

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF DUKE ENERGY INDIANA,)
INC. FOR APPROVAL OF AUTHORITY)
FOR DEFERRED ACCOUNTING)
TREATMENT FOR OPERATING)
EXPENSES ASSOCIATED WITH THE)
RESTORATION OF EXTENSIVE SYSTEM)
DAMAGE RESULTING FROM THE)
JANUARY 27, 2009 ICE STORM)

CAUSE NO. 43743

APPROVED: DEC 07 2010

BY THE COMMISSION:

James D. Atterholt, Chairman
Larry S. Landis, Commissioner
Carolene Mays, Commissioner
David E. Ziegner, Commissioner

On December 7, 2010, the Indiana Utility Regulatory Commission (“Commission”) released the results of an internal audit conducted pursuant to an October 5, 2010 directive of the Governor’s General Counsel that the administrative opinions over which Scott Storms presided be reviewed to ensure no undue influence was exerted in the decisions. The audit included the above captioned Cause in which the Commission issued a final order on July 14, 2010.

The Commission hereby finds that this Cause should be reopened. This Cause was the only proceeding during 2010 in which an appeal to the Court of Appeals was pursued by one of the parties.¹ In addition, while the audit did not find the Order directly conflicted with the staff report, it did note that the staff report offered no specific recommendation to either approve or deny the requested relief.

Therefore, the Commission is reopening this Cause for further review and consideration of the evidence presented.

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

1. This Cause is hereby reopened for further review and consideration by the Commission.
2. This Order shall be effective on and after the date of its approval.

¹On August 13, 2010, the Indiana Office of Utility Consumer Counselor (“OUCC”) filed an appeal with the Indiana Court of Appeals. On November 15, 2010, the Indiana Court of Appeals granted the OUCC’s Motion for Stay of Appeal and Remand and remanded the case back to the Commission.

ATTERHOLT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: DEC 07 2010

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

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