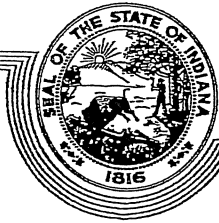


STATE OF INDIANA



FILED

OCT 04 2018

INDIANA UTILITY REGULATORY COMMISSION

INDIANA UTILITY REGULATORY COMMISSION
101 WEST WASHINGTON STREET, SUITE 1500 EAST
INDIANAPOLIS, INDIANA 46204-3419

<http://www.in.gov/inrc>
Office: (317) 232-2701
Facsimile: (317) 232-6758

VERIFIED PETITION OF SOUTHERN INDIANA GAS)
AND ELECTRIC COMPANY d/b/a VECTREN ENERGY)
DELIVERY OF INDIANA, INC. ("VECTREN SOUTH"))
FOR (1) ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY FOR THE)
CONSTRUCTION OF A COMBINED CYCLE GAS)
TURBINE GENERATION FACILITY ("CCGT"); (2))
APPROVAL OF ASSOCIATED RATEMAKING AND)
ACCOUNTING TREATMENT; (3) ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY FOR COMPLIANCE PROJECTS TO MEET)
FEDERALLY MANDATED REQUIREMENTS ("CULLEY)
3 COMPLIANCE PROJECT"); (4) AUTHORITY TO)
TIMELY RECOVER 80% OF THE COSTS INCURRED)
DURING CONSTRUCTION AND OPERATION OF THE)
CULLEY 3 COMPLIANCE PROJECTS THROUGH)
VECTREN SOUTH'S ENVIRONMENTAL COST)
ADJUSTMENT MECHANISM; (5) AUTHORITY TO)
CREATE REGULATORY ASSETS TO RECORD (A) 20%)
OF THE REVENUE REQUIREMENT FOR COSTS,)
INCLUDING CAPITAL, OPERATING, MAINTENANCE,)
DEPRECIATION, TAX AND FINANCING COSTS ON THE)
CULLEY 3 COMPLIANCE PROJECT WITH CARRYING)
COSTS AND (B) POST-IN-SERVICE ALLOWANCE FOR)
FUNDS USED DURING CONSTRUCTION, BOTH DEBT)
AND EQUITY, AND DEFERRED DEPRECIATION)
ASSOCIATED WITH THE CCGT AND CULLEY 3)
COMPLIANCE PROJECT UNTIL SUCH COSTS ARE)
REFLECTED IN RETAIL ELECTRIC RATES; (6))
ONGOING REVIEW OF THE CCGT; (7) AUTHORITY TO)
IMPLEMENT A PERIODIC RATE ADJUSTMENT)
MECHANISM FOR RECOVERY OF COSTS DEFERRED)
IN ACCORDANCE WITH THE ORDER IN CAUSE NO.)
44446; AND (8) AUTHORITY TO ESTABLISH)
DEPRECIATION RATES FOR THE CCGT AND CULLEY)
3 COMPLIANCE PROJECT ALL UNDER IND. CODE §§ 8-)
1-2-6.7, 8-1-2-23, 8-1-8.4-1 ET SEQ, 8-1-8.5-1 ET SEQ., AND)
8-1-8.8 -1 ET SEQ.)

CAUSE NO. 45052

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

On September 10, 2018, Southern Indiana Gas & Electric Company d/b/a Vectren South Delivery of Indiana, Inc. (“Vectren South”) filed *Petitioner’s Third Motion for Protection of Confidential and Proprietary Information* (“Motion”) in this Cause. In its Motion, Vectren South indicates that certain information (“Confidential Information”) that it intends to submit in this matter contains trade secrets as that term is defined under Ind. Code § 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Ind. Code § 5-14-3-4. In support of its Motion, Vectren South included the sworn Affidavits of Thomas L. Bailey and Angela Retherford. The Affidavits have been placed in the Commission’s official file in this matter and are incorporated by reference. Vectren South’s Motion request confidential treatment of two different sets of confidential information. Vectren South seeks confidential treatment of customer sensitive data included in the Rebuttal Testimony of Thomas L. Bailey. Also, Vectren South seeks confidential treatment of information included in Attachment AMR-1R including preliminary groundwater testing results.

On September 24, 2018, the Presiding Officers issued a Docket Entry in this Cause requesting additional information from Vectren South to support its request for confidential treatment of preliminary groundwater testing results. On October 1, 2018, Vectren South filed its response to the Docket Entry.

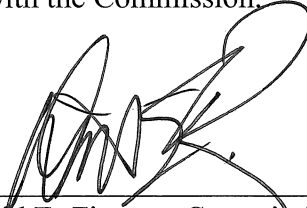
170 IAC 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that sets forth facts describing: (1) the nature of the confidential information; (2) the reasons why the information should be treated as confidential pursuant to Ind. Code § 8-1-2-29 and Ind. Code ch. 5-14-3; and, (3) the efforts the party has made to maintain the confidentiality of the information.

The Presiding Officers, having considered the Motion and accompanying Affidavits, find there is sufficient basis for a determination that the Confidential Information included in Thomas L. Bailey’s testimony should be held as confidential by the Commission on a preliminary basis. However, Vectren South has not met its burden regarding the information described in Angela M. Retherford’s Affidavit. In accordance with Ind. Code § 8-1-2-29, the Indiana Access to Public Records Act governs what documents the Commission may hold as confidential. Ind. Code ch. 5-14-3. Absent a document qualifying for an exception under Ind. Code § 5-14-3-4, the Commission has no authority to hold a document confidential and to do so would contravene the public policy of the State of Indiana as set forth in Ind. Code § 5-14-3-1. Vectren South has not argued an exception under the law. Therefore, we are denying Vectren South’s request for confidential treatment of the preliminary groundwater testing information described in the Affidavit of Angela M. Retherford.

Accordingly, Petitioner shall file the Confidential Information included in the testimony of Thomas L. Bailey with the Commission in accordance with GAO 2016-2. If the Confidential Information is greater than 30 pages in length, Petitioner shall mail or hand deliver one copy of

the Confidential Information to the Presiding Administrative Law Judge within two business days of filing. Confidential Information that is voluminous or oversized should be filed on compact discs that are clearly marked confidential. If submitted in hard copy, the Confidential Information must be on light green paper, in a sealed envelope clearly marked confidential with the Cause No. noted thereon, and will be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Ind. Code §§ 8-1-2-29 and 5-14-3-4. Petitioner shall also file a Notice of Filing under this Cause specifically referencing this Docket Entry and indicating the Confidential Information has been filed with the Commission.

IT IS SO ORDERED.



David E. Ziegner, Commissioner



David E. Veleta, Senior Administrative Law Judge

October 9, 2018

Date