

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

*[Handwritten initials]*  
JOA  
JLG  
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IN THE MATTER OF THE COMPLAINT OF )  
UNITED STATES STEEL CORPORATION )  
AGAINST NORTHERN INDIANA PUBLIC )  
SERVICE COMPANY FOR )  
MISAPPLICATION OF TARIFF RATE 832, )  
VIOLATION OF FILED RATE DOCTRINE )  
AND REFUSAL TO PROVIDE SERVICE IN )  
ACCORDANCE WITH COMMISSION- )  
APPROVED RATE SCHEDULE. )  
RESPONDENT: NORTHERN INDIANA )  
PUBLIC SERVICE COMPANY )

CAUSE NO. 43675

DISMISSAL ORDER

APPROVED: AUG 26 2009

BY THE COMMISSION:

David E. Ziegner, Commissioner  
Angela Rapp Weber, Administrative Law Judge

On April 23, 2009, United States Steel Corporation ("U.S. Steel") filed with the Indiana Utility Regulatory Commission ("Commission") its Complaint, which named Northern Indiana Public Service Company ("NIPSCO") as Respondent. According to the Complaint, U.S. Steel requested to receive electric service from NIPSCO at its Midwest Plant pursuant to NIPSCO Rate 832 ("Rate 832"). U.S. Steel requested that the Commission investigate the allegations raised by it in the Complaint. Specifically, U.S. Steel states that NIPSCO is attempting to force U.S. Steel to take service pursuant to Rate 832 while unilaterally imposing terms and conditions contained in NIPSCO's proposed Rate 832 implementing contract that do not conform to NIPSCO's Commission-approved tariff. NIPSCO filed its Answer on May 13, 2009, which responded to the Complaint and requested certain affirmative relief. On May 26, 2009, U.S. Steel filed United States Corporation's Response to NIPSCO's Request for Affirmative Relief ("Response"), which requested that the Commission deny NIPSCO's requested affirmative relief and grant the relief requested in the Complaint.

A prehearing conference was held in this matter at 11:00 a.m. on May 28, 2009 in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. After an informal discussion regarding procedural matters, a formal procedural schedule was read into the record. A prehearing conference order establishing the procedural schedule was issued on June 10, 2009. An evidentiary hearing was scheduled for 9:30 a.m. on December 1, 2009 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana.

On August 3, 2009, U.S. Steel and NIPSCO filed a Joint Motion to Dismiss ("Motion to Dismiss"). The Motion to Dismiss explained that after the prehearing conference, U.S. Steel and NIPSCO returned to negotiations. As a result, U.S. Steel and NIPSCO have entered into a Rate 832 implementing contract that contains mutually-agreeable terms and conditions, and issues detailed in the Complaint, Answer, and Response have been resolved. Therefore, the Motion to

Dismiss requested that the Commission dismiss this Cause. The Office of Utility Consumer Counselor did not file an objection to the Motion to Dismiss.

On August 10, 2009, the Presiding Officers issued a Docket Entry requesting that U.S. Steel and NIPSCO file with the Commission the new Rate 832 contract discussed in the Motion to Dismiss. On August 14, 2009, that contract was filed with the Commission. Having reviewed the filings submitted in this matter, including the new Rate 832 contract, this Cause is hereby dismissed without prejudice.

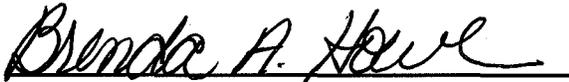
**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. This Cause is hereby dismissed without prejudice.
2. This Order shall be effective on and after the date of its approval.

**HARDY, ATTERHOLT, GOLC, AND ZIEGNER CONCUR; LANDIS ABSENT:**

**APPROVED: AUG 26 2009**

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



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