

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE )  
INDIANA UTILITY REGULATORY )  
COMMISSION'S INVESTIGATION ) CAUSE NO. 46043  
INTO THE PUBLIC UTILITY STATUS )  
OF DISTRIBUTED ENERGY )  
RESOURCE AGGREGATORS )

**JOINT RESPONSE TO OPPOSITION OF INDIANA INDUSTRIAL ENERGY  
CONSUMERS, INC. TO MOTION TO STRIKE OR FOR LEAVE TO FILE FURTHER  
RESPONSE**

Intervenors, Northeastern Rural Electric Membership Cooperative ("Northeastern") and the Investor-Owned Utilities ("IOUs"), by counsel, hereby notifies the Indiana Utility Regulatory Commission ("Commission") that Northeastern stands on its original objections as filed in its Motion to Strike or for Leave to File Further Response ("Motion") to the Indiana Industrial Energy Consumers. Inc.'s ("INDIEC") Responsive Brief.

1. In its Opposition to the Motion, INDIEC states the legal points raised in its Responsive Brief were responsive to the initial submissions filed on July 15, 2024. However, that is not the case. As stated previously, INDIEC raises legal arguments in Section I and Section III that were not previously raised in initial submissions. It is clear INDIEC is not responding to initial submissions in these sections as they fail to identify any filing that raised the issues in the first place. Raising these substantive legal arguments in the responsive briefing stage when other parties have no opportunity to respond is prejudicial.
2. INDIEC states that "the jurisdiction defect addressed by INDIEC, in short, is not disputed." See Opposition Motion ¶6. This is facially false as Northeastern stated in its Motion to Strike or for Leave to File Further Response that the Commission initiated this investigation to gather information pursuant to its investigatory powers. See Motion ¶5. In stating that point, Northeastern (and the Investor-Owned Utilities through Joinder) are disputing the "jurisdictional defect" and arguing that this investigation is not declaratory in nature and fully within the Commission's existing authority. Moreover, Northeastern notes that the Commission includes in *every final order it issues*, a statement regarding the agency's jurisdiction over the parties and issues at hand. This case is no different.

3. Counsel for Northeastern has been authorized to indicate that the Investor-Owned Utilities ("IOUs") join in this response.

WHEREFORE, Northeastern, by counsel, respectfully requests the Commission grant the Motion to Strike, or in the alternative, grant Northeastern's request for Leave to File Further Response.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Alexandra L. Jones".

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of August, 2024, a copy of the foregoing “Joint Response to Opposition of Indiana Industrial Energy Consumers, Inc. to Motion to Strike or for Leave to File Further Response” has been served by electronic mail to:

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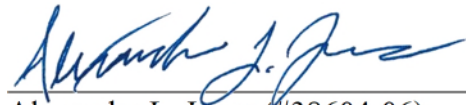
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