

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

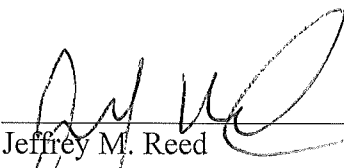
<b>PETITION OF INDIANA GAS COMPANY, INC.</b>	<b>)</b>	
<b>D/B/A CENTERPOINT ENERGY INDIANA NORTH</b>	<b>)</b>	
<b>FOR APPROVAL OF A GAS SERVICE</b>	<b>)</b>	<b>CAUSE NO. 45488</b>
<b>AGREEMENT WITH NUCOR CORPORATION</b>	<b>)</b>	

**INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR**

**PUBLIC'S EXHIBIT NO. 2 – CEI NORTH RESPONSES TO CERTAIN  
OUCC DATA REQUESTS**

**July 7, 2021**

Respectfully submitted,

  
\_\_\_\_\_  
Jeffrey M. Reed  
Attorney No 11651-49  
Deputy Consumer Counselor

## STATE OF INDIANA

## INDIANA UTILITY REGULATORY COMMISSION

PETITION OF INDIANA GAS COMPANY, INC. )  
 D/B/A CENTERPOINT ENERGY INDIANA )  
 NORTH FOR APPROVAL OF A GAS ) CAUSE NO. 45488  
 SERVICE AGREEMENT WITH NUCOR )  
 CORPORATION )

**CENTERPOINT ENERGY INDIANA NORTH'S RESPONSE TO INDIANA OFFICE OF  
 UTILITY CONSUMER COUNSEL THIRD SET OF DATA REQUESTS TO  
 CENTERPOINT ENERGY INDIANA NORTH**

Indiana Gas Company, Inc. d/b/a CenterPoint Energy Indiana North ("Petitioner," "CEI North", "Petitioner" or "Company") pursuant to 170 IAC 1-1.1-16 and the discovery provisions of Rules 26 through 37 of the Indiana Rules of Trial Procedure, by its counsel, hereby submits the following Objections and Responses to the Indiana Office of Utility Consumer Counsel's Third Set of Data Requests to CEI North dated June 25, 2021 ("Requests").

**General Objections**

All of the following General Objections are incorporated by reference in the response to each of the Requests:

1. The responses provided to the Requests have been prepared pursuant to a reasonable and diligent investigation and search conducted in connection with the Requests in those areas where information is expected to be found. To the extent the Requests purport to require more than a reasonable and diligent investigation and search, Petitioner objects on grounds that they include an undue burden or unreasonable expense.
2. Petitioner objects to the Requests to the extent they seek documents or information which are not relevant to the subject matter of this proceeding and which are not reasonably calculated to lead to the discovery of admissible evidence.
3. Petitioner objects to the Requests to the extent they seek responses and information from individuals and entities who are not parties to this proceeding and to the extent they request the production of information and documents not presently in Petitioner's possession, custody or control. Petitioner further objects to the Requests to the extent they are (i) vague and ambiguous as to the individuals and entities to whom the Request refer, or (ii) overbroad and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Accordingly, as used herein, "CEI North" or "Petitioner" or "Company" shall have the meaning set forth in the opening paragraph of these Objections and Responses.
4. Petitioner objects to the Requests to the extent they seek an analysis, calculation, or compilation which has not already been performed and which Petitioner objects to performing.
5. Petitioner objects to the Requests to the extent they are vague and ambiguous and provide no basis from which Petitioner can determine what information is sought.

6. Petitioner objects to the Requests to the extent they seek information outside the scope of this proceeding, and as such, the Requests seek information not reasonably calculated to lead to the discovery of relevant or admissible evidence.

7. Petitioner objects to the extent the Requests purport to require production of (a) information in a particular format; (b) multiple copies of the same document; (c) additional copies of the same document merely because alterations, notes, comments, or other material appear thereon when such other material is not material or relevant; and (d) copies of the same information in multiple formats on the grounds that it is irrelevant, overbroad, unreasonably burdensome and not required by the Commission rules and inconsistent with practice in Commission proceedings.

8. Petitioner objects to the Requests to the extent they solicit copies of voluminous documents.

9. Petitioner objects to the Requests to the extent the discovery sought is unreasonably cumulative or duplicative; or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

10. Petitioner objects to the Requests to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in litigation, and the importance of the proposed discovery in resolving the issues.

11. Petitioner objects to the Request on the grounds that it is overbroad, unreasonably burdensome and seeks information that is largely irrelevant to the subject matter of this proceeding.

12. Petitioner objects to the Requests to the extent they seek information that is confidential, proprietary, competitively sensitive and/or trade secret.

13. The responses constitute the corporate responses of Petitioner and contain information gathered from a variety of sources. Petitioner objects to the Requests to the extent they request identification of and personal information about all persons who participated in responding to each data request on the grounds that it is overbroad, unreasonably burdensome and irrelevant given the nature and scope of the requests and the many people who may be consulted about them. Petitioner further objects to the Requests to the extent they purport to require identification of a witness who can answer questions regarding the substance of or origination of information supplied in each response on the ground that Petitioner has no obligation to call witnesses to testify as to information provided in discovery.

14. Petitioner objects to the Requests to the extent they seek information that is subject to the attorney-client, work product, settlement negotiation or other applicable privileges. Petitioner further objects to the Requests to the extent they purport to require the creation of a privilege log on the grounds that given the extremely expedited and informal nature of discovery in this proceeding, contemporaneous privilege logs are inappropriate. Petitioner objects to the Requests on the grounds they are unreasonably burdensome, overbroad, inconsistent with discovery practices in Commission proceedings and inconsistent with the informal discovery process applicable to this proceeding.

15. Petitioner assumes no obligation to supplement these responses except to the extent required by Ind. Tr. R. 26(E) (1) and (2) and objects to the extent the instructions and/or Requests

purport to impose any greater obligation. Petitioner denies that Ind. Tr. R. 26(E)(3) applies to the Requests.

Subject to and without waiver of the general and specific objections set forth herein, Petitioner responds to the Requests in the manner set forth below.

**Data Requests- Set 3**

**NOTE: GREY AND YELLOW HIGHLIGHT INDICATES CONFIDENTIAL INFORMATION (WITH YELLOW HIGHLIGHTS ADDED BY PETITIONER)**

**Q 3.1:** Referencing Rina Harris' rebuttal testimony, Petitioner's Exhibit No. 3-R (Public), page 3, lines 6-7 where Ms. Harris states the rates Nucor will pay under the Contract recover the costs of serving Nucor and contribute to the recovery of fixed costs.

- a. Please identify and quantify each of the costs of serving Nucor.
- b. Please define "fixed costs" as that term is used in the referenced testimony.
- c. Please identify and quantify the "fixed costs" Ms. Harris indicates are being recovered in her referenced testimony.
- d. Please identify and quantify all costs Petitioner will recover from Nucor if the proposed contract is approved.

**Objection:**

Petitioner objects to Data Requests 3.1.a and 3.1.d on the grounds and to the extent they seek an analysis, calculation, or compilation which has not already been performed and which CEI North objects to performing. Petitioner further objects to Data Requests 3.1.c and 3.1.d on separate and independent grounds and to the extent that this Request seeks information that is trade secret, confidential, proprietary and/or competitively sensitive business information of Petitioner and/or its customers. Petitioner has made reasonable efforts to maintain the confidentiality of this information. Such information has independent economic value and disclosure of the requested information would cause an identifiable harm to Petitioner and/or its customers. The responses are "trade secret" under law (Ind. Code § 24-2-3-2) and entitled to protection against disclosure. *See also* Indiana Trial Rule 26(C)(7). All responses containing designated confidential information are being provided pursuant to non-disclosure agreements between Petitioner and the receiving party.

Subject to and without waiving the foregoing objections, Petitioner responds as follows:

**Response:**

- a. Please see Petitioner's response DR 1.1.a. The marginal cost to serve Nucor is minimal, and their contribution is nearly 100% to fixed costs. Mr. Courter does not dispute that if the Contract is approved, the proposed rates and charges will be sufficient to cover Petitioner's cost of providing service to Nucor and contribute to Petitioner's recovery of fixed costs (see Public's Exhibit 1, page 5, lines 7-13).
- b. Please reference Petitioner's Exhibit No. 16, page 12, lines 7-14 in Cause No. 45468.
- c. Please see response to Data Request 1.1.b. Please note the figure referenced therein should be [REDACTED] and not [REDACTED].
- d. Please reference Petitioner's Exhibit No. 16, Exhibit No. 3, Attachment RHH-2 (CONFIDENTIAL). Below is a selection of relevant provisions.

- Article II, Section 1 of the Contract states that: “Service to the Premises shall be pursuant to the provisions of the Company's then-current Large Volume Transportation Service Rate Schedule No. 260, including any successor rate schedule (Rate 260), except for the applicable rates and charges as set out below.”
- In accordance with Article II , Section 1.A of the Contract, Nucor will pay a Customer Facilities Charge of [REDACTED].
- In accordance with Article II , Section 1.B of the Contract, Nucor will also pay a Distribution Charge of [REDACTED].
- In accordance with Article II , Section 1.C of the Contract, Nucor will pay “such other charges (Appendices) applicable to Rate 270 (Long-Term Contract Service), including any successor rate schedule.”
- In accordance with Article II, Section 2 of the Contract, “[t]o the extent that Nucor's negligent actions or inactions cause CEI North to be assessed any penalties and/or charges by or related to interstate pipeline supplies, Nucor shall fully reimburse CEI North for all such penalties and charges.”
- In accordance with Article II, Section 3 of the Contract, “Nucor shall comply with the Nomination and Balancing Provisions set out in Appendix E of the Tariff (as well as successor provisions applicable to Rate 260 customers in the future), as a transportation customer receiving service under Rate 260.”

**Q 3.2:** Referencing page 2 of Attachment RHH-2:

Please explain whether Nucor has verbally or in written form indicated what it would cost Nucor to construct a natural gas pipeline from its Crawfordsville facility to the interstate pipeline.

**Response:**

Nucor has not verbally or in written form indicated what it would cost Nucor to construct a natural gas pipeline from its Crawfordsville facility to the interstate pipeline.

**Q 3.3:** Referencing Petitioner's confidential response to OUCC data request ("DR") 1.6, which indicates Nucor's estimated volume consumption for 2021-2025 to be [REDACTED] Dekatherms ("Dth") annually.

Please confirm [REDACTED] Dekatherms ("Dth") annually remains Petitioner's best estimate of Nucor's consumption volume for the years 2021-2025. If Petitioner's estimate has changed since it was provided in response to OUCC DR 1.6, please provide that new estimate and explain the reasons for the change.

**Objection:**

Petitioner objects to the foregoing Data Request to the extent that any projection of annual consumption, which was provided by Nucor, is an estimate and not representative of actual future usage; and may not materialize due to a variety of factors.

Subject to and without waiving the foregoing objection, Petitioner submits the response set forth below.

**Response:**

To the Petitioner's knowledge, the estimate previously provided is still accurate.



**Q 3.4:** Referencing Petitioner's Exhibit No. 3 (Confidential), Attachment RHH-2, page 2, Section 1.B., which indicates Nucor will pay a Distribution Charge of [REDACTED] for all volumes of natural gas.

- a. Under the special contract as filed, assume Nucor consumes natural gas approximately evenly during the year. In this hypothetical, is it correct Nucor's monthly consumption would be approximately [REDACTED] Dth ([REDACTED]/12)?
- b. Please provide Nucor's actual monthly volumes January through May 2021, and estimated volumes for June-December 2021.
- c. Under the special contract as filed, assume Nucor consumes [REDACTED] Dth of natural gas each month. In this hypothetical, is it correct Nucor's monthly distribution charges would be [REDACTED] ([REDACTED] Dth x [REDACTED])?
- d. Please provide the amount of distribution charges Petitioner expects to receive from Nucor if the proposed Contract is approved.
- e. Under the special contract as filed, assuming Nucor consumes [REDACTED] Dth of natural gas annually, is it correct Nucor's annual distribution charges would be [REDACTED] ([REDACTED] x 12)?
- f. Are there any other charges Petitioner expects to receive from Nucor pursuant to the proposed Contract? If yes, then please identify the charges and the annual amount Petitioner expects to receive from Nucor if the proposed Contract is approved.

### **Objection:**

Petitioner objects to the premise in Data Request 3.4 and specifically to Data Requests 3.4.a, 3.4.b (specifically related to request for estimated volumes for June-December 2021), 3.4.c, 3.4.d, 3.4.e, and 3.4.f to the extent the Data Requests are relying on an estimate or projection provided by the customer; and either is an estimate of annual consumption based on a projection (which is not representative of actual future usage; and may not materialize due to a variety of factors); and/or is an estimate of monthly consumption that is not representative of actual future usage; and may not materialize due to a variety of factors (including, but not limited to, usage not being rateable or evenly spread across the year). Petitioner further objects to Data Requests 3.4.a, 3.4.c, and 3.4.e on the separate and independent grounds and to the extent the Data Requests seek the calculation of a mathematical calculation which does not require Petitioner to verify and which is based on the aforementioned premise to which Petitioner objects. Petitioner further objects to Data Requests 3.4.a, 3.4.b (specifically related to request for estimated volumes for June-December 2021), 3.4.c, 3.4.d, 3.4.e, and 3.4.f on the separate and independent grounds and to the extent they seek an analysis, calculation, or compilation which has not already been performed and which CEI North objects to performing. Petitioner further objects to Data Requests 3.4.a, 3.4.c, and 3.4.e to the extent that the requested analysis only considers the distribution charge component of the Nucor's bill and is not representative of the estimated total amount to be owed. Petitioner further objects to Data Requests

3.4.a, 3.4.b (specifically related to request for estimated volumes for June-December 2021), 3.4.c, 3.4.d, 3.4.e and 3.4.f on separate and independent grounds and to the extent that these Requests seek information that is trade secret, confidential, proprietary and/or competitively sensitive business information of Petitioner and/or its customers. Petitioner has made reasonable efforts to maintain the confidentiality of this information. Such information has independent economic value and disclosure of the requested information would cause an identifiable harm to Petitioner and/or its customers. The responses are “trade secret” under law (Ind. Code sec. 24-2-3-2) and entitled to protection against disclosure. *See* also Indiana Trial Rule 26(C)(7). All responses containing designated confidential information are being provided pursuant to non-disclosure agreements between Petitioner and the receiving party.

Subject to and without waiving the foregoing objections, Petitioner responds as follows:

**Response:**

- a. See above objection.
- b. See below for actual monthly volumes January through June 2021. Please note that volume for June is preliminary. See above objection related to estimated volumes for July-December 2021.

**Actual Monthly Volume (Dth)**

January		
February		
March		
April		
May		
June		

- c. See above objection.
- d. Please reference Article II, Section 1.B of the Contract.
- e. Please reference Petitioner’s response to Data Request 1.1.b. Please note the figure referenced therein should be [REDACTED] and not [REDACTED].
- f. Please reference Petitioner’s response to Data Request 3.1.d.

**Q 3.5:** Referencing Cause No. 45468, Settlement Agreement Appendix A, Schedule E4.1, page 11.

- a. Please confirm the settlement agreement Rate 260 Distribution/Commodity Charges Petitioner has proposed in CEI North's pending base rate case are:

Up to 50,000 Therms ( 5,000 Dth): \$0.0590/Therm (\$0.59/Dth)

Next 250,000 Therms (25,000 Dth): \$0.0464/Therm (\$0.464/Dth)

Over 300,000 Therms (30,000 Dth): \$0.0309/Therm (\$0.309/Dth)

- b. If Petitioner cannot confirm the Distribution Charges referenced in subsection a., then please provide the Rate 260 Distribution Charges Petitioner has proposed in the Cause No. 45468 settlement agreement.

- c. Please confirm the Distribution Charges for a Rate 260 customer using [REDACTED] Dth per month (absent a special contract) pursuant to Petitioner's proposed settlement agreement would be:

$$5,000 \text{ Dth} \times \$0.590/\text{Dth} = \$ 2,950$$

$$25,000 \text{ Dth} \times \$0.464/\text{Dth} = \$11,600$$

$$195,000 \text{ Dth} \times \$0.309/\text{Dth} = \underline{\$60,255}$$

$$\text{Total} \quad \$74,805$$

- d. If Petitioner cannot confirm the Distribution Charges referenced in subsection c., then please provide the monthly Distribution Charges Petitioner expects to receive from a Rate 260 customer using [REDACTED] Dth per month.

- e. Please confirm the annual Distribution Charges for a Rate 260 customer using [REDACTED] Dth per year (spread evenly over the 12 months) would be \$897,660 (\$74,805 x 12).

- f. If Petitioner cannot confirm the annual Distribution Charges for a Rate 260 customer using [REDACTED] Dth per year in subsection f., then please provide the annual amount Petitioner expects to receive for a Rate 260 customer using [REDACTED] per year pursuant to the Cause No. 45468 settlement agreement.

### **Objection:**

Petitioner objects to Data Requests 3.5.a and 3.5.b on the grounds and to the extent that Appendix A, Schedule E4.1 of the Settlement Agreement Appendix A, Schedule E4.1 in Cause No. 45468 speaks for itself. Petitioner objects to the premise in Data Request 3.5 and specifically to Data Requests 3.4.c, 3.5.d, 3.5.e and 3.5.f on the separate and independent ground and to the extent that the Data Requests are relying on an estimate or projection provided by the customer; and either is an estimate of annual consumption based on a projection (which is not representative of actual future usage; and may materialize due to a variety of factors); and/or is an estimate of monthly consumption that is not

representative of actual future usage; and may not materialize due to a variety of factors (including, but not limited to, usage not being rateable or evenly spread across the year). Petitioner further objects to Data Requests 3.5.c, and 3.5.e on the separate and independent grounds and to the extent the Data Requests seek the calculation of a mathematical calculation which does not require Petitioner to verify and which is based on the aforementioned premise to which Petitioner objects. Petitioner further objects to Data Requests 3.5.c, 3.5.d, 3.5.e and 3.5.f on the separate and independent grounds and to the extent they seek an analysis, calculation, or compilation which has not already been performed and which CEI North objects to performing. Petitioner further objects to Data Requests 3.5.c, 3.5.d, 3.5.e and 3.5.f to the extent that the requested analysis only considers the distribution charge component of the Nucor's bill and is not representative of the estimated total amount to be owed. Petitioner further objects to Data Requests 3.5.c, 3.5.d, 3.5.e and 3.5.f on separate and independent grounds and to the extent that this Request seeks information that is trade secret, confidential, proprietary and/or competitively sensitive business information of Petitioner and/or its customers. Petitioner has made reasonable efforts to maintain the confidentiality of this information. Such information has independent economic value and disclosure of the requested information would cause an identifiable harm to Petitioner and/or its customers. The responses are "trade secret" under law (Ind. Code sec. 24-2-3-2) and entitled to protection against disclosure. *See* also Indiana Trial Rule 26(C)(7). All responses containing designated confidential information are being provided pursuant to non-disclosure agreements between Petitioner and the receiving party.

Subject to and without waiving the foregoing objections, Petitioner responds as follows:

**Response:**

- a. See above objection.
- b. See above objection.
- c. See above objections.
- d. See above objections.
- e. See above objections.
- f. See above objections.

**Q 3.6:** Referencing Petitioner's Confidential response to OUCC DR No. 2.1, part d, which indicates there are [REDACTED] Rate 270 customers exempt from paying the CSIA (20%) because of restrictive contract language.

- a. Regarding the Rate 270 customers that are not exempt from paying the 20% of CSIA charges, please explain why [REDACTED] of those charges (line 14) are included in the \$1,183,000 of charges being reallocated to the remaining rate classes.
- b. Please define Unidentified Load Growth ("ULG") as that term is used in the response.
- c. Please explain how much of the [REDACTED] is attributable to ULG.

**Objection:**

Petitioner objects to Data Requests 3.6 on the grounds that it seeks information that is not relevant to the pending proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. Such costs are not relevant to the Commission's standard for approving special contracts. Petitioner further objects to Data Requests 3.6.a and 3.6.c on the separate and independent grounds and to the extent that the requested analysis only considers the distribution charge component of the Nucor's bill and is not representative of the estimated total amount to be owed. Petitioner further objects to Data Requests 3.6.a and 3.6.c on separate and independent grounds and to the extent that this Request seeks information that is trade secret, confidential, proprietary and/or competitively sensitive business information of Petitioner and/or its customers. Petitioner has made reasonable efforts to maintain the confidentiality of this information. Such information has independent economic value and disclosure of the requested information would cause an identifiable harm to Petitioner and/or its customers. The responses are "trade secret" under law (Ind. Code sec. 24-2-3-2) and entitled to protection against disclosure. *See* also Indiana Trial Rule 26(C)(7). All responses containing designated confidential information are being provided pursuant to non-disclosure agreements between Petitioner and the receiving party.

Subject to and without waiving the foregoing objections, Petitioner responds as follows:

**Response:**

- a. The [REDACTED] includes amounts from Rate 270 customers whose Rate 270 contracted volumetric charges are discounts based off of Rate 260.
- b. "Unidentified Load Growth" is future anticipated budgeted load growth not specifically identified to a known customer.
- c. [REDACTED]

**Q 3.7:** Assuming the proposed Contract is not approved and Nucor bypasses CEI North's distribution system:

- a. Please identify and quantify the estimated costs, on an annual basis, that Nucor would not be paying to CEI North for natural gas service.
- b. Please identify and quantify the estimated Operation and Maintenance costs, on an annual basis, that CEI North would not incur in providing service to Nucor.

**Objection:**

Petitioner objects to Data Request 3.7.a on the grounds and to the extent that it is vague and ambiguous insofar as the term "estimated costs" is not defined and provides no basis from which CEI North can determine what information is sought. Petitioner further objects to Data Requests 3.7.a and 3.7.b on the separate and independent grounds and to the extent they seek an analysis, calculation, or compilation which has not already been performed and which CEI North objects to performing.

Subject to and without waiving the foregoing objection, Petitioner submits the responses set forth below.

**Response:**

- a. See above objection. Please reference Petitioner's response to Data Request 3.1.d.
- b. See above objection. Please reference Petitioner's response to Data Request 3.1.b. Traditionally, Operation and Maintenance costs are a component of fixed costs. All Operation and Maintenance costs applicable to serving Nucor will remain the same because the facilities to serve Nucor currently serve other customers and could serve other customers at a future date and will therefore not be retired.

**Q 3.8:** Referencing Petitioner’s Exhibit No. 3-R, page 5, lines 5-8, Ms. Harris states:

That is to say, the rates paid by Nucor directly benefit other customers by reducing the amount of fixed costs that would exist whether Nucor is or is not a customer and that must be recovered from other customers. Without the Contract, that contribution will be lost (because Nucor would carry through with the threat of bypass). (Emphasis in original)

- a. Please identify and quantify the fixed costs that must be recovered from other customers if Nucor bypasses CEI North’s distribution system.
- b. Please identify and quantify the CSIA costs attributable to Nucor that would not be reallocated to other rate classes if Nucor bypasses CEI North’s distribution system.
- c. Please explain, in detail, why my Harris knows Nucor 1) will not accept a revised special contract where the only change is that Nucor must pay its share for the 20% deferred CSIA charges, and 2) Nucor “*would carry through with the threat of bypass*.” Emphasis added.

**Objection:**

Petitioner objects to Data Requests 3.8.a on the grounds and to the extent that the requested analysis only considers the distribution charge component of the Nucor’s bill and is not representative of the estimated total amount to be owed. Petitioner further objects to Data Request 3.8.b on the separate and independent grounds and to the extent that it is vague and ambiguous insofar as the phrase “the CSIA costs attributable to Nucor” is not defined and provides no basis from which Petitioner can determine what information is sought. Petitioner further objects to Data Request 3.8.c on the separate and independent grounds and to the extent that the request mischaracterizes Ms. Harris’s rebuttal testimony. Petitioner further objects to Data Requests 3.8.a and 3.b on the separate and independent grounds and to the extent that this Request seeks information that is trade secret, confidential, proprietary and/or competitively sensitive business information of Petitioner and/or its customers. Petitioner has made reasonable efforts to maintain the confidentiality of this information. Such information has independent economic value and disclosure of the requested information would cause an identifiable harm to Petitioner and/or its customers. The responses are “trade secret” under law (Ind. Code sec. 24-2-3-2) and entitled to protection against disclosure. *See* also Indiana Trial Rule 26(C)(7). All responses containing designated confidential information are being provided pursuant to non-disclosure agreements between Petitioner and the receiving party.

Subject to and without waiving the foregoing objections, Petitioner responds as follows:

**Response:**

- a. Please see response to Data Request 1.1.b. Please note the figure referenced therein should be [REDACTED] and not [REDACTED].
- b. See above objection.

- c. The Contract is the result of an arm's length negotiation between CEI North and Nucor. Without the Contract, Nucor could bypass CEI North's system and their contribution towards fixed costs (that would exist whether Nucor is or is not a customer and that must be recovered from other customers) will be lost. Ms. Harris stated in her rebuttal testimony: "Without the Contract, that contribution will be lost (because Nucor would carry through with the threat of bypass)." (Petitioner's Exhibit 3-R, page 5, lines 7 through 8). Related to Nucor's bypass threat, please reference Petitioner's Exhibit No. 3, page 5, lines 21 through 26 and Petitioner's Exhibit No. 3-R, page 4, lines 5 through 9.



Dated: July 2, 2021

As to objections only,



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**STATE OF INDIANA**

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**PETITION OF INDIANA GAS COMPANY, INC. )  
D/B/A CENTERPOINT ENERGY INDIANA )  
NORTH FOR APPROVAL OF A GAS ) CAUSE NO. 45488  
SERVICE AGREEMENT WITH NUCOR )  
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**CENTERPOINT ENERGY INDIANA NORTH’S RESPONSE TO INDIANA OFFICE OF  
UTILITY CONSUMER COUNSEL FIRST SET OF DATA REQUESTS TO  
CENTERPOINT ENERGY INDIANA NORTH**

Indiana Gas Company, Inc. d/b/a CenterPoint Energy Indiana North (“Petitioner,” “CEI North,” “Petitioner” or “Company”) pursuant to 170 IAC 1-1.1-16 and the discovery provisions of Rules 26 through 37 of the Indiana Rules of Trial Procedure, by its counsel, hereby submits the following Objections and Responses to the Indiana Office of Utility Consumer Counsel’s First Set of Data Requests to CEI North dated May 4, 2021 (“Requests”).

**General Objections**

All of the following General Objections are incorporated by reference in the response to each of the Requests:

1. The responses provided to the Requests have been prepared pursuant to a reasonable and diligent investigation and search conducted in connection with the Requests in those areas where information is expected to be found. To the extent the Requests purport to require more than a reasonable and diligent investigation and search, Petitioner objects on grounds that they include an undue burden or unreasonable expense.
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8. Petitioner objects to the Requests to the extent they solicit copies of voluminous documents.

9. Petitioner objects to the Requests to the extent the discovery sought is unreasonably cumulative or duplicative; or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

10. Petitioner objects to the Requests to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in litigation, and the importance of the proposed discovery in resolving the issues.

11. Petitioner objects to the Request on the grounds that it is overbroad, unreasonably burdensome and seeks information that is largely irrelevant to the subject matter of this proceeding.

12. Petitioner objects to the Requests to the extent they seek information that is confidential, proprietary, competitively sensitive and/or trade secret.

13. The responses constitute the corporate responses of Petitioner and contain information gathered from a variety of sources. Petitioner objects to the Requests to the extent they request identification of and personal information about all persons who participated in responding to each data request on the grounds that it is overbroad, unreasonably burdensome and irrelevant given the nature and scope of the requests and the many people who may be consulted about them. Petitioner further objects to the Requests to the extent they purport to require identification of a witness who can answer questions regarding the substance of or origination of information supplied in each response on the ground that Petitioner has no obligation to call witnesses to testify as to information provided in discovery.

14. Petitioner objects to the Requests to the extent they seek information that is subject to the attorney-client, work product, settlement negotiation or other applicable privileges. Petitioner further objects to the Requests to the extent they purport to require the creation of a privilege log on the grounds that given the extremely expedited and informal nature of discovery in this proceeding, contemporaneous privilege logs are inappropriate. Petitioner objects to the Requests on the grounds they are unreasonably burdensome, overbroad, inconsistent with

discovery practices in Commission proceedings and inconsistent with the informal discovery process applicable to this proceeding.

15. Petitioner assumes no obligation to supplement these responses except to the extent required by Ind. Tr. R. 26(E) (1) and (2) and objects to the extent the instructions and/or Requests purport to impose any greater obligation. Petitioner denies that Ind. Tr. R. 26(E)(3) applies to the Requests.

Subject to and without waiver of the general and specific objections set forth herein, Petitioner responds to the Requests in the manner set forth below.

**Q 1.6:** Please provide the expected annual natural gas usage of Nucor over the next 5 years.

**Objection:**

Petitioner objects to the foregoing Data Request on the grounds and to the extent that this Request seeks information that is confidential, proprietary and/or trade secret. Disclosure of this information would put Nucor at a competitive disadvantage.

Subject to, and without waiving, the foregoing objections, Petitioner is submitting the following response in accordance with the Nondisclosure Agreement entered into between Petitioner and the Indiana Office of the Utility Consumer Counselor.

**Response:**

[REDACTED]

2021	[REDACTED]
2022	[REDACTED]
2023	[REDACTED]
2024	[REDACTED]
2025	[REDACTED]

VECTREN NORTH  
CAUSE NO. 45468  
ANNUALIZED TEST YEAR REVENUE AT PROPOSED RATES VS. MOST CURRENT RATES  
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2021

SCHEDULE E-4.1  
PAGE 11 OF 14  
WITNESS RESPONSIBLE:  
R.A. FEINGOLD

LINE NO.	RATE CODE	DESCRIPTION	CUSTOMER BILLS	SALES THERMS	PROPOSED RATE	Proposed Annualized			ANNUALIZED GAS COST REVENUE \$0.0000 PER THERM (H)	PROPOSED REVENUE TOTAL (I = F + H)
						PROPOSED REVENUE LESS GAS COST REVENUE (F)	% OF REVENUE TO TOTAL EXCLUSIVE OF GAS COSTS (G)			
1	260	LARGE VOLUME TRANSPORTATION SERVICE								
2										
3		CUSTOMER CHARGE:								
4		Services/Customer Bills - Group 1	2,460		\$ 1,100.00	\$ 2,706,000				
5		Services/Customer Bills - Group 2	-		\$ -	-				
6		Services/Customer Bills - Group 3	-		\$ -	-				
7		TOTAL CUSTOMER CHARGE	2,460			2,706,000	11.58%			\$ 2,706,000
8										
9		COMMODITY CHARGE:								
10		Up to 50,000 therms		108,045,742	\$ 0.0590	\$ 6,379,752	27.30%	\$ -	\$	\$ 6,379,752
11		Next 250,000 therms		186,034,230	\$ 0.0464	\$ 8,624,885	36.91%	\$ -	\$	\$ 8,624,885
12		Over 300,000 therms		199,770,158	\$ 0.0309	\$ 6,166,997	26.39%	\$ -	\$	\$ 6,166,997
13		TOTAL COMMODITY CHARGE		493,850,131		21,171,633	90.60%	\$ -	\$	\$ 21,171,633
14										
15		SUBTOTAL				\$ 23,877,633	102.18%	\$ -	\$	\$ 23,877,633
16										
17		RIDERS								
18		Compliance and System Improvement Adjustment		493,850,131	\$ -	-	0.00%		\$	\$ -
19		TSCR (Excess Deferred Taxes)		493,850,131	\$ (0.0010)	(509,062)	-2.18%		\$	\$ (509,062)
20		Sales Reconciliation		493,850,131	\$ -	-	0.00%		\$	\$ -
21		Energy Efficiency		493,850,131	\$ -	-	0.00%		\$	\$ -
22		Bad Debt Gas Cost Recovery		493,850,131	\$ -	-	0.00%		\$	\$ -
23		Gross Receipts Tax (GCA Only)		\$ -	1.47%	-	0.00%		\$	\$ -
24										
25		TOTAL				\$ 23,368,571	100.00%	\$ -	\$	\$ 23,368,571

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**PETITION OF INDIANA GAS COMPANY, INC. )  
D/B/A CENTERPOINT ENERGY INDIANA )  
NORTH FOR APPROVAL OF A GAS ) CAUSE NO. 45488  
SERVICE AGREEMENT WITH NUCOR )  
CORPORATION )**

**CENTERPOINT ENERGY INDIANA NORTH'S RESPONSE TO INDIANA OFFICE OF  
UTILITY CONSUMER COUNSEL SECOND SET OF DATA REQUESTS TO  
CENTERPOINT ENERGY INDIANA NORTH**

Indiana Gas Company, Inc. d/b/a CenterPoint Energy Indiana North ("Petitioner," "CEI North", "Petitioner" or "Company") pursuant to 170 IAC 1-1.1-16 and the discovery provisions of Rules 26 through 37 of the Indiana Rules of Trial Procedure, by its counsel, hereby submits the following Objections and Responses to the Indiana Office of Utility Consumer Counsel's Second Set of Data Requests to CEI North dated June 8, 2021 ("Requests").

**General Objections**

All of the following General Objections are incorporated by reference in the response to each of the Requests:

1. The responses provided to the Requests have been prepared pursuant to a reasonable and diligent investigation and search conducted in connection with the Requests in those areas where information is expected to be found. To the extent the Requests purport to require more than a reasonable and diligent investigation and search, Petitioner objects on grounds that they include an undue burden or unreasonable expense.
2. Petitioner objects to the Requests to the extent they seek documents or information which are not relevant to the subject matter of this proceeding and which are not reasonably calculated to lead to the discovery of admissible evidence.
3. Petitioner objects to the Requests to the extent they seek responses and information from individuals and entities who are not parties to this proceeding and to the extent they request the production of information and documents not presently in Petitioner's possession, custody or control. Petitioner further objects to the Requests to the extent they are (i) vague and ambiguous as to the individuals and entities to whom the Request refer, or (ii) overbroad and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Accordingly, as used herein, "CEI North" or "Petitioner" or "Company" shall have the meaning set forth in the opening paragraph of these Objections and Responses.
4. Petitioner objects to the Requests to the extent they seek an analysis, calculation, or compilation which has not already been performed and which Petitioner objects to performing.
5. Petitioner objects to the Requests to the extent they are vague and ambiguous and provide no basis from which Petitioner can determine what information is sought.



6. Petitioner objects to the Requests to the extent they seek information outside the scope of this proceeding, and as such, the Requests seek information not reasonably calculated to lead to the discovery of relevant or admissible evidence.

7. Petitioner objects to the extent the Requests purport to require production of (a) information in a particular format; (b) multiple copies of the same document; (c) additional copies of the same document merely because alterations, notes, comments, or other material appear thereon when such other material is not material or relevant; and (d) copies of the same information in multiple formats on the grounds that it is irrelevant, overbroad, unreasonably burdensome and not required by the Commission rules and inconsistent with practice in Commission proceedings.

8. Petitioner objects to the Requests to the extent they solicit copies of voluminous documents.

9. Petitioner objects to the Requests to the extent the discovery sought is unreasonably cumulative or duplicative; or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

10. Petitioner objects to the Requests to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in litigation, and the importance of the proposed discovery in resolving the issues.

11. Petitioner objects to the Request on the grounds that it is overbroad, unreasonably burdensome and seeks information that is largely irrelevant to the subject matter of this proceeding.

12. Petitioner objects to the Requests to the extent they seek information that is confidential, proprietary, competitively sensitive and/or trade secret.

13. The responses constitute the corporate responses of Petitioner and contain information gathered from a variety of sources. Petitioner objects to the Requests to the extent they request identification of and personal information about all persons who participated in responding to each data request on the grounds that it is overbroad, unreasonably burdensome and irrelevant given the nature and scope of the requests and the many people who may be consulted about them. Petitioner further objects to the Requests to the extent they purport to require identification of a witness who can answer questions regarding the substance of or origination of information supplied in each response on the ground that Petitioner has no obligation to call witnesses to testify as to information provided in discovery.

14. Petitioner objects to the Requests to the extent they seek information that is subject to the attorney-client, work product, settlement negotiation or other applicable privileges. Petitioner further objects to the Requests to the extent they purport to require the creation of a privilege log on the grounds that given the extremely expedited and informal nature of discovery in this proceeding, contemporaneous privilege logs are inappropriate. Petitioner objects to the Requests on the grounds they are unreasonably burdensome, overbroad, inconsistent with discovery practices in Commission proceedings and inconsistent with the informal discovery process applicable to this proceeding.

15. Petitioner assumes no obligation to supplement these responses except to the extent required by Ind. Tr. R. 26(E) (1) and (2) and objects to the extent the instructions and/or Requests

purport to impose any greater obligation. Petitioner denies that Ind. Tr. R. 26(E)(3) applies to the Requests.

Subject to and without waiver of the general and specific objections set forth herein, Petitioner responds to the Requests in the manner set forth below.

**STATE OF INDIANA**  
**INDIANA UTILITY REGULATORY COMMISSION**

**PETITION OF INDIANA GAS COMPANY, INC.     )**  
**D/B/A CENTERPOINT ENERGY INDIANA     )**  
**NORTH FOR APPROVAL OF A GAS SERVICE     ) CAUSE NO. 45488**  
**AGREEMENT WITH NUCOR CORPORATION     )**

**INDIANA GAS COMPANY, INC. D/B/A CENTERPOINT ENERGY INDIANA**  
**NORTH'S REVISED RESPONSE TO INDIANA OFFICE OF UTILITY CONSUMER**  
**COUNSEL'S DATA REQUEST 2.1**

**Data Requests- Set 2**

**NOTE: GREY HIGHLIGHT INDICATES CONFIDENTIAL INFORMATION**

- Q 2.1:** Referencing Petitioner's Exhibit No. 16, Attachment RAF-3, page 1, which indicates \$1,183,000 of Rate 270 costs allocated to non-Rate 270 customer classes.
- Please confirm the \$1,183,000 of costs comprise 20% of Compliance and System Improvement Adjustment ("CSIA") costs, which Petitioner would otherwise collect from Rate 270 customers. If not confirmed, please explain what costs are included in the \$1,183,000.
  - Please confirm CEI North has ten (10) Rate 270 customers. If not confirmed, please indicate how many customers are in CEI North's Rate 270.
  - Please indicate which Rate 270 customers are exempt from paying the 20% of CSIA costs because of restrictive contract language contained in the Rate 270 contracts.
  - Please indicate, by customer name and dollar amount, how the \$1,183,000 of CSIA costs would be allocated to each of the exempt Rate 270 customers absent the restrictive Rate 270 contract language.

**Objection:**

Petitioner objects to the foregoing Data Requests on the grounds that they require Petitioner to perform analysis solely for the purpose of discovery. Petitioner further objects to the foregoing Data Requests on the grounds and to the extent that these Requests seek information that is confidential, proprietary and/or trade secret. This information was created for internal planning purposes and its disclosure would disadvantage CEI North.

Subject to, and without waiving, the foregoing objections, Petitioner is submitting the following responses in accordance with the Nondisclosure Agreement entered into between Petitioner and the Indiana Office of the Utility Consumer Counselor.

**Response:**

- Yes, the \$1,183,000 reflects CSIA costs from Rate 270 customers. This was discussed in Cause No. 45468 direct testimony of Mr. Feingold, page 46.
- Confirmed.

**Q 2.1:** Referencing Petitioner's Exhibit No. 16, Attachment RAF-3, page 1, which indicates \$1,183,000 of Rate 270 costs allocated to non-Rate 270 customer classes.

- c. Please indicate which Rate 270 customers are exempt from paying the 20% of CSIA costs because of restrictive contract language contained in the Rate 270 contracts.

**Revised Response:**

- c. The rates and charges for five (5) of the ten (10) Rate 270 customers are not linked to Rate 260 rates and charges, and therefore exempt from paying the CSIA costs.

These include the following Rate 270 customers:

1. Customer 1
2. Customer 2
3. Customer 3
4. Nucor
5. Customer 4

In addition, there is one (1) Rate 270 customer, Customer 5, who was not included in currently pending rate case, Cause No. 45468 and does not pay CSIA costs.

**Q 2.1** Referencing Petitioner's Exhibit No. 16, Attachment RAF-3, page 1, which indicates \$1,183,000 of Rate 270 costs allocated to non-Rate 270 customer classes.

d. Please indicate, by customer name and dollar amount, how the \$1,183,000 of CSIA costs would be allocated to each of the exempt Rate 270 customers absent the restrictive Rate 270 contract language.

**Revised Response:**

See below for five (5) Rate 270 customers who are exempt from paying the CSIA because of restrictive contract language contained in the Rate 270 contracts.

Rate Schedule	NAME	Amount
270	Customer 1	
270	Customer 2	
270	Customer 3	
270	NUCOR CORP	
270	Customer 4	
270	Remaining Rate 270 Customers and ULG*	
270	Total	(\$1,183,060)

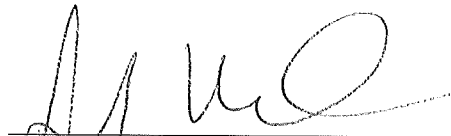
\*ULG = Unidentified Load Growth for Rate 270

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing ***OUCC'S PUBLIC EXHIBIT NO. 2*** has been served upon the following counsel of record in the captioned proceeding by electronic service on July 7, 2021.

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