

**IN THE
INDIANA COURT OF APPEALS**

CAUSE NO. 18A-EX-00146

<hr/> NIPSCO INDUSTRIAL GROUP,	)	Appeal from Indiana Utility Regulatory Commission
)	
)	
Appellant (Intervenor Below),	)	Cause No. 44403-TDSIC-7
)	
	)	The Hon. James D. Atterholt,
	)	Chair
v.)	
	)	The Hon. Angela R. Weber,
	)	The Hon. James F. Huston,
NORTHERN INDIANA PUBLIC SERVICE	)	The Hon. Sarah Freeman,
COMPANY AND OFFICE OF THE UTILITY	)	The Hon. David E. Ziegner,
CONSUMER COUNSELOR,	)	Commissioners
)	
Appellees (Petitioner and Statutory	)	The Hon. Lorraine L. Seyfried,
Party Below).	)	Chief Administrative Law Judge
)	
<hr/>)	

**JOINT VERIFIED STATUS REPORT AND REQUEST TO CONTINUE STAY TO
ALLOW FOR CONSIDERATION OF A SETTLEMENT AGREEMENT BY THE
INDIANA UTILITY REGULATORY COMMISSION**

Appellant, the NIPSCO Industrial Group, ("Industrial Group"), and Appellee, Northern Indiana Public Service Co., ("NIPSCO"), by counsel, pursuant to Indiana Appellate Rule 39, hereby jointly file this Joint Verified Status Report and Request to Continue the Stay in order to allow the Indiana Utility Regulatory Commission ("Commission") sufficient time to consider, and issue an order regarding, a settlement agreement between and among the Industrial Group, NIPSCO and the Indiana Office of

Utility Consumer Counselor ("OUCC") in the underlying case. In support of this Motion, the Industrial Group and NIPSCO state as follows:

1. This is a petition for judicial review from a final order of the Indiana Utility Regulatory Commission ("Commission") in Cause No. 44403-TDSIC-7, issued on December 28, 2017.
2. This appeal, and Cause Nos. 93A02-1701-EX-177, 19302-1704-EX-01632, and 18A-EX-2281 all involve issues addressed in the Indiana Supreme Court's recent decision in NIPSCO Industrial Group v. Northern Indiana Public Service Co., 100 N.E.3d 234 (Ind. 2018).
3. Following the issuance of the Supreme Court's decision, the Industrial Group, NIPSCO and the OUCC (collectively "Settling Parties") entered into settlement discussions to effectuate the relief required by the Supreme Court's decision and resolve the remaining issues that separate the parties in this appeal and the appeals identified in Paragraph 2, above.
4. On November 2, 2018, the Industrial Group and NIPSCO filed a Joint Verified Motion for Stay in this Cause and Cause Nos. 93A02-1701-EX-177 and 93A02-1707-EX-01632 notifying the Court the Settling Parties had reached an agreement in principle and asking for a stay to allow finalization of the agreement and its consideration by the Commission. That request was granted in part by an Order dated November 9, 2018, giving the Industrial Group thirty (30) days to file a motion to dismiss the appeal or a status report on the status of negotiations.

5. On December 10, 2018, in accordance with the Court's November 9th Order, the Industrial Group and NIPSCO filed a Joint Verified Status Report and Request to Continue the Stay noting the filing of the settlement and supporting testimony, and that an evidentiary hearing on the settlement had been held on November 29, 2018.
6. By Order dated December 13, 2018, the Court granted the Joint Verified Status Report and Request to Continue the Stay, directing that "[n]o later than December 26, 2018" the Industrial Group should move to dismiss the proceedings or file "a status report regarding settlement."
7. The Commission has placed the proceeding in which the settlement is being considered on its weekly agenda for December 27, 2018, meaning a final order regarding the settlement is expected to issue that day.
8. Approval of the settlement by the Commission, without substantial change, would obviate the need for the Court to issue an opinion in this appeal as well as Cause Nos. 93A02-1701-EX-177, 93A02-1707-EX-01632, and 18A-EX-2281.
9. The Industrial Group and NIPSCO therefore submit that it is appropriate to continue the stay of this proceeding, and the other related appeals, to afford the Commission the opportunity to issue its final order on the settlement, and to allow the parties to review the order.
10. Counsel for the Industrial Group is authorized to represent to the Court that NIPSCO has provided the authority to submit this joint filing.

WHEREFORE, the NIPSCO Industrial Group and Northern Indiana Public Service Co., jointly and respectfully request a stay of this and all related appeals through and including January 9, 2019 at which time the Industrial Group and NIPSCO will either move to dismiss the appeal, or request the Court take such other steps as may be appropriate.

Respectfully submitted,

LEWIS & KAPPES P.C.

/s/ Todd A. Richardson

Todd A. Richardson, #16620-49

VERIFICATION

I hereby affirm under the penalties of perjury that the foregoing representations of facts outside the record are true and correct to the best of my knowledge and information.

/s/ Todd A. Richardson

Todd A. Richardson

LEWIS & KAPPES, P.C.

One American Square, Suite 2500

Indianapolis, Indiana 46282-0003

Telephone: (317) 639-1210

Facsimile: (317) 639-4882

E-mail: TRichardson@Lewis-Kappes.com

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on December 26, 2018 copies of the foregoing *Joint Verified Status Report and Request to Continue Stay to Allow for Consideration of a Settlement Agreement by the Indiana Utility Regulatory Commission* were served on Public Service Contacts through E-Service using the IEFS:

Brian J. Paul
Daniel E. Pulliam
FAEGRE BAKER DANIELS LLP
300 North Meridian Street, Suite 2700
Indianapolis, IN 46204-1782
Brian.paul@faegrebd.com
Daniel.pulliam@faegrebd.com

William Fine
Randall Helmen
Jeffrey Reed
OFFICE OF UTILITY CONSUMER COUNSELOR
115 W. Washington St., Ste. 1500 South
Indianapolis, IN 46204
wfine@oucc.in.gov
rhelmen@oucc.in.gov
jreed@oucc.in.gov
infomgt@oucc.in.gov

Industrial Group and NIPSCO's Joint Verified Status Report and Request to Continue Stay

The undersigned counsel certifies that the following, not designated as Public Service Contacts, were served the foregoing *Joint Verified Status Report and Request to Continue Stay to Allow for Consideration of a Settlement Agreement by the Indiana Utility Regulatory Commission* by first class, United States mail, postage prepaid, and by electronic mail, this 26th day of December, 2018:

Claudia J. Earls
Christopher C. Earle
NiSOURCE CORPORATE SERVICES - LEGAL
150 W. Market Street, Suite 600
Indianapolis, IN 46204
cjearls@nisource.com
cearle@nisource.com

A courtesy copy to:

Beth E. Helene, General Counsel
INDIANA UTILITY REGULATORY
COMMISSION
PNC Center
101 West Washington St. Ste. 1500 East
Indianapolis, Indiana 46204
BHelene@urc.in.gov

/s/ Todd A. Richardson

Todd A. Richardson

LEWIS & KAPPES, P.C.
One American Square, Suite 2500
Indianapolis, Indiana 46282-0003
Telephone: (317) 639-1210
Facsimile: (317) 639-4882