

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**PETITION OF MIDWEST NATURAL GAS)
CORPORATION FOR AUTHORITY TO) CAUSE NO.: 45888
CHANGE ITS RATES, CHARGES, TARIFFS,)
RULES, AND REGULATIONS)**

VERIFIED PETITION

To the Indiana Utility Regulatory Commission:

Midwest Natural Gas Corporation, (“Midwest”, “Company”, or “Petitioner”) respectfully petitions the Indiana Utility Regulatory Commission (“Commission”) for authority to increase its retail rates and charges for natural gas service rendered by Petitioner and for approval of related relief. This filing is made pursuant to Ind. Code § 8-1-2-42.7. In support of this Petition, Community represents the following:

Petitioner’s Corporate Status

1. Petitioner is a corporation duly organized and existing under and through the laws of the State of Indiana. Petitioner’s office is located at 101 S.E. Third Street, Washington, Indiana.

2. Petitioner provides pipelines, distribution systems, land, land rights, equipment, materials, supplies, working capital, and other property which is used and useful for the rendering of natural gas service to its customers. Petitioner operates under franchises obtained from various municipalities and necessity certificates obtained from this Commission or its predecessor. Petitioner supplies gas to both rural and municipal areas in rural areas of Daviess, Greene, Monroe, Jackson, Jennings, Knox, Orange, Scott, Clark and Washington counties, Indiana. As of December 31, 2023 Petitioner served approximately 15,120 customers.

Petitioner's "Public Utility" Status

3. Petitioner is a public utility as defined by Indiana Code § 8-1-2-1 and as such is under the jurisdiction of the Indiana Utility Regulatory Commission ("Commission"). Further, Petitioner believes that by virtue of Indiana Code § 8-1-2-61, Indiana Code § 8-1-2-76, and Indiana Code § 8-1-2-42.7 the Commission has jurisdiction over this matter.

Petitioner's Existing Rates

4. Petitioner's current base rates, charges and tariffs; except as may have been amended from time to time by various GCA proceedings, or amended tariffs including those related to Cause No. 45032 and its subdockets; are those base rates, charges, and tariffs last approved by this Commission in Cause No. 44880 through its Order dated August 16, 2017. Such rates and charges are unjust, unreasonable, and confiscatory of Petitioner's used and useful property. Further, such tariffs, rules, and regulations are insufficient for the appropriate provision of natural gas service.

5. The petition initiating Cause No. 44880 was filed with the Commission on November 14, 2016. Therefore, in accordance with Ind. Code § 8-1-2-42(a), more than fifteen months have passed since the filing of Midwest's most recent request for a general increase in its basic rates and charges.

Test Year, Rate Base Cutoff Dates

6. Petitioner requests authority to change its current base rates, charges, tariffs, rules, and regulations as supported by the evidence of record in this cause; based on an accounting test year of December 31, 2022; as adjusted for fixed, known and measurable changes occurring within 12 months following such test year. Petitioner also requests the use of a cutoff date for its utility plant in service for purposes of valuing its rate base in this cause as of December 31, 2022.

Petitioner’s Requested Relief

7. As explained in greater detail in Petitioner’s case-in-chief, Petitioner’s current rates are insufficient and confiscatory. Petitioner requests an adjustment to its base rates and charges so as to increase its revenue by \$1,989,993, or 1.81% as compared to Petitioner’s current rates and charges. Midwest proposal is detailed in its case-in-chief filed contemporaneous herewith and includes, but is not limited to, the following:

- a. Midwest has been recognizing for ratemaking purposes the cost of previously approved TDSIC Projects and associated operating expense through its TDSIC Mechanism. Midwest proposes to reflect in its basic rates and charges the capital costs and operating expenses associated with TDSIC Projects previously approved by the Commission in Cause No. 44942 that are completed and in service at the end of the test year (December 31, 2022) and that are currently being recovered through the TDSIC Mechanism. Midwest is also seeking recovery of amortization of regulatory assets that were deferred under the TDSIC Mechanism. When new tariff sheets are filed based upon the final order in this proceeding, Midwest proposes to adjust, as applicable, its then current TDSIC adjustment factors to reflect the removal of the in-service plant and related expenses as of the same effective date, and modify its allocation factors consistent with the Commission’s Order, subject to any necessary variance reconciliations in the ongoing TDSIC proceedings.
- b. Midwest seeks approval to revise its gas depreciation rates applicable to its gas plant in service as proposed in its evidence to be presented in this proceeding. Midwest continues to use the depreciation rates applicable to its common plant as approved by the Commission in Midwest’s last general rate proceeding in Cause No. 44880.

Procedural Schedule

8. Pursuant to 170 IAC 1-1.1-9(8), undersigned counsel is authorized to represent that Petitioner and the Indiana Office of Utility Consumer Counselor (“OUCC”) stipulate and agree to the following procedural schedule which is consistent with the Commission’s GAO 2013-5 standard procedural schedule:

Day 0	Wed. May 17, 2023	Petition & Filing of Case in Chief.
Day 98	Wed. August 23, 2023	OUCC and Intervenors Filing of Case in Chief.

Day 126	Wed. September 20, 2023	Rebuttal/OUCC & Intervenors Cross Answering, if any.
Day 133	Wed. September 27, 2023	Settlement Agreement
Day 152	Mon. October 16, 2023	Evidentiary hearing.
Day 182	Wed. November 15, 2023	Petitioner proposed order/post hearing brief.
Day 203	Wed. December 6, 2023	OUCC and Intervenor proposed order/brief.
Day 210	Wed. December 13, 2023	Petitioner Reply.

9. Petitioner and the OUCC agree that discovery should be conducted on an informal basis, with responses due within ten calendar days of the receipt of discovery. After August 23, 2023, discovery is to be conducted on a five-business day basis. Discovery requests received after 5:00 p.m. on Monday through Thursday, or after noon on Friday or the day before a state holiday, are treated as received the next business day.

10. To the extent necessary or appropriate and pursuant to 170 IAC 1-1.1-15, Petitioner requests that a date for a prehearing conference and preliminary hearing be promptly set by the Commission.

Customer Notification

11. In accordance with Ind. Code § 8-1-2-61(a), Petitioner will publish notice of the filing of this Petition in a newspaper of general circulation published in each Indiana county in which Community renders service. The proofs of publication of notice will be late-filed as an exhibit.

Attorneys for Petitioner

12. Service of all petitions, motions, reports, testimony, exhibits, or papers of any kind to be served upon Petitioner should be served upon Petitioner’s counsel of record as here noted:

Jeffrey M. Peabody (Atty. No. 28000-53)
Lauren Aguilar (Atty. No. 33943-49)
Barnes & Thornburg LLP
11 S. Meridian Street
Indianapolis, Indiana 46204
Peabody Telephone: (317) 231-6465
Aguilar Telephone: (317) 231-6474
Facsimile: (317) 231-7433
Peabody Email: jpeabody@btlaw.com
Aguilar Email: laguilar@btlaw.com

WHEREFORE, Midwest Natural Gas Corporation respectfully requests this Commission promptly establish a procedural schedule and associated terms, make such investigation and hold such hearings as are necessary or advisable in this Cause, and thereafter make and enter an appropriate order in accordance with the 300-day time frame provided in GAO-2013-5 and Section 42.7:

to enter this Petition of record; hold such other public hearings as are necessary; authorize appropriate changes in Petitioner's rates, charges, tariffs, rules, and regulations; and for all other appropriate relief justice and the evidence in this cause would require.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeffrey Peabody".

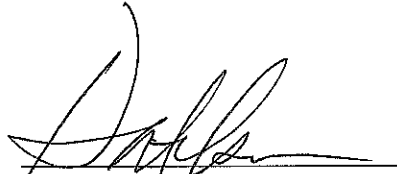
Jeffrey M. Peabody, Atty. No. 28000-53
Lauren Aguilar, Atty. No. 33943-49
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204
Peabody Telephone: (317) 231-6465
Aguilar Telephone: (317) 231-6474
Facsimile: (317) 231-7433
Peabody Email: jpeabody@btlaw.com
Aguilar Email: laguilar@btlaw.com

Counsel for Petitioner,
Midwest Natural Gas Corporation

VERIFICATION

I affirm under the penalties of perjury that the foregoing is true to the best of my knowledge, information and belief as of this 17th day of May, 2023.

MIDWEST NATURAL GAS CORPORATION



David A. Osmon

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the following counsel of record electronically this 17th day of May, 2023:

Thomas Harper
Matthew Kappus
Heather Poole
Indiana Office of Utility Consumer Counselor
PNC Center
115 West Washington Street, Suite 1500 South
Indianapolis, Indiana 46204
ThHarper@oucc.IN.gov
MKappus@oucc.IN.gov
hpoole@oucc.in.gov
infomgt@oucc.in.gov



Jeffrey M. Peabody

Jeffrey M. Peabody, Atty. No. 28000-53
Lauren Aguilar, Atty. No. 33943-49
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204
Peabody Telephone: (317) 231-6465
Aguilar Telephone: (317) 231-6474
Facsimile: (317) 231-7433
Peabody Email: jpeabody@btlaw.com
Aguilar Email: laguilar@btlaw.com

Counsel for Petitioner,
Midwest Natural Gas Corporation