

1 Indianapolis, Indiana
2 May 16, 2006
3 9:30 A.M. (EDT)

4 (Reporter marked document for
5 identification as Public's
6 Exhibit No. 1-S)

7
8 (Reporter marked documents for
9 identification as Joint
10 Petitioners' Exhibit Nos. A
11 through H, inclusive)

12
13 (Reporter marked document for
14 identification as Intervenor's -
15 CAC Exhibit No. A)

16
17 JUDGE STORMS: This is an
18 evidentiary hearing before the Indiana Utility
19 Regulatory Commission in a cause docketed
20 before the Commission as Cause No. 42894. The
21 caption is "In the matter of the Verified
22 Joint Petition of PSI Energy, Incorporated and
23 Southern Indiana Gas and Electric Company,
24 d/b/a Vectren Energy Delivery of Indiana,
25 Incorporated, for authority pursuant to an

1 alternative regulatory plan authorized under
2 Indiana Code 8-1-2.5 et seq. to defer and
3 subsequently recover the feasibility study,
4 engineering and preconstruction costs
5 associated with the consideration and
6 exploration of constructing an integrated coal
7 gasification combined cycle electric
8 generating facility and approval of
9 confidential treatment of certain information
10 to be presented in this cause."

11 Notice of the time and place of
12 the hearing was given as provided by law by
13 publication in Marion County in the
14 Indianapolis Star and in Hendricks County in
15 the Weekend Flyer and the Hendricks County
16 Republican.

17 Each of said newspaper is a
18 newspaper of general circulation, printed and
19 published in the English language in their
20 respective counties, and said publications
21 were made ten days prior to the date of the
22 evidentiary hearing.

23 The proofs of publication of the
24 notices have been received by the Commission
25 and are now incorporated into the record of

1 this cause by reference and placed in the
2 official files of the Commission.

3 Notice has also been given to the
4 Office of Utility Consumer Counselor and other
5 interested parties.

6 May we have appearances of
7 counsel, please.

8 MR. POPE: Thank you, Your Honor.
9 Appearing on behalf of the Joint Petitioner,
10 PSI Energy, Inc., d/b/a Duke Energy Indiana,
11 Inc., Jim Pope, 1000 East Main Street,
12 Plainfield, Indiana.

13 MR. HEIDORN: Thank you, Your
14 Honor. On behalf of Joint Petitioner, Vectren
15 Energy Delivery of Indiana, also known as
16 Southern Indiana Gas and Electric Company,
17 Robert E. Heidorn, One Vectren Square,
18 Evansville, Indiana.

19 JUDGE STORMS: Thank you.

20 MS. DODD: Appearing on behalf of
21 the Indiana Industrial Group, Bette J. Dodd
22 and Timothy L. Stewart with the law firm of
23 Lewis & Kappes, Indianapolis, Indiana.

24 MR. POLK: On behalf of
25 Intervenor, Citizens Action Coalition of

1 Indiana, Jerome Polk of Mullett, Polk &
2 Associates, LLC, 309 West Washington Street,
3 Suite 233, Indianapolis, Indiana 46204.

4 MR. HELMEN: Good morning, Your
5 Honors. On behalf of the Public, Randy Helmen
6 from the OUCC.

7 JUDGE STORMS: Will all those who
8 know themselves to be witnesses, please stand
9 and raise your right hand to be sworn.

10

11 (OATH DULY ADMINISTERED TO SIX PERSONS)

12

13 JUDGE STORMS: Joint Petitioners,
14 you may call your first witness.

15 MR. POPE: Your Honor, we've
16 agreed to go ahead and stipulate all of the
17 testimony in, and then we'll call the
18 witnesses in that order, if that is acceptable
19 to the Bench.

20 JUDGE STORMS: Okay.

21 MR. POPE: Okay, and the Joint
22 Petitioners would offer into evidence, then,
23 Joint Petitioners' Exhibit A, being the
24 testimony of Kay Pashos, along with three
25 sub-exhibits; Joint Petitioners' Exhibit B,

1 which is the testimony of Diane L. Jenner,
2 again, with three sub-exhibits; Joint
3 Petitioners' Exhibit No. C, which is the
4 testimony of Robert D. Moreland, with two
5 sub-exhibits, and I would also note for the
6 record that on Page 4 of Mr. Moreland's
7 testimony, at Line 13, he has now spelled out
8 New Source Performance Standards and initialed
9 and dated it.

10 JUDGE STORMS: Okay.

11 MR. POPE: Also, I'd offer Joint
12 Petitioners' Exhibit D, which is the testimony
13 of Ronald Jochum, along with a sub-exhibit;
14 Joint Petitioners' Exhibit E, the settlement
15 support testimony of Kay Pashos, along with
16 Joint Petitioners' E-1, which is the
17 Settlement Agreement between the Joint
18 Petitioners and the OUCC; Joint Petitioners'
19 Exhibit F, the rebuttal testimony of Kay
20 Pashos; Joint Petitioners' Exhibit G, the
21 rebuttal testimony of Diane L. Jenner, and
22 Joint Petitioners' Exhibit H, the rebuttal
23 testimony of Robert D. Moreland.

24 JUDGE STORMS: We'll show each of
25 the Joint Petitioners' exhibits and

1 sub-exhibits admitted into this cause pursuant
2 to stipulation of the parties.

3
4 (JOINT PETITIONERS' EXHIBIT NO. A,
5 BEING THE PREFILED TESTIMONY OF MS.
6 KAY E. PASHOS, WITH EXHIBIT NOS. A-1
7 THROUGH A-3, INCLUSIVE, ATTACHED
8 THERETO; JOINT PETITIONERS' EXHIBIT
9 NO. B, BEING THE PREFILED TESTIMONY OF
10 MS. DIANE L. JENNER, WITH EXHIBIT NOS.
11 B-1 THROUGH B-3, INCLUSIVE, ATTACHED
12 THERETO; JOINT PETITIONERS' EXHIBIT
13 NO. C, BEING THE PREFILED TESTIMONY OF
14 MR. ROBERT D. MORELAND, WITH EXHIBIT
15 NOS. C-1 AND C-2 ATTACHED THERETO;
16 JOINT PETITIONERS' EXHIBIT NO. D,
17 BEING THE PREFILED DIRECT TESTIMONY OF
18 MR. RONALD G. JOCHUM, WITH EXHIBIT NO.
19 D-1 ATTACHED THERETO; JOINT
20 PETITIONERS' EXHIBIT NO. E, BEING THE
21 PREFILED SETTLEMENT SUPPORT TESTIMONY
22 OF MS. KAY E. PASHOS, WITH EXHIBIT NO.
23 E-1, BEING THE SETTLEMENT AGREEMENT,
24 ATTACHED THERETO; JOINT PETITIONERS'
25 EXHIBIT NO. F, BEING THE PREFILED

1 REBUTTAL TESTIMONY OF MS. KAY E.
2 PASHOS; JOINT PETITIONERS' EXHIBIT NO.
3 G, BEING THE PREFILED REBUTTAL
4 TESTIMONY OF MS. DIANE L. JENNER, AND
5 JOINT PETITIONERS' EXHIBIT NO. H,
6 BEING THE PREFILED REBUTTAL TESTIMONY
7 OF MR. ROBERT D. MORELAND, ADMITTED
8 INTO EVIDENCE.)

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1 MR. POPE: Joint Petitioners would
2 now call Kay Pashos.

3 MR. POLK: Excuse me. Before we
4 do that, it is my understanding that there
5 isn't any cross for Mr. Smith. If we want to
6 go ahead and get the testimony in, that might
7 make sense.

8 MR. POPE: Sure.

9 JUDGE STORMS: Okay.

10 MR. POLK: And there is one
11 correction for his testimony which has not
12 been made in the official copy with the Court
13 Reporter.

14 JUDGE STORMS: Okay. If you want
15 to call Mr. Smith up and have him make that
16 correction, that would be fine.

17 Why don't you come on up, Mr.
18 Smith. Is his testimony out there?

19 MR. POLK: It should be on the
20 table there.

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1 **GRANT S. SMITH**, a witness appearing on behalf of
2 the Intervenor, Citizens Action
3 Coalition of Indiana, Inc.,
4 having been first duly sworn,
5 testified as follows:

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7 **DIRECT EXAMINATION,**

8 **QUESTIONS BY MR. POLK:**

9 Q Good morning, Mr. Smith.

10 Can you, please, state your name
11 and your business address for the record,
12 please?

13 A Grant Smith with the Citizens Action Coalition
14 of Indiana, 5420 North College Avenue, Suite
15 100, Indianapolis, Indiana 46220.

16 Q And what is your position with the CAC?

17 A Executive Director.

18 Q All right, and you have an exhibit before you
19 marked for identification as CAC Exhibit A.

20 Can you tell us what that is?

21 A It is my testimony in this cause.

22 Q And if I were to ask you the same questions
23 today, would your answers be the same or
24 substantially the same with the exception of
25 two corrections that we're about to make?

1 A Yes.

2 Q All right. If you could turn to Page 6 of
3 your testimony, at Line 5, is there a
4 correction there that you'd like to make?

5 A Yes. Change the "1 percent" to ".3 percent".

6 Q And in the footnote at the bottom of the page,
7 Cinergy emissions of 69,768 -- 69,768,000 tons
8 represents, should that 1 percent also be
9 changed?

10 A Yes.

11 Q To?

12 A .3 percent.

13 Q All right.

14 MR. POLK: With that -- those
15 corrections, Your Honor, we'd offer his
16 testimony into the record.

17 JUDGE STORMS: Assuming there is
18 no objection --

19 MR. POPE: No objection, Your
20 Honor.

21 JUDGE STORMS: -- we'll show CAC
22 Exhibit A admitted into this cause.

23 MR. POLK: Mr. Smith, you should
24 initial those corrections if you haven't.

25 JUDGE STORMS: Initial them in the

1 margin, yes.

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3 (INTERVENOR'S - CAC EXHIBIT NO. A,
4 BEING THE PREFILED DIRECT TESTIMONY
5 OF MR. GRANT S. SMITH, ADMITTED INTO
6 EVIDENCE.)

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1 JUDGE STORMS: Mr. Smith, thank
2 you for your testimony. You're excused.

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13 (WITNESS GRANT S. SMITH EXCUSED)

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1 JUDGE STORMS: Mr. Helmen?

2 MR. HELMEN: Thank you, Your
3 Honor.

4 At this time, we offer Public's
5 Exhibit No. 1-S, the settlement testimony of
6 Stacie R. Gruca.

7 JUDGE STORMS: If there is no
8 objection, we'll show Public's Exhibit 1-S
9 admitted into this cause.

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11 (PUBLIC'S EXHIBIT NO. 1-S, BEING
12 THE PREFILED SETTLEMENT TESTIMONY
13 OF MS. STACIE R. GRUCA, ADMITTED
14 INTO EVIDENCE.)

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1 JUDGE STORMS: So, we have all the
2 testimony in at this point. So, there are no
3 questions from anyone? All right.

4 Joint Petitioners, you may
5 proceed.

6 MR. POPE: Thank you, Your Honor.
7 Now we'll call Kay Pashos.

8 JUDGE STORMS: Before you get
9 started, let me ask you: You have all the
10 rebuttal and the case-in-chief testimony in.

11 Is Ms. Pashos to be available on
12 the entirety of her testimony?

13 MR. POPE: Yes, Your Honor.

14 JUDGE STORMS: Okay. Please
15 proceed.

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1 **KAY E. PASHOS**, a witness appearing on behalf of
2 the Joint Petitioner, PSI Energy,
3 Inc. d/b/a Duke Energy Indiana,
4 Inc., on Direct and Rebuttal,
5 having been first duly
6 sworn, testified as follows:
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8 **DIRECT EXAMINATION,**

9 **QUESTIONS BY MR. POPE:**

10 Q Would you state your name, please?

11 A Kay Pashos.

12 Q By whom are you employed and in what capacity?

13 A I'm employed by -- oh, man, this is a tough
14 one -- I think I'm employed by Duke Energy
15 Shared Services as President of PSI Energy.
16 We're doing business now as Duke Energy
17 Indiana.

18 Q Thank you. And did you sponsor Joint
19 Petitioners' Exhibit A, your direct testimony
20 along with sub-exhibits; Joint Petitioners'
21 Exhibit E, the settlement support testimony
22 along with the Settlement Agreement in this
23 proceeding, and Joint Petitioners' Exhibit F,
24 the rebuttal testimony in this proceeding?

25 A Yes, I did.

1 Q And those have all been admitted?

2 A Yes.

3 MR. POPE: The witness is
4 available.

5 MR. POLK: Thank you.

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7 **CROSS-EXAMINATION OF MS. KAY E. PASHOS,**

8 **QUESTIONS BY MR. POLK:**

9 Q Good morning, Ms. Pashos.

10 A Good morning.

11 Q Your direct testimony was filed before Duke
12 acquired Cinergy; correct?

13 A I believe so, yes.

14 Q All right. And I guess we've already had sort
15 of the discussion of whom we should call your
16 employer: PSI, Cinergy, Duke, Dukergy. Is
17 there a preference?

18 A I think we could cross the latter option off
19 the list. You can call us PSI Energy which is
20 still our legal name, or as I mentioned, we're
21 doing business as Duke Energy Indiana.

22 Q Okay. Is the PSI Energy name going to be
23 phased out?

24 A Again, we're doing business as Duke Energy
25 Indiana, and I believe at some point we'll

1 probably change the legal name from PSI Energy
2 to Duke Energy Indiana.

3 Q And what did PSI stand for in PSI Energy?

4 A Well, initially, it stood for Public Service
5 Indiana.

6 Q Should we interpret this elimination of the
7 name PSI Energy as an attempt to eliminate
8 public service from Indiana?

9 A I don't think so.

10 Q Good; good. Now, if you'd turn in your
11 testimony -- your direct testimony to Page 2,
12 Lines 2 through 4, you state that you're
13 charged with ensuring that electricity is
14 reliably supplied to PSI's native load
15 customers.

16 Is it your position that PSI or
17 Duke Indiana should only concern itself with
18 increasing the supply of electricity and is
19 not charged with helping customers reduce the
20 amount of electricity that needs to be
21 supplied to them?

22 A I don't think my statement there says anything
23 like that. It says ensuring that electricity
24 is reliably supplied at reasonable costs, and
25 to that extent, to the extent that demand-side

1 management is a part of that equation of
2 reliability and reasonable costs, then, we
3 should and we do look at that.

4 Q Can you see a distinction between being
5 charged with supplying electricity and
6 supplying energy services which might include
7 reducing consumption?

8 A We're primarily an energy supplier, but we
9 also provide services, a number of different
10 services, including providing energy
11 efficiency services and options to our
12 customers.

13 Q But you would agree that under the State's
14 least-cost planning framework, that the
15 Company is not simply charged with supplying
16 electricity at the least cost but meeting
17 customers' needs for heat, light and power at
18 the least cost?

19 A I think you're asking me for a legal opinion,
20 and I don't think that's what the statute
21 actually says, but I think we view our
22 obligation as providing electricity to
23 customers reliably and at reasonable prices.

24 We view that obligation as
25 including the obligation to consider and

1 implement demand-side measures when
2 appropriate, and we do that.

3 Q Now, in your direct testimony on Page 6, you
4 speak of renewed nuclear interest.

5 Can you explain in detail what you
6 mean by that statement?

7 A Well, I think if just read the papers over the
8 last, you know, six months or so, you can
9 discern that there is a renewed interest in
10 new nuclear plants in this country, and I
11 think it is driven primarily by the fact that
12 emissions reductions requirements keep getting
13 tighter, and, in particular, there is an
14 increased concern and emphasis on greenhouse
15 gases, and nuclear doesn't produce those types
16 of emissions as coal-fired and even gas-fired
17 plants do, and because of that, there is a
18 renewed interest in nuclear.

19 Q Does nuclear power have emissions or waste of
20 any kind?

21 A I believe they do have some solid waste, yes.

22 Q And is it your understanding that they've
23 solved all the problems with handling the
24 solid waste from nuclear plants?

25 A No, I don't believe they have, but certainly,

1 I'm not an expert on that.

2 Q Has PSI performed an investigation into the
3 possibility of building a nuclear plant
4 recently?

5 A With that qualification, I don't think so.

6 Q What about Duke?

7 A Duke Carolinas, the former Duke Power Company,
8 they own and operate successfully two -- parts
9 of two nuclear plants today, and they are
10 fairly seriously investigating the possibility
11 of building a new nuclear plant in the
12 Carolinas in the next, you know, 15 years or
13 so.

14 Q Now, are you familiar with the CG&E or former
15 CG&E plant Zimmer?

16 A I'm not terribly familiar with it.

17 Q Was that the last coal plant that CG&E built,
18 to your knowledge?

19 A To my knowledge, but I'm not very familiar
20 with their system like I am with ours.

21 Q Do you know whether that was originally
22 intended to be a coal plant?

23 A I believe it was a nuclear plant initially.

24 Q And did PSI ever have a nuclear plant in its
25 plans?

1 A Yes.

2 Q And what happened with that plant?

3 A At some point before my time, it was -- many
4 years ago, it was canceled.

5 Q Do the former Cinergy companies have anywhere
6 in their portfolio an active nuclear power
7 plant?

8 A No.

9 Q So they didn't have much luck with nuclear,
10 did they?

11 A I guess you could say it was a matter of luck.

12 Q Now, Cinergy does have experience with coal
13 gasification; correct?

14 A Yes.

15 Q Which plant or plants were coal gasification
16 plants?

17 A Our Wabash River Unit 1 was repowered a little
18 over ten years ago and -- specifically to take
19 synthesis gas from a gasifier that was
20 constructed adjacent to the plant.

21 Q That was originally called a Destec project,
22 wasn't it?

23 A Yes.

24 Q And didn't it get significant federal
25 subsidies?

1 A I know it was -- It received DOE funding under
2 their new coal innovation program. I may not
3 have that name quite right, but I think both
4 the gasifier and the repowering side received
5 some DOE funding.

6 Q Do any of the former Cinergy companies still
7 operate gasification facilities?

8 A Well, we've never operated that, a coal
9 gasification facility. That's always been --
10 The gasifier itself at Wabash River has always
11 been operated by Destec and Dynegy and Wabash
12 River Energy Limited, I believe, and now by an
13 entity that is owned and controlled primarily
14 by WVPA; so, we've never operated the
15 gasifier.

16 Q Do the units or Unit 1 at Wabash River require
17 back-up gas supplies?

18 A We have back-up gas supplies. I'm not sure it
19 is required, but we have it.

20 Q Are those back-up gas supplies utilized a lot
21 or were they?

22 A At times they were, and it was mostly based on
23 economics, but I think today the gas plant, it
24 is my understanding, is running extremely
25 well, and gas prices are very high; so, I

1 don't think it is used very much right now.

2 Q Has the FEED study contemplated by the
3 settlement been started yet?

4 A Yes.

5 Q And when did it begin?

6 A I think probably Bob Moreland can provide more
7 details, but I believe it was -- the agreement
8 was signed with GE and Bechtel in the March/
9 April time frame of this year, but Bob
10 Moreland can confirm or correct that.

11 Q Will the FEED study be canceled or terminated
12 if the Commission does not approve the
13 settlement as filed?

14 A I wouldn't presume that it will be. I think
15 the better -- really the better question to
16 ask is: Is the FEED study a reasonable thing
17 to do, and is our request here reasonable and
18 consistent with Indiana law?

19 Q Well, you'd agree that there is a distinction
20 between what is reasonable and what is
21 reasonable to have ratepayers pay for;
22 correct?

23 A I don't know that I can answer that. It's too
24 vague. You need to give me more concrete
25 details before I can agree with that.

1 Q Does PSI believe carbon regulations will be
2 enacted or put in place in the future?

3 A I think our view is and our CEO's view, in
4 particular, is that yes, carbon regulations
5 are likely. We don't know when or what form
6 they will take, but we think they're likely to
7 be enacted.

8 Q You used the term likely. Do you believe, you
9 know, there's a 50/50 chance, 60/40, 80/20?

10 A I would say -- I'm not willing to put an exact
11 number on it, but I think they're highly
12 likely.

13 Q Will PSI need to make changes to existing coal
14 plants or replace them if carbon regulations
15 are enacted?

16 A I don't think I can answer that. It depends
17 on when they're enacted, what form they take,
18 what the current prices are for a whole bunch
19 of other variables.

20 It's certainly conceivable that
21 many of our plants won't need to be retired or
22 replaced, but it is also conceivable that some
23 of the older, smaller coal-fired plants would
24 need to be retired and replaced at that point.

25 Q Okay. When air emissions are enacted, are

1 they typically enacted with higher standards
2 than the level of emissions on the date the
3 law is enacted?

4 A I think generally, yes.

5 Q Meaning that plants are allowed to emit more
6 emissions?

7 A No. I meant the opposite.

8 Q You meant the opposite. So, generally, plants
9 are required to emit less of a pollutant?

10 A Right. When you said higher standards, I
11 thought you meant stricter standards.

12 Q Stricter standards. Understandable. I
13 apologize for the ambiguity.

14 How would PSI reduce the amount of
15 carbon coming out of its current coal-fired
16 power plants if standards were put in place
17 today?

18 A I can't answer that. We would need to do a
19 lot of, obviously, research and investigation
20 and studies into that. I think one of the
21 major issues, though, that, you know, Bob
22 Moreland could elaborate on much better than I
23 could, is that there is no great carbon
24 reduction technology that exists, and that's
25 one of the reasons that IGCC is an attractive

1 and promising technology.

2 None of these options are going to
3 be cheap or easy, but capturing and
4 sequestering carbon from an IGCC plant looks
5 to be easier and cheaper relatively speaking
6 than doing the same with a more traditional
7 pulverized coal plant.

8 Q So if it is likely that any carbon regulations
9 would require existing power plants or
10 companies with power plants to reduce their
11 carbon emissions to an amount lower than the
12 level that they're emitting on the day the law
13 is enacted, isn't it safe to assume, then,
14 that some reductions will have to take place
15 at existing coal-fired power plants?

16 A Again, we don't know what time frame or
17 standards we're talking about, obviously, but
18 yes, I think it is generally reasonable to
19 assume that we would have to reduce our CO₂
20 outlook system-wide in some manner. There may
21 be offsets. It may be almost a tax that you
22 have to pay rather than a reduction. I don't
23 know.

24 Q But it's your belief that IGCC provides a
25 better platform for those future carbon

1 reductions, if needed, than traditional
2 pulverized coal?

3 A In my view, IGCC provides a good option for
4 us, especially here in the Midwest, because
5 today it produces fewer emissions, and we're
6 already highly regulated with our emissions on
7 SO2 and NOx and mercury.

8 Another advantage is that in the
9 future, it may provide and probably would
10 provide a more cost-effective way to reduce
11 CO2 emissions than from our existing
12 pulverized coal plants.

13 So, I think there is an
14 advantage -- I think it is a good technology
15 even without CO2, and I think the specter of
16 CO2 restrictions is that it's out there and we
17 believe it's likely which makes the IGCC,
18 again, a good option for us here in the
19 Midwest.

20 Q Does PSI believe that for the foreseeable
21 planning horizon coal should be the only part
22 of the future of base-load generation?

23 A No, and I think our Integrated Resource Plans
24 do a very good job of looking at all options
25 and analyzing the cost-effectiveness and

1 robustness of a variety of options over the
2 long term.

3 Q Does PSI believe that the only way to serve
4 future base-load energy needs is to increase
5 the supply of base-load generation?

6 A Yes and no. I think because of the magnitude
7 of the increase that we're seeing, I think we
8 do need to increase the supply, especially
9 when you factor in that we're going to need to
10 retire some plants at some point, but we also,
11 as you know, have implemented a wide variety
12 of energy efficiency and demand response
13 programs for 15 years now, and that's
14 definitely part of our portfolio. I don't
15 think that's the only way that we can meet our
16 increase in needs is through energy efficiency
17 or demand response, but it is certainly part
18 of the answer.

19 Q Is it also safe to say, then, that increasing
20 base-load generation is not the only way that
21 the Company should be allowed to or should
22 meet its base-load needs for the future?

23 A Yes, and we don't -- we're not looking to meet
24 our needs solely by one plan. If you look at
25 our Integrated Resource Plans, we have base-

1 load, intermediate, peaking; we have energy
2 efficiency; we have demand response; we have
3 interruptible contracts. We're looking at
4 renewable generation, and we're trying to
5 negotiate a purchased power agreement for
6 renewable generation right now. We don't look
7 to one option.

8 Q Stepping back a little bit to carbon, if
9 regulations are put in place that require a
10 reduction in carbon emissions, one way of
11 meeting that reduction is through reducing the
12 burning of coal?

13 A Presumably, but, again, I don't know what kind
14 of carbon regulation or CO2 regulation we're
15 talking about, whether it is a tax, whether
16 offsets are allowed, but it is all going to
17 depend on that and the different costs or, you
18 know, quote unquote penalties that are
19 assessed against CO2 emissions.

20 Q So, if Indiana generators are forced to reduce
21 their carbon emissions, and there isn't any
22 reliable technology to reduce carbon emissions
23 from burning coal, that could be a significant
24 negative impact on the coal industry; correct?

25 A It could be.

1 Q So, if IGCC does not prove to be a reliable
2 way to burn coal and take carbon out and
3 sequester it, we could still be forced to deal
4 with significant cutbacks on coal burning in
5 this country; correct?

6 A Well, I mean, we're going to have to -- all of
7 us are going to have to figure out how to
8 supply the energy needs of the country, you
9 know, within whatever environmental framework
10 exists at the time.

11 Again, you seem -- your question
12 seems to imply that we're looking at one
13 option and are blind to everything else, and I
14 don't think that's the case at all. I don't
15 think that's the case for other companies
16 either. I think we're all looking at
17 different options. There is not one perfect
18 answer. We're going to have to explore and
19 implement a number of options to do this cost
20 effectively and reliably.

21 Q If Indiana is going to continue to rely on
22 coal as its primary fuel source, doesn't it
23 need to address the issue of carbon today?

24 A Well, again, you can only address it, in my
25 view, by running kind of risk and scenario

1 analyses. You can only reasonably address it
2 in that manner.

3 I don't think you can -- We can't
4 know the timing or the form it's going to
5 take; therefore, you can't totally internalize
6 it, I don't think. I don't think that's the
7 right way to look at it. I do think that you
8 have to consider the possibility, even the
9 probability, of CO2 restrictions and try to
10 come up with a plan that probably has more
11 than one part to it that tries to address
12 those issues cost effectively and reliably and
13 robustly.

14 Q If the promise of IGCC is its or part of the
15 promise of IGCC is its ability to capture and
16 provide for the sequestration of carbon,
17 doesn't it make sense to be actively reviewing
18 what it will take to do that as part of any
19 proposal to look at an IGCC plant?

20 A Well, again, IGCC has a lot of benefits in
21 addition to the potential to capture and
22 sequester CO2, and I think we can't ignore
23 that. The benefits are a smaller
24 environmental footprint in a lot of ways, and,
25 again, other benefits are the fact that it

1 does use coal which is an abundant and
2 low-cost resource -- relatively low-cost
3 resource here in the Midwest; so, I think we
4 really need to look at that.

5 By the same token, we are looking
6 at the carbon capture and sequestration
7 technology and the possibilities that exist
8 for that down the road, if needed, the
9 potential cost, how it will work, where the
10 sequestration will take place, all of those
11 things. We're not ignoring that at all.

12 JUDGE STORMS: Ms. Pashos, can you
13 pull that microphone a little bit closer? I
14 don't know what it is with these things, but
15 they don't seem to pick up as well as they
16 used to. We need to get them checked out.

17 WITNESS PASHOS: Sure.

18 JUDGE STORMS: Thank you.

19 Q Now, is IGCC a proven and reliable technology?

20 A Again, I think you should ask Mr. Moreland for
21 his engineering opinion on that. It is my
22 understanding that, for example, ten years ago
23 when there was DOE funding available for the
24 Destec Energy gasification plant and the
25 repowering project at Wabash River, that the

1 technology was in the experimental stage for
2 power projection then, but now it is
3 considered commercially proven and feasible.

4 Another thing to consider is that
5 even though it is still relatively rare in the
6 U.S. in power production, it's been used, I
7 think, for years and years in the chemical
8 industry and that sort of thing. So, it is
9 not really a new technology.

10 Q Are the uses in the chemical industry done to
11 generate power?

12 A No. I just differentiated between chemical
13 and power production.

14 Q Now, maybe this is a question for Mr. Moreland
15 or perhaps someone else, but can you tell me
16 what produces less mercury, NOx, SO2 and
17 carbon, a megawatt of power from an IGCC or a
18 megawatt of power from a wind turbine?

19 A I would guess it is the latter.

20 Q And would the same be true of a megawatt of
21 photovoltaic panels?

22 A That would be my assumption.

23 Q Can you tell me what produces less solid
24 waste, a megawatt from -- generated by an IGCC
25 plant or a megawatt from a wind turbine?

1 A I assume the latter.

2 Q Okay. And, again, the same would be true of a
3 photovoltaic panel?

4 A I would assume so.

5 Q And both air, water and land emissions would
6 be less from conserving a megawatt of energy
7 than from generating a megawatt of energy from
8 an IGCC plant; correct?

9 A I would assume so, yes, but you need to take
10 into effect cost-effectiveness as well.

11 Q Now, if you could turn to your direct
12 testimony at Page 8, Lines 13 through 17.

13 Now, the SO₂, NO_x and particulate
14 emissions that you refer to on Line 14 are air
15 emissions; correct?

16 A Yes.

17 Q Is Edwardsport currently scrubbed?

18 A No.

19 Q Does it have a baghouse?

20 A No.

21 Q Now, scrubbing it and putting a baghouse on it
22 would reduce the emissions too; correct?

23 A Yes, but not to the same level as an IGCC
24 plant, it is my understanding. I think when
25 you compare, and I think maybe Mr. Moreland's

1 testimony actually does this, compare an IGCC
2 plant's environmental footprint to New Source
3 Performance Standards for a coal plant, IGCC
4 produces, I think, significantly fewer
5 emissions in these areas than the New Source
6 Performance Standards require.

7 Q Now, when you refer to the lower emissions of
8 an IGCC plant there on Line 16, you're
9 referring to reduced air emissions; correct?

10 A Yes, but I believe an IGCC plant also uses
11 less water and produces less solid waste than
12 the requirements or the standards that exist
13 for a coal plant, a traditional coal plant.

14 Q Now, when you say reduces or produces less
15 solid waste, are you speaking of the volume of
16 the waste or the toxicity of the waste?

17 A I'm speaking of the volume, and if you're
18 going to talk about toxicity, you'd better
19 talk to Mr. Moreland.

20 Q So, as far as you know, an IGCC plant does not
21 vaporize or de-materialize mercury or sulfur
22 or nitrogen?

23 A No, but, again, you need to have this
24 discussion with Mr. Moreland, but it is my
25 understanding that one of the benefits of IGCC

1 technology and coal gasification is it allows
2 you to remove the elemental, you know, sulfur
3 and that sort of thing before the combustion
4 process rather than after, and that that's a
5 significant advantage.

6 Q Now, typically, would ratepayers be asked to
7 pay for an engineering study of a plant that's
8 never built?

9 A I think they might under the Indiana statutory
10 scheme.

11 Q Are you aware of one that's been done in the
12 past?

13 A Well, I think there is a variety of ways where
14 that could happen. If it was in a test period
15 for a rate case, the ratepayers might be asked
16 to pay some or all of those costs. Also, if
17 there was a Certificate of Need granted, I
18 believe the Certificate of Need statute
19 provides for recovery of those kinds of costs
20 even if the plant is not built or is canceled
21 at some point with certain exceptions.

22 Q Now, speaking of a Certificate of Need, I
23 think the settlement mentioned for you to come
24 in for a Certificate of Need?

25 A We would have to. Indiana law commits us to

1 do that. The settlement reiterates that, but
2 we would have to do that in any event.

3 Q Now, when you come in for that Certificate of
4 Need, is it the Company's position that it
5 will still have to show at the time that it
6 asks for that Certificate of Need that it
7 does, in fact, have a need for base-load
8 generation?

9 A Sure.

10 Q Okay. So, you can commit today on the record
11 under oath that we won't see testimony at some
12 point from you or another witness at Duke that
13 says we don't need to preapprove the need
14 because the Commission already said we have a
15 need in Cause 42894?

16 A No, you will not see that from us. The reason
17 that we put some evidence of need in this case
18 was because if we had no need in the
19 foreseeable future for base-load generation,
20 you know, let's say we had 40 percent reserves
21 or something, then, I think the Commission
22 could legitimately conclude that no matter how
23 promising IGCC is, it wasn't really reasonable
24 or prudent for us to be exploring it and
25 spending a lot of time and money on it right

1 now when we didn't have the need. So, that's
2 why we put that sort of evidence in here.

3 We still recognize that in a
4 Certificate of Need case, we need to come back
5 for that, and we need to prove up our needs.

6 Q Do you think it could be shown at some point
7 in the future that pursuing IGCC for some
8 reason turned out to be an imprudent course of
9 action?

10 A Anything is possible. It seems unlikely based
11 on what we know today, but that's, you know,
12 precisely why we're doing the feasibility
13 study and the preliminary engineering work to
14 determine whether it is feasible engineering
15 wise, system wise, cost-effectiveness wise.

16 Q And does that study include a study of carbon
17 capture and sequestration at the Edwardsport
18 site?

19 A You should ask Mr. Moreland that. I know,
20 again, we're looking at that, but that may not
21 be -- I think that's probably not part of the
22 FEED study that we're asking that the
23 customers pay for or share the cost in.

24 Q And is capture and sequestration one of the
25 reasons why the Edwardsport or the ability for

1 capture and sequestration one of the reasons
2 that the Edwardsport site was preferred by the
3 Company?

4 A I believe, again, the potential for that was
5 considered in the analyses and the fact that
6 the southern Indiana geologic formations
7 indicate that it may be a good place to
8 sequester CO2. I think that was also a
9 factor.

10 MR. POLK: I have no further
11 questions, Your Honor.

12 JUDGE STORMS: Thank you.
13 Mr. Stewart?

14 MR. STEWART: Thank you, Your
15 Honor.

16

17 **CROSS-EXAMINATION OF MS. KAY E. PASHOS,**

18 **QUESTIONS BY MR. STEWART:**

19 Q Good morning.

20 A Good morning.

21 Q In a question that Jerry asked you with
22 respect to whether your ratepayers might pay
23 these costs outside of this proceeding, you
24 referenced a statute that you thought
25 permitted you to seek recovery, and I think

1 you added but in that case, you'd have to in
2 addition get a Certificate of Need associated
3 with that. Were you referring to Section
4 8-1-2-6.1?

5 A I don't know if I was or not. I think there
6 is something in the Certificate of Need
7 statute. I think there is also something
8 where there is a CWIP statute or whatever that
9 does provide for recovery of preconstruction
10 and engineering costs for clean coal-type
11 technologies, but I can't remember the details
12 right now because I don't have it in front of
13 me. You can read it to me, I guess.

14 Q I'm sorry.

15 A You can read it to me, I guess.

16 Q No. And that CWIP statute, is it your
17 recollection, and I think it's what you're
18 referring to, you said it does require the
19 receipt of a certificate under 8-1-8.7. Do
20 you recall that?

21 A That's my recollection.

22 Q Thank you. Is there anything in your
23 testimony, your original testimony, in this
24 case that refers to a second peak study?

25 A My original testimony?

1 Q Just yours.

2 A I don't think so.

3 Q On Page 10 of your testimony, at Line 13, you
4 indicate that PSI is requesting the Commission
5 find a general need for base-load capacity.

6 Could PSI meet its load needs by
7 buying in the MISO market rather than by
8 building?

9 A Possibly. I don't think that would be a
10 prudent thing for us to do because of the
11 volatility. The prices in those short-term
12 real time and Day Ahead markets can be very
13 volatile. I don't think we want to rely --
14 Just like we haven't wanted to rely on spot
15 markets generally, even pre-MISO Day 2, to
16 meet our capacity needs, I don't think we want
17 to do that going forward either. Energy is a
18 different matter, but for capacity needs, I
19 don't think we would want to subject ourselves
20 or our customers to that volatility.

21 Q Well, if PSI is not allocating its lowest cost
22 fuel units to native load customers, then, is
23 it possible that we can be better off
24 purchasing in the MISO market? We being PSI.

25 A Well, I think currently PSI does allocate its

1 lowest cost fuel units with few exceptions to
2 native load customers.

3 Q What do you mean with few exceptions?

4 A If it is a must-run unit or if there are
5 certain -- and must-run -- you know,
6 basically, I think if it is a must-run unit,
7 it is usually allocated -- it is placed at the
8 bottom of the stack.

9 Q Well, I'm glad you brought that up. Isn't it
10 true that if PSI, excuse me, if MISO in its
11 RAC process sends a notice to PSI that it is
12 to run one of its peaker plants, that PSI
13 treats that as a must-run unit and allocates
14 that cost to native load customers?

15 MR. POPE: Objection, Your Honor.
16 There is nothing in the direct examination
17 about this. This is the subject of another
18 proceeding and has nothing to do with this
19 proceeding whatsoever.

20 MR. STEWART: Well, I'm
21 questioning, Your Honor, whether -- it relates
22 to whether there are other options that are
23 better with respect to the need to build
24 plant. That's addressed right here in the
25 testimony.

1 MR. POPE: And we've just admitted
2 that we're going to have to do a CPCN
3 proceeding to talk about what is a better
4 option if and when we elect to build this
5 plant. He's talking fuel clause. He's
6 talking CPCN. He's asked nothing about what's
7 going on in this proceeding. I still object.

8 MR. STEWART: It is right here in
9 the testimony.

10 JUDGE STORMS: I'll overrule the
11 objection and allow the witness to answer.

12 A What was your question again exactly?

13 MR. STEWART: Could I have it read
14 back?

15 I can just ask it again.

16 Q Is it correct that if the Midwest ISO tells
17 you today that in our RAC process turn on one
18 of your peakers and run it, that when they do
19 that, PSI says oh, that's a must-run unit, and
20 it shoves it over to native load customers,
21 and that that can displace, then, your coal
22 unit that would have otherwise been allocated
23 to native load customers?

24 A Yes, that is how we treat that. That's how
25 we've -- and we've explained that in previous

1 fuel proceedings, and we've been very open
2 about that, and we have also been open about
3 the fact that any make whole payments that we
4 get from the MISO, that's the kind of quid pro
5 quo for MISO directing us to run a plant out
6 of economic merit, and we flow all of those
7 back to customers as well.

8 Q Why should the Indiana ratepayers pay for a
9 study to build a plant that may be used by PSI
10 just to make sales into the MISO market and
11 not to serve native load?

12 A Well, there are two answers to that. One,
13 obviously, this is something to meet our
14 native load capacity requirements. MISO
15 markets are about energy and not capacity. We
16 have to have certain capacity, and we plan and
17 build to meet our native load requirement, and
18 there is certainly nothing to suggest that
19 this plant would not run and be allocated to
20 native load in any event.

21 Secondly, our retail customers get
22 more than 100 percent of all of our off-system
23 sales profits the way it is currently
24 structured; so, I'm kind of failing to see
25 where customers are harmed in this process.

1 Q Did you just say that native load customers
2 get more than 100 percent of your off-system
3 sales profits?

4 A Yes, I did.

5 Q And why is that?

6 A Because in our last rate case, we have a base
7 amount of over \$14 million built into base
8 rates. We share, to the extent that we exceed
9 that, between customers and shareholders, but
10 since our rate case, we've never exceeded it.
11 I think currently, you know, we're earning
12 more like \$6 to \$8 million in off-system sales
13 profits which means our retail customers are
14 actually getting more than 100 percent of our
15 retail or of our off-system sales profits as a
16 credit in rates.

17 MR. STEWART: One second, Your
18 Honor.

19 JUDGE STORMS: Okay.

20 MR. STEWART: Thank you. That's
21 all I have.

22 JUDGE STORMS: Redirect for this
23 witness?

24 MR. POPE: I don't think so, Your
25 Honor. Thank you.

1 JUDGE STORMS: Commissioner

2 Hadley?

3

4 **QUESTIONS OF MS. KAY E. PASHOS,**

5 **BY COMMISSIONER HADLEY:**

6 Q Good morning.

7 A Good morning.

8 Q A few questions to better understand what you
9 have in your testimony, and first, if I could
10 ask: Are you a witness in supporting the
11 Settlement Agreement?

12 A Yes, I am.

13 Q On Page 3 of the Settlement Agreement --

14 A Okay.

15 Q -- Section 2.9, would PSI have any problem
16 providing periodic updates to the Commission
17 Staff as well?

18 A Of course not.

19 Q In your testimony -- In your direct testimony,
20 Exhibit A, on Page 5, Line 10, which forecast
21 are you referring to when you cite the numbers
22 in your testimony of the SUFG?

23 A Diane Jenner can probably better answer that
24 than I. I don't remember exactly the timing
25 of the State Utility Forecasting Group's

1 forecasts. Whatever preceded our filing, was
2 it last August or so, of this testimony.

3 Q So the term "most recent" was at the time of
4 your testimony, not what may have been filed
5 since?

6 A Yes. Ms. Jenner can, I'm sure, confirm that
7 or provide details about a more recent study
8 and how that compares.

9 Q On Page 9, Lines 12 and 13, you're discussing
10 the cost of an IGCC compared to what you refer
11 to as a traditional pulverized coal plant.

12 Can you define what you're
13 referring to by a traditional pulverized coal
14 plant?

15 A I would ask Mr. Moreland to do that, but I
16 think it is not a supercritical plant, but it
17 could be. Sorry.

18 Q We should wait for Mr. Moreland on that?

19 A Yes.

20 Q The conclusion of that answer discusses on
21 Lines 18 and 19 ensuring technology that's
22 most likely for a long-term view --

23 A Yes.

24 Q -- for a strategy over the life of the plant.

25 Given some of the testimony that

1 you've had with other questions this morning,
2 do you see a traditional pulverized coal plant
3 fitting that requirement that you're putting
4 on to an IGCC?

5 A If you're asking do we compare these
6 alternatives over a long term, yes, we compare
7 all of them over the long term and try -- and
8 subject them to sensitivity analyses and
9 scenario analyses since none of us know what
10 the future is going to be.

11 Q What I'm trying to understand better is the
12 cost differential between an IGCC and a
13 traditional plant in reviewing the result for
14 the life of the project.

15 Is the traditional plant
16 comparable to what you would view the life of
17 the plant in environmental compliance in the
18 same manner as the IGCC, or is it apples and
19 oranges?

20 A I'm not sure I'm understanding your question
21 entirely.

22 Q I'll try it again. We're talking about how
23 your review of a decision for what technology
24 to choose is based on a long-term view, and
25 within that long-term view, are you including

1 environmental requirements that may be in the
2 future, such as carbon or mercury or other
3 stricter emissions?

4 A We certainly do in our sensitivity analyses,
5 and our goal is not necessarily to pick the
6 lowest cost choice over our base case
7 assumptions but rather to pick one that is the
8 lowest cost over a variety of scenarios since
9 we don't know what the future is going to be.

10 So, it is certainly conceivable
11 that we could come in and propose to the
12 Commission something that is not the lowest
13 cost plan under our base case but that is more
14 robust under scenarios such as carbon
15 restrictions or tighter SO2 restrictions or
16 whatever. We need to look at those, you know,
17 different possible future scenarios and pick
18 the plan that seems the best across a variety
19 of things that could happen.

20 Q And in such a review, in determining the cost
21 difference between the two, are you putting
22 those requirements on to the traditional
23 pulverized coal plant as well?

24 A Yes; yes.

25 Q Thank you.

1 A Sorry it took me a long time to get there.

2 Q That's okay. And is that cost production cost
3 or delivered energy cost for the plant?

4 A I think what we look at is ultimately the
5 annual -- present value of a number of years
6 of annual revenue requirements to customers.
7 So, it is both the production side and the
8 energy side, and it is kind of an all-end
9 present value number.

10 So, it is not just the capital
11 costs we're comparing. We compare O&M costs,
12 energy costs, et cetera.

13 Q And in your testimony here on Page 9,
14 potential incentives, do you differentiate
15 between the two technologies?

16 A Yes.

17 Q If we go to Page 2 of your testimony -- I'm
18 sorry, Page 2 of your Exhibit A-1 --

19 A Okay.

20 Q -- and this isn't meant to be picky, but in
21 No. 3, there is a discussion of need for
22 base-load generation in the time frame of 2010
23 to 2015 --

24 A Yes.

25 Q -- and your testimony had indicated, and you

1 don't need to turn back, but Page 5, Line 8
2 indicates 2010 to 2014.

3 And the purpose of the question,
4 then, is: You've indicated that the study has
5 already begun, and I'm trying to look at the
6 time frame for which this process is
7 envisioned by PSI. So, if you were looking at
8 the time frame for the study, then, when would
9 you be filing a certificate request, and how
10 long would you anticipate construction?

11 A We will probably file a certificate request
12 before we have the FEED study completed just
13 because the timing of everything necessarily
14 requires some parallel tracks, but we have --
15 Even since our Petition was filed, we've
16 gotten a lot more information about our needs
17 and the time frame for our needs as well as
18 Vectren's as well as more, at least, a little
19 more concrete cost data on the IGCC technology
20 and other technologies.

21 Again, I would expect that within
22 six months or so we would probably, if
23 everything is still going along looking
24 favorable toward this technology, we would
25 probably come in and file a Certificate of

1 Need proceeding here.

2 As far as the construction, it is
3 my understanding that given the schedule that
4 we're on with the FEED study and the
5 permitting processes and all that sort of
6 thing, that probably the plant could not go
7 into operation prior to 2011. That's probably
8 the earliest date.

9 Q Page 7 of the Petition, Item 8, you mentioned
10 that you already began the study in a question
11 earlier from counsel. I'm looking at the
12 second line, the ongoing study has a
13 feasibility study and preliminary engineering,
14 mid-level detailed engineering and project
15 evaluation, all before the decision to build
16 the plant can be made.

17 At which part of the process do
18 you currently find the study?

19 A I think we're in the preliminary engineering
20 stage right now.

21 Q And the rest of that, then, would be the six
22 months that you're discussing?

23 A It will actually extend beyond that, and,
24 again, we'll probably need to start the
25 certificate process before we have all the

1 answers, quite honestly, but we'll be
2 presenting the Commission -- assuming that's
3 the road that we go down, we'll be presenting
4 the Commission with the best estimate at that
5 time and, you know, all the information that
6 we have to date.

7 The downside to that is -- You
8 know, the upside is it would allow us to
9 continue on a schedule that would get
10 something in service by 2011 which is when, I
11 think, both Vectren and PSI both have needs.

12 The downside is we could come to
13 some point in the Certificate of Need process
14 where we could be, for example, unable to
15 reach an agreement with GE/Bechtel that we
16 think is reasonable and, you know, not go
17 forward with the plant. We won't have a total
18 thumbs-up by the time we file our Certificate
19 of Need petition probably.

20 COMMISSIONER HADLEY: Thank you.
21 That's all the questions I have at this time.

22 WITNESS PASHOS: Thank you.

23 JUDGE STORMS: Commissioner
24 Ziegner?

25

1 **QUESTION OF MS. KAY E. PASHOS,**

2 **BY COMMISSIONER ZIEGNER:**

3 Q With respect to the Settlement Agreement,
4 there is a provision in there that says if the
5 IGCC project does not go forward, and any
6 other entity builds an IGCC plant using the
7 results of the study, then, the cost of the
8 study will not be incurred by either Vectren's
9 or PSI's customers.

10 Using the results of the study is
11 a little vague to me. What do you mean by
12 that?

13 A I think what we meant is, and I don't consider
14 this an even remote possibility, but if, for
15 example, PSI went through this whole
16 feasibility and front end engineering study
17 with GE/Bechtel and then decided that instead
18 of building the plant here, Duke Carolinas
19 would build this kind of reference plant with
20 GE/Bechtel and use the contract and the
21 results from the study in the Carolinas
22 instead, we would, of course, not ask Indiana
23 customers to pay for that.

24 Again, I don't see that as even a
25 remote possibility, but in settlement

1 discussions, you kind of have to address
2 things that we don't think are going to
3 happen.

4 I don't even think our agreement
5 with GE/Bechtel would allow us to share that
6 necessarily across, you know, the enterprise
7 like that, but it is just making clear that if
8 we decide not to proceed in Indiana, and
9 somehow that knowledge that we've gained and
10 the results and information from the study are
11 used anywhere else on the Duke Energy system,
12 PSI customers won't pay.

13 COMMISSIONER ZIEGNER: Thank you.

14

15 **QUESTION OF MS. KAY E. PASHOS,**

16 **BY JUDGE STORMS:**

17 Q Ms. Pashos, I have one question, and I think
18 it goes kind of along with what you just
19 answered, and it goes to 2.6 of the Settlement
20 Agreement, Section 2.6, and I think I
21 understand what this says, but I'd just like
22 the opportunity to have you explain it to me.

23 If it doesn't go forward, then, is
24 this indicating that half the cost would be
25 deferred for recovery from ratepayers and the

1 other half would be recovered from
2 shareholders?

3 A Absolutely.

4 JUDGE STORMS: Thank you very much
5 for your testimony. You're excused.

6 WITNESS PASHOS: Thank you.

7 JUDGE STORMS: Let's take about a
8 five-minute break.

9

10

11

12

13

14

15 (WITNESS KAY E. PASHOS EXCUSED ON
16 DIRECT AND REBUTTAL)

17

18

19

20

21 (RECESS)

22

23

24

25 (HEARING IN RECESS UNTIL 10:45 A.M., SAME DAY)

1 Indianapolis, Indiana
2 May 16, 2006
3 10:45 A.M. (EDT)

4 JUDGE STORMS: Let's go ahead and
5 go back on the record.

6 Joint Petitioners, you may call
7 your next witness.

8 MR. HEIDORN: Thank you, Your
9 Honor.

10 At this time, the Joint
11 Petitioners would call Mr. Jochum to the
12 Stand.

13
14 **RONALD G. JOCHUM**, a witness appearing on behalf
15 of the Joint Petitioner,
16 Southern Indiana Gas and
17 Electric Company d/b/a Vectren
18 Energy Delivery of Indiana,
19 Inc., on Direct, having been
20 first duly sworn, testified as
21 follows:

22
23 **DIRECT EXAMINATION,**

24 **QUESTIONS BY MR. HEIDORN:**

25 Q Could you, please, state your name for the

1 record?

2 A My name is Ronald G. Jochum. I'm employed by
3 Vectren, and I'm the Vice President of Power
4 Supply.

5 Q Have you sponsored testimony in this cause,
6 Mr. Jochum?

7 A Yes, I have.

8 Q And do you have before you what's been marked
9 as the direct testimony of Ronald Jochum,
10 Joint Petitioners' Exhibit D, with attached
11 Exhibit D-1?

12 A Yes, I do.

13 Q And if I were to ask you these same questions
14 today, would your answers be the same?

15 A Yes, they would.

16 Q Do you have any corrections to make at this
17 time?

18 A I do not.

19 MR. HEIDORN: Your Honor, at this
20 time, we would offer Mr. Jochum for
21 cross-examination.

22 JUDGE STORMS: Mr. Polk, your
23 witness.

24 MR. POLK: Thank you, Your Honor.

25

1 **CROSS-EXAMINATION OF MR. RONALD G. JOCHUM,**

2 **QUESTIONS BY MR. POLK:**

3 Q Good morning, Mr. Jochum.

4 A Good morning.

5 Q Now, I'm looking at Page 2 of your testimony,
6 Lines 10 through 13, and you state that it is
7 your responsibility for ensuring that the
8 demand of Vectren customers is met at the
9 lowest reasonable cost.

10 Now, I note that's a little
11 different from the way that Ms. Pashos
12 described her job as ensuring supply.

13 Can you explain what you mean by
14 ensuring that the demand of your customers is
15 met?

16 A Well, my intent was that I don't determine
17 what the customer requires. He has -- He
18 flips the switch and develops the demand, and
19 it is our responsibility to be there and
20 respond to that demand from the customer.

21 Q Is the only way to meet that demand through
22 supplying more energy?

23 A Well, when he requests it, I have to be there
24 to supply that demand. Obviously, there are
25 other things that can be done, which we do

1 encourage, that impacts when he makes that
2 demand on our system, but when he asks for the
3 supply of electricity, we believe it is our
4 obligation to supply that.

5 Q Okay. Now, when he flips that switch, do you
6 understand his demand to be, you know, a
7 demand for kilowatt hours to consume or a
8 demand for some sort of service that is served
9 by those kilowatt hours?

10 A I believe it is the service. We provide the
11 service that makes him comfortable and provide
12 for his life. It is a service, certainly.

13 Q So, certainly within the definition of
14 ensuring that the demand of your customers is
15 met, it would include things like helping your
16 customers become more efficient at using
17 energy; correct?

18 A It could, yes.

19 Q Now, we heard that Duke Indiana, at least, is
20 planning on or contemplating being in in six
21 months to file for its Certificate of Public
22 Convenience and Necessity or need and
23 convenience?

24 A Yes.

25 Q Will Vectren be filing at the same time?

1 A Well, we haven't reached that decision. We
2 have needs -- As has been defined by Ms.
3 Pashos, we have needs in the same time frame,
4 and it is our obligation to try to meet those
5 needs.

6 So, we do think that the schedule
7 to meet the needs of our customers is quite
8 condensed right now. I think that would be
9 the way to describe that.

10 Q Now, on Page 4 of your testimony, Lines 10
11 through 11, you refer to 30 megawatts of
12 capacity as a result of its 1.5 percent
13 ownership interest in Ohio Valley Electric
14 Corporation.

15 Is that the Clifty Creek power
16 plant?

17 A It is a combination of the Clifty Creek and
18 the Kyger Creek power plant, and we have 1
19 and-a-half percent ownership in the resource
20 of the electric co-op or cooperative, whatever
21 word you want to say.

22 Q Now, you also speak in your testimony of
23 transmission congestion risks.

24 What are the ways to alleviate
25 transmission congestion risks?

1 A Well, at the risk of getting in trouble with
2 my attorneys since I'm not on the transmission
3 side of the business, and the federal contact
4 does not allow me to understand those issues,
5 but with that caveat, I would say, generally
6 speaking, it is some capital investment to
7 improve the strength of the transmission
8 system.

9 Q So you're not in a position today to describe
10 transmission problems that the Company may be
11 facing by bringing power in from other MISO
12 utilities?

13 A I operate the generation piece and the
14 marketing piece, and I'm able to tell you that
15 I'm knowledgeable of the MISO congestion
16 charges that are a direct result of the
17 strengths and weaknesses of the transmission
18 system; so, I can say factually that
19 congestion charges are an issue that we see at
20 various times in the operation of our system,
21 and congestion charges under the MISO model is
22 a demonstration of a weakness in our system.

23 Q So, is it fair to say, then, that your job
24 deals with the supply of energy within the
25 SIGECO territory and not with the supply from

1 outside the service territory?

2 A We -- Obviously, it is my job to supply the
3 demand of our customers.

4 Do we rely solely on generation
5 within the SIGECO system? No, we do not. We
6 have other sources, as you referred to
7 earlier, which is outside the jurisdictional
8 territory of SIGECO/Vectren Energy.

9 Q Well, I'm trying to understand whether it
10 would be part of your job or your function at
11 Vectren to plan for power purchases by
12 bringing power in from outside -- from some
13 other source other than a Vectren plant?

14 A Yes, it is.

15 Q Okay, and in planning to bring in that power,
16 you have to deal, to some extent, with
17 transmission congestion constraints?

18 A I have to rely on others in my organization at
19 an arm's length to have them make that
20 evaluation, and that's primarily done through
21 interfacing with MISO who makes those
22 judgments.

23 Q But your recommendation to build an IGCC plant
24 for or some other plant rather than purchasing
25 power from MISO is, in part, based on

1 transmission congestion problems?

2 A Well, I guess I would like to have a better
3 clarification of your definition of purchasing
4 power from MISO.

5 What do you mean specifically?

6 Q Well, what I mean is purchasing power from a
7 generating unit other than one owned by
8 Vectren.

9 A Well, my first -- There are two pieces in the
10 term power; okay. There is energy which is
11 what the MISO Day 2 energy market provides.
12 Then, the second piece is capacity, and
13 capacity is not a commodity that MISO deals
14 with.

15 So -- And we have an obligation, a
16 planning obligation, which we're going to be
17 here tomorrow to speak about, of maintaining a
18 reserve margin in this environment. So, we
19 can't purchase capacity from the MISO market.
20 We have to have other services, either
21 contractual or physical, in order to supply
22 our requirements for capacity.

23 Q By contractual, do you mean a bilateral
24 agreement with another power company?

25 A Certainly.

1 Q So capacity can be served by something other
2 than a physical asset on the Vectren system?

3 A Yes. I believe transmission concerns properly
4 dealt with it.

5 Q Now, would helping your customers reduce their
6 consumption reduce the need to rely on sources
7 of power outside the Vectren service
8 territory?

9 A Well, possibly, yes.

10 Q And since the Company does rely on purchases
11 from outside the service territory, wouldn't
12 investing in energy efficiency which helps
13 customers reduce their demand also reduce the
14 risks from the transmission congestion that
15 the Company faces?

16 A Depending upon the order and the magnitude of
17 the reductions, certainly, it might have a
18 minor impact.

19 Q What percentage of Vectren's generation --
20 Strike that.

21 What percentage of the electricity
22 generated by Vectren is generated by using
23 coal?

24 A On a historical level, that's in the range of
25 99 percent of the energy generated that our

1 customers consume has been generated by coal.

2 Q Does Vectren believe that it should diversify
3 its fuel sources?

4 A Vectren's fuel sources are diversified. We
5 have -- As stated in my testimony, we have
6 approximately a thousand megawatts of coal
7 generation and 300 megawatts of gas-fired
8 peaking capacity of which approximately 140
9 megawatts of that is capable of being dual
10 fuel with fuel oil and so on.

11 So, we think that is a pretty good
12 mix, a balance, between base-load and peaking
13 capacity.

14 Q So, it is fair to say that all of Vectren's
15 capacity is fossil fuel fired?

16 A That's accurate, yes.

17 Q And all of Vectren's capacity emits carbon,
18 CO₂, or so forth?

19 A I believe that's accurate, yes.

20 Q And certainly on the coal or using a fuel oil,
21 there would be other emissions, perhaps sulfur
22 and NO_x and mercury?

23 A Certainly.

24 Q Were any of the sites considered for a
25 potential IGCC plant a site where Vectren

1 currently operates a generating facility?

2 A Not to my knowledge, but I prefer that you
3 defer that to Mr. Moreland who has more
4 technical and in-depth knowledge of the
5 project in total.

6 Q Were any of the sites considered for an IGCC
7 plant within the Vectren service territory?

8 A Is that -- I'm not sure I understand the
9 distinction between your questions.

10 Q Well, there may not be a distinction;
11 although, there is a -- I guess the question
12 comes down to whether there is a Vectren
13 electric plant that would be outside of the
14 service territory.

15 A Okay. I need to get you to restate it.

16 Were you asking was there a site
17 considered inside the Vectren service
18 territory, and were you talking electric or
19 total Vectren? I'm confused.

20 Q Sorry for the confusion. I think that's a
21 fair clarification to ask for.

22 I was referring to a site within
23 the SIGECO electric territory.

24 A I'm not aware that any sites within the SIGECO
25 territory were considered.

1 Q So, all of the sites considered would require
2 some transmission capability; correct?

3 A If my answer to the first question is
4 accurate, which Mr. Moreland will confirm or
5 deny, that would be correct, yes.

6 Q And as the employee of Vectren who is here to
7 testify today, is it your understanding that
8 when the Company wishes to build its next
9 power plant, it will still need to seek a
10 Certificate of Need and justify the need for
11 the plant at that time and not rely on this
12 proceeding?

13 A That is correct, and that is as stated in the
14 Settlement Agreement.

15 MR. POLK: I have no further
16 questions for this witness, Your Honor.

17 JUDGE STORMS: Thank you,
18 Mr. Polk.

19 Mr. Stewart --

20 MR. STEWART: Thank you.

21 JUDGE STORMS: -- your witness.

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1 **CROSS-EXAMINATION OF MR. RONALD G. JOCHUM,**

2 **QUESTIONS BY MR. STEWART:**

3 Q Good morning, Mr. Jochum.

4 A Good morning.

5 Q I think I heard you say in connection with a
6 question relating to transmission congestion
7 risks, which that's referenced on Page 6 of
8 your testimony --

9 A Okay.

10 Q -- and I caught the tail end of the answer, I
11 apologize, but something along the lines of
12 the congestion charges in the MISO are a
13 demonstrated weakness of the system.

14 Did I hear that correctly, and
15 does that ring a bell?

16 A Yes, it does, and what I was saying is that
17 what I have knowledge of is the congestion
18 charges that we are incurring in MISO, and
19 that due to a federal code of conduct, I
20 cannot and have not been informed of the
21 analysis of the transmission system.

22 So, I only have an indication that
23 we have congestion risk, and that's a
24 financial indication.

25 Q Okay. I had -- Let me just ask these

1 questions and see if you can answer them.

2 Prior to the operation of the
3 Midwest ISO, there were limitations on the
4 importation ability of SIGECO with respect to
5 bringing power in; is that right?

6 A Yes.

7 Q And those continue today?

8 A At some level, but I suspect that's changed as
9 a result of the investments that we've made in
10 the transmission system.

11 Q I had sent some discovery relating to this
12 part of your testimony and gotten some
13 answers.

14 Do you know if those answers are
15 from you because it sounds like to some degree
16 you're not supposed to talk about some of the
17 stuff that I've got here.

18 A To a very high degree, I think so, but I --
19 Can you refer me to the question?

20 Q Well, I don't think we need to go into it that
21 deeply.

22 Is it safe to say that, in
23 essence, SIGECO is kind of a low pocket in the
24 MISO system?

25 A We are a current -- Under the current

1 operation of MISO, we are a control area, and
2 we are a border area within the MISO. We
3 represent about 1 percent of the MISO
4 transmission assets; so, we're a very small
5 piece of the MISO footprint.

6 Q And by low pocket, I meant there are
7 limitations on your ability to import power to
8 meet your needs.

9 A Again, as reflected in the congestion charges,
10 I believe there is some limitations.

11 Q And is it correct that if this plant were
12 constructed, that your company doesn't know
13 what, if any, additional transmission
14 facilities would be necessary for you to take
15 advantage of the power generated from the
16 facility?

17 A Well, that's where you run up against my
18 limitation of knowledge.

19 What I will say is I know the
20 project is evaluating those through the normal
21 study process at MISO, and today, I'm not
22 knowledgeable on the exact details of that
23 study.

24 Q Okay. Just one second.

25 One last quick question or area

1 for you.

2 In the petition that you filed
3 along with PSI, it references a variety of
4 statutory provisions, and, in fact, the
5 Settlement Agreement in addition references
6 Section 8-1-8.8, and that section permits
7 certain financial incentives to the utilities
8 or actually what it does is grant the
9 Commission the authority after hearing to
10 consider and approve certain financial
11 incentives for utilities that construct
12 certain types of projects.

13 Do you know or are you able to say
14 today whether your company, if this project
15 goes forward, will be seeking any kind of
16 incentive return above your otherwise
17 authorized return that's referenced in Section
18 8-1-8.8?

19 A I certainly am familiar with the incentive
20 terms under the statute, not specifically. I
21 do not believe that we've made the decision at
22 this time. If that decision has been made,
23 I'm not aware of it. I believe at this time
24 that's still under evaluation.

25 Q Are you able to or would you be able or

1 willing to commit to the Commission that if
2 you were authorized to charge ratepayers,
3 consistent with the Settlement Agreement, for
4 the cost of investigating whether or not to
5 build a plant, if the conclusion is you will
6 go forward, that your utility will not seek
7 any additional return on that investment under
8 that statute?

9 MR. HEIDORN: I'd object to that
10 question. That's beyond the scope of this
11 proceeding.

12 JUDGE STORMS: I'll sustain the
13 objection.

14 A It also might be career ending; so --

15 MR. STEWART: That's all I have.

16 JUDGE STORMS: Mr. Heidorn,
17 redirect?

18 MR. HEIDORN: A couple of
19 clarifying questions, Your Honor.

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1 REDIRECT EXAMINATION OF MR. RONALD G. JOCHUM,

2 QUESTIONS BY MR. HEIDORN:

3 Q Mr. Jochum, is it your understanding that at
4 this point in time Vectren or MISO determines
5 import capability?

6 A It is my understanding that MISO determines
7 that on a regional basis.

8 Q So, prior to MISO conducting a study and
9 informing the Company of the results, would it
10 be possible to know either the need for system
11 or transmission improvements or the cost
12 thereof?

13 A No, sir.

14 Q Also, just for clarification, the FERC Code of
15 Conduct, which you've mentioned a couple of
16 times, is the intent of that to prevent you,
17 as a generation employee, from knowing
18 non-public information related specifically to
19 Vectren's transmission system?

20 A That is my understanding of the Code, yes.

21 Q Does that bar you in any way from interacting
22 with MISO or having general knowledge of
23 transmission congestion beyond the Vectren
24 system?

25 A No, not as long as it is public information.

1 Q And lastly, is the Edwardsport site, in your
2 mind, in close proximity to the existing
3 Vectren transmission system?

4 A Yes, it is.

5 Q Do you know specifically how close?

6 A I do not.

7 MR. HEIDORN: Thank you.

8 JUDGE STORMS: Commissioner

9 Hadley?

10

11 **QUESTIONS OF MR. RONALD G. JOCHUM,**

12 **BY COMMISSIONER HADLEY:**

13 Q Good morning.

14 A Good morning.

15 Q In the Settlement Agreement, on Page 3,
16 Section 2.9, would Vectren have any problem
17 periodically providing opportunities to meet
18 and update the Commission Staff on this?

19 A I would say that we would be willing and
20 interested in providing you periodic updates
21 as we have in a number of other proceedings.

22 Q Thank you.

23 On Page 9 of your direct
24 testimony, I'll begin by asking, as an
25 operations witness, your concept of what a

1 traditional power plant is versus an IGCC.

2 What is meant in this testimony by
3 a traditional power plant?

4 A Well, my definition would probably be a power
5 plant uses pulverized coal and a boiler as the
6 typical technology for the combustion of coal
7 as opposed to the IGCC which is more
8 off-gassing of the coal product prior to the
9 combustion of gas.

10 Q And I've been confused by the term pure
11 technology for pulverized coal, and on Line 15
12 of Page 9 --

13 A Okay.

14 Q -- I guess I would begin by saying is a
15 fluidized bed technology considered a
16 traditional pulverized coal plant in your
17 definition?

18 A I don't think it is traditional pulverized
19 coal, but it is certainly a proven technology.

20 Q And the technology has been limited to smaller
21 plants.

22 Is that a mature technology?

23 A I believe so, yes.

24 Q There was a discussion about the time line of
25 this plant after the feasibility study is

1 completed.

2 A Yes.

3 Q The time line that's in testimony for
4 Vectren's need for capacity and from your
5 testimony is a shorter time line?

6 A That's correct.

7 Q Do you see the study and petition before the
8 Commission in the same way as earlier
9 described or do you have a different time line
10 that you'd like to discuss?

11 A Well, I'll say it this way. I'm happy to hear
12 that Cinergy believes that they can get it
13 done in that time frame. I believe it is a
14 compressed time frame for accomplishing this
15 task, and we certainly would support their
16 planned schedule.

17 Q Thank you.

18 JUDGE STORMS: Mr. Jochum, thank
19 you very much for your testimony. You are
20 excused.

21

22

23 (WITNESS ROBERT G. JOCHUM EXCUSED ON DIRECT)

24

25

1 JUDGE STORMS: Joint Petitioners
2 may call their next witness.

3 MR. POPE: Call Mr. Moreland,
4 please.

5
6 **ROBERT D. MORELAND**, a witness appearing on behalf
7 of the Joint Petitioner, PSI
8 Energy, Inc. d/b/a Duke
9 Energy Indiana, Inc., on
10 Direct and Rebuttal, having
11 been first duly sworn,
12 testified as follows:

13
14 **DIRECT EXAMINATION,**

15 **QUESTIONS BY MR. POPE:**

16 Q Please state your name.

17 A Robert Moreland.

18 Q And by whom are you employed and in what
19 capacity?

20 A Duke Energy as General Manager, Analytical &
21 Investment Engineering.

22 Q Mr. Moreland, are you sponsoring what's been
23 previously admitted into evidence as
24 Petitioner's Exhibit C, your prefiled
25 testimony, and Petitioner's Exhibit H, your

1 prefiled rebuttal testimony?

2 A Yes.

3 Q Were you in the hearing room when I offered
4 your prefiled testimony and noted a correction
5 on Page 4?

6 A Yes, I was.

7 Q Did you, in fact, make that correction and
8 initial it on the record copy of the
9 testimony?

10 A Yes, I did.

11 MR. POPE: With that, the witness
12 is available.

13 JUDGE STORMS: Thank you.
14 Mr. Polk, your witness.

15 MR. POLK: Thank you, Your Honor.

16

17 **CROSS-EXAMINATION OF MR. ROBERT D. MORELAND,**

18 **QUESTIONS BY MR. POLK:**

19 Q Good morning, Mr. Moreland. How are you?

20 A Good.

21 Q Now, at Page 2, Line 23 through Page 3, Line 6
22 of your testimony, you state that an IGCC
23 plant is a very efficient way to generate
24 electricity.

25 Is that because it uses combined

1 cycle technology?

2 JUDGE STORMS: Mr. Polk, what page
3 did you reference?

4 MR. POLK: Page 2, Line 23.

5 JUDGE STORMS: Thank you.

6 MR. POLK: I may have the wrong
7 page there.

8 A Yes.

9 Q So, the efficiencies are gained because it is
10 a combined cycle plant. Would there be
11 efficiencies using any fossil fuel on a
12 combined cycle plant?

13 A Yes, there would be.

14 Q Now, what is the cost estimate for capturing
15 CO2 at the Edwardsport facility?

16 A We don't have a detailed cost estimate for
17 capturing CO2 specifically at Edwardsport.
18 Those are some of the discussions that we are
19 having with the vendor, but in general,
20 industry numbers are in the 25 to 30 percent
21 range increase in cost of electricity from an
22 IGCC facility.

23 Q And that's just for the capturing; correct?

24 A No. I believe that's capturing and
25 sequestration.

1 Q Capturing and sequestration?

2 A Yes.

3 Q Okay. And in those generalized studies, what

4 technology are they using for the

5 sequestration?

6 A Geological sequestration.

7 Q Geological --

8 A CO2 compression and transportation of the CO2

9 compression, and I think putting it in the

10 ground, geological sequestration.

11 Q And how far are they transporting it?

12 A I don't know the details of that.

13 Q Do you know what geological formation they're

14 sequestering the CO2 in?

15 A Well, I don't think they were specific. I

16 mean, there's been a number of different

17 studies done, but, you know, generally, for

18 the Edwardsport site, there are saline

19 aquifers that, I believe, seal the earth

20 surface which appear may be possible

21 sequestration capable.

22 Q And you said possible sequestration. Is there

23 proven saline aquifer sequestration

24 technology?

25 A Well, I'm aware of one facility that is

1 sequestering CO2 out in the North Sea into a
2 saline aquifer, but in the United States, it
3 really hasn't been thoroughly demonstrated, in
4 my opinion, and so, that's -- in fact, we are
5 participating in a pilot program at one of our
6 other facilities to inject CO2 and capture it
7 in the ground.

8 Q Would that be into a saline aquifer at that
9 location?

10 A I believe so, but I'm not positive.

11 Q To your knowledge, are all saline aquifers
12 alike?

13 A I'm not a geologist; so, I can't really answer
14 that question.

15 Q So, it is quite possible that one saline
16 aquifer could have different rocks and
17 minerals in it than another saline aquifer?

18 A Well, I assume it could have different
19 constituents. It could have different
20 capacity for the amount of the CO2 that could
21 be sequestered in that area. I think there
22 are those kinds of differences.

23 Q And each of those differences might lead to
24 different reactions, chemical, physical, in
25 the CO2 that's injected?

1 A Not to my knowledge, but, again, I'm not a
2 geologist. I'm afraid I can't answer that.

3 Q Do you have any understanding of how long CO2
4 has been actively sequestered?

5 A No.

6 Q Have either Petitioners performed or had
7 performed for them detailed site specific
8 studies including site specific drilling for
9 the capture and sequestration of CO2?

10 A We have not done site specific drilling at the
11 Edwardsport station. We have had the Indiana
12 Geological Survey group review the information
13 that's known about the geology in the area to
14 determine whether it is reasonable to be able
15 to sequester CO2 in that site -- in that
16 location, and they have come back and said,
17 yes, they believe it is a reasonable
18 likelihood.

19 We will be drilling a hole not too
20 distant from the Edwardsport site over at our
21 Gibson station; so, we'll be able to gain more
22 knowledge about the geology in the general
23 region over there.

24 We are trying to interest one of
25 the coalitions who are working on the

1 Indiana or the Illinois coalition which is
2 working on installing a sequestration site
3 into a saline aquifer, we're trying to
4 interest them into coming to the Edwardsport
5 site.

6 Q When you said the studies have been done by a
7 state geological society, those are studies
8 based on geology, but the actual ability to
9 sequester carbon is still theoretical;
10 correct?

11 A I'd say it's not been widely demonstrated in
12 the United States. That's the whole purpose
13 of these demonstration projects like the one
14 that I mentioned earlier as well as the
15 FutureGen initiative which is a DOE sponsored
16 project to sequester large volumes of CO2.

17 Q Has either Petitioner studied or seen a study
18 on site specific interactions with rock and
19 brines in the target reservoirs for
20 sequestering CO2?

21 A I can't really speak as to whether Vectren has
22 initiated any study. They have not shared it
23 with us if they have. We've not studied what
24 you're referring to beyond the initial review
25 by the Indiana Geological Survey group.

1 Q Well, the folks at Vectren are nice folks.
2 You'd expect them to share that with you,
3 wouldn't you?

4 A If it was related to Edwardsport, yes.

5 Q Have there been any long-term, large scale,
6 hydrological modeling to assess CO2 migration
7 from the target reservoirs?

8 A Not that I'm aware of. I really don't know
9 the answer to that question.

10 Q Do you think that all of those things should
11 be done to investigate whether sequestering
12 would work at that facility or not?

13 A I'm not sure that all of that will be required
14 to be done in order to come to that
15 determination. That's still part of the
16 process that we're reviewing. It is a part of
17 the FEED study as to how far we need to go to
18 assure ourselves that it is a suitable site.

19 Q Can you explain why PSI believes it has
20 sufficient land area and preplanning for
21 equipment that would be necessary for
22 capturing and sequestering CO2?

23 A We have obtained options on additional
24 property around the existing Edwardsport site,
25 and, again, given the assumption that we can

1 sequester CO2 in that area, there would be
2 sufficient space in what we have optioned in
3 order to do that.

4 We have been working with General
5 Electric and Bechtel about allowing sufficient
6 space for the carbon capture equipment in the
7 plant layout, and the plant facility will be
8 laid out with that in mind.

9 Q How many acres is the Edwardsport site?

10 A The existing site is, I believe, about
11 170 acres.

12 Q And about how many acres is already in use?

13 A I'd estimate that there's 80 percent of the
14 land in use.

15 Q So, how much of the land would be available
16 for the equipment facilities necessary to
17 capture and sequester carbon?

18 A Well, we're anticipating locating the plant on
19 the property that we have optioned adjacent to
20 the Edwardsport facility.

21 Q Just to be clear, PSI has, basically,
22 determined that deep well injection in the
23 saline aquifers is the preferred method for
24 potential CO2 sequestration at that site;
25 correct?

1 A Based upon the report that we got back from
2 the survey, that's where it looked like the
3 greatest capacity was, but I guess until we
4 finish the analysis, I can't come to that
5 final conclusion.

6 Q Are you familiar with the Edwardsport area?

7 A Generally.

8 Q There is a lot of coal mining in that area,
9 isn't there?

10 A Yes.

11 Q Is it in an area that can be affected by the
12 New Madrid Seismic Fault?

13 A I can't answer that question.

14 Q Do you know if there is a lot of coal mining
15 going on in the Edwardsport area?

16 A I know that there are a lot of coal reserves
17 in the area, and I think there are some active
18 mines.

19 Q Is there a risk of mine subsidence in the
20 Edwardsport area?

21 A A risk of one of these active mines subsiding?

22 Q Active or inactive.

23 A Are you asking about the mine that we have
24 identified on the property that we optioned,
25 or are you talking about some other mines

1 that's outside of that property?

2 Q Mines that could affect the property on which
3 the facilities would be located.

4 A Okay. On the land that we optioned, there was
5 mining that took place many years ago, and we
6 know that as a part of the construction of
7 this facility, that we will have to deal with
8 that issue, and there are a couple of
9 different ways that we're aware of that we can
10 do that, and we're including those in our cost
11 estimates.

12 Q If you get it wrong, those costs could go way
13 up, couldn't they?

14 A It depends upon which method we use, but I
15 wouldn't think in the scheme of the cost of
16 the plant that it would have a dramatic impact
17 on the cost of the plant.

18 Q Is that because the scheme of the cost of the
19 plant is so large or because the risk is so
20 small?

21 A It is because the cost of the overall facility
22 relative to the cost of mitigating this mine,
23 the cost to the plant is significantly more.

24 Q The Edwardsport plant is on the White River;
25 correct?

1 A Yes.

2 Q Has the White River ever experienced low water
3 levels?

4 A I'm sure it has.

5 Q To the point where it's impacted production?

6 A I don't know the answer to that.

7 Q Were you here for my discussion with Ms.
8 Pashos about the emissions from an IGCC plant
9 versus a pulverized coal plant?

10 A Yes.

11 Q And was she accurate in referring to the
12 emissions that she referred to in her
13 testimony, the NOx, the SO2, the mercury,
14 those emission reductions were all reductions
15 to air emissions; correct?

16 A Yes.

17 Q And do you recall when I asked her if the
18 substances like mercury and the sulfur and the
19 carbon were vaporized or de-materialized, she
20 suggested that the answer was no, but I ought
21 to ask you?

22 A In the case of sulfur with an IGCC plant, it
23 is a by-product of the plant, and that can be
24 sold to a fertilizer market or other markets
25 that might need sulfur. It is an elemental

1 sulfur by-product, and if for some reason
2 we're unable to market it, it could be
3 landfilled.

4 Q What percentage do you anticipate of that
5 waste to be marketable?

6 A The sulfur?

7 Q Yes.

8 A 100 percent, a very high percentage of it.

9 Q And how about the particulates in the mercury?

10 A The particulates in the process are recycled
11 back to the gasifier until the end product
12 which is a glass slag. At this point, there
13 are potential markets for that slag material,
14 but it is also possible that we may have to
15 landfill that.

16 Q So, the expectation is that there could be a
17 considerable amount of waste that needs to be
18 landfilled; correct?

19 A Well, there could be some waste that needs to
20 be landfilled. In comparison to a pulverized
21 coal plant, it would still be less material,
22 much less material, than the pulverized coal
23 plant.

24 Q In volume or toxicity?

25 A In volume, and the glass slag is supposed to

1 be an inert material; so, in both.

2 Q Supposed to be. That means that it's been
3 represented to you as such or based on your
4 scientific knowledge you can testify to that?

5 A It's been represented to me.

6 Q Can you explain how mercury is captured in an
7 IGCC plant?

8 A It is a part of the clean-up system. There
9 are carbon bed filters that the gas travels
10 through, and the mercury attaches itself to
11 the carbon.

12 Q Did PSI ever consider the Gallagher station as
13 a location for an IGCC plant?

14 A It was not part of our site study. The
15 Gallagher site to us would not be a good site
16 for this particular facility because the
17 Gallagher site is currently about a 560
18 megawatt plant, and so, we wouldn't gain much,
19 if any, in the way of capacity if we retired
20 Gallagher and installed this plant.

21 Q Is Gallagher currently scrubbed?

22 A No, it's not.

23 Q Does Gallagher have any baghouses on it?

24 A No, but we have a petition asking to place
25 baghouses on Gallagher.

1 Q So, in terms of replacing dirty, old capacity
2 with cleaner, newer capacity, an IGCC plant
3 might make a difference, wouldn't it?

4 A An IGCC plant would be cleaner than what is
5 currently down there today.

6 Q And does the Gallagher plant run at full
7 capacity 24/7?

8 A No.

9 Q Does it run at full capacity at any time?

10 A Oh, yes, I'm sure it does.

11 Q Were any sites within the SIGECO service
12 territory considered for an IGCC plant?

13 A I don't think so, but to be honest with you, I
14 don't know exactly where the SIGECO service
15 territory is. I know it is generally in the
16 southern region of Indiana, but I don't know
17 the exact specifics of it.

18 MR. POLK: I have no further
19 questions for this witness, Your Honor.

20 JUDGE STORMS: Thank you,
21 Mr. Polk.

22 Mr. Stewart?

23 MR. STEWART: Thank you.

24

25

1 **CROSS-EXAMINATION OF MR. ROBERT D. MORELAND,**

2 **QUESTIONS BY MR. STEWART:**

3 Q Mr. Moreland, good morning.

4 A Good morning.

5 Q I want to follow up on a couple of questions
6 that Mr. Polk had.

7 You indicated that while you
8 hadn't drilled at Edwardsport, PSI or Vectren
9 or Duke was drilling a hole somewhere nearby
10 there. Can you tell me why you were drilling
11 a hole somewhere nearby there?

12 A At our Gibson station, we will be using a
13 process called deep well injection for the
14 scrubbers that are being installed there.

15 Q And I want to -- I want to follow up just a
16 little bit on the carbon questions really for
17 information purposes.

18 The CO₂, when it is compressed, it
19 becomes a liquid. Is that a hazardous
20 substance? I mean, if we had a cup of it
21 here, would it be something that I wouldn't
22 want touching me?

23 A Yes. If you had a cup of it sitting there, it
24 would return to a gassy state.

25 Q So sequestration requires that you put it

1 somewhere where it maintains in a fluid;
2 otherwise, it just goes back into the
3 atmosphere?

4 A Well, my understanding of the process is it
5 would be pumped into one of these saline
6 aquifers which then has rock formations over
7 the top of it, and so it won't return to the
8 atmosphere.

9 Q And toward the end of that conversation you
10 had, I heard you say that mercury attaches
11 itself to the carbon. Do you remember that?

12 A Yes.

13 Q Does that mean that the CO2 is -- a lot of the
14 mercury emissions that otherwise would exist
15 are in that mix as well?

16 A No. This is a carbon material, solid
17 material, as opposed to a CO2 gas, and so it
18 is a way of -- it is a technology for
19 filtering mercury and many other things.

20 Q And then what happens to that?

21 A Eventually, when that material is exhausted
22 and has consumed all that it can, then it
23 would be landfilled.

24 Q And is the mercury, then, in a form that
25 doesn't leach out?

1 A It would have to be put into a suitable
2 landfill where it would not leach out.

3 Q Okay. On Page 17 or 7, I'm sorry, of your
4 testimony, at around Lines 15 through 17, you
5 talk about the transmission interconnection
6 process and obtained a queue position.

7 Can you just update us with regard
8 to the status of that?

9 A Yes. We've been working with MISO for a
10 couple of years on this project. They're
11 performing the studies necessary to deliver
12 the energy into the MISO system and the impact
13 of that as far as whether or not there will be
14 any costs associated with delivering it to the
15 MISO system. And so, that's still under way.

16 I mean, we've gotten preliminary
17 reports back from them of what will be
18 required, some modest expenses, but there are
19 still some additional studies that are under
20 way.

21 Q And will that study provide, as an example,
22 Vectren with information as to what
23 improvements would be necessary for their
24 share of the plant to be a network resource?

25 A The study is based upon delivering 100 percent

1 of the plant's output into the MISO footprint.
2 I can't answer whether something additional
3 would need to be looked at from Vectren's
4 standpoint.

5 Q Can you tell us what -- you said modest
6 expenses. Do you have an estimate of what or
7 do you know what they estimated them as
8 preliminarily?

9 A At one point in time, I believe the number was
10 \$400,000, and then a potential transformer
11 would have to be replaced, but none of that
12 has been priced out until the remainder of the
13 study is done.

14 Q On the next page of your testimony, you
15 reference \$1.5 million spent through the end
16 of October of '05, and it is correct that over
17 \$340,000 of that 1.5 million is labor expenses
18 of Cinergy employees; correct?

19 A I don't know that number off the top of my
20 head. I'd have to go back and look at some of
21 the discovery requests.

22 MR. STEWART: May I approach
23 counsel for a moment?

24 JUDGE STORMS: Yes, you may.

25 Q I just confirmed with your counsel that this

1 wasn't confidential, this number wasn't
2 confidential. I'll let you take a look at it.

3 A Sure.

4 JUDGE STORMS: What is that,
5 Mr. Stewart, a discovery request?

6 MR. STEWART: It is. I'm not
7 going to offer it, Your Honor. It's just to
8 refresh his memory.

9 JUDGE STORMS: Okay.

10 A Yes, that's correct.

11 Q Okay. So of that \$1.5 million, just to
12 restate, over \$340,000 is Cinergy employee
13 costs?

14 A Yes.

15 Q Okay. Now, you had a rate case in May with an
16 order that came out in May of '04, PSI did?

17 A I'll have to take your word for it. I was not
18 involved in that.

19 Q Is it correct that labor costs included in the
20 rate case test period are made up of salaries
21 and wages charged to operating expense and
22 labor that is capitalized?

23 A You're beyond my expertise.

24 MR. STEWART: May I approach one
25 more time?

1 JUDGE STORMS: Yes, you may.

2 Q Mr. Moreland, I've given you PSI's response to
3 our Discovery Request 1.12, and I believe
4 Mr. Pope doesn't think I read it accurately;
5 so, I'm going to have you just read, if you
6 would, the question and the answer into the
7 record so that there is no confusion as to
8 accuracy.

9 A The entire thing?

10 Q Yes.

11 A "Witness Moreland's Exhibit C-2 reflects total
12 shared study costs for phase 2 (FEED) of from
13 \$11,350,000 to \$15,600,000. Provide a
14 detailed breakdown of the basis for the costs
15 in each category listed on this Exhibit. For
16 each category, also identify each company and
17 individual who has received or is expected to
18 receive compensation or payment. Provide an
19 explanation why PSI would (a) seek recovery of
20 costs for internal company labor, and (b) be
21 entitled to recover costs for internal company
22 labor. In the category of 'fees', include a
23 detailed breakdown of any and all MISO fees or
24 costs included in the estimate."

25 Response: "See confidential

1 attachment 1(a) provided in response to OUCC
2 1.1 which sets out the cost breakdown of the
3 FEED. In addition, see confidential
4 attachments OUCC 2.13-A through 2.13-H for
5 detailed information regarding contracts
6 issued with respect to the project.

7 The internal labor costs included
8 on Exhibit C-2 are costs that would normally
9 be capitalized should the Company ultimately
10 construct the facility. The Company's request
11 to recover such costs follows normal
12 accounting and ratemaking principles that are
13 no different than any other capitalized
14 internal labor cost. Labor costs included in
15 rate case test period (including the test
16 period in PSI's last general rate case) are
17 made up of salaries and wages charged to
18 operating expense accounts and labor that is
19 capitalized. Capitalized labor costs are
20 recovered in rates as the plant -- as that
21 plant includes such labor costs is
22 depreciated. PSI's current rates do not
23 include a component to recover a
24 representative level of current capitalized
25 labor costs, therefore, it is appropriate that

1 the Company be entitled to recover the labor
2 costs on Exhibit C-2.

3 Projected MISO fees for the FEED
4 are estimated in confidential attachment 1(a)
5 provided in response to OUCC 1.1.

6 Witness: Robert D. Moreland and
7 Kay E. Pashos"

8 Q Now, I think what I heard you say was that
9 with respect to this -- this was just through
10 October of last year, the \$340,000 associated
11 with current Cinergy employees, and that if we
12 looked back at the last rate case, included in
13 that rate case were expenses for salaries and
14 wages and capitalized labor expenses; is that
15 right? Is that what that says?

16 A Again, you're the -- Ratemaking is not my area
17 of expertise, and so, you know, I'm not sure
18 that I could come to that conclusion.

19 It sounded to me, as I read it,
20 that there would be some labor captured in
21 capital projects, but I don't know that all
22 the labor would have been reflected in the
23 previous rate case or any of it.

24 Q If you look at the last sentence of that
25 section, other than the MISO costs, it sounded

1 as though the justification that the Company
2 is giving with your name on the answer is
3 that, well, we didn't have a representative
4 amount in the last rate case; so, we ought to
5 be allowed to go ahead and recover more now;
6 is that right?

7 MR. POPE: Objection. Again, Your
8 Honor, the witness has already said that he
9 does not -- is not familiar with ratemaking.
10 Ms. Pashos' name was on there also. This is
11 way beyond the scope of any direct examination
12 on his part. It is improper cross.

13 MR. STEWART: Well, it is not
14 beyond the scope, Your Honor. If you look at
15 Page 8, he specifically references the \$1.5
16 million, and his name is on the discovery
17 response.

18 JUDGE STORMS: I'll overrule the
19 objection and allow the witness to answer to
20 the extent that he's able to.

21 A All I can do is try to interpret the statement
22 that's on here that "PSI's current rates do
23 not include a component to recover a
24 representative level of current capitalized
25 labor costs . . .", and, therefore, that's why

1 we think it is appropriate to recover it now.

2 Q Do you know if Duke's sales and revenues have
3 gone up since that rate case?

4 A No, I don't.

5 MR. STEWART: That's all I have,
6 Your Honor.

7 JUDGE STORMS: Redirect for this
8 witness?

9 MR. POPE: No, Your Honor.

10 JUDGE STORMS: Mr. Moreland, thank
11 you very much for your testimony. You're
12 excused.

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18 **(WITNESS ROBERT D. MORELAND EXCUSED ON**
19 **DIRECT AND REBUTTAL)**

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1 JUDGE STORMS: Joint Petitioners
2 may call your next witness.

3 MR. POPE: Call Diane Jenner.

4 JUDGE STORMS: Please proceed.

5

6 **DIANE L. JENNER**, a witness appearing on behalf of
7 the Joint Petitioner, PSI
8 Energy, Inc. d/b/a Duke Energy
9 Indiana, Inc., on Direct and
10 Rebuttal, having been first
11 duly sworn, testified as
12 follows:
13

14 **DIRECT EXAMINATION,**

15 **QUESTIONS BY MR. POPE:**

16 Q Please state your name.

17 A Diane L. Jenner.

18 Q And by whom are you employed?

19 A Duke Energy Shared Services.

20 Q And have you sponsored the prefiled and
21 already admitted testimony, Joint Petitioners'
22 Exhibit B, and your rebuttal testimony, Joint
23 Petitioners' Exhibit G, in this proceeding?

24 A Yes.

25 Q Do you adopt that as your testimony?

1 A Yes.

2 MR. POPE: The witness is
3 available.

4 JUDGE STORMS: Mr. Polk, your
5 witness.

6 MR. POLK: Thank you, Your Honor.

7 If I can have just a moment here.
8 I have a series of responses to data requests
9 that I'd like to put in, and it makes sense to
10 put them in at one time.

11 JUDGE STORMS: Do you need an
12 opportunity to have them marked?

13 MR. POLK: I will need an
14 opportunity to have them marked, yes.

15 JUDGE STORMS: Let's go off the
16 record.

17
18 (Reporter marked documents for
19 identification as Intervenor's -
20 CAC Exhibit Nos. CX-1 through
21 CX-7)

22
23 JUDGE STORMS: Let's go ahead and
24 go back on the record.

25 Mr. Polk, you may proceed.

1 MR. POLK: Thank you, Your Honor.

2

3 CROSS-EXAMINATION OF MS. DIANE L. JENNER,

4 QUESTIONS BY MR. POLK:

5 Q Good morning, just barely, Ms. Jenner.

6 A Good morning.

7 Q Now, I put in front of you documents marked
8 for identification as CAC Cross-Examination
9 Exhibits 1 through 7.

10 Just for the record, and to make
11 sure that everyone's numbers match up, CAC --
12 what was marked as CAC Cross-Examination
13 Exhibit No. 1 is a response to CAC Data
14 Request 2.14. Cross-Examination Exhibit 2
15 would be a response to CAC 2.19. Cross-
16 Examination Exhibit 3 would be the response to
17 CAC 2.21. Cross-Examination Exhibit 4 would
18 be the response to CAC 2.20. Cross-
19 Examination Exhibit 5 would be the response to
20 CAC 2.22. Cross-Examination Exhibit 6 would
21 be the response to CAC 2.23, and 7 would be
22 the response to CAC 2.24.

23 Does that match up with what you
24 have, Ms. Jenner?

25 A Yes, it does.

1 Q Terrific.

2 Now, turning to CAC

3 Cross-Examination Exhibit 1, the response to
4 the Data Request 2.14, and I apologize for the
5 misspelling in the request, did you prepare
6 the response to this?

7 A Yes, I did.

8 Q Okay. Is that the same answer that you'd give
9 today?

10 A Yes.

11 Q So in asking for an explanation of what
12 optimal combination means, your response is
13 best plan?

14 A Yes.

15 Q You don't find best plan to be as vague or as
16 ambiguous as optimal combination?

17 A We can quibble over the wording here, but I
18 think they say the same thing.

19 MR. POLK: Your Honor, I move for
20 the introduction of Cross-Examination Exhibit
21 1 into the record.

22 JUDGE STORMS: Is there any
23 objection?

24 MR. POPE: No objection.

25 JUDGE STORMS: We'll show CAC

1 Cross-Examination Exhibit No. 1 admitted into
2 this cause.

3

4 (INTERVENOR'S - CAC EXHIBIT NO.
5 CX-1, BEING A DOCUMENT CONSISTING OF
6 CAC DATA REQUEST NO. 2.14 WITH A
7 RESPONSE THERETO, ADMITTED INTO
8 EVIDENCE.)

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1 Q (Mr. Polk continuing) Now, turning to CAC
2 Cross-Examination Exhibit No. 2, was that
3 prepared by you?
4 A Yes.
5 Q Would your answer be the same today?
6 A Yes.
7 Q Cross-Examination Exhibit No. 3, was that
8 prepared by you as well?
9 A Yes.
10 Q And your answer would be the same today?
11 A Yes.
12 Q Cross-Examination Exhibit No. 4, was that
13 prepared by you?
14 A Yes.
15 Q And your answer would be the same today?
16 A Yes.
17 Q All right. Cross-Examination Exhibit No. 5,
18 was that prepared by you?
19 A Yes.
20 Q And your answer would be the same today?
21 A Yes.
22 Q Cross-Examination Exhibit No. 6, was that
23 prepared by you?
24 A Yes.
25 Q And your answer, again, would be the same

1 today?

2 A Yes.

3 Q And would the same be true for Cross-
4 Examination Exhibit No. 7?

5 A Yes.

6 MR. POLK: Your Honor, at this
7 point, I'd like to move into the record CAC
8 Cross-Examination Exhibits 2 through 7.

9 JUDGE STORMS: Is there any
10 objection.

11 MR. POPE: No objection, Your
12 Honor.

13 JUDGE STORMS: We'll show CAC
14 Cross-Examination Exhibits 2 through 7
15 admitted into this cause.

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1 (INTERVENOR'S - CAC EXHIBIT NO.
2 CX-2, BEING A DOCUMENT CONSISTING
3 OF CAC DATA REQUEST 2.19 WITH A
4 RESPONSE THERETO; INTERVENOR'S -
5 CAC EXHIBIT NO. CX-3, BEING A
6 DOCUMENT CONSISTING OF CAC DATA
7 REQUEST 2.21 WITH A RESPONSE
8 THERETO; INTERVENOR'S - CAC
9 EXHIBIT NO. CX-4, BEING A DOCUMENT
10 CONSISTING OF CAC DATA REQUEST
11 2.20 WITH A RESPONSE THERETO;
12 INTERVENOR'S - CAC EXHIBIT NO.
13 CX-5, BEING A DOCUMENT CONSISTING
14 OF CAC DATA REQUEST 2.22 WITH A
15 RESPONSE THERETO; INTERVENOR'S -
16 CAC EXHIBIT NO. CX-6, BEING A
17 DOCUMENT CONSISTING OF CAC DATA
18 REQUEST 2.23 WITH A RESPONSE
19 THERETO, AND INTERVENOR'S - CAC
20 EXHIBIT NO. CX-7, BEING A DOCUMENT
21 CONSISTING OF CAC DATA REQUEST
22 2.24 WITH A RESPONSE THERETO,
23 ADMITTED INTO EVIDENCE.)
24
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1 Q (Mr. Polk continuing) Now, Ms. Jenner, do you
2 believe that customer-specific contracts are a
3 form of demand-side management?
4 A Yes.
5 Q Can you identify what types of customer-
6 specific contracts are DSM and how they work
7 to reduce demand?
8 A Could you repeat that, please?
9 Q Sure. Can you identify what types of
10 customer-specific contracts are demand-side
11 management and how they work to reduce demand?
12 A I would consider interruptible contracts to be
13 customer-specific contracts, and they reduce
14 customer demand by when there is a need on the
15 system, we can contact these customers ahead
16 of time to reduce their load when they're
17 called upon, and they will reduce their load.
18 Q Would real time pricing work about the same?
19 A No, real time pricing doesn't work the same
20 way. In fact, I don't believe we have a real
21 time pricing program anymore.
22 Q Can you identify which customers have
23 customer-specific contracts?
24 A No, I can't answer that question.
25 Q Because you don't have knowledge or because

1 the information would be confidential?

2 A Specifically here, it is because I don't know
3 all the customers that have contracts.

4 Q Now, in your direct testimony at Page 7, Lines
5 21 through 22, is it true that the Company's
6 resource plan that was filed with the
7 Commission in the environmental compliance
8 case used EPRI information as the basis for
9 the IGCC data?

10 A Yes.

11 Q But the preliminary GE/Bechtel capital cost
12 data is somehow higher than the EPRI data;
13 correct?

14 A Yes.

15 Q Would you agree that without financial
16 hand-outs and subsidies, as discussed in Ms.
17 Pashos' testimony, that IGCC is likely to be
18 even less cost-effective?

19 A Even less cost-effective than what?

20 Q Than it is without those subsidies.

21 A Well, of course, subsidies would make the cost
22 of any technology that they're applied to
23 lower.

24 Q Are there generating stations kept in PSI's
25 portfolio for capacity reasons but which are

1 not expected to generate significant
2 quantities of electricity in the next five to
3 ten years?

4 A Well, we have a number of combustion turbines
5 on our system that are there for capacity
6 reasons. In fact, all of our generation is
7 there for capacity reasons, but the combustion
8 turbines, typically, do not generate
9 significant amounts of power, but they're
10 still needed for capacity reasons.

11 Q Are there other generating stations that are
12 not combustion turbines that are in PSI's
13 portfolio for capacity reasons but are not
14 expected to generate significant quantities of
15 electricity in the next five to ten years?

16 A As I said, all of our generating stations are
17 there for capacity reasons. If we did not
18 have them, we would have to replace that
19 capacity with something else because we have
20 reliability requirements.

21 To my knowledge, most of our
22 stations actively produce power at different
23 times during the year when called upon.

24 Q Edwardsport is considerably smaller and older
25 than Gallagher; correct?

1 A Yes.

2 Q If Edwardsport is repowered to be a 600
3 megawatt IGCC and all of that capacity is
4 added to the PSI system, are there other power
5 plants that PSI would not need?

6 A No.

7 Q So, the difference between -- Well, let's step
8 back.

9 What is Gallagher's capacity?

10 A 560 megawatts.

11 Q And what is the Edwardsport capacity?

12 A 160 megawatts.

13 Q And if it is repowered to be an IGCC, it would
14 be 600 megawatts?

15 A Yes.

16 Q So, that would be, what, a 340 megawatt
17 difference between --

18 A I think it is 440.

19 Q 440, okay.

20 A I can get my calculator out if you want.

21 Q No, that's good enough math for me.

22 And PSI needs all 440 megawatts of
23 that power?

24 A At some point in the future, yes. We have
25 growing demand on our system, and that's what

1 the IRP process looks at.

2 Q Has PSI informed Vectren that they're going to
3 need all 440 megawatts of that power?

4 A I didn't say that we were going to take all of
5 that power. I said that at some point it
6 would be -- it could be used on our system.

7 Q But not if the plant was put on by Vectren;
8 correct?

9 A No, and we would be taking that into account
10 in our IRP work.

11 Q So, in fact, PSI doesn't need the full
12 440 megawatts of capacity in the near term;
13 otherwise, it wouldn't have split that with
14 Vectren, would it?

15 A Well, I think there are other reasons why
16 having other utilities involved in this
17 project makes sense.

18 Q Does PSI anticipate environmental compliance
19 expenditures at Gallagher in the near future?

20 A We anticipate installing baghouses at
21 Gallagher.

22 Q Does PSI risk New Source Review problems if it
23 installs environmental compliance equipment at
24 Gallagher and increases the output of the
25 plant?

1 MR. POPE: Objection, Your Honor.
2 That clearly calls for a legal conclusion on
3 the part of this witness, and she's not been
4 qualified.

5 JUDGE STORMS: Your response?

6 MR. POLK: She's an expert in
7 planning and generation. She would -- might
8 not be able to make a legal conclusion, but
9 she's certainly aware of the risks if there
10 were any.

11 JUDGE STORMS: I'll overrule the
12 objection and allow the witness to answer.

13 A I don't know.

14 MR. POLK: No further questions
15 for this witness, Your Honor.

16 JUDGE STORMS: Thank you.
17 Mr. Stewart, your witness.

18 MR. STEWART: No questions.

19 JUDGE STORMS: Redirect?

20 MR. POPE: None, Your Honor.

21 JUDGE STORMS: Ms. Jenner, thank
22 you very much for your testimony. You're
23 excused.

24 **(WITNESS DIANE L. JENNER EXCUSED ON DIRECT AND**
25 **REBUTTAL)**

1 JUDGE STORMS: Anything further
2 from the Joint Petitioners?

3 MR. POPE: No, Your Honor.

4 JUDGE STORMS: Mr. Helmen, you may
5 call your witness.

6 MR. HELMEN: Thank you, Your
7 Honor.

8 We call Stacie Gruca.

9
10 **STACIE R. GRUCA**, a witness appearing on behalf of
11 the Public, having been first
12 duly sworn, testified as
13 follows:

14

15 **DIRECT EXAMINATION,**

16 **QUESTIONS BY MR. HELMEN:**

17 Q Would you, please, state your name and spell
18 your last name for the record?

19 A Stacie R. Gruca, G-r-u-c-a.

20 Q And where and by whom are you employed?

21 A I'm employed by the Office of Utility Consumer
22 Counselor, and the address is 100 North Senate
23 Avenue, Room N501, Indianapolis, Indiana
24 46204.

25 Q Have you sponsored testimony in support of the

1 settlement in this case?

2 A Yes, I have.

3 Q I've placed before you what's been marked for
4 identification purposes as Public's Exhibit
5 1-S.

6 Is that a true and accurate copy
7 of your settlement testimony in this cause?

8 A Yes, it is.

9 Q Do you have any changes or corrections to make
10 to that testimony?

11 A No, I do not.

12 Q Do you adopt that testimony as your sworn
13 testimony as you sit here today?

14 A Yes, I do.

15 Q Thank you.

16 MR. HELMEN: Your Honor, Public's
17 Exhibit 1-S has previously been admitted into
18 the record; so, the witness is now available
19 for cross-examination.

20 JUDGE STORMS: Thank you,
21 Mr. Helmen.

22 Mr. Polk, your witness.

23 MR. POLK: Thank you, Your Honor.

24

25

1 **CROSS-EXAMINATION OF MS. STACIE R. GRUCA,**

2 **QUESTIONS BY MR. POLK:**

3 Q Good afternoon, Ms. Gruca.

4 A Good afternoon.

5 Q On Page 2 of your settlement testimony, Lines
6 19 through 20, you indicate that, "The OUCC
7 encourages the study of clean coal
8 technology . . ."

9 Does that study, as encouraged by
10 the OUCC, include how to deal with the problem
11 of carbon emissions?

12 I can rephrase the question if you
13 like.

14 A Please do.

15 Q Is the OUCC concerned about carbon emissions
16 from power plants in Indiana?

17 A Yes, I believe we are. It is not necessarily
18 something that I looked into in this cause.

19 Q Do you know whether the OUCC believes whether
20 carbon regulations may come down at some point
21 in the future?

22 A Personally, I do not know.

23 Q Do you have a personal belief?

24 A No, I'm sorry.

25 Q Now, the OUCC has taken a position in support

1 of funding the study -- the IGCC FEED study,
2 the preliminary sector.

3 Does the OUCC also support
4 ratepayer funding of studying the potential
5 for energy efficiency and conservation?

6 MR. HELMEN: Your Honor, I'm going
7 to object to the question. I don't think Ms.
8 Gruca -- Mr. Polk is asking policy questions,
9 and I don't believe it's been established that
10 this witness is the proper witness to be
11 answering those.

12 JUDGE STORMS: I'll sustain the
13 objection.

14 Q Ms. Gruca, is it the purpose of your testimony
15 to explain why the OUCC believes that the
16 proposed Settlement Agreement is in the public
17 interest?

18 A Yes.

19 Q In determining whether something is in the
20 public interest or not, is it important to
21 understand public policy and public policy
22 considerations?

23 A I think it could be, yes.

24 Q Can you define for me what public interest is?

25 A I think there are a lot of definitions for

1 public interest.

2 Are you asking pertaining to this
3 cause here or this project or this study? I'm
4 sorry.

5 Q Well, I would like to know what you believe
6 public interest means since you're here
7 testifying as to what is in the public
8 interest.

9 A As far as the IGCC study goes, I believe it is
10 in the -- as far as public interest, I believe
11 that means something that could be cost
12 effective; something that could be -- have
13 environmental benefits; something that would
14 support ratepayers as far as economically or
15 environmentally, or there could be numerous
16 other reasons.

17 Q Now, you indicate that the settlement gives
18 Joint Petitioners, and I'm looking at Page 3
19 here, Lines 11 through 16, that the settlement
20 gives Joint Petitioners an incentive to
21 minimize costs and losses since shareholders
22 are bearing a portion of the financial risk.

23 Would that incentive to minimize
24 costs and losses to shareholders increase with
25 the portion of financial risk that they bore?

1 A I don't believe I understand your question.

2 Q You indicate that there is an incentive in the
3 settlement to minimize costs and losses since
4 shareholders are bearing a portion of the
5 financial risk.

6 A Yes.

7 Q If they were to bear a greater portion of the
8 risk, would the incentive to minimize costs
9 and losses be greater?

10 A Yes, I believe so.

11 Q How do ratepayers benefit from the study if it
12 includes -- if it concludes that IGCC
13 technology is not prudent compared to getting
14 the same study and not having to pay for it?

15 A Can you repeat the question again, please?

16 Q Well, I'll try and rephrase it here and break
17 it down into pieces then.

18 You state that ratepayers will
19 benefit from the study even if it concludes
20 that IGCC technology is not prudent to pursue
21 at this time; correct?

22 A Yes.

23 Q And they would receive that benefit from the
24 study whether they pay for the study or not;
25 correct?

1 A Yes.

2 Q But you'd agree that it is better to make a
3 determination sooner rather than later as to
4 whether IGCC technology makes sense or not?

5 A Yes, I do.

6 Q And one of the benefits of IGCC technology is
7 that it can capture and sequester carbon;
8 correct, or provides a better opportunity to
9 do that?

10 A Sure.

11 Q If you could turn to Page 4 of your testimony,
12 and I'm looking at Lines 16 through 23.

13 Now, is it your position that
14 Joint Petitioners still must seek Certificates
15 of Public Convenience and Necessity and make a
16 showing of specific need before they can build
17 an IGCC plant?

18 A Yes.

19 Q And you've been here for the entire hearing
20 today; correct?

21 A Yes.

22 Q So, it is your understanding that the
23 Petitioners have both stated the same thing;
24 correct?

25 A Yes.

1 Q Now, what are the benefits of IGCC technology?

2 A Environmentally, it would be to reduce air
3 emissions, emissions in the air.

4 Q I'm going to ask you a series of questions, a
5 shorter version, that was asked earlier of Ms.
6 Pashos, hopefully.

7 What creates more air emissions, a
8 megawatt from an IGCC plant or a megawatt from
9 a wind turbine?

10 A A wind turbine.

11 Q The wind turbine --

12 A I'm sorry.

13 Q -- generates more emissions or less?

14 A Oh, I'm sorry. An IGCC --

15 Q -- generates more. The same would be true
16 with a photovoltaic panel or a megawatt of
17 conservation; correct, an IGCC would create
18 more emissions?

19 A I'm not sure what that is, the first thing
20 that you described there.

21 Q A photovoltaic panel, a solar panel.

22 A Oh, okay. I'm sorry. Can you repeat your
23 question?

24 Q That's okay. I think I'll finish up there.

25 MR. POLK: No more questions, Your

1 Honor.

2 JUDGE STORMS: Mr. Stewart, your
3 witness.

4 MR. STEWART: Thank you, Your
5 Honor.

6

7 **CROSS-EXAMINATION OF MS. STACIE R. GRUCA,**

8 **QUESTIONS BY MR. STEWART:**

9 Q Good afternoon.

10 A Good afternoon.

11 Q Look at Page 2 of your testimony. You state
12 at Lines 9 through 14, you're asked a question
13 about purpose, and it says explain why the
14 OUCC believes that the settlement is in the
15 public interest; is that correct?

16 A Yes.

17 Q Do you believe it is in the public interest?

18 A Yes, I do.

19 Q Okay. Now, you're asked to explain your
20 position, and there are a couple of paragraphs
21 of the response there going on to Page 3, and
22 in this section, you're talking about allowing
23 the utility to defer a portion of reasonable
24 study costs for future -- I'm looking on Page
25 2, and we're on Line 19 -- for future recovery

1 and sharing of the costs. Do you see that?

2 A Yes.

3 Q Now, do you have a copy of the Settlement

4 Agreement handy because that's what you're

5 testifying about; right?

6 A Yes.

7 Q If you look at the Substantive Provisions,

8 Section 2 --

9 A Yes.

10 Q -- you talk in your testimony about sharing,

11 but if the project goes forward, is it correct

12 that the ratepayers' share of the study will

13 be 100 percent?

14 A Can you direct me to where you're looking?

15 Q Yes; 2.3. If the utility is granted a CPCN

16 for the project, is it correct that

17 100 percent of the project costs would then be

18 borne by the ratepayers?

19 A Yes. The utility would capitalize that; so,

20 it would be the ratepayers paying for that.

21 Q So, the share is either 100 percent of the

22 projects built or 50 percent of the projects?

23 A Yes.

24 Q Let's look back at your testimony on Page 3.

25 Looking at your answer that starts on Line 8,

1 do you have any -- I see there that they get
2 50 percent plus carrying costs?

3 A That's correct.

4 Q Do you have any estimate of what the carrying
5 costs would be in that circumstance?

6 A No, I do not.

7 Q Do you know when the carrying costs would
8 begin to be calculated?

9 A My understanding would be that it would be
10 calculated at the same time that they would
11 begin recovering the costs of the study
12 itself, but I can't -- I'm not for sure on
13 that.

14 Q Well, it says that they defer -- if I look
15 back at the Settlement Agreement -- for
16 recovery in their next base rate case over a
17 period of not more than five years including
18 carrying costs as the weighted cost of
19 capital.

20 It is your understanding that
21 carrying costs wouldn't begin until that rate
22 case?

23 A Yes.

24 Q Does it affect your opinion that having the
25 ratepayers pay either 50 percent or

1 100 percent of the study is in the public
2 interest, would it affect that opinion of
3 yours depending on how much the carrying costs
4 might be?

5 A No.

6 Q Okay. Let's look at the next sentence in that
7 answer. This is one that Mr. Polk touched on,
8 and I just want to clarify and confirm that
9 you say that, "The OUCC supports this
10 recommendation, as it gives Joint Petitioners
11 an incentive to minimize costs and losses
12 since shareholders are bearing a portion of
13 the financial risk."

14 I think I heard correct and tell
15 me if I'm right -- Well, let's move on.

16 Let's look at the next sentence,
17 "It seems appropriate that ratepayers share in
18 this cost as they will benefit from the Study
19 even if it concludes that IGCC technology is
20 not prudent" You were asked about that
21 as well by Mr. Polk, and I want to follow up
22 on that.

23 Is it your understanding that
24 under Indiana law normally a utility would
25 only recover costs that are being approved by

1 your office in the settlement agreement as in
2 the public interest if they came in under
3 another statute and got the Commission to
4 approve the project by issuance of a
5 Certificate of Public Convenience and
6 Necessity?

7 MR. HELMEN: I'm going to object
8 to the question. I believe it calls for a
9 legal conclusion.

10 JUDGE STORMS: I'll overrule the
11 objection and allow the witness to answer.

12 A Could you repeat the question? I'm not sure I
13 understand what you're asking.

14 Q Outside of this proceeding where these
15 utilities are asking for specific relief and
16 which your office has entered into a
17 settlement agreement relating to the recovery
18 of costs associated with the study for an IGCC
19 project; right?

20 A Right.

21 Q And your agreement says that they can recover
22 100 percent if the project goes forward or
23 50 percent if it doesn't; is that right?

24 A Correct.

25 Q Okay. Normally, would they have to come in in

1 order to recover that, outside of this type of
2 a settlement, through a process that would
3 require the Commission to also find that the
4 project is justified through the issuance of a
5 Certificate of Public Convenience and
6 Necessity?

7 A Yes, they would go through -- they would have
8 to come in for a CPCN.

9 Q Now, how -- I'm going to ask you this more
10 open ended, I think, than Mr. Polk did, but
11 how do the ratepayers benefit by paying half
12 the costs of this study if the study says they
13 shouldn't be built?

14 A Well, we -- As part of the OUCC, we believe
15 that this project is definitely something that
16 needs to be pursued, and without -- I believe
17 that the project -- Whether the project goes
18 through or not, ratepayers will benefit from
19 the project because even if the project is
20 deemed to not be something that you want to go
21 through with at this time, then, if it was to
22 go through at another time, then, I believe
23 the costs may be higher at that later time.
24 So, it could decrease the cost to the
25 ratepayers in that sense.

1 Also, without the exploration of
2 an IGCC project, we don't know if it is
3 something that would be beneficial or not.
4 So, that is our whole reasoning, to find out
5 if it is cost effective, if it is
6 environmentally friendly, as they say it can
7 be.

8 So, without going through with the
9 project, I don't think we can -- I mean,
10 without going through with the study -- If we
11 don't go through with the study, then, how do
12 we determine that, how do we determine what
13 that will be?

14 Q Okay. Well, there are two answers there.
15 Let's say PSI comes to you and says, along the
16 lines of what Mr. Polk said, we also want to
17 do a study on wind power, and we want to do a
18 study on solar power, and we want to do a
19 study on geothermal power.

20 Is it your office's view that,
21 based on public interest, ratepayers should be
22 funding studies to -- for the utility to
23 determine whether they should build various
24 types of projects?

25 MR. HELMEN: Your Honor, I'm going

1 to object to the question as to what the
2 policy of the OUCC would be especially on
3 situations that bear absolutely no relevance
4 to the proceeding before us.

5 JUDGE STORMS: I'll sustain the
6 objection.

7 Q Now, you said that the costs -- It might be
8 beneficial if they don't build it now, but if
9 they build it later; so, is it your view that
10 if this study says it doesn't make sense to
11 build it, that somehow it is going to be built
12 in the future without another study?

13 A I believe there could be a possibility that
14 there could be updates to a study, and
15 although it may not be beneficial at this
16 time, it may be beneficial at a later date,
17 yes.

18 Q And are the ratepayers going to pay 50 to
19 100 percent of the updates for the study as
20 well?

21 MR. HELMEN: I'll object to the
22 question as outside the scope of this
23 proceeding completely.

24 JUDGE STORMS: I'll sustain that
25 objection as well.

1 Q Okay. Look at Lines 14 through 16, "It is
2 better that we make that determination . . ."
3 Who's "we" by the way?
4 A I believe it would be the OUCC, but it could
5 be all parties.
6 Q Okay. "make that determination at this stage
7 rather than down the road when costs could be
8 exponentially larger."
9 "Exponentially larger", what do
10 you mean by that?
11 A Exponentially larger as in a greater amount of
12 costs.
13 Q For what?
14 A I'm sorry.
15 Q Costs for what? I'm not following.
16 A Larger costs for an IGCC study.
17 Q So we should undertake the study and fund it
18 with ratepayer money today because it might
19 cost more to do the study later?
20 A It could, yes.
21 Q That's a justification for having the
22 ratepayers pay for it?
23 A Not entirely -- not for the entirety, no.
24 Q Look at the next question and answer. Now,
25 the question is, how does this agreement

1 protect the ratepayers if the study results
2 are used to build a plant in another state,
3 and so there is going to be two areas of
4 questioning here, and the first goes to the
5 first sentence which really doesn't relate to
6 that question at all but stresses that the
7 Joint Petitioners are really confident and
8 they're pretty optimistic that this project is
9 going to be pursued; is that right?

10 A Yes.

11 Q And we've already discussed and I discussed
12 with the President of PSI that they could come
13 in under other statutes and seek recovery of
14 these costs if that project is approved down
15 the road, but looking back to the Settlement
16 Agreement, in addition to the OUCC agreeing
17 that the ratepayers should pay 100 percent of
18 the costs if the project goes forward, which
19 the utilities are optimistic is going to take
20 place, you've also agreed that they can
21 recover up to \$15 million that your office
22 won't even review or contest the
23 reasonableness of that amount; is that right?

24 A Correct.

25 Q And if there is a second study, then, you've

1 agreed that you won't review or contest up to
2 \$20 million; is that right?

3 A Correct.

4 Q The second FEED study, was that something that
5 was discussed in anybody's testimony, or is
6 that something that came up later as part of
7 this settlement process?

8 A It was part of the settlement process, it is
9 my understanding.

10 Q So, the Settlement Agreement not only says
11 that they can have up to \$15 million without
12 the OUCC objecting, but it gives them another
13 relief that wasn't even sought in the original
14 proceeding for a second study of up to another
15 \$5 million; is that right?

16 A Yes.

17 Q Now, let's look at the second sentence in that
18 answer which goes to using the results outside
19 of Indiana because you do agree that it is
20 just Indiana ratepayers that we're talking
21 about paying these costs; right?

22 A Correct.

23 Q Okay. You say, "However, if the project does
24 not go forward, and Joint Petitioners or any
25 other entity builds an IGCC plant outside of

1 the state using the results of the Study, then
2 no costs will be incurred by the Joint
3 Petitioners' Indiana customers." Do you see
4 that?

5 A Yes.

6 Q The phrase "using the results of the Study",
7 let's look back and make sure that's what the
8 settlement says. It is Paragraph 2.7, and
9 those are the same words. Do you see that?

10 A Yes.

11 Q Okay. What does "using the results of the
12 Study" mean?

13 A I'm not sure how else you would describe that
14 other than the actual results of the study.
15 Whatever information is produced from the
16 study.

17 Q Well, what if another Duke company reviews the
18 study and has something extra done to it, pays
19 \$500,000 to have the study updated, and then
20 goes ahead and builds the plant somewhere
21 else, would that trigger this provision, or
22 would they be allowed to do that?

23 MR. HELMEN: Your Honor, I'm going
24 to object to the question. Counsel is asking
25 for a legal conclusion. The document speaks

1 for itself as to what would or would not
2 violate the agreement, and it is clearly
3 calling for a legal conclusion which this
4 witness isn't qualified to give.

5 MR. STEWART: This is the witness
6 supporting this agreement for the UCC. She
7 testifies relating to this specific clause,
8 and if she doesn't understand what the clause
9 means, then, perhaps we should have another
10 witness.

11 JUDGE STORMS: I'll sustain the
12 objection. Your question is hypothetical. It
13 goes beyond what is in that clause, and it
14 does state what it states.

15 Q Does the study, or excuse me, does the
16 agreement between the parties, as presented to
17 this Commission, contain any duty to keep the
18 results of the study confidential?

19 JUDGE STORMS: Let's go off the
20 record for a second. We need to switch out
21 some paper.

22

23 (Off the Record)

24

25 JUDGE STORMS: Let's go back on

1 the record.

2 Mr. Stewart, you may proceed.

3 MR. STEWART: I think there is a
4 question pending.

5 JUDGE STORMS: Lynda, could you
6 read it back.

7

8 (Reporter read back the preceding
9 question as follows: "Does the
10 study, or excuse me, does the
11 agreement between the parties, as
12 presented to this Commission,
13 contain any duty to keep the
14 results of the study
15 confidential?")

16

17 A Confidential in the sense of allowing another
18 entity to use this study? I don't know that
19 we have specifics on that, but I do believe
20 that -- I don't know that the use of it would
21 be something that the utilities would want to
22 share nor perhaps the companies that are
23 actually doing or providing this IGCC study
24 information. I don't know if that would be
25 something that would be a confidential

1 agreement between the utilities and the
2 companies that they hire in order to do this.

3 Q There is nothing in the agreement that --

4 A That specifically says that, no, not that I'm
5 aware of.

6 Q And there is nothing in it that requires
7 anybody to report with whom it is shared or to
8 keep people with whom it is shared from
9 sharing with others?

10 A Other than the confidential treatment of what
11 the parties agree to as far as pricing
12 information, no.

13 Q Now, if you turn to Page 5 of your testimony,
14 and keep Paragraph 2.1 of the Substantive
15 Provisions of the Settlement Agreement close
16 by, I look here at the top of this page, and
17 you say -- basically, you're quoting from the
18 Settlement Agreement -- that the Joint
19 Petitioners will need and will request CPCNs
20 under 8.5 and 8.7 as well as the relief --
21 related relief pursuant to 8.8. Do you see
22 that?

23 A Yes.

24 Q Okay. Do you know what relief is available to
25 Petitioners under 8.8?

1 A I believe it is relief as part of the relief
2 to clean coal projects.

3 Q Okay. It includes up to a 3 percentage point
4 increase over the normal return on a plant?

5 A The specifics, I'm not aware of.

6 Q Would it impact your opinion that this is in
7 the public interest if the Joint Petitioners
8 need and will request the relief available
9 under 8.8 if that included an increase in the
10 return of 3 basis points on the cost of the
11 plant?

12 Just let me ask you: Did you take
13 that into consideration when you reached your
14 opinion that this was in the public interest,
15 that possibility?

16 A The 3 percent increase?

17 Q Yes.

18 A If that's included within the CPCN, then, yes.

19 Q Let's look at the next paragraph, "The
20 Settlement Agreement contemplates the Joint
21 Petitioners making a CPCN filing which will
22 allow for a full analysis of Joint
23 Petitioners' IRPs -- and then this last
24 phrase -- as well as allow any possible double
25 recovery issues to be carefully reviewed."

1 What do you mean by that?

2 A I'm sorry, could you point me to where you're
3 at?

4 Q Yes. Line 8 and 9 of your testimony on Page
5 5.

6 A I'm sorry, you're asking what is meant by
7 that?

8 Q What do you mean -- this is your testimony --
9 by the phrase "as well as allow any possible
10 double recovery issues to be carefully
11 reviewed"?

12 A Well, as far as double recovery issues, we'd
13 like to be able to look into that as there
14 could be, you know, a double recovery of
15 engineering costs, of -- I mean, you know,
16 they -- The utilities would -- The utilities
17 pay, you know, for their own engineering, for
18 other things other than the IGCC study.

19 So, if they have -- You know,
20 they're paying salaries that way, but then if
21 they have -- If those engineers that come to
22 work on this IGCC project, if it was to go
23 through, there could be, I believe, double
24 recovery issues.

25 I'm not saying that they would do

1 that or that they are doing that, but I'm just
2 saying that there is that possibility, and we
3 would have to look into that to make sure that
4 they're not double recovering in two separate
5 areas.

6 Q Well, your example is Duke employees. Is that
7 what I just heard, that they are already
8 working on things?

9 A As an example, yes.

10 Q But the OUCC has settled here that as long as
11 it is under \$15 or \$20 million, depending on
12 the circumstance, you don't investigate that
13 at all; isn't that right?

14 A Yes.

15 Q And we also heard, I think, earlier today that
16 there is over \$340,000 of employee costs
17 already included in the amount that they're
18 going to recover.

19 MR. HELMEN: I'll object to the
20 question. There is no foundation laid that
21 this witness would have any independent
22 knowledge of that.

23 JUDGE STORMS: I don't know if he
24 even asked the question at this point. I'll
25 overrule the objection and allow the witness

1 to answer to the extent that she knows.

2 Can you repeat the question,
3 Mr. Stewart?

4 Q Well, weren't you here when we had a
5 discussion earlier about a certain amount of
6 employee costs being included in the \$1
7 and-a-half million that is cited in their
8 testimony?

9 A Yes.

10 Q Let's look at your last paragraph. The second
11 sentence, you're talking about potential
12 benefits of the ability to burn coal more
13 cleanly.

14 Has there been any studies as to
15 the value to ratepayers of burning coal more
16 cleanly?

17 Can you tell me what you mean in
18 terms of that?

19 A There would be environmental benefits as far
20 as cost effectiveness. That's the reason that
21 we would like the study to be pursued.

22 MR. STEWART: One second.

23 That's all I have.

24 JUDGE STORMS: Redirect?

25 MR. HELMEN: Thank you, Your

1 Honor.

2

3 **REDIRECT EXAMINATION OF MS. STACIE R. GRUCA,**

4 **QUESTIONS BY MR. HELMEN:**

5 Q Staying on Page 5, Ms. Gruca, of your
6 testimony, up at the top, I was a little
7 confused by Mr. Stewart's questions having to
8 do with the CPCN and the cost recovery and the
9 clean coal technology statutes referenced
10 above.

11 Does this Settlement Agreement
12 require the Joint Petitioners to come in and
13 seek a CPCN if they so desire and to seek any
14 financial incentives if they so desire?

15 A Yes.

16 Q This doesn't -- The OUCC is not in any way
17 preapproving those requests, are they?

18 A No, not at all.

19 Q Have you, your case team or the OUCC made any
20 determination of a specific need of any of
21 these -- of either of these utilities for
22 generation resources?

23 A Not in this cause.

24 Q Have you or your case team made any
25 determination of the adequacy of the energy

1 efficiency programs of either of these
2 utilities?

3 A No.

4 Q Have you or your case team made any
5 determination whether IGCC technology
6 constitutes clean coal technology?

7 A No.

8 Q Or whether they would be entitled to any
9 financial incentive associated with building
10 clean coal technology?

11 A No.

12 Q Anything in this agreement preclude the OUCC
13 from contesting any of the above items?

14 A No.

15 Q You were present previously when President
16 Pashos was testifying?

17 A Correct.

18 Q She, as you know, is an attorney, but she
19 wasn't playing one this morning?

20 A Yes.

21 Q She testified that, in her opinion, the CPCN
22 statute or one of the associate statutes
23 allow the parties seeking a CPCN statute to
24 capitalize the costs associated -- some of the
25 costs associated, engineering costs, study

1 costs, things of that nature; is that correct?

2 A Yes.

3 Q Do you have -- Is that your understanding as
4 well?

5 A Yes.

6 Q Now, this petition has to do with seeking
7 payment of costs of a FEED study if the
8 project does not go forward, in other words,
9 if there is not a CPCN, and as you read the
10 petition in this case, were the Petitioners
11 seeking to have ratepayers pay for all of the
12 FEED study?

13 A That's correct.

14 Q And compared to that request, having
15 shareholders pay 50 percent of the FEED study,
16 does that in some way, in your opinion, and
17 based upon your testimony, give them
18 incentives to keep the costs down?

19 MR. STEWART: Objection. That
20 misstates both her testimony and the
21 Settlement Agreement, Your Honor.

22 MR. HELMEN: I don't think it does
23 at all.

24 JUDGE STORMS: Overruled.

25 A I'm sorry, could you repeat that one more

1 time?

2 MR. HELMEN: Could you read the
3 question, back?

4

5 (Reporter read back the preceding
6 question as follows: "And compared
7 to that request, having
8 shareholders pay 50 percent of the
9 FEED study, does that in some way,
10 in your opinion, and based upon
11 your testimony, give them
12 incentives to keep the costs
13 down?")

14

15 A Yes. There would be no guarantee that this
16 project if shareholders, or I'm sorry, not
17 shareholders, but if ratepayers were not
18 paying for a portion of it, the Joint
19 Petitioners could deny going through with this
20 study if they wanted to, and then that could
21 eliminate a benefit that could be given back
22 to the ratepayers if it does not -- if the
23 study does not go through.

24 Q When you talk about costs being exponentially
25 larger possibly if you don't go ahead and fund

1 this FEED study, were you contemplating a
2 situation where, perhaps, even construction
3 has started before a study determines that it
4 is not feasible to go forward?

5 MR. STEWART: Leading.

6 MR. HELMEN: I'll withdraw the
7 question.

8 I have no further questions.

9 JUDGE STORMS: Ms. Gruca, thank
10 you very much for your testimony. You're
11 excused.

12

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16 **(WITNESS STACIE R. GRUCA EXCUSED)**

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1 JUDGE STORMS: Let's go off the
2 record.

3
4 (Off-the-Record Discussion)

5
6 JUDGE STORMS: Let's go back on
7 the record.

8 We've had a brief discussion off
9 the record regarding the proposed schedule for
10 submission of proposed orders and responses
11 thereto.

12 Based on the agreement of the
13 parties, the Joint Petitioners will submit
14 their proposed order on or before May 31st?

15 MR. POPE: That's correct.

16 JUDGE STORMS: Intervenors and the
17 CAC will submit their proposed orders on or
18 before or exceptions thereto on or before
19 June 21st, and a reply from the Joint
20 Petitioners will be filed with the Commission
21 on or before June 30th.

22 Is that the agreement of the
23 parties?

24 MR. POPE: It works for us.

25 MR. STEWART: Yes.

1 MR. POLK: Yes.

2 JUDGE STORMS: If there is nothing
3 further, we are hereby adjourned.

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25 (HEARING ADJOURNED)

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