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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION BY)
WILDCAT WIND FARM II, LLC FOR CERTAIN) CAUSE NO. 44335
DETERMINATIONS BY THE COMMISSION)
WITH RESPECT TO ITS JURISDICTION OVER)
PETITIONER'S ACTIVITIES AS A GENERATOR) APPROVED: OCT 05 2016
OF ELECTRIC POWER)

ORDER OF THE COMMISSION

Presiding Officers:
David E. Ziegner, Commissioner
David E. Veleta, Administrative Law Judge

On April 26, 2013, Wildcat Wind Farm II, LLC ("Petitioner") filed its Verified Petition with the Indiana Utility Regulatory Commission ("Commission") in this Cause. On July 3, 2013, the Commission granted a partial declination of jurisdiction to the Petitioner in this Cause, to construct and operate an approximately 200 megawatt, phased wind-power generating facility to be located in Grant and Howard Counties, Indiana (the "Declination Order").

On July 29, 2016, Petitioner filed in this Cause its Unopposed Verified Motion to Relinquish Authority (the "Motion"). Petitioner pre-filed the Verified Direct Testimony of Paul Bowman on August 29, 2016, and the Indiana Office of Utility Consumer Counselor ("OUCC") pre-filed its Notice of Intent Not to File Testimony on September 6, 2016. The Commission held an evidentiary hearing in this Cause at 9:30 a.m. on September 22, 2016, in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Petitioner and the OUCC appeared and participated in the hearing. No members of the general public attempted to participate in the hearing.

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

1. **Notice and Jurisdiction.** Notice of the hearing in this Cause was given and published by the Commission as required by law. As discussed further below, Petitioner intends to relinquish its authority to engage in activity that would qualify it as a "public utility" under Indiana Code § 8-1-2-1 and as an "energy utility" under Indiana Code § 8-1-2.5-1. Therefore, the Commission has jurisdiction over Petitioner and the subject matter of this case.

2. **Relief Requested.** Petitioner, by its Motion, requested that the authority granted to it under the Declination Order be relinquished and that Petitioner be released from further obligations under the Declination Order.

3. **Commission Discussion and Findings.** Upon review of the evidence presented at the evidentiary hearing, the Commission finds that the relief requested in the Motion should be granted.

Petitioner's witness, Paul Bowman, testified that Petitioner never was able to procure a power purchase agreement, that Petitioner's agreements with Grant and Howard Counties either expired or

were voluntarily terminated, and that Petitioner no longer maintains its queue position with P.J.M. Interconnection, LLC. Mr. Bowman further testified that in that context, Petitioner and its parent companies, including E.ON Climate and Renewables North America, LLC, determined that further resources should not be devoted to developing the proposed wind farm.

Further, Mr. Bowman identified the options that Petitioner considered for the proposed wind farm, including maintaining the status quo, developing as a “qualifying facility” and transferring the authority received under the Declination Order. In each case, Mr. Bowman explained why relinquishing Petitioner’s authority was the best choice available for Petitioner.

In addition to the testimony concerning Petitioner’s business decision to relinquish its authority, Mr. Bowman described the protections afforded to landowners within Petitioner’s project area. He testified that Petitioner will terminate its leases with landowners for those leases still in effect and that Petitioner will provide instruments in recordable form to unburden affected properties. For the minimal amount of earth-work that was performed in furtherance of developing the wind farm, Mr. Bowman testified that Petitioner returned affected properties to their pre-existing condition.

Finally, Mr. Bowman testified that should the Commission grant the relief and after such an order is final and non-appealable and after all of Petitioner’s other obligations are satisfied, Petitioner will be dissolved.

Based on the foregoing evidence, the Commission finds that the Motion should be granted.

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

1. The Motion is granted.
2. On and after the date of this Order, Petitioner shall no longer be considered to be a “public utility” within the meaning of Indiana Code § 8-1-8.5-1 and Indiana Code § 8-1-2-1 and an “energy utility” within the meaning of Indiana Code § 8-1-2.5-2.
3. All rights and privileges granted to Petitioner in the Declination Order are hereby terminated, and Petitioner is hereby released from further obligations under the Declination Order.
4. This Order shall be effective on and after the date of its approval.

FREEMAN, HUSTON, WEBER, AND ZIEGNER CONCUR; STEPHAN ABSENT:

APPROVED: OCT 05 2016

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


Mary M. Becerra
Secretary of the Commission