

FILED
January 3, 2023
**INDIANA UTILITY
REGULATORY COMMISSION**

STATE of INDIANA



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**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

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following Entry to be made:

On November 16, 2022, Southern Indiana Gas and Electric Company d/b/a CenterPoint Energy Indiana South ("CEI South") filed its Verified Petition in this matter requesting approval of a change in its fuel cost adjustment for electric service.

On November 29, 2022, Sierra Club filed its Petition to Intervene. In this petition, Sierra Club states that some of its members are CEI South residential customers. Sierra Club stated it seeks to intervene to "investigate and . . . offer evidence as to whether the outage at Culley Unit 3 is the result of imprudence by [CEI South] and whether [CEI South] has acted reasonably and prudently in response thereto." Sierra Club further stated its intervention is based on an interest "to investigate whether [CEI South] considered alternatives [to repairing Culley Unit 3] . . . what the cost of those alternatives were," and "whether [CEI South]'s decisions with respect to the continued operation of a coal plant facing major repairs best serves its customers' interests and minimizes customer cost." Sierra Club asserted that its members "have a substantial interest in seeing the Company meet its electric service obligations in a way that is both low-cost and cleaner and that adequately balances risks between electric customers and utility shareholders."

CEI South indicated in its December 2, 2022 response to the Petition to Intervene that it did not object to the petition, but noted that it was not waiving its right to challenge Sierra Club's standing to participate in this proceeding, or any subsequent appeal, and reserved the right to object to or move to strike any Sierra Club testimony, filing, or discovery request that does not comply with 170 IAC 1-1.1-11.

On December 6, 2022, the Indiana Office of Utility Consumer Counselor ("OUCC") filed its Motion for Subdocket to Investigate the Forced Outage of CEI South's Culley 3 Generating

Unit (“Motion”). Here, the OUCC requests a subdocket “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.”

On December 8, 2022, CEI South responded to the OUCC’s subdocket request. In this response, CEI South stated that it did not object to the OUCC’s motion. Additionally, CEI South requested that “the Commission grant Sierra Club’s request to intervene in the [OUCC requested] subdocket as opposed to the general FAC proceeding . . .” On December 9, 2022, Sierra Club stated in its reply that it did not object this proposal and that it requested “the Commission grant it leave to intervene in the subdocket requested by the [OUCC].”

1. Creation of Subdocket. The Commission has previously found creation of a subdocket is appropriate where summary FAC proceedings do not lend themselves to sufficient record development. *Duke Energy Ind., LLC*, Cause No. 38707 FAC 111, 2017 WL 1632308, at *8 (IURC April 26, 2017). We agree that, based on the facts in this circumstance, a review of the Culley 3 Generating Unit forced outage discussed above is best accomplished outside the statutory time constraints of the FAC summary proceeding. Accordingly, a subdocket is created for the purpose of considering 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. The caption for the subdocket shall be as follows:

**SUBDOCKET FOR REVIEW OF SOUTHERN)
INDIANA GAS AND ELECTRIC COMPANY)
D/B/A CENTERPOINT ENERGY INDIANA)
SOUTH (“CEI SOUTH”) 2021 EXTENDED) CAUSE NO. 38708 FAC 137 S1
FORCED OUTAGE AT CULLEY 3)
GENERATING UNIT AND ITS RELATED)
IMPACT ON FUEL PROCUREMENT AND)
FUEL COSTS)**

2. Sierra Club Petition to Intervene. The Commission’s procedural rules provide that a petition to intervene may be granted if it satisfies the requirements of 170 IAC 1-1.1-11 and “shows the proposed intervenor has a substantial interest in the subject matter of the proceeding or a part thereof, and the proposed intervenor’s participation will not unduly broaden the issues or result in unreasonable delay of the proceeding . . .” 170 IAC 1-1.1-11(d).

The Presiding Officers find Sierra Club’s Petition to Intervene satisfies the requirements of 170 IAC 1-1.1-11 and Sierra Club has demonstrated a substantial interest in the subject matter of the subdocket proceeding. Therefore, by agreement of the parties, Sierra Club’s request to intervene in the subdocket of this matter is GRANTED.

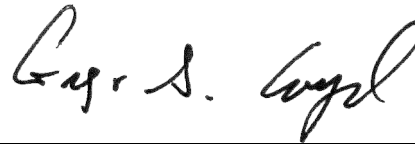
3. Subdocket Procedural Schedule. In lieu of scheduling a prehearing conference in the subdocket, the parties are directed to confer and provide an agreed upon procedural schedule for the subdocket and file it in the subdocket by January 30, 2022. To the extent the parties are not able to reach agreement on a procedural schedule by this date, the parties shall notify the

Commission and an attorneys' conference will be convened so that a schedule may be established in a timely manner.

IT IS SO ORDERED.



David E. Ziegner, Commissioner



Gregory S. Loyd, Administrative Law Judge

Date: January 3, 2023