



**For Immediate Release**

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## **NIPSCO Coal Ash Case: Consumer Comments Invited**

### *IURC Public Hearing Set for Aug. 1 in Michigan City*

If you are a Northern Indiana Public Service Co. (NIPSCO) customer and would like to comment on the utility's pending Ash Pond Compliance Project, including proposed rate recovery, you have the chance to do so.

The Indiana Office of Utility Consumer Counselor (OUCC), the state agency representing consumer interests in cases before the Indiana Utility Regulatory Commission (IURC), is reviewing the utility's request and is scheduled to file testimony on Aug. 17, 2022.

In addition, the IURC will hold a public field hearing in the case on Aug. 1, 2022, in Michigan City.

### **Written consumer comments**

While using its legal and technical resources to review NIPSCO's request, including examining the utility's books and operations, the OUCC is inviting written comments from customers through Aug. 10, 2022.

Consumers can submit written comments for the case record via the OUCC's website at [www.in.gov/oucc/2361.htm](http://www.in.gov/oucc/2361.htm), by email at [uccinfo@oucc.IN.gov](mailto:uccinfo@oucc.IN.gov), or by mail at:

Public Comments  
Indiana Office of Utility Consumer Counselor (OUCC)  
115 W. Washington St., Suite 1500 SOUTH  
Indianapolis, IN 46204

The OUCC needs to receive all written consumer comments no later than Aug. 10, 2022, so that it can: 1) Consider them in preparing its testimony and 2) File them with the Commission to be included in the case's formal evidentiary record. Comments should include the consumer's **name, mailing address**, and a reference to either "**IURC Cause No. 45700**" or **NIPSCO**. Consumers with questions about submitting written comments can contact the OUCC's consumer services staff toll-free at 1-888-441-2494.

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## Public field hearing

The IURC's public field hearing on NIPSCO's request is scheduled for Monday, Aug. 1, 2022, at City Hall (100 E. Michigan Blvd. in Michigan City).

The hearing will begin at 6:00 p.m., Michigan City time, in the City Council Chambers. Consumers are encouraged to arrive by 5:45 p.m. for an overview of field hearing procedures and the rate case process. Attendees are required to comply with all local health and safety regulations.

The field hearing's sole purpose is to receive public testimony.

- Consumers can speak directly to the Commission under oath and on the record.
- Oral comments during the hearing will become part of the case record. They will carry the same weight as written consumer comments submitted to the OUCC by Aug. 10.
- Utilities do not make presentations or answer questions during field hearings. The focus, again, is on public input. In this case, NIPSCO filed testimony and exhibits in May 2022.
- Commissioners are not allowed to answer questions about the case. They will ultimately render a decision after weighing evidence from the utility, the OUCC, and intervening parties.
- No final decisions will be made at the field hearing.

## Case overview

NIPSCO is requesting IURC approval to close five ash ponds at its Michigan City generating station and recover the closure and remediation costs through rates.

According to NIPSCO's testimony and exhibits filed in May 2022:

- Projects will include the complete removal of coal ash from the ponds, rather than following a "close in place" approach.
- The closures are necessary to comply with federal regulations (the US EPA's Coal Combustion Residuals Rule and the Resource Conservation and Recovery Act) and with an agreed order between NIPSCO and the Indiana Department of Environmental Management (IDEM).
- All ponds will be closed by specific dates in 2023 and 2024.
- The total project cost is approximately \$40 million.
- 80 percent of the project's costs would be recovered as they are incurred through NIPSCO's Federally Mandated Cost Adjustment (FMCA) tracker, which may change as often as every six months, subject to OUCC review and IURC approval.
- The remaining 20 percent will be deferred to NIPSCO's next electric base rate case, which it must file by the end of 2026.
- The first tracker filing would raise rates for a residential customer using 700 kilowatt hours (kWh) per month by 30 cents.

As it reviews NIPSCO's request, the OUCC is focused primarily on whether the proposal provides the most cost-effective means for the utility to comply with federal environmental laws, and if NIPSCO's proposed rate recovery is reasonable.

Several additional parties have intervened in this case. They include the Citizens Action Coalition of Indiana and a group of NIPSCO's industrial customers (Cleveland Cliffs Steel, Linde, NLMK Indiana, Marathon Petroleum Company, and USG Corporation). Any testimony from the intervenors is currently due on Aug. 17, 2022.

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NIPSCO provides electric service to approximately 470,000 customers in 20 northern Indiana counties. Natural gas rates and charges are not at issue in this case.

A settlement agreement is possible in any legal proceeding. If an agreement is reached, the settling parties are required to present evidence showing it to be in the public interest. The IURC may approve, deny, or modify any settlement it considers.

The OUCC is posting case updates online at [www.in.gov/oucc/electric/key-cases-by-utility/nipsco-electric-rates/nipsco-coal-ash-compliance/](http://www.in.gov/oucc/electric/key-cases-by-utility/nipsco-electric-rates/nipsco-coal-ash-compliance/). Case updates are also available through the agency's monthly electronic newsletter. Consumers can subscribe at [www.in.gov/oucc/news](http://www.in.gov/oucc/news).

(IURC Cause No. 45700)

The Indiana Office of Utility Consumer Counselor (OUCC) represents Indiana consumer interests before state and federal bodies that regulate utilities. As a state agency, the OUCC's mission is to represent all Indiana consumers to ensure quality, reliable utility services at the most reasonable prices possible through dedicated advocacy, consumer education, and creative problem solving.