

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF DUKE ENERGY INDIANA, INC. )  
FOR APPROVAL OF A CHANGE IN ITS FUEL COST )  
ADJUSTMENT FOR ELECTRIC SERVICE, FOR )  
APPROVAL OF A CHANGE IN ITS FUEL COST )  
ADJUSTMENT FOR HIGH PRESSURE STEAM )  
SERVICE, AND TO UPDATE MONTHLY )  
BENCHMARKS FOR CALCULATION OF )  
PURCHASED POWER COSTS IN ACCORDANCE )  
WITH INDIANA CODE 8-1-2-42, INDIANA CODE 8-1- )  
2-42.3 AND VARIOUS ORDERS OF THE INDIANA )  
UTILITY REGULATORY COMMISSION )

CAUSE NO. 38707 FAC 97

APPROVED:

OCT 30 2013

ORDER OF THE COMMISSION

**Presiding Officers:**

**Kari A.E. Bennett, Commissioner**  
**Gregory R. Ellis, Administrative Law Judge**

On July 30, 2013, Duke Energy Indiana, Inc. (“Duke Energy Indiana”, “Applicant” or “Company”) filed its Verified Application and direct testimony and exhibits for approval of a change in its fuel adjustment charge (“FAC”) to be applicable during the billing cycles of October, November and December 2013 for electric and steam service and to update monthly benchmarks for purchased power costs. On August 1, 2013, Steel Dynamics, Inc. (“SDI”) filed its Petition to Intervene in this proceeding. The Duke Energy Indiana Industrial Group (“Industrial Group”) filed its Petition to Intervene in this proceeding on August 6, 2013. The Commission granted the SDI’s Petition to Intervene on August 8, 2013 and granted the Industrial Group’s Petition to Intervene on August 14, 2013. The Indiana Office of Utility Consumer Counselor (“OUCC”) filed its audit report and direct testimony on September 3, 2013. Duke Energy Indiana filed its rebuttal testimony on September 5, 2013.

Pursuant to public notice given and published as required by law, proof of which was incorporated into the record by reference, a public evidentiary hearing was held in this Cause on September 11, 2013, at 9:30 a.m., in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Applicant, the Industrial Group and the OUCC appeared at the hearing by counsel. Applicant, the Industrial Group and the OUCC offered their respective prefiled testimony and exhibits into the evidentiary record without objection. SDI did not offer any evidence into the record at the evidentiary hearing. At the hearing, the Industrial Group requested that the cross-examination, cross-examination exhibits, and re-direct testimony of Duke Energy Indiana’s witnesses during the evidentiary hearing in 38707 FAC 96 be incorporated into the evidentiary record of this Cause.<sup>1</sup> No party objected to the request. The

<sup>1</sup> The FAC 96 and FAC 97 evidentiary hearings were held concurrently at the parties’ request.

Commission granted the Industrial Group's request and incorporated the evidence into the FAC 97 evidentiary record. No members of the general public appeared.

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

1. **Notice and Commission Jurisdiction.** Due, legal and timely notice of the hearing in this Cause was given as required by law. Duke Energy Indiana is a public utility within the meaning of Ind. Code § 8-1-2-1(a). Under Ind. Code § 8-1-2-42, the Commission has jurisdiction over changes to Applicants rates and charges related to adjustments in fuel costs. Therefore, the Commission has jurisdiction over the parties and the subject matter of this Cause.

2. **Applicant's Characteristics.** Duke Energy Indiana is a public utility corporation organized and existing under the laws of the State of Indiana with its principal office in Plainfield, Indiana, and is a second tier wholly-owned subsidiary of Duke Energy Corporation. Duke Energy Indiana is engaged in rendering electric utility service in the State of Indiana and owns, operates, manages, and controls, among other things, plant and equipment within the State of Indiana used for the production, transmission, delivery and furnishing of such service to the public. The Company also renders steam service to one customer, International Paper.<sup>2</sup>

3. **Available Data on Actual Fuel Costs and Authorized Jurisdictional Net Income.** On May 18, 2004, the Commission issued an Order in Cause No. 42359 ("May 18 Order") approving base retail electric rates and charges for Duke Energy Indiana. The Commission's May 18 Order found that Duke Energy Indiana's base cost of fuel should be 14.484 mills per kWh and that the Company's base rates for electric utility service should reflect an authorized jurisdictional net operating income of \$267,500,000, prior to any additional return on qualified pollution control property approved by the Commission, pursuant to Ind. Code §§ 8-1-2-6.6 and 6.8, not taken into account in the May 18 Order.

Applicant's cost of fuel to generate electricity and the cost of fuel included in the net cost of purchased electricity for the month of May 2013, based on the latest data known to Applicant at the time of filing after excluding prior period costs, hedging, and miscellaneous fuel adjustments, if applicable, was \$0.031874 per kWh as shown on Exhibit A, Schedule 9. In accordance with previous Commission Orders,<sup>3</sup> Duke Energy Indiana calculated its authorized jurisdictional net operating income level for the 12-month period ending May 31, 2013, to be \$445,659,000. No evidence was offered objecting to the calculation of the authorized

<sup>2</sup> International Paper acquired Temple-Inland's corrugated packaging business on February 13, 2013.

<sup>3</sup> The Commission's July 3, 2002, Order in Cause Nos. 41744 S1 and 42061, and subsequent update Orders, up to and including the February 13, 2013, update in Cause No. 42061 ECR 20, authorized Petitioner to add the value of certain qualified pollution control property to the value of the Company's property for ratemaking purposes. The Commission's Order in Cause No. 42061 ECR 3, dated March 11, 2004, stated that the applicable incremental increase to Duke Energy Indiana's authorized return, approved in that proceeding, shall be phased-in over the period of time that Petitioner's net operating income was affected by the applicable construction work in progress ("CWIP") update. The Commission's Order in Cause No. 43114 and subsequent update Orders, up to and including the April 3, 2013 update in Cause No. 43114 IGCC 9, authorized the Company to add the value of property at the Edwardsport Integrated Gasification Combined Cycle Generating Facility ("IGCC Project") to the value of the Company's property for ratemaking purposes. The Company has applied the same phase-in concepts ordered by the Commission in its Order in Cause No. 42061 ECR 3 for CWIP updates to the IGCC Project updates in making the calculations for this filing.

jurisdictional net operating income level proposed by Duke Energy Indiana, and we find it to be proper.

4. **Fuel Purchases.** Mr. Brett Phipps testified regarding Duke Energy Indiana's coal procurement practices and its coal inventories. Mr. Phipps testified that as of June 30, 2013, coal inventories were approximately 3,400,000 tons (or 56 days of coal supply), slightly higher than what was reported in Cause No. 38707 FAC 96. Mr. Phipps testified that the Company continues to evaluate a host of options in order to effectively manage the growing inventories. Mr. Phipps testified that the Company has entered into a short-term storage agreement with one supplier to store coal at the supplier's mine facilities and began storing coal at this location during September 2012. He further stated that Duke Energy Indiana shaped and compacted the Gibson Remote Pile for receipt of additional coal for storage. He stated the Company continues to actively explore options to resell surplus coal into the market; however, due to continued weak coal market conditions, resell opportunities will continue to be extremely difficult in the near term. Mr. Phipps testified that it was his opinion that the Company is purchasing coal and oil at prices as low as reasonably possible.

Mr. Phipps testified that the price of delivered natural gas at the Company's gas burning generation stations increased slightly but stayed at relatively low levels during the three-month period from March 2013 through May 2013 with a range of delivered prices between \$3.62 per million BTU to \$4.85 per million BTU. Mr. Phipps testified that, in his opinion, Duke Energy Indiana purchased natural gas at the lowest cost reasonably possible

The OUCC's witness Mr. Michael Eckert testified regarding Applicant's excess coal and coal decrement pricing. He testified that the Applicant's assumptions and calculations show that coal decrement pricing has not harmed ratepayers. He testified that coal contract pricing and the operational delays at the Edwardsport IGCC plant may also have aggravated the coal inventory issue. He recommended Duke Energy Indiana continue to update the Commission on its coal inventory, including the development of alternatives to its below cost bidding approach to manage the Company's supply of coal. He further recommended Applicant be required to report on the impacts of its past, current, and future coal contracts and the commercial operational delays at the Edwardsport IGCC on its coal inventory and resulting coal decrement pricing.

Mr. John D. Swez, of Duke Energy Indiana, testified regarding the Company's efforts to mitigate the negative Locational Marginal Price ("LMP") situation associated with power purchased from Benton County Wind Farm ("BCWF"), pursuant to the contract which was approved by the Commission in Cause No. 43097. He stated that starting in 2012, during various times primarily in the spring, fall, and winter seasons, BCWF received persistent negative day-ahead and real-time LMP's at the generator node. During this time, BCWF was registered at the Midcontinent Independent System Operator, Inc. ("MISO") as an Intermittent Resource, which means that it had no ability to be committed or decommitted by, or follow the setpoint instructions, of MISO. Mr. Swez indicated that due to the nature of the must-take contractual arrangement between the Company and BCWF and the way MISO treats offers from Intermittent Resources, the unit had a commitment status of must run, meaning that MISO would clear the generator at any LMP in the day-ahead market. Mr. Swez testified that as a result of this, negative revenue (*i.e.*, payments must be made to send the power into the MISO system) could

be received by this generator in the day-ahead markets. It was also possible to receive negative revenues in the real-time market. Mr. Swez testified that on March 1, 2013, BCWF began operation as a Dispatchable Intermittent Resource (“DIR”). The DIR was designed to allow MISO to better manage the output of intermittent resources, thereby allowing for better management of congestion in certain areas, such as where BCWF is located. Mr. Swez testified that although it is early in the process, the DIR construct is giving MISO additional tools to manage congestion at BCWF and as a result, fewer negative LMPs are appearing.

Mr. Swez also testified that Duke Energy Indiana received an invoice on June 17, 2013 for payment from BCWF for March, April, and May 2013 liquidated damages for production that was not generated. He noted that Duke Energy Indiana has disputed this invoice and, as a result, there is no impact to this FAC proceeding. However, once the dispute with Benton County Wind Farm is resolved, there is the potential for future adjustments for production that was not generated or changes in metered output due to power purchase share meter adjustments that may be reconciled in future FAC proceedings. He indicated that Duke Energy Indiana will provide an update on this situation in its next FAC filing.

Mr. Eckert recommended that Duke Energy Indiana report to the Commission any updates and resolutions to the negative LMP situation at BCWF in its next FAC filing.

Mr. Phipps provided rebuttal testimony stating that Duke Energy Indiana does not believe operational delays at Edwardsport IGCC are the reason for the coal inventory issues that have required coal decrement pricing. He indicated that several issues have caused this problem, including; low natural gas prices, mild weather, lower dispatch levels, and) lower demand for coal fired energy. He also stated that the decrement has had no impact to the operations at the Edwardsport IGCC plant. Currently the coal decrement pricing is being applied only to Cayuga, Gibson and Wabash River stations. He stated that Duke Energy Indiana will continue to update the Commission on the status of its coal inventory. He noted that Mr. Eckert has not identified any discrepancies, errors, or unreasonable practices regarding Applicant’s coal purchasing and/or procedures.

Based upon the evidence presented, we find that Duke Energy Indiana made reasonable efforts to acquire fuel for its own generation so as to provide electricity to its retail customers at the lowest fuel cost reasonably possible. With regard to its coal inventory levels and any updates to the situation with BCWF, Duke Energy Indiana will provide an update on the status in its next FAC proceeding as recommended by the OUCC. With regards to the further recommendations of the OUCC, we decline to add additional requirements beyond those imposed in our FAC96 Order at this time.<sup>4</sup>

**5. Hedging Activities.** Duke Energy Indiana’s witness Mr. Wenbin (Michael) Chen testified the Company takes advantage of the hedging tools available to protect against natural gas price fluctuations. Mr. Chen testified the Company incurred exchange fees and commissions of \$64.05 from hedges applicable to this reconciliation period. He further testified the Company

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<sup>4</sup> The Order in Cause No. 38707-FAC96, being issued concurrently with this Order, addresses the relevant evidence expected in future FAC filings.

experienced realized power hedging gains (exclusive of MISO virtual trades and including prior period adjustments) for the period of \$2,371,671.

Mr. Chen explained that, consistent with the Commission's June 25, 2008 Order in Cause No. 38707 FAC 68 S1 ("FAC 68 S1 Order"), beginning on August 1, 2008, and continuing until permanent hedging protocols are developed and approved by the Commission, Duke Energy Indiana will not utilize its flat hedging methodology. Rather, Duke Energy Indiana will hedge up to approximately flat minus 150 MW on a forward, monthly and intra-month basis, and up to approximately flat on a Day Ahead/Real-Time basis. This methodology will leave the Company with at least 150 MW of expected load unhedged on a forward forecasted basis.

Mr. Chen also noted the Company continues to hold discussions annually with the OUCC and its consultant (meeting most recently with the OUCC on June 27, 2013) as required by the FAC 68 S1 Order.

Mr. Chen testified that on April 1, 2013, the Company implemented a change to extend its hedging horizon for both native and non-native power hedging programs to current month plus six months, replacing its practice of current month plus three months before the change. This change was implemented to mitigate the impact of buying a big amount of hedge when a new month becomes under management and to better take advantage of dollar averaging over a longer hedging period.

Mr. Chen opined the Company's gas and power hedging practices are reasonable. He stated the Company never speculates on future prices, and that its hedging practice is economic at the time the decisions are made. He also stated the hedging practice reduces volatility and benefits customers by reducing customers' risk of paying potentially higher spot market prices.

No evidence was offered in this Cause noting issues with the realized net gains for gas and power hedging included in the fuel costs in this proceeding or challenging the prudence of the activities that gave rise to the realized net gains. In addition, the Company presented evidence that its power hedging practices relevant to this proceeding were consistent with the Agreement previously approved in the FAC 68 S1 Order. Thus, we will allow Petitioner to include \$64 of losses from native gas hedges as well as \$2,371,671 of realized power hedging gains in the calculation of fuel costs in this proceeding.

**6. Ancillary Services Market ("ASM").** On June 1, 2005, the Commission issued an Order in Cause No. 42685 ("June 1 Order"), in which we approved certain changes in the operations of the investor-owned Indiana electric public utilities that are participating members of MISO. In this proceeding, Mr. Swez testified that Duke Energy Indiana included Energy Markets charges and credits incurred as a cost of reliably meeting the power needs of Duke Energy Indiana's load, including: (1) Energy Markets charges and credits associated with Duke Energy Indiana's own generation and bilateral purchases that were used to serve retail load; (2) purchases from MISO at the full LMP at Duke Energy Indiana's load zone; (3) other Energy Markets charges and credits included in the list on page 37 of the June 1 Order; and (4) credits and charges related to auction revenue rights ("ARRs") and Schedule 27 and Schedule 27-A, as authorized by the Commission in Cause Nos. 38707 FAC 77 and 38707 FAC 80.

Duke Energy Indiana’s witness Ms. Mary Ann Amburgey testified as to the procedures followed by the Company to verify the accuracy of the charges and credits allocated by MISO to the Company. She also discussed the process by which MISO issues multiple settlement statements for each trading day and the dispute resolution process with respect to such statements. She stated that every daily settlement statement received by the Company from MISO is reviewed utilizing the computer software tools described in her testimony. Ms. Amburgey testified that she is confident that the amounts paid by Duke Energy Indiana to MISO, net of any credits, are proper and that such amounts billed to customers through the FAC are proper.

In its Phase II Order in Cause No. 43426 (“Phase II Order”) the Commission authorized Duke Energy Indiana and the other Joint Petitioners to recover costs and credit revenues related to ASM. Mr. Swez explained that Duke Energy Indiana has included various ASM charges and credits in this proceeding incurred for March through May 2013, consistent with the Phase II Order, as well as appropriate period adjustments.

Duke Energy Indiana’s witness Mr. Scott A. Burnside testified that Duke Energy Indiana, in accordance with the Phase II Order, has calculated the monthly average ASM Cost Distribution Amounts it has paid for Regulation, Spinning and Supplemental Reserves. These amounts are as follows:

(in \$ per MWh)	March-13	April-13	May-13
Regulation Cost Dist.	0.0548	0.0830	0.0868
Spinning Cost Dist.	0.0532	0.0887	0.0980
Supplemental Cost Dist.	0.0174	0.0223	0.0359

OUCG witness Mr. Eckert testified that Applicant reported the monthly average distribution costs for Regulation, Spinning, and Supplemental Reserves charge types in accordance with the Commission’s Phase II Order. OUCG witness Mr. Eckert testified that Applicant reported the monthly average distribution costs for Regulation, Spinning, and Supplemental Reserves charge types in accordance with the Commission’s Phase II Order.

Based upon the evidence presented, the Commission finds that Applicant’s treatment of the new and modified Energy and ASM charges and credits in its cost of fuel is consistent with the June 1 Order, the December 28, 2006 Order in Cause No. 38707 FAC 70, as well as our Phase I and Phase II Orders in Cause No. 43426 and should be approved.

**7. Participation in the Energy and ASM Markets and MISO-Directed Dispatch.**

As previously noted, the June 1 Order approved certain changes in the operations of Duke Energy Indiana as a result of the implementation of the Energy Markets. Specifically, we found that Duke Energy Indiana (and the other electric utilities participating in Cause No. 42685) “should be granted authority to participate in the Midwest ISO Day 2 directed dispatch and Day 2 energy markets as described in their testimony.” *Id.* at 13. Mr. Swez generally described Duke Energy Indiana’s participation in the MISO energy markets and testified that it was consistent with the testimony presented in Cause No. 42685. Mr. Swez discussed the offer process and

noted there are a variety of reasons that Duke Energy Indiana will either offer a generating resource as must-run or self-schedule a unit to ensure the unit is operated as cost efficiently as possible.

Mr. Swez testified there were a number of operating conditions that affect the dispatch of Applicant's operating units. He testified that as discussed in the last few FAC proceedings, prior to the application of a coal price decrement, a number of factors caused the Company's coal generating facilities to experience lower dispatch levels and even periods of economic shutdown which led to increased coal inventories. To remedy this situation, beginning in late February 2012, a coal price decrement was applied to the dispatch costs of Gibson Units 1-5, Wabash River Units 2-6, and Cayuga Units 1-2 to correctly reflect the economics of additional costs associated with avoiding or reducing surplus coal inventories. He stated that to the extent units are dispatched (when they wouldn't otherwise) with the price decrement in place, coal coming to the station is consumed, other potential costs are avoided, and customers ultimately benefit because higher cost options are not incurred. Mr. Swez testified the price decrement is working as designed as the Company initially saw a significant increase in generation output from these units. As the level of the coal price decrement has decreased in recent months, the impact of the decrement is lessened.

Mr. Eckert provided testimony on behalf of the OUCC regarding ASM charges. He concluded Duke Energy Indiana reported ASM charges in accordance with the Phase II Order.

Based upon the evidence presented and incorporating our previous discussion on coal decrement pricing above, we find Duke Energy Indiana's participation in the Energy and Ancillary Services Markets and utilization of the coal price decrement constituted reasonable efforts to generate or purchase power, or both, to serve its retail customers at the lowest fuel cost reasonably possible. Further, as we noted in our Orders in Cause Nos. 38707 FAC 81 and 38707 FAC 82, should Applicant's bidding strategy alter the native/non-native load assignment of its units, such strategy may be subject to further prudence review.

**8. Major Forced Outages.** In the December 28, 2011 Order in Cause No. 38707 FAC 90, the Commission ordered Duke Energy Indiana to discuss in future FAC proceedings major forced outages of units of 100 MW or more lasting more than 100 hours. Mr. Swez testified that there was one outage that met these criteria in this period. He stated that on April 21, 2013, during unit startup, significant amounts of water were removed from the Wabash River 6 generator moisture detectors. In order to avoid the risk of dousing the generator with water, the unit startup was aborted. He stated that upon shutdown, the generator hydrogen coolers were inspected and it was determined that the left side coolers had developed a leak. The tubes were plugged and the unit returned to service on April 25, 2013.

**9. Operating Expenses.** Ind. Code § 8-1-2-42(d)(2) requires the Commission to determine whether actual increases in fuel costs have been offset by actual decreases in other operating expenses. Accordingly, Duke Energy Indiana filed operating cost data for the 12 months ended May 31, 2013. Duke Energy Indiana's authorized jurisdictional operating expenses (excluding fuel costs) are \$839,828,000. For the 12-month period ended May 31, 2013, Duke Energy Indiana's jurisdictional operating expenses (excluding fuel costs) totaled

\$1,170,757,000. Accordingly, Duke Energy Indiana's actual operating expenses exceeded jurisdictional authorized levels during the period at issue in this Cause. Therefore, the Commission finds that Duke Energy Indiana's actual increases in fuel costs for the above referenced periods have not been offset by decreases in other jurisdictional operating expenses.

**10. Return Earned.** Ind. Code § 8-1-2-42(d)(3), subject to the provisions of Ind. Code § 8-1-2-42.3, generally prohibits a fuel cost adjustment charge that would result in regulated utilities earning a return in excess of its applicable authorized return. Should the fuel cost adjustment factor result in the utility earning a return in excess of its applicable authorized return, it must, in accordance with the provisions of Ind. Code § 8-1-2-42.3, determine if the sum of the differentials between actual earned returns and authorized returns for each of the 12-month periods considered during the relevant period is greater than zero. If so, a reduction to the fuel adjustment clause factor is deemed appropriate.

In accordance with previous Commission Orders, Duke Energy Indiana's calculated jurisdictional electric operating income level was \$325,277,000, while its authorized phased-in jurisdictional electric operating income level for purposes of Ind. Code § 8-1-2-42(d)(3), was \$445,659,000. Therefore, the Commission finds that Duke Energy Indiana did not earn a return in excess of its authorized level during the 12 months ended May 31, 2013.

**11. Estimation of Fuel Costs.** Duke Energy Indiana estimates that its prospective average fuel cost for the months of October through December 2013 will be \$78,033,567 or \$0.030197 per kWh. Duke Energy Indiana previously made the following estimates of its fuel costs for the period March through May 2013, and experienced the following actual costs, resulting in percent deviation, as follows:

<u>Month</u>	<u>Actual Cost in Mills/kWh</u>	<u>Estimated Cost in Mills/kWh</u>	<u>Percent Actual is Over (Under) Estimate</u>
March 2013	32.146	29.237	9.95
April 2013	31.534	30.621	2.98
May 2013	<u>31.507</u>	<u>29.736</u>	<u>5.96</u>
Weighted Average	31.743	29.841	6.37

Ms. Suzanne E. Sieferman testified that the Edwardsport IGCC plant began commercial operation on June 7, 2013. She explained that the estimated fuel costs for October through December 2013 related to the IGCC project, including payments made for gas transportation and related services offered under the terms of the Special Pipeline and Gas Transportation Service Contract entered into with Vectren Energy Delivery of Indiana-South and approved by the Commission in Cause No. 43601, are reflected in the Company's estimated cost of fuel for determination of fuel adjustment charges in this FAC proceeding.

A comparison of Duke Energy Indiana's actual fuel costs with the respective estimated costs for these three periods results in a weighted average percentage difference of 6.37%.

Based on the evidence of record, we find Duke Energy Indiana's estimating techniques appear reasonably sound and its estimates for October through December 2013 should be accepted.

12. **Purchased Power Benchmark.** Duke Energy Indiana has calculated monthly purchased power benchmarks in accordance with the Commission's August 18, 1999 Order in Cause No. 41363 and the guidance of the Commission in Cause Nos. 38706 FAC 45, 38708 FAC 45, 38707 FAC 56, and 38707 FAC 59. The benchmarks are as follows:

<u>Month / Year</u>	<u>Benchmark</u> <u>\$/MWh</u> <sup>1/</sup>	<u>Facility</u>
March 2013	309.81	Connersville 2
April 2013	296.05	Connersville 2
May 2013	296.47	Connersville 2

<sup>1/</sup> Calculated using most efficient unit heat rate.

The OUCC's witness Mr. Michael Eckert testified that in the current landscape of the electric markets, the purchased power over the benchmark standard should be compared to the actual cost of each hour, as opposed to a weekly average. He noted that there have been discussions with Duke Energy Indiana personnel regarding the benchmark since the FAC 95 Order, however the parties have focused their efforts on the issue of the coal price decrement. He testified that although Duke Energy Indiana calculates the monthly purchased power benchmark in accordance with the Commission's Order in Cause No. 41363 and the guidance of the Commission's Orders in Cause Nos. 38706 FAC 45, 38708 FAC 45, and 38707 FAC 54, Duke Energy Indiana is unlikely to exceed the purchased power over the benchmark calculation because it calculates and uses an average purchased power price for the week. Mr. Eckert testified that he performed an hourly comparison using a method similar to the methodology approved in Cause No. 43414 and found that on the days and hours that the LMP prices exceeded the benchmark price, MISO did not dispatch Duke Energy Indiana's generation even though Duke Energy Indiana had offered enough generation to cover its power purchases. He stated that the OUCC will continue to do an hourly purchased power over the benchmark calculation in future FACs.

In rebuttal testimony, Mr. Burnside disagreed with Mr. Eckert's testimony concerning the benchmark standard. He testified that Duke Energy Indiana administers the benchmark in accordance with prior Commission Orders in Cause Nos. 41363, 38707 FAC 45, 38707 FAC 56, 38707 FAC 59, and 38707 FAC 75, using the Company's own incremental fuel costs as a proxy for the fuel component of power purchases in a methodology designed to minimize administrative costs. He indicated that FAC proceedings are statutorily required to be summary in nature. He also noted that Duke Energy Indiana remains willing to explore how changes over time may affect the value of the applied benchmark methodology.

Based on the evidence of record, the Commission finds that Duke Energy Indiana has met the requirements necessary to establish monthly benchmarks for power purchases that occurred during the March through May 2013 reconciliation period. Specifically, we do not find that Duke Energy Indiana has misapplied the approved methodology. While the Commission is not persuaded by the evidence of record that the presently approved methodology is

unreasonable, we continue to encourage dialogue among the parties to identify any potential improvements.

**13. Fuel Cost Factor.** As discussed in Finding No. 3 above, Duke Energy Indiana's base cost of fuel is 14.484 mills per kWh. The evidence indicates that Duke Energy Indiana's fuel cost adjustment factor applicable to October through December 2013 billing cycles is computed as follows:

	<u>\$/kWh</u>
Projected Average Fuel Cost	0.030197
Net Variance (current reconciliation period)	<u>0.002056</u>
Adjusted Fuel Cost Factor	0.032253
Less: Base Cost of Fuel	<u>0.014484</u>
Fuel Cost Adjustment Before Applicable Taxes	0.017769
Adjustment for Utility Receipts Tax	<u>0.000272</u>
Fuel Cost Adjustment Factor Adjusted for Applicable Taxes	0.018041

The net variance factor shown above reflects \$13,460,843 of under-billed fuel costs applicable to retail customers that occurred during the period of March through May 2013.

OUC witness Mr. Gregory Guerrettaz testified that the fuel cost element of the Company's proposed fuel cost adjustment has been calculated in conformity with Ind. Code § 8-1-2-42 and numerous Commission Orders affecting this filing. He further concluded the fuel cost adjustment for the quarter ended May 31, 2013, had been properly applied by the Company. In addition, he stated the figures used in the Application for a change in the FAC were supported by the Company's books and records, Post Analysis Cost Evaluation, and source documentation of the Company for the period reviewed.

**14. Effect on Residential Customers.** The approved factor represents an increase of \$0.000436 per kWh from the factor approved in Cause No. 38707 FAC 95.<sup>5</sup> The typical residential customer using 1,000 kWhs per month will experience an increase of \$0.43 or 0.5% on his or her base electric bill compared to the factor approved in Cause No. 38707 FAC 95 (excluding various tracking mechanisms and sales tax).

**15. Interim Rates.** Because we are unable to determine whether Duke Energy Indiana's actual earned return will exceed the level authorized by the Commission during the period that this fuel cost adjustment factor is in effect, the Commission finds that the rates approved herein should be approved on an interim basis in the event an excess return is earned.

**16. Fuel Adjustment for Steam Service.** On December 30, 1992, this Commission issued its Order in Cause No. 39483 approving the June 18, 1992 Settlement Agreement between Duke Energy Indiana and Premier Boxboard, formerly referred to as Temple-Inland, n/k/a International Paper which included a change in the method used to calculate International

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<sup>5</sup> The timing of our Orders in Cause Nos. 38707 FAC 96 and 38707 FAC 97 are such that the 38707 FAC 95 factor will be replaced with the 38707 FAC 97 factor approved herein.

Paper's fuel cost adjustment as well as an update to the base cost of fuel.<sup>6</sup> The fuel cost adjustment factor for International Paper of \$1.6567352 per 1,000 pounds of steam was calculated on Exhibit B, Schedule 1, of the Verified Application; this factor will be effective for the October through December 2013 billing cycles. Exhibit B, Schedule 2, of the Verified Application is a reconciliation of the actual fuel cost incurred to estimated fuel cost billed to International Paper that resulted in a \$20,009 receivable from International Paper for the months of March through May 2013.

The Commission finds that Duke Energy Indiana's proposed fuel cost adjustment factor for International Paper of \$1.6567352 per 1,000 pounds of steam has been calculated in accordance with this Commission's Order in Cause No. 39483, and that such factor should be approved. We further find that Duke Energy Indiana's reconciliation amount of \$20,009 receivable from International Paper has been properly determined and should be approved.

**17. Shared Return Revenue Credit Adjustment for International Paper.** In accordance with the June 18, 1992 Settlement Agreement, International Paper will receive shared return revenue credit adjustments to the extent incurred. As indicated above in Finding No. 10, Duke Energy Indiana did not have excess earnings for the 12 months ended May 2013. Therefore, we find International Paper is not due a shared return revenue credit.

**18. Confidential Information.** Duke Energy Indiana sought a determination that designated confidential information involved in this proceeding be exempt from public disclosure under Ind. Code § 8-1-2-29 and Ind. Code ch. 5-14-3. The request was supported by the affidavits and testimony of John D. Swez and Brett J. Phipps, showing documents offered into evidence at the evidentiary hearing were trade secret information within the scope of Ind. Code § 5-14-3-4(a)(4) and Ind. Code § 24-2-3-2. The Presiding Officers made rulings from the bench finding such information confidential on a preliminary basis after which such information was entered into the evidentiary record under seal. After reviewing the designated confidential information, we find all such information qualifies as confidential trade secret information pursuant to Ind. Code § 5-14-3-4 and Ind. Code § 24-2-3-2. This information has independent economic value from not being generally known or readily ascertainable by proper means. Duke Energy Indiana takes reasonable steps to maintain the secrecy of the information and disclosure of such information would cause harm to Duke Energy Indiana. Therefore, we affirm the preliminary ruling and find this information should be exempted from the public access requirements contained in Ind. Code ch. 5-14-3 and Ind. Code § 8-1-2-29, and held confidential and protected from public disclosure by this Commission.

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

1. Duke Energy Indiana's fuel cost adjustment factor for electric service to be billed jurisdictional customers, as set forth in Finding No. 13, and the fuel cost adjustment for steam service as set forth in Finding No. 16 of this Order are hereby approved on an interim basis, subject to refund, in accordance with all of the Findings above.

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<sup>6</sup> On January 25, 2012, this Commission issued an Order approving the fourth amendment to Steam Supply Agreement between Duke Energy Indiana and Temple-Inland, Inc., n/k/a International Paper

2. Duke Energy Indiana's inclusion of Energy and Ancillary Services Markets charges and credits in its cost of fuel, as described in Finding No. 6 of this Order, is hereby approved.

3. Duke Energy Indiana shall place into effect the fuel cost adjustment factors for electric service and steam service approved herein, applicable to all bills rendered beginning with and subsequent to the later of the effective date of the Commission's Order or the first billing cycle of November 2013, upon filing with the Electricity Division of the Commission, a separate amendment to its rate schedules with clear reference therein that such factor is applicable to the rate schedules reflected on the amendment.

4. Duke Energy Indiana shall provide an update on the status of its coal inventories and the situation with Benton County Wind Farm in its next FAC filing, as described in Finding No. 4 of this Order.

5. The material submitted to the Commission under seal shall be and hereby is declared to contain trade secret information as defined in Ind. Code § 24-2-3-2 and therefore is exempted from the public access requirements contained in Ind. Code ch. 5-14-3 and Ind. Code § 8-1-2-29.

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

**ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:**

**APPROVED:      OCT 30 2013**

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



**Brenda A. Howe  
Secretary to the Commission**