

FILED
October 30, 2019
INDIANA UTILITY
REGULATORY COMMISSION

Intervenor Indiana Laborers
District Council's (ILDC)
Supporting Document:
Duke Energy's Responses to
ILDC's Data Requests

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.1

Request:

Please identify the last five (5) years of annual Operations & Management (“O&M”) budgets for each DEI generating unit broken down by third-party construction contractors, as well as the forecasted O&M budget for 2020.

Objection:

Duke Energy Indiana objects to this request on the basis that it seeks competitive information that is not reasonably designed to lead to admissible evidence relevant to this case. Duke Energy Indiana also objects to this request on the bases that it seeks a study or analysis that Petitioner has not performed and which Petitioner objects to performing, and that it seeks information in a format which Petitioner does not maintain.

Response:

See objection.

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.2

Request:

Please identify the last five (5) years of annual capital budgets for each Duke generating unit broken down between services performed by DEI's direct employees versus contracted-out services performed by third-party construction contractors, as well as the forecasted capital budget for 2020.

Objection:

Duke Energy Indiana objects to this request on the basis that it seeks competitive information that is not reasonably designed to lead to admissible evidence relevant to this case. Duke Energy Indiana also objects to this request on the bases that it seeks a study or analysis that Petitioner has not performed and which Petitioner objects to performing, and that it seeks information in a format which Petitioner does not maintain.

Response:

Notwithstanding these objections, and without waiving these objections, Duke Energy Indiana responds as follows:

The Fossil Hydro Operation budget for 2015 to 2020 capital below shows contract resources that includes activities such as contract labor, consultants, and outside services non-labor.

Duke Energy Indiana, LLC				Attachment ILDC 1.2		
Fossil Hydro Operation Budget Capital for Generating Units ^{1/}						
Contract Resources						
\$ in Thousands						
	2015	2016	2017	2018	2019	2020
Cayuga Coal	8,291	5,058	6,834	8,761	14,064	9,265
Cayuga CT	134	242	90	1,521	59	859
DEI Reg Solar			62			
Edwardsport IGCC Plant	11,999	13,870	11,281	14,166	8,079	20,811
Gallagher Common	110	1,664	242	103	49	43
Gibson Coal	129,577	68,174	71,027	25,061	56,687	34,570
Henry County CT	1,415	4,866	4,623		1,142	1,437
Madison CT	1,351	8,321	3,940	780	861	3,897
Markland Hydro	820	4,029	14,804	29,332	26,359	14,974
Noblesville CT	2,266	2,945	9,182	3,562	5,603	6,233
Vermillion CT	278	1,539	505	966	411	592
Wheatland CT	1,891	4,441	779	78	2,969	3,514
Regional Support & Other	(17,156)	(16,648)	(41,100)	(20,589)	(8,867)	(10,531)
	140,977	98,502	82,268	63,743	107,417	85,664
1/ Data not available at unit level						

1/ Data not available at unit level.

For budgeting purposes, only Duke Capital Overhead support is included within the budget.

Duke Energy Indiana, LLC						
Fossil Hydro Operation Budget Capital for Generating Units						
Labor Resources						
\$ in Thousands						

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IURC Cause No. 45253
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Received: October 2, 2019

ILDC 1.3

Request:

Please identify major master service agreements (“MSAs”) and providers in place for third-party maintenance contractors for each DEI generating unit, including expiration date and costs of MSAs included in this rate case. For one-off planned major projects, please also identify major contractors utilized and costs included in this rate case.

Objection:

Duke Energy Indiana objects to this request on the basis that it is vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, nor is it reasonably limited in scope. Duke Energy Indiana further objects to this request on the basis that it seeks competitively-sensitive information that is not reasonably designed to lead to admissible evidence relevant to this case. Duke Energy Indiana also objects to this request on the bases that it seeks a study or analysis that Petitioner has not performed and which Petitioner objects to performing, and that it seeks information in a format which Petitioner does not maintain its information. Duke Energy Indiana further objects that providing this information will provide potential contractors with an unfair competitive advantage.

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IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.4

Request:

Please identify traffic control agreements and providers in place for infrastructure projects occurring over the last five (5) years in the State of Indiana.

Objection:

Duke Energy Indiana objects to this request on the basis that it is vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, nor is it reasonably limited in scope. Duke Energy Indiana further objects to this request on the basis that it seeks competitive information that is not reasonably designed to lead to admissible evidence relevant to this case. Duke Energy Indiana also objects to this request on the bases that it seeks a study or analysis that Petitioner has not performed and which Petitioner objects to performing, and that it seeks information in a format which Petitioner does not maintain its information. Duke Energy Indiana further objects that providing this information will provide potential contractors with an unfair competitive advantage.

Response:

See objection.

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.5

Request:

Please provide a copy of all traffic control agreements identified in response to Data Request No. 1-4.

Objection:

Duke Energy Indiana objects this request on the basis that it is vague, ambiguous, overly broad, and unduly burdensome. In addition, the request is not relevant to this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Duke Energy Indiana further objects that providing this information will provide potential contractors with an unfair competitive advantage.

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.6

Request:

Please answer whether DEI tracks the percentage of Indiana residents employed on its capital projects.

Objection:

Duke Energy Indiana objects to this request on the basis that it is not reasonably calculated to lead to the discovery of admissible evidence, nor is it reasonably limited in scope.

Response:

Subject to and without waiving or limiting its objections, Duke Energy Indiana responds as follows: No.

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IURC Cause No. 45253
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ILDC 1.7

Request:

Please answer whether an economic impact analysis was performed when Edwardsport IGCC was built. If your answer is in the affirmative, please provide any original copies of the analysis report along with the underlying methodology.

Response:

Yes. Please see Attachment ILDC 1.7-A.

ILDC
IURC Cause No. 45253
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Received: October 2, 2019

ILDC 1.8

Request:

Please provide a breakdown of assumed costs (labor, materials, contractor overhead, etc.) required to dismantle, decommission or otherwise remove the plant and equipment upon retirement ("Cost of Removal") for Gallagher Generating Station units 2 and 4, which DEI has committed to either retire or cease burning coal by December 31, 2022.

Response:

Please see the Confidential Workpapers of Jeffrey T. Kopp, Confidential Workpaper 6-JTK as posted by Duke Energy Indiana on ShareFile. Mr. Kopp's Confidential Workpapers include the detailed workpapers, with all formulas and links intact that provide the calculations of the decommissioning cost estimates provided in Exhibit 13-A (JTK).

Witness: Jeffrey T. Kopp

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.9

Request:

Please answer whether DEI's "Cost of Removal" figure assumes Indiana residents—as opposed to non-local, travelling construction workers—will be utilized in relation to the dismantling, decommissioning, or removal of the plant and equipment for Gallagher Generating Station units 2 and 4.

Response:

Burns & McDonnell did not assume the state of residency of the construction workers; however, local labor rates were assumed. As discussed in the Electric Generating Plant Decommissioning & Dismantlement Study previously provided as Exhibit 13-A (JTK) and in the Direct Testimony of Mr. Kopp, the labor rates were specific to the area in which the work is to be performed.

Witness: Jeffrey T. Kopp

ILDC
IURC Cause No. 45253
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Received: October 2, 2019

ILDC 1.10

Request:

For the Coal Ash Remediation and Financing Costs of \$211,716,000, please provide any studies, reports, memos or proposals outlining the costs associated with excavation of coal ash versus the costs associated with the covering and monitoring of the ponds.

Objection:

Duke Energy Indiana objects to this request as the term “any studies . . .” is vague, ambiguous, overly broad and unduly burdensome.

Response:

Subject to and without waiving or limiting its objections, see Duke Energy Indiana’s response to CAC 6.4.

Witness: Timothy J. Thiemann

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.11

Request:

For the Coal Ash Remediation and Financing Costs of \$211,716,000, please provide amounts included for worker health and safety training and monitoring; personal protective equipment; and onsite company monitoring.

Objection:

Duke Energy Indiana objects to this request to the extent it seeks a calculation or analysis not maintained in the normal course of business and that it has not performed and which it objects to performing.

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.12

Request:

For the Edwardsport planned outage maintenance expenses up to the \$46,401,000 planned for Spring 2020, please include a breakdown of proposed costs, including labor, equipment, contractor overhead, and planned fees associated with the planned outage. If a contractor has been selected for the outage work, please provide the original Request for Quotation and procurement documents leading to said award.

Objection:

Duke Energy Indiana objects to this request to the extent it seeks documents that contain confidential, competitive, or proprietary information belonging to third parties.

Response:

Subject to and without waiving or limiting its objections, please see Duke Energy Indiana's responses to OUCC 30.7, OUCC 30.8, and OUCC 30.9(f).

Witness: Cecil T. Gurganus

ILDC
IURC Cause No. 45253
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Received: October 2, 2019

ILDC 1.13

Request:

DEI operates several programs to help low-income customers, elderly customers and customers with medical needs. Please answer whether DEI tracks whether its own employees or contracted-out employees qualify for low-income energy assistance programs.

Objection:

Duke Energy Indiana objects to this request to the extent the term “contracted-out employees” is vague and ambiguous and provides no basis from which Duke Energy Indiana can determine what information is sought. Furthermore, Duke Energy Indiana objects to this question on the basis that it has no relevance to a proceeding to set base rates and charges.

Response:

Subject to and without waiving or limiting its objections, and in the spirit of cooperation, Duke Energy Indiana responds as follows:

Duke Energy Indiana does not track if its own employees or contractors qualify for low-income energy assistance programs.

Witness: Lesley G. Quick

ILDC
IURC Cause No. 45253
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Received: October 2, 2019

ILDC 1.14

Request:

Please answer whether DEI's proposed low-income collaborative group includes representatives of low-income workers.

Response:

The proposed low-income collaborative will be open to any interested intervenor in this proceeding.

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ILDC 1.15

Request:

For Coal Ash Remediation, please provide estimated labor costs, including underlying wage rates and material costs forecasted to be incurred in 2019 and 2020, associated with the IDEM Projects that have been approved for closure—Gibson East Ash pond and Dresser Station.

Objection:

Duke Energy Indiana objects to this request to the extent it seeks a calculation or compilation not maintained in the normal course of business and that it has not performed and which it objects to performing. Further, Duke Energy Indiana objects to the extent that providing this information will provide potential contractors with an unfair competitive advantage.

Response:

Subject to and without waiving or limiting its objections, Duke Energy Indiana responds as follows: The majority of the costs associated with the Gibson East Ash Pond and Dresser Station are costs associated with ash loading, hauling and placement activities. Duke Energy Indiana does not separate labor and material cost. Costs are estimated by using the expected volume of ash times a historic unit cost per volume. The unit cost per volume is a combined labor and material price and the underlying wage rates are not able to be determined.

Witness: Timothy J. Thiemann

Request:

The estimated total net decommissioning and dismantling cost for DEI's generation facilities included in the study is \$420,569,400 in 2018 dollars. Please provide the underlying cost assumption for labor and materials which Mr. Jeffrey Kopp is using from RS Means. In your answer, please provide RS Means raw data, including estimated wage rates, contractor overhead, profit margin, and material costs. For the Asbestos remediation, as required, please provide underlying cost assumptions for wage rates, material costs, contractor overhead, profit margin, and material costs from RS Means by generating facility.

Response:

Please see the previously provided Confidential Workpaper 6-JTK, regarding the underlying cost assumption for labor and materials which Mr. Jeffrey Kopp is using from RS Means. The RS Means data was obtained using an online subscription. Site cost indices extracted from RS Means are included in the Confidential Workpaper 6-JTK under the tab labeled "Assumptions," in cell F4 of the Camp Atterbury and Crane Solar generating facilities and in cell D4 of the remaining generating facilities. Equipment costs, material costs, and wage rates, inclusive of contractor overhead and profit, extracted from RS Means are included in the Confidential Workpaper 6-JTK under the tab labeled "Assumptions," in column F of the Camp Atterbury and Crane Solar generating facilities and in column G of the remaining generating facilities. RS Means raw costs and wage rates are multiplied by the site cost index to put them on a local basis.

For the Asbestos remediation please see Confidential Workpaper 6-JTK under the tab labeled "Assumptions," at cell D4, regarding the site cost index applied to the estimate for asbestos remediation. Mr. Kopp did not build up the asbestos remediation costs based on wage rates, material costs, contractor overhead, and profit margin from RS Means for asbestos remediation. Cost estimates for asbestos remediation were developed according to a unit pricing basis.

Witness: Jeffrey T. Kopp

ILDC
IURC Cause No. 45253
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ILDC 1.17

Request:

Please provide Mr. Jeffrey Kopp's assumed labor productivity rate for construction craft workers performing abatement, demolition, and decommissioning work.

Response:

Please see previously provided Confidential Workpaper 6-JTK, regarding labor and productivity rates. For each generating facility except Camp Atterbury and Crane Solar, the labor productivity rates were provided in Confidential Workpaper 6-JTK under the tab labeled "Assumptions" in cells C9 through C16 and cell C23. For the Camp Atterbury and Crane Solar generating facilities, the labor productivity rates were provided in Confidential Workpaper 6-JTK under the tab labeled "Assumptions" in cells D12 through D17 and cell D19.

Witness: Jeffrey T. Kopp

ILDC
IURC Cause No. 45253
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Received: October 2, 2019

ILDC 1.18

Request:

Please answer whether Mr. Jeffrey Kopp's cost assumptions assume that demolition, abatement, and decommissioning work is performed by local Indiana construction workers.

Response:

Mr. Jeffrey Kopp's cost assumptions assume that demolition, abatement, and decommissioning work is performed by local non-traveling construction workers. As discussed in the Electric Generating Plant Decommissioning & Dismantlement Study previously provided as Exhibit 13-A (JTK) and in the Direct Testimony of Mr. Kopp, the labor rates are specific to the area in which the work is to be performed.

Witness: Jeffrey T. Kopp

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.19

Request:

Please describe in detail what, if any, actions DEI has taken to ensure that its traffic control vendors are in compliance with existing employment and labor laws. As part of your answer, please provide copies of any internal company procurement guidelines regarding the use of vendors who have violated labor and employment laws.

Objection:

Duke Energy Indiana objects to this request as such information is not relevant to this proceeding and not reasonably calculated to lead to admissible evidence. Duke Energy Indiana further objects that providing this information will provide potential contractors with an unfair competitive advantage.

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IURC Cause No. 45253
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ILDC 1.20

Request:

Please describe in detail any factors that would lead a prudent utility to substitute contractor workers for in-house employees and how DEI has used those factors to make procurement decisions.

Objection:

Duke Energy Indiana objects to this request on the basis that it is vague, ambiguous as to the term “prudent utility”, and overly broad. Duke Energy Indiana further objects as it seeks information that is not relevant to this proceeding and not reasonably calculated to lead to admissible evidence. Finally, Duke Energy Indiana objects that providing this information will provide potential contractors with an unfair competitive advantage.

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IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.21

Request:

Please list all operations and management activities and construction-related functions DEI currently outsources to outside contractors. For each function, please provide the annual savings derived from outsourcing and explain all calculations.

Objection:

Duke Energy Indiana objects to this request on the basis that it is vague, ambiguous, and overly broad. Duke Energy Indiana further objects as it seeks information that is not relevant to this proceeding and not reasonably calculated to lead to admissible evidence.

Request:

Please provide a list of all occupations that DEI has outsourced or insourced in the last five (5) years. For each occupational category, please include the annual savings derived from outsourcing.

Objection:

Duke Energy Indiana objects to this request as the terms “all occupations” and “outsourced or insourced” are vague, ambiguous, overly broad, unduly burdensome, and not defined or reasonably limited in scope. Duke Energy Indiana also objects as such information is not relevant to this proceeding and not reasonably calculated to lead to admissible evidence. In addition, Duke Energy Indiana objects to this request to the extent it seeks a calculation or compilation that has not already been performed and that Duke Energy Indiana objects to performing. Duke Energy Indiana further objects that providing this information will provide potential contractors with an unfair competitive advantage.

Response:

Subject to and without waiving or limiting its objections and assuming the question does not seek each and every instance when Duke Energy Indiana has used contract labor (which would be unduly burdensome and impossible to answer), but rather is requesting major outsourced and insourced functions for the last five years, Duke Energy Indiana responds as follows:

1. Duke Energy outsourced its IT function in 2017 and reversed course and insourced the function in 2019, due to service level declines. Because the Company insourced the function in 2019, no savings were achieved from the outsourcing. The insourcing was able to be completed with a slight cost savings over the actual outsourcing cost at the time.
2. Duke Energy outsourced certain of its Tax functions in 2018. The estimated annual savings from the outsourcing was an average of 15%.

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.23

Request:

Please list all amounts DEI is proposing to recover in this rate case related to expenditures paid to outside contractors by account or category.

Objection:

Duke Energy Indiana objects to this request on the basis that it is vague, ambiguous, overly broad, unduly burdensome. Duke Energy Indiana further objects to the extent it seeks a calculation or compilation that has not been performed and that Duke Energy Indiana objects to performing.

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.24

Request:

Please detail all amounts Duke is seeking cost recovery for paid to individual construction contractors by contractor in the traditional and forecast test years used for this case.

Objection:

Duke Energy Indiana objects this request on the basis that it is vague, ambiguous, overly broad, and unduly burdensome. In addition, the request is not relevant to this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Duke Energy Indiana objects to the extent it seeks information belonging to third parties that is confidential or proprietary, and that cannot be disclosed to any competitor or potential competitor of the providers.

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.25

Request:

For the traditional and forecast test year used for this case, please detail the total number of full-time equivalent (FTE) personnel performing activities on DEI's distribution construction projects in Indiana. In your answer, please provide what percentage of total FTEs are direct employees of the Company compared to employees of outside construction contractors.

Objection:

Duke Energy Indiana objects to this request on the basis that it is vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. The term "traditional" is not defined.

Response:

Subject to and without waiving or limiting its objections, Duke Energy Indiana responds as follows: Although the 2020 forecast for FTE's is not final, based on current funding and project estimates, resource numbers are as follows.

	TDSIC		Customer Delivery	
	# Company Resources	# Contractor Resources	# Company Resources	# Contractor Resources
2018	50	148	290	227
2020	9	153	291	240

Witness: Cicely M. Hart

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.26

Request:

Referring to DEI's planned distribution capital expenditures, please provide any work papers or documents containing any analysis which forecasts contractor crew levels for forecasted construction activities.

Objection:

Duke Energy Indiana objects this request on the basis that it is vague, ambiguous, overly broad, and unduly burdensome. In addition, the request is not relevant to this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Duke Energy Indiana objects to the extent it seeks information belonging to third parties that is confidential or proprietary, and that cannot be disclosed to any competitor or potential competitor of the providers.

ILDC
IURC Cause No. 45253
Data Request Set No. 1
Received: October 2, 2019

ILDC 1.27

Request:

Referring to DEI's planned generation capital expenditures, please provide any work papers or documents containing any analysis which forecasts contractor crew levels for forecasted construction activities.

Objection:

Duke Energy Indiana objects this request on the basis that it is vague, ambiguous, overly broad, and unduly burdensome as it is not limited in time or scope. In addition, the request is not relevant to this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Duke Energy Indiana also objects to this request as the information requested is not maintained in the normal course of business. Finally, Duke Energy Indiana objects to the extent it seeks information belonging to third parties that is confidential or proprietary, and that cannot be disclosed to any competitor or potential competitor of the providers.

Request:

Please list all workforce development programs the Company participates in to ensure it has the contractor resources available to perform planned operations, maintenance, and construction activities.

Response:

The Workforce Development and Planning team works to develop the supply of skills and diverse talent in the external pipeline, while promoting economic mobility in the communities we serve. In Indiana, we accomplish our mission in the following ways:

Career Awareness

- Duke Energy regularly engages in career fairs and community events across the state to build awareness of the variety of careers available in the energy industry and broaden student options.
- In K-12, Duke Energy provides guest speakers in classrooms and advocates for the addition of energy related curricula and programming.
- The Duke Energy Foundation invested nearly \$450K in 2019 to support K-12 programs focusing on a variety of initiatives, including many that support the implementation and expansion of STEM education to provide students with innovative, hands-on learning projects.
- Duke Energy partners with the Jobs for America's Graduates (JAG) program in Indiana. JAG is a program that builds employability skills in high school students and exposes students to a variety of post-secondary and career options. Duke Energy employees have participated in JAG classrooms as guest speakers, have conducted mock interviews and resume reviews, and have judged JAG employability skills competitions at the state level.

Pathway Programs and Career Exploration

- In 2019, Duke Energy hosted a career exploration workshop in conjunction with the Midwest Lineworker Rodeo. The workshop exposed students to career opportunities at Duke Energy and provided hands-on demonstrations and job shadowing opportunities with the drone program and lineworker profession as they competed in the rodeo.
- Duke Energy partnered with a community-based nonprofit to host a half day job shadowing opportunity for young adults. Participants toured the Distribution Control Center, learned about engineering, and observed lineworker apprentices as they trained.

- Duke Energy hosted a high school intern from Plainfield Community High School for the spring 2019 semester. The student interned with the Distribution Design department and had a weekly job shadow day with other departments within the company.

Skills-Based Training

- Duke Energy offers a four-year apprenticeship program for linework. Over the course of the apprenticeship, each apprentice will receive yearly formalized training at the Plainfield training center, in addition to on the job training. Every apprentice will also complete a three month rotation on a training crew project to ensure they are being exposed to more complex energized work.
- Duke Energy is partnering with Ivy Tech Community College to design and develop a pre-apprenticeship program that would build skills and prepare someone to enter Duke Energy's four year lineworker apprenticeship program. The Ivy Tech program will be offered at two campus locations in Indiana and will launch in 2020.
- In 2019, the Duke Energy Foundation invested approximately \$100K in workforce development funding across Indiana to support programs that would build technical skills to prepare individuals for careers in the energy industry.

Witness: Renee H. Metzler

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Received: October 2, 2019

ILDC 1.29

Request:

To the extent not already provided in response to ILDC's previous Data Requests, please provide copies of any Company documents which describe how construction services are procured from outside construction contractors for construction projects.

Objection:

Duke Energy Indiana objects to this request as the terms "any Company documents" and "construction services" are vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Duke Energy Indiana further objects that providing this information will provide potential contractors with an unfair competitive advantage.

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IURC Cause No. 45253
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Received: October 2, 2019

ILDC 1.30

Request:

Please answer what percentage of a vendor's bid score is related to their safety record under DEI's procurement system.

Objection:

Duke Energy Indiana objects to this request as the term "vendor's bid" is vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Duke Energy Indiana further objects that providing this information will provide potential contractors with an unfair competitive advantage by providing insight into the Company's evaluation criteria.