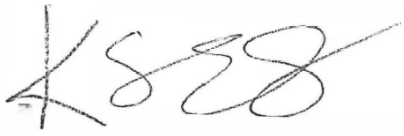
BEFORE THE

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF DUKE ENERGY INDIANA, LLC, PURSUANT TO INDIANA CODE 8-1-8.4, REQUESTING (1) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR FEDERALLY MANDATED COAL COMBUSTION RESIDUALS ("CCR") RULE COMPLIANCE PROJECTS AND COSTS; (2) APPROVAL OF ESTIMATED COSTS OF ITS FEDERALLY MANDATED COMPLIANCE PROJECTS; (3) AUTHORITY TO REFLECT COSTS AND CREDITS INCURRED FOR THE FEDERALLY MANDATED PROJECTS THROUGH ITS EXISTING STANDARD CONTRACT RIDER NO. 62; (4) RECOVERY OF 80% OF THE FEDERALLY MANDATED COSTS ON A TIMELY BASIS AND APPROVAL OF THE USE OF A REGULATORY ASSET TO ACCRUE SUCH COSTS, WITH FINANCING COSTS, UNTIL THE COSTS ARE REFLECTED IN PETITIONER'S RATES; (5) AUTHORITY TO ACCRUE A REGULATORY ASSET FOR THE DEFERRAL OF 20% OF THE FEDERALLY MANDATED COSTS ON AN INTERIM BASIS, WITH CARRYING COSTS, UNTIL THE APPLICABLE COSTS ARE REFLECTED IN PETITIONER'S BASE RETAIL ELECTRIC RATES; AND (6) AUTHORITY TO DEFER FUTURE ENVIRONMENTAL COMPLIANCE AND RETIREMENT-RELATED DEVELOPMENT, ENGINEERING, TESTING AND PRE-CONSTRUCTION COSTS	**CAUSE NO. 45749**

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR
PUBLIC'S EXHIBIT NO. 1
(REDACTED) TESTIMONY OF
OUCC WITNESS CYNITHIA M. ARMSTRONG
October 13, 2022

Respectfully submitted,



Kelly S. Earls
Attorney No. 29653-49
Deputy Consumer Counselor

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DIRECT TESTIMONY OF CYNTHIA M. ARMSTRONG
CAUSE NO. 45749
DUKE ENERGY INDIANA

Q: Please state your name and business address.

A: My name is Cynthia M. Armstrong, and my business address is 115 W. Washington St., Suite 1500 South, Indianapolis, IN, 46204.

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

A: I am employed as a Chief Technical Advisor in the Electric Division for the Indiana Office of Utility Consumer Counselor ("OUCC" or "Agency"). A summary of my qualifications can be found in Appendix A.

Q: Have you previously provided testimony to the Indiana Utility Regulatory Commission ("Commission")?

A: Yes.

I. INTRODUCTION

Q: What is the purpose of your testimony in this proceeding?

A: The purpose of my testimony is to present an overview of the OUCC's position regarding Duke Energy Indiana's ("DEI", "Petitioner", or "Company") request for a Certificate of Public Convenience and Necessity ("CPCN") and associated cost recovery under Ind. Code ch. 8-1-8.4 ("the Federally Mandated Requirements statute") for the Coal Ash Compliance Plan ("the Project"). I introduce other OUCC witnesses and their respective testimonial topics. I address concerns the OUCC has with the timing of coal combustion residuals ("CCR") closure costs DEI seeks to recover in this Cause. Specifically, I address how the Indiana Supreme Court's

decision regarding the appeal of the Final Order in Cause No. 45253[1] impacts the CCR costs DEI seeks approval for recovery in this Cause. Finally, I explain how the recommendations the OUCC makes in its Case-in-Chief address the affordability of DEI's rates. My testimony supports the testimony of OUCC witnesses Brian A. Wright and Kaleb G. Lantrip.

Q: What did you do to prepare for your testimony?

A: I reviewed the Verified Petition, Direct Testimony, Exhibits, Data Responses and Confidential Documents submitted by DEI in this Cause. I also reviewed the Indiana Supreme Court's decision in *OUCC v. DEI* and other Commission rulings regarding the Federally Mandated Requirements statute.

Q: To the extent you do not address a specific item, does this mean you agree with those portions of DEI's proposal?

A: No. Excluding any specific adjustments or amounts DEI proposes does not indicate my approval of those adjustments or amounts. Rather, the scope of my testimony is limited to the specific items addressed herein.

Q: Who are the other OUCC witnesses testifying in this Cause?

A: The other OUCC witnesses testifying, and their respective testimonial topics include:

- Brian A. Wright: Mr. Wright discusses the environmental regulatory history and requirements leading to the Project, the compliance alternatives DEI considered, and the reasonableness of the Project's cost estimate (Public's Exhibit No. 2).

[1] *Ind. Ofc. of Util. Consumer Couns. v. Duke Energy Ind., LLC,* 186 N.E.3d 266 (Ind. 2022), *reh'g denied* (hereafter "*OUCC v. DEI"*).

- Kaleb G. Lantrip: Mr. Lantrip discusses DEI's proposed ratemaking treatment and recovery of the Project's costs. Specifically, he disputes DEI's request to recover financing costs associated with the Project at DEI's Weighted Average Cost of Capital ("WACC") rate for the 80% portion of costs recovered through the Environmental Compliance Adjustment ("ECR"), authority to record deferrals for actual Project costs exceeding 25% of the estimated Project costs approved in this Cause, and authority to record deferrals for future CCR costs not covered in this proceeding (Public's Exhibit No. 3).

II. OVERVIEW OF OUCC'S POSITION

Q: Please summarize DEI's request in this Cause.

A: Pursuant to I.C. ch. 8-1-8.4, DEI is seeking a federally mandated CPCN for planned closure and coal ash management activities as part of its compliance with the CCR Rule. The Project includes seven ash ponds located at Gallagher, Gibson, Wabash River, and Edwardsport Generating Stations.[2] DEI's request also appears to include closure related to a landfill at the Cayuga Generating Station,[3] but this request is not included in its Petition.[4] DEI also seeks authority under I.C. § 8-1-8.4-7(c) to recover 80% of the federally mandated costs incurred in connection with the Ash Pond Compliance Project through Standard Contract Rider No. 62 – ECR.[5] These costs include capital, operating, maintenance, depreciation, taxes, financing costs,

[2] Verified Petition of Duke Energy Indiana (July 19, 2022), Paragraphs 6 and 11.
[3] Petitioner's Exhibit 2, Direct Testimony of Timothy S. Hill at p. 20, li. 22; Petitioner's Confidential Exhibit 2-K, and Petitioner's Confidential Workpaper 15-TSH.
[4] Verified Petition, Paragraph 6.
[5] *Id.*, Paragraph 11(d) and (e).

and interim deferral of post-in-service carrying costs.[6] DEI seeks to defer the remaining 20% of costs until its next general rate case.[7] DEI also requests authority to defer future environmental compliance and retirement-related development, engineering, testing, and pre-construction costs for review in a future regulatory proceeding.[8] DEI proposes amortizing the costs such that they will be fully recovered in 2038, which is the anticipated retirement date for the Company's last coal generating unit. As each additional cost is reflected in the ECR as of each cut-off date, the Company will use the appropriate period to ensure all costs are recovered by July 2038.[9]

DEI's current un-escalated cost estimate for the Coal Ash Compliance Project totals approximately $272 million after subtracting cost of removal ($238 million and $34 million in coal ash management costs).[10] When DEI's estimated escalation is accounted for, its total CPCN request is approximately [redacted].[11] These include costs incurred from 2019 through 2030.[12]

In addition to these costs, DEI indicates there are several CCR closure-related projects and post closure operations and maintenance work related to the retirement and demolition of DEI generating plants. DEI claims these generating plants have plant equipment currently in operation on top of legacy ash basins or

[6] *Id.*
[7] *Id.,* Paragraph 11(f).
[8] *Id.*, Paragraph 11(d) and (g).
See also, Petitioner's Exhibit 3, Direct Testimony of Brian P. Davey at p.16-18.
[9] Davey Direct at p. 11, li. 17-22, through p. 12, li. 1-13.
[10] Hill Direct at p.21, li. 4-9.
[11] Petitioner's Confidential Attachment 2-K (TSH).
[12] *Id.*

ash management areas. There are also active landfill cells that will be required to be closed shortly after plant closures. DEI estimates these future closure projects to cost $150 million (un-escalated). While not a part of the Coal Ash Compliance Project in this proceeding, DEI requests authority to defer these costs on its books and seek approval to include them in rates in a future proceeding. [13]

Q: Does DEI's request meet the requirements set forth in I.C. ch. 8-1-8.4?

A: No, not fully. First, while a significant portion of the costs would qualify as federally mandated costs, DEI's cost estimates for many of the ponds included in the Project are either deficient in considering additional compliance costs likely to be imposed on DEI or too preliminary to approve at this time. OUCC witness Wright discusses this in further detail. Second, as OUCC witness Lantrip discusses, DEI's rate requests regarding financing costs, authority to record deferrals for actual Project costs exceeding 25% of the estimated Project costs, and authority to record deferrals for future CCR costs not requested in this proceeding are contrary to the Federally Mandated Statute's provisions and should be denied. Finally, as I discuss below, any costs DEI incurs prior to receiving approval in this Cause should be disallowed for recovery under I.C. § 8-1-8.4-7(c), because as stated in the recent Indiana Supreme and Commission decisions, I.C. § 8-1-8.4-6 requires a utility to obtain a CPCN from the Commission prior to incurring federally mandated costs recovered through a tracking mechanism.

III. PROJECT COSTS INCURRED PRIOR TO A FINAL COMMISSION DECISION

[13] Hill Direct at p. 21, li.17-24, through p. 22, li. 1-22.

Q: Please explain how the Indiana Supreme Court's decision regarding Cause No. 45253 impacts the costs in this filing.

A: Although I am not an attorney, it is reasonable to interpret the Supreme Court's ruling as disallowing CCR closure costs incurred prior to the Commission's issuance of a final order in this Cause. *Indiana Off. of Util. Consumer Couns. v. Duke Energy Indiana, LLC*, 183 N.E.3d 266, 270 (Ind. 2022). While the costs at issue in *OUCC v. DEI* concern past CCR closure costs included in DEI's last base rate case, the way the timing language is set forth by the Court appears to include some costs DEI requests for the Project. The Court found recovery of coal ash costs incurred before the Commission issued its Cause No. 45253 order in June 2020 was unlawful because it constituted retroactive ratemaking and stated:

> Applying here the principle that a utility cannot recover unforeseen past losses, we hold that the commission's order is retroactive ratemaking. This is so because the commission established Duke's rate in 2004, which governed the period from 2010 until the current order in June 2020. Duke acknowledges that the commission already adjudicated depreciation rates in its 2004 rate order. The actual costs turned out to be more than Duke expected. Duke then sought re-adjudication through its 2019 rate case. But we have already held that utilities may not re-adjudicate costs for a time period governed by a prior order…Here the commission violated the bar against retroactive ratemaking by re-adjudicating in 2020 coal-ash costs governed by its 2004 rate order.[14]

In Cause No. 45253, DEI proposed to separate its CCR closure costs into two categories: past costs and future costs. Past costs were any CCR closure costs incurred between 2015 and 2018, and future costs were any CCR closure costs incurred on or after January 1, 2019. As part of its rate request, DEI sought a CPCN

[14] *OUCC v. DEI*, 186 N.E.3d at 270.

under I.C. § 8-1-8.4-7(b) for its future CCR closure costs. On December 5, 2019, the Commission issued a docket entry establishing a separate sub docket to evaluate the future CCR closure costs (Cause No. 45253 S1) to simplify the general rate proceeding and provide interested parties with the proper opportunity to review DEI's CPCN request. While DEI originally included the Project costs it seeks approval of in this Cause within the future costs for the CCR closures in the rate case, it excluded these costs from its request in Cause No. 45253 S1. Due to DEI's choice to delineate CCR closure costs on this timeline, a significant portion of the costs DEI seeks Commission approval for in this Cause occurred prior to June 2020.

Q: If the Court specifically disallowed costs incurred prior to the June 2020 final order date, how would its decision be interpreted to disallow recovery of costs before a final order in this Cause?

A: When examining arguments regarding pre-authorization of CCR closure costs, the Court discussed the Federal Mandate Statute (I.C. ch. 8-1-8.4).

> [H]ad Duke properly sought recourse under Indiana's federal mandate statute, I.C. ch. 8-1-8.4, the result may have been different, at least for the costs Duke incurred to comply with the EPA's 2015 rulemaking. This statute permits utilities to recover costs incurred due to changes in federal regulations. Although we have not yet interpreted the statute, we note it is framed in the future tense and speaks of "projected" costs for "proposed" projects, see *id.* §§ 8-1-8.4-6(a), 6(b), 6(b)(1), 7(b)(1), 7(b)(2), which would seem to require commission approval **before** a utility incurs the costs. Where another statute authorizes the commission's action, and specifically contemplates prior approval for certain types of expenses, the statutory prohibition against retroactive ratemaking may not apply. Here, however, Duke did not seek prior approval of its coal-ash costs. Thus what governs here is not the federal mandate statute but the prohibition against retroactive ratemaking [Emphasis in original].[15]

[15] *Id.*

Although the Court's decision did not center on the interpretation of the federal mandate statute, it indicated Commission approval was a pre-requisite to recover federally-mandated costs, and that the statute is "framed in the future tense and speaks of 'projected' costs for 'proposed' projects[.]"[16] Applying this analysis results in a conclusion that any CCR closure costs incurred prior to the Commission issuing its Final Order in this cause would also be ineligible for recovery.

Additionally, the Court addressed forecasted expenses occurring after the June 2020 order date in Cause No. 45253:

> We note the commission's June 2020 order also permitted Duke to recover forecasted expenses through the end of December 2020. Appellants do not argue, and we do not hold, that reimbursement of forecasted expenses is retroactive ratemaking. Our order pertains only to coal-ash costs that Duke incurred before the commission's June 2020 order.[17]

Here the Court appears to be discussing the fact DEI used a forecasted test year when seeking its general rate request. It appears the Court was clarifying it was not ruling that allowing any forecasted costs after the June 2020 order would be considered retroactive ratemaking, because that time period was the basis for setting base rates. This would not necessarily apply to the CCR closure costs incurred after June 2020 in this Cause because they were separated from the general rate proceeding and were not incorporated into the test year. Since DEI has not yet received Commission approval pursuant to I.C. § 8-1-8.4-7 for the Project, this

[16] *Id.*
[17] *Id. at* 270.

statement would not apply to the costs DEI is seeking recovery for in this proceeding.

Q: Has the Commission previously ruled on recovering costs prior to receiving a CPCN under I.C. § 8-1-8.4-7?

A: Yes. In Cause No. 44367 FMCA-4, the Commission rejected DEI's request to collect costs related to a vegetation management project to comply with federal transmission requirements, as these costs were incurred before the utility sought a CPCN. The Commission stated:

> Allowing the recovery of costs incurred before the Commission has authorized the utility to do so undoes the purpose of oversight. The point of a CPCN proceeding is to determine whether the project and its attendant costs are prudent *before* the utility passes such costs to consumers…
>
> Had the legislature intended utilities to be able to recover federally mandated costs that were already spent, it would have said so. There is no such language in Ind. Code ch. 8-1-8.4. Applying for a CPCN and disclosing project specifics, including costs and alternatives, before performing the project is part of the regulatory bargain engraved in Ind. Code ch. 8-1-8.4 for an energy utility to receive authorization to recover its prospective costs. The Commission and interested stakeholders should have an opportunity to review the project before the energy utility incurs costs that it desires to recover through rates.[18]

After the Commission issued its Final Order in Cause No. 44367 FMCA-4, DEI filed a Petition for Reconsideration. While the Commission ultimately upheld its decision regarding the vegetation management costs, it made clear its decision was specific to the facts and circumstances of that case.[19] However, it also provided

[18] *In re Duke Energy Indiana LLC*, Cause No. 44367 FMCA-4, Final Order at 29, 2019 WL 4600201 (Ind. Util. Regul. Comm'n Sep. 18, 2019), *aff'd on recon.*, 2019 WL 6683737 (Ind. Util. Regul. Comm'n Dec. 4, 2019).
[19] *In re Duke Energy Indiana LLC*, Cause No. 44367 FMCA-4, Order on Reconsideration at 2, 5, and 6.

additional insight regarding its interpretation of the requirements of I.C. ch. 8-1-8.4.

The Commission noted it had approved recovery of costs the utility incurred prior to filing an FMCA petition when the costs were related to pre-petition analysis, preparation, and plan development activities necessary to provide the required evidence to support its request or when compliance deadlines required the utility to comply more immediately.[20] However, timeliness was a factor in the Commission's decision to approve such costs.

> In all of the cases cited by DEI, the requests for approval were filed in a timely manner within the context of the federal mandate's enactment and the utility's chosen compliance project(s); that is, given the date the federal mandate was put into place and the timeframe in which compliance was required, the time line in which the utilities' projects were developed and submitted for approval was reasonable. In stark contrast, federal standards for vegetation management have been in place since 2007, and the Commission directed DEI in 2012 to file a separate Cause if it wanted to seek cost recovery for these costs, but DEI did not do so until this proceeding, beginning in January 2019.
>
> By waiting more than six years to begin seeking cost recovery, completing the vegetation management projects in 2017-2018 without prior approval, and then seeking to recover actual project costs, we find that DEI thwarted the Commission's opportunity to timely: (1) consider DEI's alternative plans pursuant to Ind. Code §8-1-8.4-6(b)(1)(D); and (2) provide direction to DEI on the most reasonable and prudent approach.[21]

Timeliness was also a factor when the Commission considered the legislative intent of I.C. ch. 8-1-8.4.

[20] *Id.* at 2-3.
[21] *Id.*

[redacted] INDICATES CONFIDENTIAL MATERIAL

> We agree that the legislative intent of Ind. Code ch. 8-1-8.4 is to provide timely recovery of federally mandated expenses that comply with the parameters established in Ind. Code ch. 8-1-8.4. Those parameters establish the framework for the Commission to authorize an energy utility to recover costs when the energy utility submits its plans and costs for approval in a timely fashion. A key phrase in Ind. Code 8-1-8.4(c) is allowing "timely recovery" of approved federally mandated costs. The legislative intent to provide timely cost recovery for approved compliance projects is not furthered by a utility that intentionally waits to seek approval of federally mandated costs until such costs accumulate over several years and at a time that fails to afford any meaningful and timely opportunity for the Commission to consider possible alternatives for compliance.[22]

Again, the Commission stated its decision in FMCA-4 was specific to the facts of that case. However, waiting three years to seek approval for recovery of such costs, as DEI does in this case, fails to meet the definition of timeliness.

Q: Should DEI be allowed to recover any costs incurred prior to the date of a final order in this Cause?

No. As the Court indicated in its decision, I.C. ch. 8-1-8.4 offers an alternative route to recover these types of costs if they were found to be "federally mandated." But as both the Indiana Supreme Court[23] and Commission[24] noted, the statute requires the Commission to approve the utility's compliance plan *prior* to their recovery. Since DEI has not yet received approval for the Project under I.C. § 8-1-8.4-6, and a significant portion of the Project's costs will be incurred before the Commission can approve them, they are disqualified from recovery under I.C. § 8-1-8.4-7(c).

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[22] *Id.* at 4.

[23] "[T]he commission shall determine and by order fix just and reasonable rates ... to be imposed, observed, and followed in the future[.]" *OUCC v DEI*, 183 N.E.3d at 268 (citing I.C. § 8-1-2-68); noting that the Federal Mandate statute "is framed in the future tense and speaks of 'projected' costs for 'proposed' projects, see *id.* §§ 8-1-8.4-6(a), 6(b), 6(b)(1), 7(b)(1), 7(b)(2), which would seem to require commission approval before a utility incurs the cost." *Id.* at 270.

[24] *See, FMCA 4.*

Although the Commission indicated costs related to pre-petition analysis, preparation, and plan development activities incurred prior to approval may be recoverable in the FMCA-4 Reconsideration Order, the Indiana Supreme Court appears to interpret the statute more strictly.

Q: Is this interpretation of the statute in contradiction with the OUCC's position that utilities must provide accurate cost estimates when seeking CPCN approval for federally mandated compliance projects?

A: No. The OUCC is aware that utilities must incur costs to study compliance alternatives, determine the best compliance option, and conduct preliminary engineering and design studies to present an accurate cost estimate for a federally mandated compliance project. It is feasible a utility could seek pre-approval of these preliminary study costs under I. C. ch. 8-1-8.4 as a separate compliance project and seek approval of the selected compliance project(s) resulting from such studies in a subsequent CPCN filing. It has been common for utilities, including DEI, to use a phased approach and submit multiple CPCN requests when complying with a federal mandate across its system. Seeking prior authorization of study costs could serve as the first phase of a utility's overall compliance plan.

While such an approach would lead to additional filings before the Commission, it could also benefit the process of approving subsequent federally mandated projects. Utility consideration of alternative compliance plans is a frequently contested area in federally mandated CPCN proceedings. If a utility must seek pre-approval of initial study and design costs before it selects the final compliance project, it provides the Commission, the OUCC, and interested parties the opportunity to recommend compliance alternatives to study that the utility may

not have otherwise identified or studied. Incorporating any such alternatives into the study earlier in the process could lead to more collaboration among the parties and fewer disputes in later CPCN proceedings.

Q: What do you recommend regarding DEI's requested costs for the Project?

A: I recommend recovery of Project costs incurred prior to a final order in this Cause be denied. This is consistent with how the Indiana Supreme Court signaled it interprets I.C. ch. 8-1-8.4 in *OUCC v. DEI*. This would result in the reduction of at least [redacted] to DEI's presented cost estimate for the Project.[25] This recommendation is in tandem with OUCC witness Wright's recommended reduction to DEI's approved cost estimate.

IV. AFFORDABILITY

Q: How does DEI's request in this proceeding impact the affordability of DEI's rates?

A: DEI's request represents a portion of DEI's overall obligation to comply with the CCR Rule and address legacy CCR waste under RCRA. Based on DEI's previous requests for CCR-related cost recovery and costs disclosed in this filing, DEI's costs to close, remediate, and monitor its CCR ponds, landfills, and legacy waste management areas will likely exceed $900 million.[26] Since these costs are to close and remediate existing solid waste disposal sites, they cannot be avoided. Except

[25] This reflects costs incurred from 2019 through 2021 presented in Petitioner's Confidential Exhibit 2-K. Depending on the timing of a final order, the actual costs are likely to range from approximately $[redacted] to [redacted] (based on 2022 through mid-2023 escalated costs).

[26] This includes the $212 million for 2015-2018 CCR closure costs included in rates in Cause No. 45253 and subsequently disallowed in *OUCC v. DEI*, $337 million in CCR closure costs approved in Cause No. 45253 S1, the $273 million (escalated) DEI seeks in this Cause, and the estimated $150 million in future costs Mr. Hill discusses.

for the disallowance of CCR closure costs incurred prior to 2018 and any potential disallowance resulting from the appeal of the Cause No. 45253 S1 order, DEI will likely recover the bulk of these costs from ratepayers. Since DEI proposes to track most of these costs, the impact to customers' bills will be immediate. DEI's recovery of CCR costs simultaneously occur with recent significant rises in the cost of basic needs such as food, fuel, housing, and utilities.

Q: How does the OUCC's recommendations address affordability concerns?

A: First, my recommendation to disallow recovery of any costs incurred before the Commission issues its final order in this Cause ensures DEI meets the statutory requirements of Ind. Code ch. 8-1-8.4 prior to receiving the special ratemaking relief afforded under the statute. The pre-approval of CCR closure costs and associated accelerated rate recovery shifts the burden of risk for these expenditures from DEI to its customers. This risk should be balanced by careful review of the selected compliance projects and alternatives so that customers do not pay more than what is necessary or reasonable to comply with federal rules.

OUCC witness Wright's recommendations also balances this risk through the assurance that DEI's cost estimates for the Project are reasonably accurate and do not lead to expenditures on activities that are later found to not comply with RCRA and CCR Rule requirements. DEI should be incentivized to manage Project costs reasonably. Approving premature cost estimates does not accomplish this objective.

Finally, OUCC witness Lantrip's recommendations prevent DEI from recovering more than the statute allows. While the statute allows DEI timely

recovery of approved Project costs, DEI's deferral requests for any potential cost overruns and future costs not yet approved go beyond the statute's boundaries and ignore the consumer protections afforded under I.C. § 8-1-8.4-7. Additionally, Mr. Lantrip's recommendations regarding the appropriate recovery of financing costs tracked via the ECR lessens the Project's impact to customer bills.

V. CONCLUSION

Q: Please summarize your recommendations.

A: My recommendations are:

1. The Commission disallow recovery of DEI's CCR closure costs prior to the issuance of a final order in this Cause; and
2. To adopt OUCC witness Wright's recommendations regarding approval of the Project and its associated costs and OUCC witness Lantrip's recommendations regarding DEI's requested cost recovery.

Q: Does this conclude your testimony?

A: Yes.

[redacted] INDICATES CONFIDENTIAL MATERIAL

APPENDIX A

Q: Summarize your professional background and experience.

A: I graduated from the University of Evansville in 2004 with a Bachelor of Science degree in Environmental Administration. I graduated from Indiana University, Bloomington in May 2007 with a Master of Public Affairs degree and a Master of Science degree in Environmental Science. I have also completed internships with the Environmental Affairs Department at Vectren in the spring of 2004, with the U.S. Environmental Protection Agency in the summer of 2005, and with the U.S. Department of the Interior in the summer of 2006. During my final year at Indiana University, I served as a research and teaching assistant for a Capstone course offered at the School of Public and Environmental Affairs. I also have obtained my OSHA Hazardous Operations and Emergency Response ("HAZWOPER") Certification. I have been employed by the OUCC since May 2007. As part of my continuing education at the OUCC, I have attended both weeks of the National Association of Regulatory Utility Commissioners' ("NARUC") seminar in East Lansing, Michigan, the Indiana Chamber of Commerce's ("Indiana COC's) Environmental Permitting Conference, and the Indiana COC's annual Environmental Conferences since 2014.

Q: Describe some of your duties at the OUCC.

A: I review and analyze utilities' requests and file recommendations on behalf of consumers in utility proceedings. Depending on the case at hand, my duties may also include analyzing state and federal regulations, evaluating rate design and tariffs, examining books and records, inspecting facilities, and preparing various

studies. Since my expertise lies in environmental science and policy, I assist in many cases where environmental compliance is an issue.

AFFIRMATION

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

Cynthia M. Armstrong
Chief Technical Advisor Indiana Office of
Utility Consumer Counselor

Cause No. 45749
DEI, LLC

Date: October 13, 2022

CERTIFICATE OF SERVICE

This is to certify that a copy of ***OUCC Public's Exhibit No. 1 (Redacted) Testimony of OUCC Witness Cynthia M. Armstrong*** has been served upon the following parties of record in the captioned proceeding by electronic serve on October 13, 2022.

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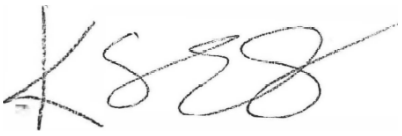

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