

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**PETITION OF SOUTHERN INDIANA )  
GAS AND ELECTRIC COMPANY D/B/A )  
CENTERPOINT ENERGY INDIANA )  
SOUTH (“CEI SOUTH”) FOR )  
APPROVAL OF A CHANGE IN ITS FUEL )  
COST ADJUSTMENT FOR ELECTRIC )  
SERVICE IN ACCORDANCE WITH THE )  
ORDER OF THE COMMISSION IN )  
CAUSE NO. 37712 EFFECTIVE JUNE 18, )  
1986, AND SENATE BILL NO. 529 )  
EFFECTIVE APRIL 11, 1979 )**

**CAUSE NO. 38708-FAC-137**

**INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR’S MOTION FOR  
SUBDOCKET TO INVESTIGATE THE FORCED OUTAGE OF CEI SOUTH’S  
CULLEY 3 GENERATING UNIT**

The Indiana Office of Utility Consumer Counselor (“OUCC”) respectfully requests that the Indiana Utility Regulatory Commission (“Commission”) initiate a subdocket in this proceeding to provide the Commission and parties the time and information necessary to fully evaluate the forced outage of CenterPoint Energy Indiana South’s (“CEI South”) Culley 3 unit. In support of this Motion, the OUCC states:

1. As part of its standard FAC proceeding, CEI South filed confidential summary information regarding an on-going, forced outage at its Culley 3 generating station.
2. While members of the OUCC FAC audit team were provided the confidential documents informally, the undersigned and UCC Info management (the filing portal that receives all documents for the OUCC) did not receive the confidential material until December 1, 2022, after the undersigned requested the materials.

3. A subdocket is justified here to provide the Commission and parties sufficient time to examine whether and how the forced outage of Culley 3 impacts CEI South's fuel procurement, contracting and hedging and whether modifications should be made to CEI South's proposed and future fuel factors. This Commission has regularly ordered subdockets where "the summary nature of proceedings with statutory time constraints such as the FAC do not lend themselves" to sufficient record development.<sup>1</sup>

4. CEI South bears the burden of demonstrating that it "has made every reasonable effort to acquire fuel and generate or purchase power or both so as to provide electricity to its retail customers at the lowest fuel cost reasonably possible" during the relevant period.<sup>2</sup> Where a utility can purchase power at less expense than producing it, the Company must do so.<sup>3</sup> And where the utility fails to demonstrate that its energy generation decisions were prudent, the *utility*, and not customers, bear the costs. This Commission has long mandated that the *utility* bears the burden of demonstrating the prudence of its operational and fuel procurement decisions. Utilities *must* "supplement[] internal coal generation of electricity with the purchase of less expensive supplies of electricity from neighboring utilities whenever operating conditions will permit this without adversely affecting the reliability of electrical services."<sup>4</sup>

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<sup>1</sup> *Application of Duke Energy Ind., LLC*, Cause No. 38707-FAC 111, 2017 WL 1632308, at \*8 (Ind. Util. Regul. Comm'n Apr. 26, 2017).

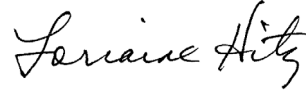
<sup>2</sup> See Ind. Code §8-1-2-42(d)(1).

<sup>3</sup> *N. Ind. Pub. Serv. Co.*, Cause No. 37343 (Ind. Util. Regul. Comm'n Dec. 27, 1983).

<sup>4</sup> *N. Ind. Pub. Serv. Co.*, Cause No. 37343, Final Order pp. 4-5, 1983 WL 882710 (Dec. 27, 1983).

WHEREFORE, the OUCC respectfully requests that the Commission grant a subdocket in this matter, and for all such other relief appropriate in the premises.

Respectfully submitted,



Lorraine Hitz  
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Deputy Consumer Counselor

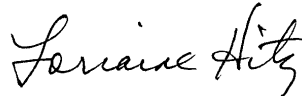
**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing *Indiana Office of Utility Consumer Counselor's Motion for Sub-docket to Investigate the Forced Outage of CEI South's Culley 3 Generating Unit* has been served upon the following counsel of record in the captioned proceeding by electronic service on December 6, 2022.

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