

**IN THE  
INDIANA COURT OF APPEALS**

CAUSE NO. \_\_\_\_\_

IPL INDUSTRIAL GROUP,	)	Appeal from Indiana Utility Regulatory Commission
	)	
	)	
Appellant (Intervenor Below),	)	Cause No. 45264
	)	
	)	The Hon. James F. Huston,
	)	Chairman
v.	)	
	)	The Hon. Sarah E. Freeman,
	)	The Hon. Stefanie Krevda,
INDIANAPOLIS POWER & LIGHT	)	The Hon. David Ober,
COMPANY,	)	The Hon. David E. Ziegner,
	)	Commissioners
	)	
Appellee (Statutory Party Below).	)	The Hon. Jennifer L. Schuster
	)	Administrative Law Judge

**IPL INDUSTRIAL GROUP'S NOTICE OF APPEAL**

**I. Party Information:**

Party Name: IPL Industrial Group<sup>1</sup>

The names and addresses of the members of the IPL Industrial Group are:

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<sup>1</sup> The Industrial Group filed a petition to intervene on July 27, 2019, which the Indiana Utility Regulatory Commission subsequently granted on August 7, 2019. The Industrial Group also filed an Amendment to Appendix "A" to Petition to Intervene on October 7, 2019 and a Corrected Amendment to Appendix "A" to Petition to Intervene on October 8, 2019.

## IPL Industrial Group's Notice of Appeal

**ALLISON TRANSMISSION, INC.**

One Allison Way  
Indianapolis, Indiana 46222

**ELI LILLY AND COMPANY**

Lilly Corporate Center  
Indianapolis, Indiana 46285

**INDIANA UNIVERSITY HEALTH**

950 North Meridian Street, Suite 120  
Indianapolis, IN 46204

**INGREDION, INC.**

5 Westbrook Corporate Center  
Westchester, Illinois 60154

**MESSER LLC**

7996 North State Road 39  
LaPorte, Indiana 46350

**PRAXAIR SURFACE TECHNOLOGIES, INC.**

1500 Polco Street  
Indianapolis, Indiana 46222

The IPL Industrial Group requests service of orders and opinions by FAX and/or Electronic Mail.

## II. Attorney Information:

The attorneys representing the IPL Industrial Group are:

Name: Todd A. Richardson, Atty. No. 16620-49  
Joseph P. Rompala, Atty. No. 25078-49

Address: 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](mailto:TRichardson@Lewis-Kappes.com)  
[JRompala@Lewis-Kappes.com](mailto:JRompala@Lewis-Kappes.com)

The foregoing attorneys certify that the contact information listed on the Roll of Attorneys is current and accurate as of the date of this Notice of Appeal; acknowledge that all orders, opinions, and notices in this matter will be sent to the e-mail addresses specified for each attorney on the Roll of Attorneys regardless of the contact information listed on this Notice of Appeal; and further acknowledge that each of the listed attorneys is solely responsible for keeping his/her Roll of Attorneys contact information accurate pursuant to Ind. Admis. Disc. R. 2(A).

### **III. Trial Information**

Title of case: The proceeding below was captioned as follows:

VERIFIED PETITION OF INDIANAPOLIS POWER & LIGHT COMPANY FOR APPROVAL OF IPL'S TDSIC PLAN FOR ELIGIBLE TRANSMISSION, DISTRIBUTION, AND STORAGE SYSTEM IMPROVEMENTS PURSUANT TO IND. CODE § 8-1-39-10.

Names of All Parties: Indianapolis Power & Light Company (Petitioner); Indiana Office of Utility Consumer Counselor (Statutory Party); IPL Industrial Group (Intervenor); Citizens Action Coalition of Indiana, Inc. (Intervenor); Environmental Law & Policy Center (Intervenor); and City of Indianapolis, Indiana (Intervenor).

Trial Court or Administrative Agency: Indiana Utility Regulatory Commission

Case Number: Cause No. 45264

Name of Presiding Officers: Hon. James F. Huston, Chairman; Hon. Sarah E. Freeman, Commissioner; Hon. Stefanie Krevda, Commissioner; Hon. David Ober, Commissioner; Hon. David E. Ziegner, Commissioner; and Hon. Jennifer L. Schuster, Administrative Law Judge

### **IV. Information on Order Being Appealed:**

Date of Order Being Appealed: March 4, 2020

Title of Order Being Appealed: Order of the Commission

Date of Motion for Reconsideration/Rehearing: None filed

Basis for Appellate Jurisdiction and Designation of Court to which Appeal is Taken: This is an appeal from a final order of the Indiana Utility Regulatory Commission as defined by Appellate Rules 2(H) and 9(I) and is taken to the Indiana Court of Appeals pursuant to Appellate Rule 5(C) and Indiana Code §8-1-3-1.

**V. Administrative Agency/Agency Reporter Instructions:**

Pursuant to Appellate Rules 10 and 13, the Clerk of the Indiana Utility Regulatory Commission is requested to assemble the Clerk's Record, as defined in Appellate Rules 2(E) and 13.

Pursuant to Appellate Rules 11 and 13, the Reporter of the Indiana Utility Regulatory Commission is requested to transcribe, certify, and file with the clerk of the Indiana Utility Regulatory Commission the following hearings of record, including exhibits: The evidentiary hearing held on November 14, 2019, November 21, 2019 and November 22, 2019.

**VI. Public Access Information:**

Was the entire trial court or agency record sealed or excluded from public access?

☐ Yes ☒ No

Was a portion of the trial court or agency record sealed or excluded from public access?

☒ Yes ☐ No

If yes, which provision in Administrative Rule 9(G) provides the basis for this exclusion: Administrative Rule 9(G)(2)(b) (I.C. § 5-14-3-4 and § 24-2-3-2).

If Administrative Rule 9(G)(4) provides the basis for this exclusion, was the trial court or agency order issued in accordance with the requirements of Administrative Rule 9(G)(4)(a-d)?

☐ Yes ☐ No ☒ N/A

**VII. Appellate Alternative Dispute Resolution:**

The Appellant is not willing to participate in Alternative Dispute Resolution.

**VIII. Attachments:**

Exhibit A: The final Order of the Commission dated March 4, 2020

Exhibit B: Docket Entry of August 7, 2019 making preliminary finding of confidentiality (made final by Order of the Commission dated March 4, 2020)

**IX. Certification:**

By signing below, I certify that:

- (1) This case does not involve an interlocutory appeal; issues of child custody, support, visitation, adoption, paternity, determination that a child is in need of services, termination of parental rights; or an appeal entitled to priority by rule or statute;
- (2) I have reviewed and complied, and will continue to comply, with the requirements of Appellate Rule 9(J) and Administrative Rule 9(G) to the extent they apply to the appeal; and,
- (3) I will make satisfactory payment arrangements for any Transcripts ordered in this Notice of Appeal, as required by Appellate Rule 9(H).

Respectfully submitted,

LEWIS & KAPPES, P.C.

/s/ Todd A. Richardson

Todd A. Richardson, Atty No. 16620-49

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](mailto:TRichardson@Lewis-Kappes.com)

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on April 2, 2020 the foregoing *IPL Industrial Group's Notice of Appeal* was filed with the Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court.

The undersigned counsel hereby certifies that on April 2, 2020 copies of the foregoing *IPL Industrial Group's Notice of Appeal* were served on the following Public Service Contacts through E-Service using the IEFIS:

Teresa Morton Nyhart  
BARNES & THORNBURG LLP  
11 South Meridian Street  
Indianapolis, IN 46204  
[tnyhart@btlaw.com](mailto:tnyhart@btlaw.com)

William I. Fine  
Randall C. Helmen  
Jeffrey M. Reed  
OFFICE OF UTILITY CONSUMER COUNSELOR  
115 W. Washington Street, Suite 1500  
South  
Indianapolis, IN 46204  
[wfine@oucc.in.gov](mailto:wfine@oucc.in.gov)  
[rhelmen@oucc.in.gov](mailto:rhelmen@oucc.in.gov)  
[jreed@oucc.in.gov](mailto:jreed@oucc.in.gov)  
[infomgt@oucc.in.gov](mailto:infomgt@oucc.in.gov)

Jennifer A. Washburn  
CITIZENS ACTION COALITION OF INDIANA,  
INC.  
195 West 18<sup>th</sup> Street, Suite C  
Indianapolis, IN 46202  
[jwashburn@citact.org](mailto:jwashburn@citact.org)

Anne E. Becker  
Bette J. Dodd  
Lewis & Kappes, P.C.  
One American Square, Suite 2500  
Indianapolis, IN 46282  
[ABecker@Lewis-Kappes.com](mailto:ABecker@Lewis-Kappes.com)  
[BDodd@Lewis-Kappes.com](mailto:BDodd@Lewis-Kappes.com)

***With a courtesy copy:***  
Beth E. Heline, General Counsel  
INDIANA UTILITY REGULATORY COMMISSION  
PNC Center  
101 West Washington Street, Suite 1500  
East  
Indianapolis, IN 46204  
[bheline@urc.in.gov](mailto:bheline@urc.in.gov)

## IPL Industrial Group's Notice of Appeal

The undersigned counsel certifies that the following, not designated as Public Service Contacts, were served the foregoing *IPL Industrial Group's Notice of Appeal* by first class, United States mail, postage prepaid, and by electronic mail, this 2<sup>nd</sup> day of April, 2020:

Lauren M. Box  
BARNES & THORNBURG LLP  
11 South Meridian Street  
Indianapolis, IN 46204  
[Lauren.Box@btlaw.com](mailto:Lauren.Box@btlaw.com)

Nikhil Vijaykar  
ENVIRONMENTAL LAW & POLICY CENTER  
35 E. Wacker Drive, Suite 1600  
Chicago, IL 60601  
[nvijakar@elpc.org](mailto:nvijakar@elpc.org)  
[adunham@elpc.org](mailto:adunham@elpc.org)

David E. Ziegner, Commissioner  
Jennifer L. Schuster, Administrative Law  
Judge  
INDIANA UTILITY REGULATORY COMMISSION  
PNC Center  
101 West Washington Street, Suite 1500  
East  
Indianapolis, IN 46204  
[dzeigner@urc.in.gov](mailto:dzeigner@urc.in.gov)  
[JSchuster@urc.in.gov](mailto:JSchuster@urc.in.gov)

Lynda Ruble, Chief Commission Reporter  
Amy Tokash, Commission Reporter  
INDIANA UTILITY REGULATORY COMMISSION  
PNC Center  
101 West Washington Street, Suite 1500  
East  
Indianapolis, IN 46204  
[lruble@urc.in.gov](mailto:lruble@urc.in.gov)  
[atokash@urc.in.gov](mailto:atokash@urc.in.gov)

Mary Becerra  
Secretary to the Commission  
INDIANA UTILITY REGULATORY COMMISSION  
PNC Center  
101 West Washington Street, Suite 1500  
East  
Indianapolis, IN 46204  
[mbecerra@urc.in.gov](mailto:mbecerra@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