ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF NORTHERN INDIANA PUBLIC SERVICE COMPANY FOR APPROVAL OF A FUEL COST ADJUSTMENT TO BE APPLICABLE DURING THE BILLING MONTHS OF FEBRUARY, MARCH AND APRIL 2013, PURSUANT TO IND. CODE § 8-1-2-42 AND CAUSE NO. 43969 AND FOR APPROVAL OF RATEMAKING TREATMENT FOR THE COST OF WIND POWER PURCHASES PURSUANT TO CAUSE NO. 43393.	)	**CAUSE NO. 38706 FAC 97** **APPROVED:** JAN 23 2013

CM

ORDER OF THE COMMISSION

Presiding Officers:
Kari A.E. Bennett, Commissioner
Jeffery A. Earl, Administrative Law Judge

On November 1, 2012, Northern Indiana Public Service Company ("NIPSCO" or "Petitioner") filed its petition for Commission approval of a fuel cost adjustment to be applicable for bills rendered by Petitioner during the billing months of February, March, and April 2013. On that same day, Petitioner also prefiled its direct testimony and exhibits. NIPSCO Industrial Group ("Industrial Group") filed its Petition to Intervene on November 8, 2012, which was granted by the Presiding Officers in a Docket Entry dated November 20, 2012. On December 6, 2012 the Indiana Office of Utility Consumer Counselor ("OUCC") filed its report in this Cause along with its direct testimony.

Pursuant to public notice duly given and published as required by law, proof of which was incorporated into the record by reference, an evidentiary hearing was held at 9:30 a.m. on December 27, 2012, in Hearing Room 224, 101 W. Washington Street, Indianapolis, Indiana. At the hearing, Petitioner, the OUCC, and the Industrial Group appeared by counsel. Petitioner offered its prefiled testimony and exhibits and the OUCC offered its prefiled testimony and exhibits, all of which were admitted into evidence without objection. No members of the general public appeared or sought to participate.

Based upon the applicable law and the evidence of record, the Commission now finds:

1. **Commission Jurisdiction and Notice.** Proper notice of the hearing in this Cause was given as required by law. Petitioner is a public utility corporation incorporated under the laws of the State of Indiana, operating electric utility properties in northern Indiana and is subject to the jurisdiction of this Commission as provided in the Public Service Commission Act, as amended, Ind. Code ch. 8-1-2. Thus, the Commission has jurisdiction over NIPSCO and the subject matter of this Cause.

2. **Petitioner's Characteristics.** Petitioner has its principal office at 801 East 86th Avenue, Merrillville, Indiana. Petitioner is engaged in rendering electric public utility service in the State of Indiana and owns, operates, manages and controls, among other things, plants and equipment within the State of Indiana used for the production, transmission, delivery and furnishing of such service to the public.

3. **Available Data on Actual Fuel Costs.** Petitioner's cost of fuel to generate electricity and the cost of fuel included in the cost of purchased electricity in Petitioner's last base rate case approved in the Commission's December 21, 2011 Order in Cause No. 43969 ("43969 Order") was $0.028729 per kWh. Petitioner's cost of fuel to generate electricity and the cost of fuel included in the cost of purchased electricity for the months of July, August, and September 2012 averaged $0.028994 per kWh.

4. **Requested Fuel Cost Charge.** Petitioner seeks to change its fuel cost adjustment charge from the current charge of $0.000491 per kWh to a charge of $0.003286 per kWh, for all applicable bills rendered in February, March, and April 2013 billing months.

The requested fuel cost adjustment includes a variance of $1,165,286 that was under-collected during July, August, and September 2012. Petitioner's estimated monthly average cost of fuel to be recovered in this proceeding for the forecast period of January, February, and March 2013 is $40,607,793, and its estimated monthly average sales for that period are 1,307,095 MWh.

5. **Statutory Requirements.** Ind. Code § 8-1-2-42(d) states that the Commission shall grant a fuel cost adjustment charge if it finds that:

> (1) The electric utility has made every reasonable effort to acquire fuel and generate or purchase power or both so as to provide electricity to its retail customers at the lowest fuel cost reasonably possible;
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> (2) The actual increases in fuel cost through the latest month for which actual fuel costs are available since the last order of the Commission approving basic rates and charges of the electric utility have not been offset by actual decreases in other operating expenses;
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> (3) The fuel adjustment charge applied for will not result in the electric utility earning a return in excess of the return authorized by the Commission in the last proceeding in which the basic rates and charges of the electric utility were approved. However, subject to Ind. Code § 8-1-2-42.3, if the fuel charge applied for will result in the electric utility earning a return in excess of the return authorized by the Commission in the last proceeding in which basic rates and charges of the electric utility were approved, the fuel charge applied for will be reduced to the point where no such excess of return will be earned.
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> (4) The utility's estimates of its prospective fuel costs for each such three (3) calendar months are reasonable after taking into considerations: (A) the actual fuel costs experienced by the utility during the latest three (3) calendar months for which actual fuel costs are available; and (B) the estimated fuel costs

for the same latest three (3) calendar months for which actual fuel costs are available.

6. **Fuel Costs and Operating Expenses.** Petitioner's Exhibit 2-A, shows that fuel costs for the twelve months ending September 30, 2012, were $30,319,434 above the levels approved in the 43969 Order, the last proceeding in which Petitioner's basic rates and charges for electric service were approved. Petitioner's Exhibit 2-A also shows that the total operating expenses excluding fuel for the twelve months ending September 30, 2012, were $70,915,464 above the levels approved in the 43969 Order. The Commission finds that Petitioner's actual increase in fuel costs for the twelve months ending September 30, 2012 have not been offset by actual decreases in other operating expenses.

7. **Efforts to Acquire Fuel and Generate or Purchase Power to Provide Electricity at the Lowest Reasonable Cost.** Kevin Strnatka, Director of Fuel Supply for Petitioner, testified that NIPSCO made every reasonable effort to acquire fuel so as to provide electricity to its retail customers at the lowest fuel cost reasonably possible. He testified that for the three months ended September 30, 2012 Petitioner's primary fuel for generation of electric energy was coal (79.38%) and the remainder was natural gas (20.62%).

a. **Fuel Procurement.** With respect to NIPSCO's coal procurement process, Mr. Strnatka testified that NIPSCO considers several factors in purchasing coal, including the delivered price, the coal quality that is best suited for a particular generating unit, the sulfur content, mercury content, and the economic and technical suitability of certain low cost fuels to be blended at NIPSCO's generating units to maintain the lowest, reasonably possible "as-burned" fuel cost. Mr. Strnatka testified that NIPSCO also considers the availability, reliability and diversity of particular coal suppliers and coal transporters in its fuel procurement practices. He stated that NIPSCO currently has five (5) long term contracts with four (4) coal producers. He stated that NIPSCO would meet any remaining coal requirements through spot purchases.

Mr. Strnatka explained that NIPSCO competitively bids all coal purchased under a long term agreement. He stated NIPSCO prepares a preliminary evaluation sheet incorporating all of the bidder information such as mine origin, Btu, sulfur, ash, available tons per year and price on both a per ton and $ per million Btu basis. He testified that the final evaluation sheet, in addition to the cost of coal, includes the transportation cost for each of the proposals and any adjustments required to place all bids on an equivalent basis. Mr. Strnatka stated that NIPSCO negotiates price and commercial terms and conditions with the low evaluated bidder(s).

Mr. Strnatka testified that due to volatility in the coal markets, producers and customers are reluctant to execute fixed price long term contracts without some type of market price adjustment mechanism and that maintaining a market price balance is beneficial to both parties. He explained that three (3) of NIPSCO's long term contracts have firm prices that increase each year as set out in the contract. He stated that on December 31, 2012 one of these contracts will expire. Therefore, two contracts will remain in effect in 2013; one long term contract has prices that are adjusted annually for the succeeding year based on the average weekly indexed prices of that particular coal in the previous year and one long term contract has an annual market price reopener that will determine the contract coal price for the succeeding year of the contract.

Mr. Strnatka testified that before NIPSCO agrees to a coal price increase based on contract provisions, NIPSCO's Fuel Supply Department, which is responsible for administering all coal contracts, verifies that only contract-allowable changes are made to the mine and transportation prices. He explained that after a price adjustment is received, NIPSCO requests supporting evidence in the form of actual invoices and records, as well as published government data, to justify the price adjustment. Mr. Strnatka testified that no price adjustments are made until NIPSCO is satisfied that the charges are in accordance with the contract, and are justified by actual costs or changes in cost indices.

Mr. Strnatka testified that the delivered cost of coal for NIPSCO for the twelve months ending September 30, 2012, was $50.68 per ton or $2.538 per million Btu. The delivered coal cost for the reconciliation period (July, August, and September 2012) was $50.70 per ton or $2.52 per million Btu. Mr. Strnatka stated NIPSCO made two (2) spot purchases during the reconciliation period (one for Powder River Basin ("PRB") coal and one for high sulfur coal). He testified that the average market spot price of coal (excluding transportation costs) during the reconciliation period was $9.55 per ton for PRB coal, $39.41 per ton for Illinois Basin high sulfur coal, and $57.69 per ton for Pittsburgh #8 ("PITT#8") coal.

With respect to the market factors affecting the supply, demand, and cost of coal during the reconciliation period, Mr. Strnatka testified that coal supply during the reconciliation period continued to be impacted by weather, natural gas pricing and weak coal demand in both the domestic and international markets. Consequently, spot market pricing across all coal regions remained relatively soft. NIPSCO did participate in the PRB spot market for the month of September and the spot coal prices were extremely competitive. However, all other coal requirements during the reconciliation period were met with contract priced term coal. He also stated that coal pile inventory at the generating stations were nearly at NIPSCO's system target level for the month of July, and below system target level for the months of August and September. He stated the hot weather in July increased coal burn, and led to the decrease in coal pile inventory during the reconciliation period. Mr. Strnatka testified that NIPSCO's delivered cost of coal during the reconciliation period decreased compared to the second quarter of 2012 from $52.12 per ton or $2.554 per million Btu to $50.70 per ton or $2.521 per million Btu. He stated this decrease was attributed to the competitive pricing gained under the spot purchase of PRB coal, the increased shipments of more economical PRB coal to support increased burn at NIPSCO's low sulfur coal units, and a decrease in shipments of higher cost Illinois Basin coal. Mr. Strnatka testified that fuel surcharges remained relatively flat during the reconciliation period.

Mr. Daniel Williamson, Executive Director of Energy Supply and Trading for Petitioner, stated NIPSCO does not purchase natural gas under multiple year contracts. Instead, physical natural gas supplies are purchased on a spot basis when NIPSCO's gas-fired generation units are either economical to run or need to run for operational purposes. Mr. Williamson testified NIPSCO has made every reasonable effort to purchase natural gas so as to provide electricity to customers at the lowest reasonable price.

Based on the evidence presented, we find that NIPSCO has adequately explained its coal and gas procurement decision making and we find that its acquisition process is reasonable.

b. **Renewable Energy Credits ("RECs").** Mr. Williamson provided an update on NIPSCO's treatment of RECs. He stated that NIPSCO's recent vintage RECs have significantly more value in regions of the market than older vintage RECs. Mr. Williamson testified NIPSCO has begun offering these recently acquired RECs to the renewable energy market when it acquires a minimum of 50,000, which is the standard REC contract. He stated that the amount of time it takes to accumulate a block of 50,000 RECs varies based on the MW output at the wind resources and noted that historically this has been roughly every two months. He stated the goal behind this method is to spread the sales of RECs over multiple time periods throughout the year. He stated that because the RECs market can at times be very illiquid, there is no guarantee that a sale transaction will occur at the time the 50,000 RECs are offered. Mr. Williamson testified NIPSCO will pass the proceeds from the sale of RECs back to customers through the "Purchased Power other than MISO" line item. He stated NIPSCO continues to monitor and evaluate the marketability for all vintage RECs, potential future legislation that would consider NIPSCO's RECs as eligible to meet state renewable energy standards, and the Commission's Voluntary Clean Energy Portfolio Standard program rules and NIPSCO will make appropriate changes as necessary. We find that NIPSCO should continue to include in its quarterly FAC filings updates concerning its utilization of RECs associated with wind purchases being recovered through the authority granted in Cause No. 43393 and any other future renewable purchases.

c. **Electric Hedging Program.** Mr. Williamson testified NIPSCO incorporated the Electric Hedging Program that was approved by the Commission's July 13, 2011 in Cause No. 43849 ("43849 Order") in this FAC proceeding. He testified that in July, NIPSCO purchased 62 gas contracts and 21 power contracts, in August, NIPSCO purchased 74 gas contracts and 0 power contracts and in September, NIPSCO purchased 58 gas contracts and 19 power contracts. He stated the execution of these contracts is consistent with NIPSCO's most recently filed hedging plan. Mr. Williamson stated the impact of the hedges entered into for the Electric Hedging Program for this proceeding was a loss of $209,411 during the reconciliation period, plus broker fees and clearing exchange fees which totaled $4,285 during the reconciliation period, for a total impact of the hedging program in this proceeding of $213,696 during the reconciliation period. He noted that broker fees represented 0.02% of the total value of the transactions that occurred during this reconciliation period. Mr. Williamson testified decisions were made based upon the conditions known at the time of the transactions and NIPSCO used the same broker it uses for its other transactions to limit transaction costs, and the transactions were all made in accordance with the Electric Hedging Program approved by the 44205 Order. We find that NIPSCO should continue to include testimony and evidence of its electric hedging costs, gains, and/or losses resulting from its hedging transactions for which it is seeking recovery through the FAC in its quarterly FAC filings.

d. **Purchased Power Over The Benchmark.** Mr. Williamson described the Benchmark that applies to Petitioner's purchased power transactions established in the Commission's August 25, 2010 Order in Cause No. 43526 ("43526 Order"). Mr. Williamson testified that NIPSCO did not have any swap or virtual transactions during this FAC period. Mr. Williamson testified that NIPSCO is seeking to recover 9,929.49 MWh of purchased power in July, 3,110.28 MWh of purchased power in August, and 43,538.19 MWh of purchased power in September that were in excess of the Purchased Power Daily Benchmark. Mr. Williamson testified that in accordance with the procedures outlined in the 43526 Order, NIPSCO has determined that 35.56 MWh for July purchased power in excess of the Purchased Power Benchmark is non-recoverable. The remainder of the MWh in excess of the Purchased Power Benchmark were made to supply jurisdictional load that offset available NIPSCO resources that were not dispatched by the Midwest Independent System Operator ("MISO") or were otherwise eligible under the procedures outlined in the 43526 Order and are therefore recoverable. OUCC witness Mr. Eckert testified that NIPSCO's testimony and workpapers reflect the 43526 Order regarding purchased power over the benchmark and that he agreed with NIPSCO's calculation of purchased power over the benchmark. Based on the evidence, we find that NIPSCO's identified purchase power costs are properly included in the fuel cost calculation.

Based on the evidence, we find that Petitioner has made every reasonable effort to acquire fuel and generate or purchase power so as to provide electricity to its retail customers at the lowest fuel cost reasonably possible, as hereinafter discussed.

8. MISO Day 2 Energy Costs. NIPSCO included in its forecast the operational changes associated with the MISO Day 2 energy market, in accordance with the Commission's Orders in Cause Nos. 42685, 43426, and 43665. The total "MISO Components of Fuel Cost" included in the actual cost of fuel for the months of July, August, and September 2012 was $4,085,772. Mr. Williamson testified that in the Commission's Order in Cause No. 38706 FAC 96, the Commission approved NIPSCO's proposal to treat the Demand Response Resource Uplift charge as a "fuel-related" MISO charge (as opposed to a "non-fuel" MISO charge that would be recovered through NIPSCO's RTO Adjustment mechanism approved in Cause No. 44156).

9. Interruptible Credits. Mr. Williamson testified the 43969 Order approved Rider 675 – Interruptible Industrial Service, which provides for credits to be paid to certain industrial customers that agree to interrupt their service if certain criteria are met. Mr. Williamson stated that during the reconciliation period, NIPSCO initiated interruptions on 27 separate days for a total of 278 hours under Option C and 122 hours under Option D. The evidence shows that NIPSCO paid a total of $9,419,625 interruptible credits through Rider 675 during the reconciliation period and, pursuant to the 43969 Order, NIPSCO is authorized to recover twenty-five percent (25%) of that total, or $2,354,906, through the FAC for the billing months of February, March, and April 2013.

10. Estimation of Fuel Cost. Petitioner estimated that its prospective total average fuel costs for the billing months of February, March, and April 2013, will be $40,607,793 on a monthly basis.

Mr. Strnatka testified that NIPSCO anticipates that its delivered coal cost during the forecast period of January, February, and March 2013 will be approximately $52.23 per ton or an estimated $2.612 per million Btu. He noted that the delivered price could be influenced by the volatility in the diesel fuel market. Mr. Strnatka testified the average spot market prices for calendar year 2013 (which do not include cost of transportation) are currently $11.02 per ton for PRB coal, $41.07 per ton for Illinois Basin coal and $60.98 per ton for Pitt#8 coal.

Mr. Strnatka explained NIPSCO incorporates all current coal contract prices, estimates of any coal contract price adjustments that might be warranted, transportation contract prices, an assessment of the pricing impact of fuel surcharges on the delivered cost based on current price of crude oil, and an evaluation of the spot market price of coal in developing the estimate for the forecast period. These inputs are provided to NIPSCO's Generation Dispatch & Marketing Group to be used in PROMOD, NIPSCO's modeling program.

With respect to the factors NIPSCO believes the greatest impact on the supply, demand, and cost of coal during the forecast period, Mr. Strnatka cited natural gas pricing. He testified that if natural gas fired generation continues to be competitive, and effectively displaces coal fired generation, coal pricing will remain very economical. Another factor that requires some attention is the ongoing cutbacks in domestic coal production and the financial impact on the coal producers. He stated that NIPSCO has two transportation agreements that expire at the end of 2012. He stated negotiations are proceeding on renewal of one agreement but NIPSCO is presently evaluating the need for the second agreement. He stated that all other term transportation agreements that carryover to 2013 do have annual contractual transportation price increases that commence January 1, 2013. He stated these price increases will effectively raise the delivered cost of coal in 2013. The prices of West Texas Intermediate crude and On Highway Diesel fuel have remained relatively stable. If this price stability continues, NIPSCO's delivered coal cost will be minimally influenced by fuel surcharges paid to the railroads.

Mr. Strnatka testified NIPSCO does not anticipate any issues in securing coal or transportation during the forecast period. The continuing challenge will be to manage NIPSCO's inventory. He stated that weather, low natural gas prices, units in planned outages during the shoulder months and carryover tons from 2012 will impact NIPSCO's inventory through the forecast period but NIPSCO will manage through this excess inventory situation by managing its coal contractual commitments and foregoing any spot purchases, unless necessary, during the remainder of the year. He stated that he does not believe NIPSCO will incur any liquidated damages this year. He explained that NIPSCO has negotiated a verbal agreement with one railroad to defer any shortfall tons to future years and that another transportation agreement allows NIPSCO to defer up to a specified number of tons for transport through February 2013. He stated that NIPSCO expects to meet all other railroads' minimum volume commitments for the remainder of 2012.

In our April 27, 2011 Order in Cause No. 38706-FAC 90 (at 6), we ordered NIPSCO to provide detailed testimony and information regarding: (1) average spot market price of coal; (2) factors affecting the supply, demand, and cost of coal; (3) any known factors that significantly impact or affect the supply, demand, and cost of coal during the forecast and reconciliation periods; (4) any known factors that significantly impact the delivered cost of coal during the forecast and reconciliation period; and (5) the process NIPSCO utilizes to procure contracted coal supplies. We find that in this proceeding, NIPSCO provided sufficiently detailed testimony and information to support its forecasted fuel costs as required by our Order. We find that NIPSCO should continue to include in its quarterly FAC filings detailed testimony and information regarding these five factors.

Petitioner previously made the following forecasts of its fuel cost in July, August and September 2012 and incurred the following actual costs, resulting in a percent error calculated as follows:

	Estimated Fuel Cost ($/kWh)	Actual Fuel Cost ($/kWh)	Over (Under) Estimate (%)
July	0.028385	0.033010	(14.01)
August	0.028541	0.027818	2.60
September	0.027828	0.025748	8.08
Wgt Avg Error			(2.52)

Based on NIPSCO's estimate of its prospective fuel cost and its actual fuel costs for July, August, and September 2012, we find that NIPSCO's estimate of its prospective average fuel cost is reasonable for the billing months of February, March, and April 2013.

11. **Return Earned.** Petitioner's exhibits demonstrate that for the twelve months ending September 30, 2012, Petitioner earned a return of $161,747,510. This is less than Petitioner's authorized amount of $191,932,441 approved in Cause No. 43969 plus NIPSCO's actual Environmental Cost Recovery Mechanism operating income during the period beginning with the 43969 Order through September 30, 2012. Therefore, during the twelve months ending September 30, 2012, the Commission finds NIPSCO did not earn a return in excess of than that authorized in its last base rate case, as appropriately adjusted.

12. **Fuel Cost Adjustment Factor.** As we have set forth herein, Petitioner has met the tests of Ind. Code § 8-1-2-42(d) for establishing a revised fuel cost adjustment. Petitioner's evidence presented a variance factor of $0.000297 per kWh and a recoverable interruptible factor of $0.000601 per kWh to be added to the estimated cost of fuel for the billing months of February, March, and April 2013, in the amount of $0.031067 per kWh. This results in a fuel cost adjustment factor of $0.003286 per kWh, after subtracting from that cost the cost of fuel in NIPSCO's base rates and adjusting for applicable taxes. OUCC witness Mr. Eckert calculated that a residential customer using 1,000 kWh per month will experience an overall increase of $2.80 on his or her electric bill from the currently approved factor.

13. **OUCC Report.** Mr. Gregory Guerrettaz testified: (1) NIPSCO calculated the fuel cost element of the proposed fuel cost adjustment by including additional requirements set forth in various Commission orders; (2) NIPSCO calculated a variance for the quarter ending September 30, 2012 in conformity with the requirement of Ind. Code § 8-1-2-42; (3) NIPSCO did not have jurisdictional net operating income for the twelve months ending September 30, 2012 greater than granted in its last general rate case; (4) the fuel cost adjustment for the quarter ending September 30, 2012 has been properly applied; and (5) the figures used in the application for change in fuel cost adjustment for the quarter ending September 30, 2012 were supported by NIPSCO's books and records and source documents.

Mr. Michael Eckert testified (1) he reviewed NIPSCO's testimony and workpapers regarding the purchased power over the benchmark calculation; (2) NIPSCO's treatment of Ancillary Services Market charges follows the treatment ordered by the Commission in its Phase II Order in Cause No. 43426 dated June 30, 2009 ("Phase II Order"); (3) NIPSCO is continuing to recover Day Ahead Revenue Sufficiency Guarantee ("RSG") Distribution Amounts and Real Time RSG First Pass Distribution Amounts through the FAC pursuant to the Phase II Order; (4) NIPSCO's steam generation costs are above average in the State of Indiana and that NIPSCO's actual monthly cost of fuel (mills/kWh) is among the highest in the State of Indiana; (5) NIPSCO's coal inventory is just under its target levels; however, if natural gas prices remain low, and there are planned unit outages, it is possible NISPCO's coal inventories could rise again and the OUCC will continue to monitor and inform the Commission about NIPSCO's coal inventory in future FAC filings; and (6) the OUCC reviewed NIPSCO's hedges and believes the hedging costs were reasonable. Finally, Mr. Eckert testified that the OUCC recommends the Commission approve the implementation of NIPSCO's requested FAC factor.

14. **Interim Rates.** Because the Commission is unable to determine whether Petitioner will earn an excess return while this Order is in effect, the Commission finds that the rates approved herein should be interim rates, subject to refund.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Petitioner's requested fuel cost adjustment to be applicable to bills rendered in the months of February, March and April 2013, as set forth in Finding No. 12 above is hereby approved on an interim basis subject to refund as set out in Finding No. 14 above.

2. Petitioner shall file with the Electricity Division of the Commission, prior to placing in effect the fuel cost adjustments herein approved, an amendment to its rate schedule with reasonable reference therein reflecting that such charges are applicable to the rate schedules reflected on the amendment.

3. Petitioner shall continue to include in its quarterly FAC filings updates concerning its utilization of the RECs associated with the wind purchases being recovered through the FAC and testimony regarding any electric hedging transaction costs, gains and/or losses for which it is seeking recovery through the FAC, both as set out in Finding No. 7 above. NIPSCO shall also include in its quarterly FAC filings information as set out in Finding No. 10 above.

4. This Order shall be effective on and after the date of its approval.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: JAN 23 2013

I hereby certify that the above is a true and correct copy of the Order as approved.

Brenda A. Howe

Brenda A. Howe
Secretary to the Commission