipment and materials."

- a. Without an EPC wrap, who will hold responsibility for ensuring performance of the project? If NIPSCO, what guarantees is NIPSCO willing to offer ratepayers in this regard?
- b. What factors lead to a shorter project schedule?

Objections:

Response:

- a. NIPSCO is responsible for the overall performance of the CT Project under both multi-prime and EPC contracting structures. Similar to the provisions included in EPC contracts, NIPSCO plans to include terms and conditions that will limit NIPSCO's exposure to performance, cost, and schedule risks in each major equipment and construction contract. For example, the turbine equipment contract is planned to include requirements for performance guarantees and equipment delivery liquidated damages.
- b. NIPSCO's current multi-prime strategy allows NIPSCO to secure contracts for long lead time equipment sooner than an EPC structure would allow, as a full notice to proceed from NIPSCO would potentially be issued only after the CPCN is approved.

Supplemental Response:

See the supplemental direct testimony of Greg Baacke at Questions / Answers 10-12 for additional information on NIPSCO's multi-prime contracting and the CT Project schedule.

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Objections and Responses to
Citizens Action Coalition of Indiana, Inc.'s Eighth Set of Data Requests
[Denotes confidential information]

CAC Request 8-001:

Please refer to the response to CAC 4-002. With respect to the responsive documents, please answer the following:

- a. Why has NIPSCO not selected a turbine supplier? What additional steps does it need to take in order to do so?
- b. Did NIPSCO extend the date until which [REDACTED] [REDACTED]? If not, why not?
- c. If NIPSCO did extend the date until which GE's offer is valid, what is the new date?
- d. Did NIPSCO disqualify Siemens' offer on the basis that it was [REDACTED] [REDACTED]? If not, why not?
- e. If NIPSCO did not disqualify Siemens' offer, how will it firm up the pricing offered?
- f. Provide a copy of the turbine RFP.

Objections:

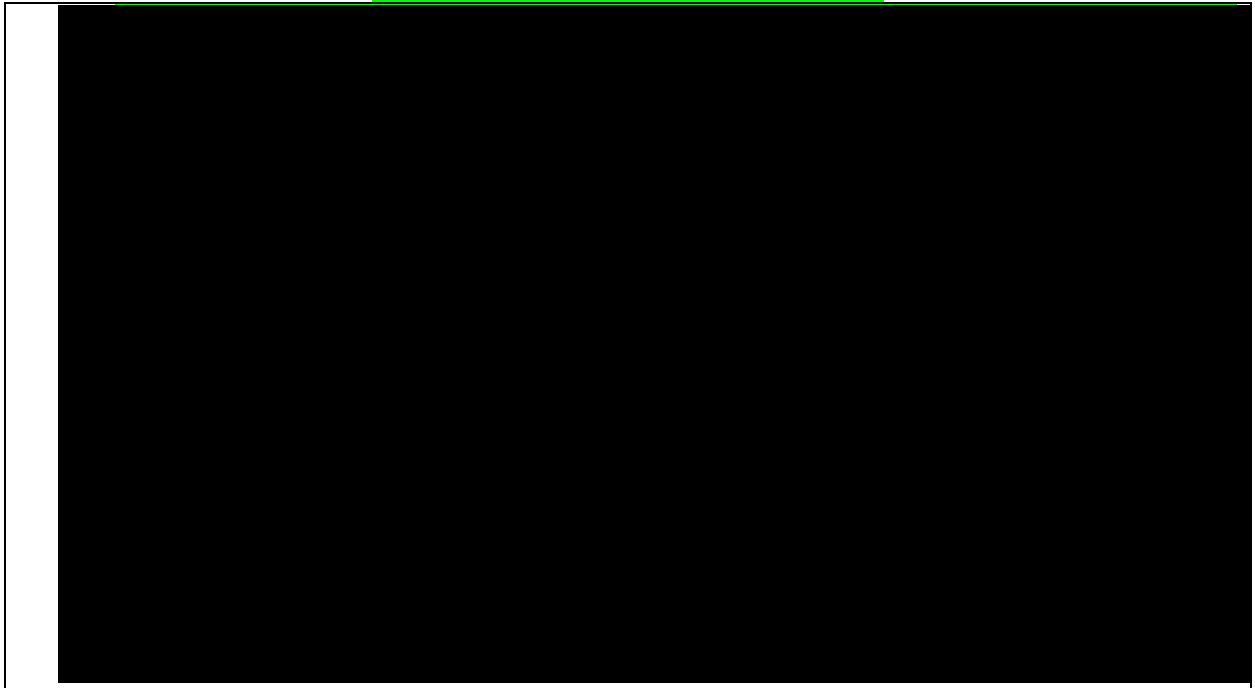
NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, proprietary, and/or trade secret.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

[REDACTED]

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[Denotes confidential information]



Cause No. 45947
Northern Indiana Public Service Company LLC's
Objections and Responses to
Citizens Action Coalition of Indiana, Inc.'s Seventeenth Set of Data Requests
[Denotes Confidential Information]

CAC Request 17-006:

Refer to Appendix 19 to the Sargent & Lundy SCGT Engineering Study Report. With regards to the 1-5 ratings on each criteria for each of the three turbine options evaluated therein:

- a. Please explain how the criteria for each turbine option was translated into the [REDACTED] set forth on the third through fifth pages of Appendix 19.
- b. Please produce any workpaper or other documentation showing how the scores for each criteria of each turbine option were determined, or otherwise used in creating the Decision Matrix set forth in Appendix 19.

Objections:

NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, proprietary, and/or trade secret.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

- a. The scoring in the Decision Matrix shown in Appendix 19 of the Sargent & Lundy SCGT Engineering Study Report was completed during working sessions held between Sargent & Lundy and NIPSCO where the factors shown in CAC Request 17-006 Confidential Attachment A were discussed and evaluated and the overall score was collaboratively determined.
- b. Please see CAC Request 17-006 Confidential Attachment A.

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CAC Request 22-003:

Re: Schahfer Unit 14/15 Flue Gas Desulfurization ("FGD") and Wastewater Treatment ("WWT") project from 2014, discussed in rebuttal testimony of Mr. Baacke at page 12, lines 2-7:

Which NIPSCO or NiSource employees who previously worked on that 2014 FGD/WWT project will now be working on the proposed CT Project? What will be their role with the proposed CT Project?

Objections:

NIPSCO objects to this Request on the grounds and to the extent that this Request solicits an analysis, calculation, or compilation which has not already been performed and which NIPSCO objects to performing.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

NIPSCO has not performed an analysis regarding each and every overlapping employee. NIPSCO Witness Greg Baacke previously worked on the Schahfer Unit 14/15 Flue Gas Desulfurization ("FGD") and Wastewater Treatment ("WWT") project in project engineering and project management roles. Greg Baacke is the Senior Director Major Projects with responsibility over the proposed CT Project.

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[Denotes confidential information]

CAC Request 25-001:

- (a) Please provide the Limited Notice to Proceed referenced in NIPSCO's response to data request CAC 22-001(d).
- (b) What is the hydrogen blending capability of each unit covered by the Memorandum of Understanding provided as CAC 19-001 Conf. Att. A and the Limited Notice to Proceed referenced in part (a)?
- (c) If the Commission were to approve a Certificate of Public Convenience and Necessity in this Cause but direct NIPSCO to *not* use aeroderivative turbine units, as contemplated in rebuttal testimony of Witness Sears at page 13, lines 4-8, what are [REDACTED]
[REDACTED] (i) time of turbine delivery, (ii) product cost memorialized in CAC 19-001 Conf. Att. A, and (iii) engineering services cost memorialized in CAC 19-002 Conf. Att. A? Please provide all documents, communications, and analyses supporting your response.

Objections:

NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, proprietary, and/or trade secret.

NIPSCO objects to subpart (c) of the Request on the grounds and to the extent it seeks a calculation, analysis or compilation that has not been performed.

NIPSCO further objects to subpart (c) of the Request on the separate and independent grounds and to the extent that such Request is overly broad and unduly burdensome in that it seeks "all documents, communications, and analyses", which is inconsistent with the informal and expedited nature of discovery in this and other proceedings before the IURC.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

- (a) NIPSCO has not yet issued a Limited Notice to Proceed. NIPSCO and the CT OEM are still in the process of finalizing technical and commercial documents to allow the Limited Notice to Proceed to be issued.

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[Denotes confidential information]

(b) Please see CAC Request 4-002 Confidential Attachment A for hydrogen capabilities of the units covered by the Memorandum of Understanding provided as CAC Request 19-001 Confidential Attachment A.

Section 1.2.1.4 of file 1620991-G1N1-Rev 0 includes the following:

[REDACTED]

[REDACTED]

[REDACTED]

Section 2.1.9.A of file 1650172 NIPSCO
Schahfer_LM6000PF1_Proposal_07aug23_Sections 4.0 includes the following:

[REDACTED]

[REDACTED]

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- [REDACTED]
- [REDACTED]
- (c) NIPSCO has not evaluated any impacts of this hypothetical outcome on (i) time of turbine delivery, (ii) product cost memorialized in CAC 19-001 Conf. Att. A, or (iii) engineering services cost memorialized in CAC 19-002 Conf. Att. A, and is not in possession of any documents responsive to this Request. In the most general terms, should the Commission order NIPSCO to use only industrial frame units for the CT Project, NIPSCO expects that hypothetical outcome would require NIPSCO to seek to renegotiate the MOU with the turbine manufacturer and request that the payment made thereunder is applied to industrial frame units. If the MOU could be successfully renegotiated, NIPSCO expects this hypothetical outcome would delay the in-service date for the Project by at least 12 months, and would impact costs, including for any additional capacity that would be needed during that associated period of delay.

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OUC Request 2-009:

Please refer to the direct testimony of Greg Baacke, p. 10, lines 8-12.

- a. Please provide the technical specifications used in the competitive bid event for the procurement of turbines for the CT project that occurred in June 2023.
- b. Please provide the EPC requirements specification used in the competitive bid event that occurred in June 2023.
- c. Please provide all bids that resulted from this event.
- d. Please identify among the bids received, those that were determined not to meet specifications and subsequently excluded from further review.
- e. Please provide any documentation including emails, reports and comparisons used to clarify or confirm bid content before bid exclusion or review.

Objections:

NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, highly confidential, proprietary, and/or trade secret.

Response:

- a. OUC Request 2-009 Highly Confidential Attachment A includes the technical specifications used in the competitive bid event for the procurement of the turbines for the CT Project that occurred in June 2023 (the "turbine equipment RFP").
- b. An EPC bid event was not conducted in June 2023. The EPC RFP was conducted in 2022. Please see NIPSCO's response to CAC Request 1-004 Subpart (c) for the technical specifications and other related bid documents produced by S&L for the purpose of the EPC RFP.
- c. Bids were received from General Electric Gas Power and Siemens Energy. Mitsubishi Power declined to bid. CAC Request 4-002 Confidential Attachment A includes copies of the bids received in response to the turbine equipment RFP.

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See NIPSCO's response to CAC Request 1-004 Subpart (a) for the bids received in response to the 2022 EPC RFP.

- d. As shown in the bid documents included in CAC Request 4-002 Confidential Attachment A, both General Electric Gas Power and Siemens Energy took exceptions or did not conform to certain portions of the technical specifications. However, neither of the bids received during the turbine equipment RFP were determined not to meet specifications to the point where they were excluded from further review.

During the 2022 EPC RFP, as outlined in Mr. Baacke's direct testimony, one bid did not meet the performance criteria of the technical specifications and provided less than five pages of information. This bid was not evaluated for further consideration. A second bid provided a proposal that consisted of 10 refurbished aeroderivative turbines which did not align with the RFP criteria or the performance criteria of the technical specifications. However, NIPSCO did evaluate this bid. A third bid aligned with the technical specifications however, the proposal price was \$100 million more than the self-build option costs of construction shown in Attachment 5-A.

- e. None of the bids received during the turbine equipment RFP have been excluded from consideration.

For the 2022 EPC RFP, no formal documentation was created to clarify or confirm bid content before removing the bidder who submitted less than five pages of information.

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OUC Request 2-011:

Please refer to the direct testimony of Greg Baacke, p. 11, lines 12-17.

- a. Please explain in what ways the second bid did not align with the RFP criteria or the performance criteria of the technical specifications.
- b. Please provide the configuration of units proposed in the third bid.
- c. With respect to the \$100 million difference with the self-bid option, please identify what costs were bidder provided and what costs were added to the project cost by others. Please identify who provided the other project costs and provide any supporting documentation or files developed to support the additions with formulas intact.

Objections:

NIPSCO objects to sub-part (c) of this Request on the grounds and to the extent that this Request seeks information that is confidential, highly confidential, proprietary, and/or trade secret.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

- a. The technical specifications for the EPC RFP included a requirement for bidders to select a combination of industrial frame and aeroderivative CTs meeting the following constraints:
 - Total net output between 370 MW and 450 MW.
 - Maximum machine size of 275 MW.
 - At least one machine 150 MW or larger.
 - 10-minute cold start capability for 150 MW or more.
 - 50 MW/minute minimum ramp rate for at least 150 MW of the Facility's machines.
 - At least one machine with a minimum emission compliant load (MECL) less than or equal to approximately 25 MW.

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The second bidder did not provide at least one machine 150 MW or larger. The technical specification required bidders to ensure that all material shall be new. The bid was based on providing 10 refurbished aeroderivative turbines. The technical specification also required bidders to provide construction services in accordance with the National Maintenance Agreements Policy Committee, Inc, which has requirements to utilize union labor. The bid was based on providing non-union construction services.

- b. NIPSCO's response to CAC Request 1-004 Subpart (a) includes the configuration of the units proposed. The third bidder proposed one GE 7FA.05 and three GE LM6000 PF+ UG3 machines.
- c. OUCC Request 2-011 Highly Confidential Attachment A identifies who provided the project cost estimates using the comparison NIPSCO previously provided in response to CAC Request 3-007 (Confidential Attachment A). NIPSCO estimated a dollar amount associated with the exceptions and clarifications included in the EPC bidder's proposal. These exceptions/clarifications are described in OUCC Request 2-011 Confidential Attachment B.

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OUCC Request 2-026:

Please provide any project review presentations made or prepared for NIPSCO or NiSource leadership or management discussing the EPC bid results, engineering specifications, financial aspects, or generation fleet impact.

Objections:

NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, highly confidential, proprietary, and/or trade secret.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

Oucc Request 2-026 Highly Confidential Attachment A contains slides prepared for NIPSCO/NiSource leadership that include an evaluation of the EPC bid results and the recommendation to proceed with the self-build approach using the preferred configuration of units.

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OUCC Request 2-027:

Please explain why aeroderivative machines and/or industrial frames from manufacturers other than the General Electric Company were not evaluated in the key technical requirements in CAC request 1-004 Confidential Attachment B?

- a. If other options were considered, please provide the key technical requirements of each of those options in addition to the cost of each of those machines.

Objections:

NIPSCO objects to this Request on the grounds and to the extent that this Request seeks information that is confidential, highly confidential, proprietary, and/or trade secret.

Response:

Subject to and without waiver of the foregoing general and specific objections, NIPSCO is providing the following response:

See OUCC Request 2-027 Highly Confidential Attachment A.