

STATE of INDIANA

INDIANA UTILITY REGULATORY COMMISSION
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VERIFIED PETITION OF DUKE ENERGY INDIANA,)
LLC FOR: (1) APPROVAL OF PETITIONER'S 6-)
YEAR PLAN FOR ELIGIBLE TRANSMISSION,)
DISTRIBUTION, AND STORAGE SYSTEM)
IMPROVEMENTS, PURSUANT TO IND. CODE § 8-1-)
39-10; (2) APPROVAL OF A TRANSMISSION AND)
DISTRIBUTION INFRASTRUCTURE) CAUSE NO. 45647
IMPROVEMENT COST RATE ADJUSTMENT AND)
DEFERRALS, PURSUANT TO IND. CODE §§ 8-1-2-)
10, 8-1-2-12, 8-1-2-14, AND 8-1-39-1 *ET SEQ*; AND (3))
APPROVAL OF A TARGETED ECONOMIC)
DEVELOPMENT PROJECT AND RECOVERY OF)
COSTS ASSOCIATED WITH THE PROJECT,)
PURSUANT TO IND. CODE §§ 8-1-39-10 AND 8-1-39-)
11.)

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

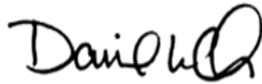
On December 3, 2021, certain prospective intervenors designated collectively as part of the Duke Industrial Group ("Industrial Group"), by counsel, filed *Duke Industrial Group's Petition to Intervene* ("Petition") in the above-captioned Cause. They advised the Industrial Group is an ad hoc group of industrial users located in the electric service territory of Duke Energy Indiana, LLC ("DEI") who purchase electricity from DEI and include Elanco, Evonik, General Motors LLC, International Paper Company, Subaru of Indiana Automotive Inc., Tate & Lyle Ingredients Americas, Inc., and USG Corporation. Because of the importance of energy in their industrial operations, the Industrial Group members assert they are substantially affected by DEI's cost of electric service and have a direct, immediate, and substantial interest in the subject matter of this proceeding. They seek to intervene to protect this interest and state their interests will not otherwise be adequately represented in this proceeding. They also state their intervention will not unreasonably broaden the issues. No objection has been filed to the Industrial Group's requested intervention.

170 IAC 1-1.1-11 governs intervention in Commission proceedings and states:

- (a) A petition to intervene may be filed by any person or entity alleging a substantial interest in the subject matter of the proceeding in which the person or entity requests leave to intervene.
- (b) Petitions to intervene shall set out clearly and concisely facts showing the following:
 - (1) The proposed intervenor's substantial interest in the subject matter of the proceeding.
 - (2) The position of the proposed intervenor with respect to the matters involved in the proceeding.
 - (3) Specific prayers for affirmative relief, if desired.
 - (4) A prayer for leave to intervene and to be made a party to the proceeding.
- (c) A petition to intervene shall be filed not less than five (5) days prior to the date set for the initial public evidentiary hearing on the merits. A petition to intervene may be filed and granted thereafter at the discretion of the presiding officer, upon good cause shown.
- (d) If a petition to intervene satisfies this section and shows the proposed intervenor has a substantial interest in the subject matter of the proceeding or any part thereof, and the proposed intervenor's participation will not unduly broaden the issues or result in unreasonable delay of the proceeding, the presiding officer may grant the prayer for leave to intervene, in whole or in part and, thereupon, the intervenor becomes a party to the proceeding with respect to the matters set out in the intervention petition.
- (e) An intervenor is bound by all rulings and other matters of record prior to the time the intervenor is made a party and takes the case as the intervenor finds it as of the date of intervention.
- (f) Petitions to intervene, when filed with the Commission, shall show service thereof upon all parties to the proceeding, in conformity with section 13 of this rule.
- (g) A party may object to a petition to intervene, and, absent objection thereto, may be deemed to have waived any objection to the granting of the petition. A response shall be filed within seven (7) days after service of the petition to intervene unless the presiding officer prescribes a different time. The response shall be served on the other parties. A reply to the responses shall be filed within five (5) days after service of the response unless the presiding officer prescribes a different time. Responses or replies may be made orally at the time of the hearing or prehearing conference if there exists insufficient time prior to the hearing or conference to make a written response or reply according to the deadlines provided under this section.

After reviewing the Petition, the Presiding Officers find the Industrial Group members, as set forth in Appendix “A” to the Petition, namely: Elanco, Evonik, General Motors LLC, International Paper Company, Subaru of Indiana Automotive Inc., Tate & Lyle Ingredients Americas, Inc., and USG Corporation, have demonstrated they have a substantial interest in the subject matter of this proceeding because of the importance of energy in their industrial operations and the affect DEI’s cost of electric service has upon their operations; therefore, the Petition is GRANTED. If additional members join the Industrial Group for purposes of this proceeding, the Industrial Group is directed to provide the Commission with written notice of this addition.

IT IS SO ORDERED.



David L. Ober, Commissioner



Carol Sparks Drake, Senior Administrative Law Judge

Date: December 15, 2021