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AS
CJM

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF DUKE ENERGY INDIANA, INC.)
REQUESTING THE INDIANA UTILITY)
REGULATORY COMMISSION TO DECLINE)
JURISDICTION OVER OR OTHERWISE APPROVE AN)
ALTERNATIVE REGULATORY PLAN FOR)
PROPOSED REFINED COAL TRANSACTIONS)
PURSUANT TO IND. CODE 8-1-2.5-5 AND 8-1-2.5-6)

CAUSE NO. 44061

APPROVED:

MAY 02 2012

ORDER OF THE COMMISSION

Presiding Officers:
Kari A.E. Bennett, Commissioner
Loraine L. Seyfried, Chief Administrative Law Judge

On September 2, 2011, Duke Energy Indiana, Inc. ("Petitioner") filed its Verified Petition initiating this Cause. On April 19, 2012, Petitioner filed its Withdrawal of Verified Petition pursuant to Indiana Code § 8-1-2.5-6(f) indicating that recent testing results do not support Petitioner moving forward with the proposed refined coal transactions.

Accordingly, the Commission finds this Cause should be dismissed without prejudice. Pursuant to Indiana Code § 8-1-2.5-6(f), Petitioner may not file a petition seeking comparable relief within the twelve (12) months following Petitioner's withdrawal of its proposed plan.

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

- 1. In accordance with Indiana Code § 8-1-2.5-6(f), this Cause is hereby dismissed without prejudice.
- 2. This Order shall be effective on and after the date of its approval.

ATTERHOLT, LANDIS, MAYS AND ZIEGNER CONCUR; BENNETT ABSENT:

APPROVED: MAY 02 2012

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

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