

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF DUKE ENERGY INDIANA, LLC)
(“DUKE ENERGY INDIANA”) PURSUANT TO IND. CODE)
CHS. 8-1-8.5, 8-1-8.8, AND IND. CODE §§ 8-1-2-0.6 AND 8-1-)
2-23 FOR (1) ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY (“CPCN”) PURSUANT)
TO IND. CODE CH. 8-1-8.5 TO CONSTRUCT TWO)
COMBINED CYCLE (“CC”) NATURAL GAS UNITS, AT)
APPROXIMATELY 738 MEGAWATTS (WINTER RATING))
EACH, AT THE EXISTING CAYUGA GENERATING)
STATION (“CAYUGA CC PROJECT”); (2) APPROVAL OF)
THE CAYUGA CC PROJECT AS A CLEAN ENERGY)
PROJECT AND AUTHORIZATION FOR FINANCIAL)
INCENTIVES INCLUDING TIMELY COST RECOVERY)
THROUGH CONSTRUCTION WORK IN PROGRESS)
 (“CWIP”) RATEMAKING THROUGH A GENERATION) CAUSE NO. 46193
COST ADJUSTMENT (“GCA”) TRACKER MECHANISM)
UNDER IND. CODE CH. 8-1-8.8; (3) AUTHORITY TO)
RECOVER COSTS INCURRED IN CONNECTION WITH)
THE CAYUGA CC PROJECT; (4) APPROVAL OF THE)
BEST ESTIMATE OF COSTS OF CONSTRUCTION)
ASSOCIATED WITH THE CAYUGA CC PROJECT; (5))
APPROVAL OF CHANGES TO DUKE ENERGY INDIANA'S)
ELECTRIC SERVICE TARIFF RELATING TO THE)
PROPOSED GCA TRACKER MECHANISM; (6))
APPROVAL OF SPECIFIC RATEMAKING AND)
ACCOUNTING TREATMENT; AND (7) ONGOING)
REVIEW OF THE CAYUGA CC PROJECT.)

VERIFIED PRE-FILED SETTLEMENT TESTIMONY OF MICHAEL J. NASI
ON BEHALF OF INTERVENOR, RELIABLE ENERGY, INC.

INTERVENOR RELIABLE ENERGY, INC.’S EXHIBIT NO. 1

JUNE 20, 2025

Respectfully Submitted,



Kristina Kern Wheeler, Atty. No. 20957-49A
Bose McKinney & Evans, LLP

Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND BRIEF BUSINESS DESCRIPTION.

A. My name is Michael J. Nasi. I am a partner with the law firm of Jackson Walker L.L.P. ("Jackson Walker"). My business address is 100 Congress Ave., Suite 1100, Austin, Texas 78701.

Q. PLEASE STATE YOUR EDUCATIONAL BACKGROUND.

A. I have a Bachelor of Arts with double majors in Government and History from the University of Texas, and a Juris Doctor from the University of Houston.

Q. WOULD YOU BRIEFLY DESCRIBE YOUR PROFESSIONAL EXPERIENCE?

A. I have been practicing before state and federal environmental, utility, and other energy agencies and appellate courts for more than 31 years. This includes day-to-day compliance counseling and constant interaction with power generation clients – mainly in the rural electric power generation sector but also with other public power entities, independent power producers, and investor-owned utilities. Based on this experience, I have testified before multiple state legislatures, state utility commissions, several state and federal executive branch proceedings, as well as provide briefings in the West Wing and the United Nations on various aspects of the electric power industry, pollution control policy and technologies, and power market design reforms. I have also presented at multiple conferences and universities discussing these topics and to forecast future regulatory developments.

I have published numerous papers and articles, with most focused on state and federal regulations impacting the electric generation industry and electric market design and reforms. I participate on advisory boards or as counsel for several state and regional

energy research initiatives including the Wyoming Energy Authority, the University of North Dakota's Energy & Environmental Research Center ("EERC") Foundation Board, the Southern States Energy Board ("SSEB"), the Energy Council Public Advisory Board ("PAB"), and the University of Houston Center for Carbon Management in Energy ("CCME"). I also serve on the National Rural Electric Cooperative Association's Environmental Policy Council ("EPC") due to the significant amount of work I do on behalf of rural electric cooperatives. I also serve as counsel to the Clean Carbon Technology Foundation of Texas, the Balanced Energy for Texas Coalition, the Gulf Coast Lignite Coalition, the Energy Policy Network, the Texas Coal Combustion Products Coalition, and the Lignite Energy Council – all coalitions primarily focused on coal-fired power generation regulatory issues. My curriculum vitae is included as Attachment MJN-1 to my testimony.

Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE INDIANA UTILITY REGULATORY COMMISSION ("IURC" OR "COMMISSION")?

A. Yes, I provided testimony in IURC Cause No. 45052 on behalf of Alliance Coal, LLC; Cause No. 45159 on behalf of Peabody Coalsales, LLC; in Cause No. 45564 on behalf of Sunrise Coal, LLC; and Cause Nos. 45722 and 46022 on behalf of Reliable Energy, Inc. ("REI").

Q. ON WHOSE BEHALF ARE YOU SUBMITTING THIS TESTIMONY?

A. My testimony is on behalf REI, which is a trade association incorporated and formed in Indiana in 2020 by representatives of Alliance Resource Partners, LP ("Alliance") and Hallador Energy Company ("Hallador"). REI has dozens of associate members, many of whom are customers of Duke Energy Indiana ("Duke Energy"). REI works with numerous

energy industry partners and association members to advocate for reliable and affordable energy prices, as well as clean coal technologies that can power Indiana's economy.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?

A. The purpose of my testimony is to discuss and support the Settlement Agreement between Duke Energy Indiana ("Duke Energy") and REI (the "Settling Parties"). I will address how the Settlement Agreement meets the requirements of Governor Braun's Executive Order #25-50 and Indiana's House Enrolled Act 1007 ("HEA 1007"), neither of which existed when Duke Energy filed its Petition in this case.

Q. WAS YOUR TESTIMONY PREPARED BY YOU OR BY KNOWLEDGEABLE PERSONS UPON WHOSE EXPERTISE, JUDGMENT, AND OPINIONS YOU RELY IN PERFORMING YOUR DUTIES?

A. Yes.

Q. IS THE INFORMATION CONTAINED IN YOUR TESTIMONY TRUE AND CORRECT TO THE BEST OF YOUR KNOWLEDGE AND BELIEF?

A. Yes.

Q. HAVE YOU REVIEWED THE SETTLEMENT AGREEMENT?

A. Yes.

Q. WOULD YOU BRIEFLY DESCRIBE THE TERMS OF THE PROPOSED SETTLEMENT?

A. Yes. As described in the Settlement Agreement, the Settling Parties have reached an agreement that provides a pathway for the study and issuance of a Request for Proposals ("RFP") to third parties for a potential sale of the coal units at the Cayuga Generating Station. The first step in the Settlement Agreement is an independent Feasibility Study to

determine the technical feasibility of simultaneous operation of the Cayuga coal unit(s) and the Cayuga Combined Cycle Project ("CC Project"), including the potential for full decoupling of the coal facility from the CC Project. The Feasibility Study will inform the Request for Proposals ("RFP") to allow third parties an opportunity to bid on the coal units.

Q. PLEASE EXPLAIN REI'S POSITION OR CONCERNS GOING INTO THIS CAUSE.

A. REI's primary concern was whether Duke Energy had adequately explored whether continued operation of the Cayuga coal units was a viable option, and whether a third party might have interest in purchasing those units. As REI has commented for many years in the Integrated Resource Plans ("IRPs") stakeholder process, while investor-owned utilities consider various scenarios for continued operation of its coal units in their IRP, they rarely issue an RFP soliciting third party bids for the purchase of those units in the open market *before* announcing their retirement or refueling plans. While IRPs have their usefulness, aside from engineering and economic assessments through stakeholder participation in IURC proceedings to ensure that ratepayer investment in assets is fully realized, a meaningful test of whether a coal generation facility has continued useful life and market value is a *real-world offer* to sell it. Without an RFP process, claims that these coal units are "too expensive" to operate or have little value in the electric markets are subjective and speculative.

Q. WHAT IMPACT DOES THE SETTLEMENT AGREEMENT HAVE ON DUKE ENERGY'S PROPOSAL TO BUILD NATURAL GAS FIRED COMBUSTION TURBINES AT CAYUGA?

A. REI understands that Duke Energy has a legitimate need for additional capacity. REI entered the proceeding to emphasize the need for a policy of addition, and due to its concerns that the basis of need was too dependent upon the retirement of coal assets REI believes have significant remaining useful life and value. Therefore, REI agrees that Duke Energy's Certificate of Public Convenience and Necessity should be approved, subject to the terms of the Settlement Agreement. The Settlement Agreement allows Duke Energy to continue important steps in the CC Project development process, while simultaneously pausing demolition activity on the Cayuga coal units as necessary to accommodate the RFP process.

Q. DOES THE SETTLEMENT AGREEMENT REQUIRE DUKE ENERGY TO SELL THE COAL UNITS AT CAYUGA?

A. No, there is nothing in the Settlement Agreement that requires Duke Energy to sell the coal units. If sufficient interest in purchasing the units is not generated in the RFP process, or the responses do not meet the bidding requirements, or negotiations do not result in a definitive agreement, one or both coal units will not be sold. Importantly, if Duke Energy does reach an agreement to sell the coal units to a third party, Duke Energy must obtain the requisite Commission approvals to do so.

Q. WHAT PRECEDENT IS THERE FOR A PRIVATE INVESTOR TO ACQUIRE AN INDIANA COAL PLANT?

A. There is precedent in Indiana for a private investor to acquire a coal plant that a utility desires to retire, and to continue offering that much-needed generation and capacity into the market. Hallador Power acquired the coal-fired Merom Generating Station from

Hoosier Energy and continues to offer that energy and capacity into the market.¹ This option has the potential for ratepayers to receive credit for the sale of the coal unit investments, which can offset the utility's expenses. This strategy should be attractive to Duke Energy's customers and ratepayer advocates in this case.

Q. DO YOU SEE A NATIONAL TREND IN THE DIRECTION OF COAL PLANT ACQUISITION AND/OR EXTENSIONS?

A: Yes. I have direct personal knowledge and involvement with plants in two other states with similar acquisitions – one already completed (the Coal Creek Station purchase by Rainbow Energy from Great River Energy) and one ongoing (the State of Utah process initiated by recent legislation whereby the State will be facilitating the acquisition and potential sale of the Intermountain Power Project). Moreover, beyond the transactions I have been directly involved with, we are seeing utilities reversing course on planned coal unit retirements, given the expense and delays related to building new generation and transmission capacity, and increasing levels of demand. Please see Attachment MJN-2 for a list of recent coal generation unit retirement delays. Please note that decisions regarding coal retirements are rapidly changing and this list may quickly become out-of-date.

Q. WHAT IS HAPPENING IN INDIANA WITH REGARD TO MAINTAINING SUFFICIENT ENERGY SUPPLY TO MEET CUSTOMER DEMAND?

A. In April (after Duke Energy filed its case-in-chief in this Cause), Governor Mike Braun signed three executive orders aimed at increasing energy production in Indiana.² The

¹ *In the Matter of the Petition by Hallador Power Company, LLC*, IURC Cause No. 45691 (June 8, 2022).

² See Gov. Braun's Executive Orders Executive Order #25-50: [Ensuring Economic Opportunity And Indiana's Energy Future By Supporting Life Extensions For Coal Energy Generation And Assessing Natural Gas Supplies](#); Executive Order #25-49: [Encouraging Practical Approaches To Climate And Energy Solutions By Rejecting Social](#)

Governor's goal is to boost in-state energy supply and lower rates for consumers in a time of increasing electricity demand. Executive Order #25-50 aims to extend the life of coal-powered energy plants in the state and requires the IURC "to assess coal plant depreciation to ensure that Hoosier rate payers are not burdened with paying for stranded assets because of overly aggressive regulation aimed at closing coal plants." Just weeks earlier, President Donald Trump signed a similar executive order. On May 6, 2025, Governor Braun also signed HEA 1007, which creates a new section of the Indiana Code (Ind. Code § 8-1-2.5-2.1), effective July 1, 2025.³ This bill allows the Commission to investigate a public utility's retirement or repowering of an electric generation facility. REI maintains that the Settlement Agreement complies with the spirit and directives in the President's and the Governor's Executive Orders and HEA 1007.

Q. WHAT ARE YOU SEEING AT THE FEDERAL LEVEL WITH REGARD TO ENVIRONMENTAL REGULATION OF POWER PLANTS?

A. On March 12, 2025, the Environmental Protection Agency ("EPA") announced the initiation of the process of repealing 31 separate federal regulations, many of which impact the power sector. Specific to the power sector, at least six major environmental rules are targeted for repeal/reform including: (1) greenhouse gas (GHG) regulations, (2) the Mercury and Air Toxics Standards ("MATS"), (3) Effluent Limit Guidelines ("ELG"), (4) Coal Combustion Residual (CCR) Rules, (5) cross-state "good neighbor" ozone regulations, and (6) regional haze regulations. On June 11, EPA signed the first two of these repeal/reform processes. First, EPA announced (and on June 17 formally proposed

Cost Of Greenhouse Gases And Climate Action Plans; and Executive Order #25-48: [Creating Economic Opportunity And Securing Indiana's Energy Future Through Advanced Nuclear Development](#).

³ <https://iga.in.gov/pdf-documents/124/2025/house/bills/HB1007/HB1007.08.ENRS.pdf>

in the *Federal Register*) the repeal all greenhouse gas emissions standards for the power sector under Section 111 of the Clean Air Act and the 2024 Mercury and Air Toxics Standards (“MATS”), reverting to the effective 2012 MATS.⁴ EPA Administrator Lee Zeldin noted that these rules imposed massive costs on power plants, significantly increased the cost of living for Americans, and endangered the reliability of the power grid. These actions will help generation units, like the ones at Cayuga, to be operational for years to come.

Q. WHAT IS YOUR REACTION TO THE CRITICISM THAT KEEPING COAL PLANTS OPEN IS DETRIMENTAL TO THE ENVIRONMENT AND RENEWABLE GENERATION?

A. It simply makes no sense to shutter a working and *environmentally compliant* coal facility like Cayuga if third parties are willing to operate it and it can continue to bring additive energy to the grid. After the ongoing regulatory repeal processes are completed, the United States will still have some of the most stringent power plant environmental regulations in the world and it is simply not scientifically or legally sound to conclude that human health or the environment are adversely impacted by a plant in compliance with those health-based standards. As for renewable energy development, this case has nothing to do with that type of generation and the dispatchable and fuel-resilient characteristics of the Cayuga facility make any comparison between the two “apples to oranges.” Moreover, there is nothing in the Settlement Agreement that prevents Duke Energy from exploring procurement of additional generation from all fuel types, including renewables if it so

⁴ <https://www.epa.gov/newsreleases/epa-proposes-repeal-biden-harris-epa-regulations-power-plants-which-if-finalized-would>

chooses. Coal is a reliable baseload fuel that has run homes and businesses across the world for more than a century. Ratepayers are still currently paying millions in costs associated with environmental compliance investments in the Cayuga coal units, which are now scheduled for retirement in 2029 and 2030. This investment, which is 100% ratepayer funded, is often ignored when considering the costs of coal unit retirements. It is neither realistic nor relevant to the issues in this case that some parties want tougher environmental standards on coal plants or want to dismantle the coal industry entirely. The bottom line is that the Cayuga coal units are in compliance with existing environmental regulations and can offer a significant benefit to ratepayers and the electric grid, making their continued operation, if economical, reasonable and in the public interest.

Q. WHAT INCREASES IN LOAD ARE FORECASTED IN INDIANA AND THE MIDWEST?

A. On his first day in office, President Trump declared a National Energy Emergency.⁵ On May 22, 2025, U.S. Secretary of Energy Chris Wright issued an emergency order to minimize the risk of blackouts and address critical grid security issues in the Midwest ahead of the high electricity demand expected this summer.⁶ While experts may debate the speed and degree to which Indiana's energy capacity needs will increase, what is not up for debate is that the energy industry is changing quickly and utilities need to prepare *now*, *before* a crisis develops. The reality is that the Settlement Agreement could take this case from one in which Cayuga's capacity increases to 1,476 MW, to a site that produces 2,476

⁵ <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/>

⁶ https://www.energy.gov/articles/energy-secretary-issues-emergency-order-secure-grid-reliability-ahead-summer-months?fbclid=IwY2xjawLA5fZleHRuA2FlbQIxMQBicmlkETBZektLcE9LUlVSXYXJZUjl3AR7x4Ch9ywuWfHzJNLopUiuxx8zdMkDA0NBfGUsybmOweWX87FDEsianiM0cuA_aem_4851WHsfN5nH_PguoRR14g

MW (by keeping approximately 1,000 MW of coal capacity operational). The value of retaining that additional capacity to address Indiana's capacity needs cannot be overstated, both in terms of the safety, security, and prosperity of the public and the State of Indiana's ability to maintain and attract economic development.

Q. WHAT IS YOUR REACTION TO CLAIMS THAT THE FEASIBILITY STUDY AND RFP PROCESS INCLUDED IN THE SETTLEMENT AGREEMENT WILL INCREASE CUSTOMER RATES?

A. This is a failure to "see the forest for the trees." While we do not yet know the scope of these expenses, what we do know is that if the coal units are sold, Duke Energy customers will avoid millions in expense for dismantling the coal generation facilities that were not planned to be reused for the CC Project. Considering the scope of a \$3.3 billion CC Project, I believe that it is a reasonable and prudent business decision for Duke Energy to incur additional costs, which in comparison to billions of dollars in expenditures at issue in this case are minimal, at best, and to explore the potential of bringing much more savings to its customers via a third-party sale of the coal units. Similar studies have rendered significant benefit to other states, like Utah, for example, by helping cut through spin and public relations campaigns and document the engineering, economic, and technology facts on the ground so sound decisions can be made by the State on behalf of its citizens.

Q. ARE THE TERMS OF THE SETTLEMENT AGREEMENT FAIR, REASONABLE, AND IN THE PUBLIC INTEREST?

A. Yes. I believe that implementation of the various terms in the Settlement Agreement will result in a fair and reasonable outcome for affected stakeholders. The Settlement Agreement provides certainty on the resolution of a variety of issues, and it ensures an

outcome that, in the aggregate, is at least equal to—or, in some instances, possibly better than—what would result from continued litigation of this proceeding. Further, I believe the terms agreed upon in this settlement reflect a compromise that achieves a desirable and beneficial outcome for Duke Energy Indiana and its customers.

Q. WHAT ARE YOUR RECOMMENDATIONS?

A. In my opinion, the Agreement represents an agreement between the parties that results in an acceptable resolution to this proceeding that is consistent with the public interest. The Settlement Agreement considers the effect not only on Duke Energy Indiana and its customers, but on public interest considerations from an overall industry and statewide perspective as well. Accordingly, I believe that the terms of the Settlement Agreement provide an acceptable degree of certainty for the signatories. Given that the Settlement Agreement provides significant potential benefits to the ratepayers of Indiana as well as aligns with the President's and Governor's clearly stated energy policy goals, I recommend that the Commission accept and approve the Settlement Agreement in its entirety.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.

VERIFICATION

I, Michael J. Nasi, affirm under penalties for perjury that the foregoing representations are true and correct to the best of my knowledge, information, and belief as of the date filed herein.

Date: June 20, 2025



Michael J. Nasi

5018635.1

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was electronically delivered this 20th day of June 2025 to the following:

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Mike Nasi is a partner with Jackson Walker LLP where he practices environmental and natural resources law. Mike attended the University of New Mexico, the University of Texas (BA 1991), the University of Texas School of Law, and the University of Houston Law School (JD 1994). For three decades, Mr. Nasi has appeared before state and federal regulatory agencies and appellate courts working on natural resource infrastructure project development issues. His clients have ranged from small governmental bodies to state governments; multi-state compacts to state and national industry associations; and small, privately-held companies to multi-national publically-traded corporations.

Mike is currently counsel for state, energy and infrastructure interests in regional and national policy initiatives and several legal proceedings pending before state and federal agencies and multiple Federal Circuit Courts of Appeals and the Supreme Court of the United States.

ELECTRIC POWER-SPECIFIC EXPERIENCE:

Mike's entire legal career has involved electric generation issues. In addition to managing an extensive regulatory practice, Mike helps coordinate multi-state outreach efforts regarding regulatory policies and market rules impacting electric power.

Mike has been relied upon an expert witness and speaker at docketed hearings, legislative proceedings, energy policy events, and classrooms across the country, including invited briefings at the White House and the United Nations, and is published in several trade, law, and business journals on environmental and energy law. Mr. Nasi participates on advisory boards or as counsel for state governments, universities, and interstate compacts and governmental organization across the country, including:

- In Washington D.C., he has an active and ongoing practice before the EPA, DOE, and DOI, and has often served as a resource expert in policy briefings in the West Wing, on Capitol Hill, at the DOE and in his capacity as a member of the National Rural Electric Cooperative Association (NRECA) Environmental Policy Council (EPC) and as Secretary of Energy-appointee to the National Coal Council (NCC). His leadership on carbon capture utilization and storage (CCUS) and enhanced oil recovery (EOR) policy development includes his participation in senior DOE policy retreats and his active role in the drafting of a series of reports on both CCUS and grid reliability issues.
- In Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, Mike serves as Special

Counsel to the interstate compact entitled the Southern States Energy Board (SSEB)(established 1960)(of which all the above-referenced states are members). He has participated in briefings, legislative hearings, and regulatory proceedings in support of grid-related policy and technological development in nearly all of the SSEB members states. Also, in conjunction with SSEB's Southeastern Regional Carbon Sequestration Partnership (SECARB) and similar collaborations in the Gulf Coast, he developed extensive expertise in the technical and legal issues associated with CCUS and EOR, including related state and federal regulations and tax credits.

- In coordination with the appointed members of the Energy Council (established 1975) from Alabama, Alaska, Arkansas, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, Texas, Utah, West Virginia, Wyoming, Alberta, and Saskatchewan, Mike has served on the Energy Council Public Advisory Board (PAB) for over 20 years.
- In Indiana, Mike has been an invited resource witness in several legislative and regulatory proceedings, including multiple hearings of the 21st Century Energy Policy Development Task Force and as environmental and regulatory counsel for Reliable Energy, Inc. (REI).
- In North Dakota, Mike currently serves as a Special Assistant Attorney General (SAAG) in several pending natural resource and environmental regulatory legal matters. He also continues to serve on the Foundation Advisory Board of the Energy and Environmental Research Center (EERC) Foundation at the University of North Dakota (UND). Mike has also played a significant role in the development of North Dakota law and policy relating to the grid, CCUS and EOR in his capacity as counsel to the Lignite Energy Council (LEC), for which he continues to serve as environmental counsel.
- In Texas, Mike served as the General Counsel of the Clean Carbon Technology of Texas (CCTFT) for nearly 20 years on behalf of world-leading CCUS technology companies, power generators, and oil and gas and carbon sequestration experts to compile an extensive understanding of the policies that are needed to make CCUS achievable and developed, supported passage, and coordinated implementation of over 10 separate pieces of major CCUS legislation in Texas. This work led to the most comprehensive CCUS incentive package in the nation and the successful development and operation of the largest CCUS EOR project in the world – the Petra Nova Project in Thompsons, Texas. Mr. Nasi is also a multi-term appointed member of the legislatively-created Texas Commission on Environmental Quality (TCEQ) Pollution Control Technology Tax Exemption Advisory Committee.
- In Utah, Mr. Nasi serves as outside environmental and energy regulatory counsel for the State of Utah Legislature and been selected to lead multi-disciplinary legal & technical study teams on behalf of the Office of Energy Development (OED) and the Decommissioned Asset Disposition Authority (DADA).
- In Wyoming, Mike has been active in the development of grid, CCUS and EOR policy with legislative and executive branch officials, including the Wyoming Energy Authority (WEA) and its predecessor, the Wyoming Infrastructure Authority (WIA), including activities at the Integrated Test Center (ITC).

GENERAL ENVIRONMENTAL & INFRASTRUCTURE LEGAL EXPERIENCE:

For his entire career, representing infrastructure entities ranging from the aforementioned power sector to the digital infrastructure, mining, steel, recycling, petrochemical, composting, and public works sectors, his practice has spanned across numerous federal and related state environmental, natural resource and utility regulatory programs including:

- State/Federal Clean Air Act issues & Preconstruction & Operating Permits
- Federal Power Act (and state analogues) & RTO/ISO power market rules
- State and Federal Solid Waste Disposal Act Permitting & Remediation
- Clean Water Act (CWA) permitting, including NPDES discharge permits
- Underground Injection Control (UIC) Well Permitting
- Endangered Species Act Issues, including incidental take permitting
- State and Federal Environmental Enforcement
- Environmental Audits
- Brownfields Redevelopment, including risk-based remediation
- Pollution Control Property installation and tax treatment
- Federal Leasing and Resource Management Planning

Mike is a past Chairman of the State Bar of Texas Environmental and Natural Resources Law Section and served on the adjunct faculty for Rice University's "Leadership & Decision Making in the Energy Industry" course and as a guest lecturer in the "Energy Law & Policy" course at the University of Texas Law School. Most recently, Mr. Nasi has assisted in an adjunct role in the University of Houston Center for Carbon Management in Energy (CCME), including as faculty for the Symposium entitled "Managing CCUS: Risks and Financing," UH Energy 2022-2023 Critical Issues in Energy Symposium Series (December 2022).

RECOGNITIONS:

- *Chambers USA: America's Leading Lawyers for Business*, Ranked for Environment
- *The Best Lawyers in America* (Woodward/White Inc.) Awards:
 - Lawyer of the Year – Austin, Environmental Law, 2021
 - Energy Law, 2006-2023
 - Energy Regulatory Law, 2006-2023
 - Environmental Law, 2006-2023
 - Mining Law, 2021-2023
- *Lawdragon* 500 Leading Energy Lawyers, Environment & Energy
- *Who's Who Legal: Texas*, Environment
- Energy & Environmental Trailblazer, *National Law Journal*
- Featured in the *National Law Journal*
- Who's Who in Energy, *Austin Business Journal*
- Top 10 Environmental Attorneys in America Under 40, Environmental Law 360
- Who's Who Texas – Environmental Law
- "Super Lawyer," *Super Lawyers* (Thomson Reuters)
- "Rising Star," *Super Lawyers* (Thomson Reuters)
- Law 360's "Energy & Environmental Trailblazer Award for his work developing carbon capture and storage financial and regulatory incentives in states."

CIVIC INVOLVEMENT:

- The Salvation Army – Central Texas Advisory Board, Board Member & Past Chairman
- West Austin Youth Association, Board Member
- H2O For Texas Coalition, Board Member
- *Life:Powered* – Senior Advisor

COAL: Rumors of its demise have been highly exaggerated
Premature retirements being delayed due to grid concerns (>30 GWs)

**all numbers noted within are subject to change*

Plant	News Reporting	State	Planned	Revised	Capacity	Plant	News Reporting	State	Planned	Revised	Capacity
Gaston Station (AL Power)	Link	AL	2028	2035	952 MW	Roxboro Units 1 & 2	Link	NC	2028	2029	1,068 MW
Indian River (NRG Energy)	Link	DE	2022	2026	410 MW	Roxboro 3 & 4	Link	NC	2027	2034	745 MW
Bowen 1 & 2 (Georgia Power)	Link	GA	2027	2038	1,440 MW	North Omaha (OPPD)	Link	NE	2023	2026	645 MW
Scherer 3 (Georgia Power)	Link	GA	2027	2038	860 MW	Coal Creek (Rainbow Energy)	Link	ND	2021	No Set Date	1,150 MW
Cayuga 1 & 2 (Duke Energy)	N/A	IN	2026	2029 / 2030	1,062 MW	San Juan (PNM)	N/A	NM	2022	2022	507 MW
Scheahfer Power Station (NIPSCO)	Link	IN	2023	2025	1,940 MW	Newmont (TS Power)	N/A	NV	2022	2023	219 MW
Michigan City (NIPSCO)	Link	IN	2027	2028	540 MW	Dominion SC 1, 2, & ST1	N/A	SC	2028 / 2030	2031	1,289 MW
F.B. Culley (Centerpoint)	N/A	IN	2024	2027	369 MW	Winyah 1 & 2 (Santee Cooper)	Link	SC	2027	2031	1,260 MW
Gibson 1 & 2 (Duke Energy)	N/A	IN	2035	2038	1,336 MW	Cumberland 1 & 2 (TN) (TVA)	Link	TN	2027	2028	2,470 MW
Gibson 3, 4, 5 (Duke Energy)	Link	IN	2035	2038	1,900 MW	Fayette (City of Austin)	Link	TX	2022	2028	570 MW
Rockport 2 (AEP)	Link	IN	2022	2028	1,300 MW	Bonanza (Deseret G&T)	N/A	UT	2030	2041	458 MW
Merom 1 & 2 (Hallador Pwr)	Link	IN	2023	No Set Date	980 MW	Hunter (Rocky Mtn Power)	Link	UT	2032	2036	1,577 MW
Baldwin Plant (VISTRA)	Link	IL	2025	2027	1.185 MW	Huntington (Rocky Mtn. Power)	Link	UT	2032	2046	1,037 Mw
Jeffrey 2 & 3 (Eversgy)	N/A	KS	2030 / 2032	2032 / 2038	1,337 MW	Intermountain Power Plant	Link	UT	2025	No Set Date	1,900 MW
Lawrence Unit 4 & 5 (Eversgy)	Link	KS	2023	2028	486 MW	Clover (Dominion Energy)	Link	VA	2025	2045	848
Ghent 2 (Louisville G & E/KY Util.)	Link	KY	2028	No Set Date	1,200 MW	Edgewater (Alliant Energy)	Link	WI	2023	2025	380 MW
Brown 3 (Louisville G & E/KY Util.)	Link	KY	2028	No Set Date	557 MW	Columbia (Alliant Energy)	Link	WI	2024	2029	1,100 MW
Brandon Shores (Talen)	Link	MD	2025	2029	1,289 MW	S. Oak Creek 5 & 6 (WI Electric)	N/A	WI	2023	2024	486 MW
J H Campbell (Consumers Energy)	Link	MI	2025	No Set Date	1,446 MW	S. Oak Creek 7 & 8 (WEC Energy Group)	Link	WI	2023	2025	310 MW
Sherburne 1 (Xcel Energy)	Link	MN	2026	2030	680 MW	Lakefront (Monitowac Municipal)	Link	WI	N/A	No Set Date	69 Mw
Sherburne 2 (Xcel Energy)	Link	MN	2023	2026	680 MW	Pleasants (First Energy)	Link	WV	2018	No Set Date	1,288 MW
Sioux 1 & 2 (Ameren)	Link	MO	2028	2033	1,100 MW	Dave Johnson (Rocky Mtn. Power)	Link	WY	2028	2029	922 MW
Daniels 1 & 2 (Mississippi Power)	N/A	MS	2028	2032	1,000 MW	Jim Bridger 3 & 4 (Rocky Mtn.Pwr PacifiCorp)	Link	WY	2022	2037	2,441 MW
Mayo (Duke)	Link	NC	2028	2031	382 MW						