

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF NORTHERN INDIANA)
PUBLIC SERVICE COMPANY LLC FOR (1) APPROVAL)
OF AND A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR A FEDERALLY MANDATED)
ASH POND COMPLIANCE PROJECT; (2) AUTHORITY)
TO RECOVER FEDERALLY MANDATED COSTS)
INCURRED IN CONNECTION WITH THE ASH POND)
COMPLIANCE PROJECT; (3) APPROVAL OF THE)
ESTIMATED FEDERALLY MANDATED COSTS)
ASSOCIATED WITH THE ASH POND COMPLIANCE)
PROJECT; (4) AUTHORITY FOR THE TIMELY)
RECOVERY OF 80% OF THE FEDERALLY MANDATED)
COSTS THROUGH RIDER 887 – ADJUSTMENT OF)
FEDERALLY MANDATED COSTS AND APPENDIX I –)
FEDERALLY MANDATED COST ADJUSTMENT)
FACTOR (“FMCA MECHANISM”); (5) AUTHORITY TO)
DEFER 20% OF THE FEDERALLY MANDATED COSTS)
FOR RECOVERY IN NIPSCO’S NEXT GENERAL RATE)
CASE; (6) APPROVAL OF SPECIFIC RATEMAKING)
AND ACCOUNTING TREATMENT; (7) APPROVAL TO)
AMORTIZE THE ASH POND COMPLIANCE PROJECT)
COSTS THROUGH 2032; (8) APPROVAL OF ONGOING)
REVIEW OF THE ASH POND COMPLIANCE PROJECT;)
ALL PURSUANT TO IND. CODE § 8-1-8.4-1 *ET SEQ.*, § 8-)
1-2-19, § 8-1-2-23, AND § 8-1-2-42; AND, TO THE EXTENT)
NECESSARY, APPROVAL OF AN ALTERNATIVE)
REGULATORY PLAN PURSUANT TO IND. CODE §)
8-1-2.5-6.)

CAUSE NO. 45700

MOTION TO DISMISS

Petitioner, Northern Indiana Public Service Company LLC (“NIPSCO”), by
counsel, and pursuant to 170 IAC 1-1.1-12(a)(3) and (h) and the Trial Rule 41(A)(1)(a),

respectfully moves to dismiss its petition initiating this Cause. In support of this Motion, NIPSCO states as follows:

1. NIPSCO initiated this Cause on March 30, 2022 and filed its direct testimony on May 2, 2022. The OUCC and Intervenors NIPSCO Industrial Group, and CAC submitted their testimonies on September 7, 2022.

2. On September 19, 2022, NIPSCO filed its verified petition and direct testimony in Cause No. 45772, seeking to change its retail rates and charges for electric service. The OUCC, NIPSCO Industrial Group, and CAC filed their testimonies in that Cause on January 20, 2023.

3. On March 10, 2023, the Settling Parties in Cause No. 45772 filed a Settlement Agreement resolving all issues in that Cause and addressing matters related to Cause No. 45700 to the Parties' satisfaction. Specifically, the Settlement Agreement provides that costs which were sought for recovery through the FMCA Mechanism in this proceeding will, instead, be recovered through depreciation expense as demolition costs in NIPSCO's base rates. It further provides that NIPSCO will move to stay this proceeding until the Commission approves the Settlement Agreement, as well as actions that will be taken based on Commission action on the Settlement Agreement.

4. All parties to this Cause are a party in Cause No. 45772 and were either a signatory to the Settlement Agreement or did not oppose the terms thereof.

5. The Commission issued its Order in Cause No. 45772 on August 2, 2023 approving the Settlement Agreement in its entirety without modification (the “45772 Order”). On October 10, 2023, the Commission issued its (1) Order on Reconsideration and (2) Order on Motion to Enforce. The 45772 Order is now a final non-appealable order. NIPSCO’s requested relief in this proceeding has been fully addressed by the ratemaking procedures described within the Settlement Agreement approved in the 45772 Order rendering NIPSCO’s request in this Cause moot.

WHEREFORE, NIPSCO respectfully requests that the Commission dismiss its petition initiating this Cause.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served by email transmission upon the following:

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Dated this 13th day of November, 2023.



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