

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE COMPLAINT)
 OF MORTON SOLAR AND WIND, LLC)
) CAUSE NO. 44344
 RESPONDENT: SOUTHERN INDIANA)
 GAS AND ELECTRIC CO. D/B/A) APPROVED:
 VECTREN ENERGY DELIVERY OF)
 INDIANA)

DEC 03 2014

ORDER OF THE COMMISSION

Presiding Officers:
David E. Ziegner, Commissioner
Aaron A. Schmoll, Senior Administrative Law Judge

On June 21, 2013, Complainant Morton Solar and Wind, LLC (“Complainant”) filed its *Verified Complaint and Appeal from Consumer Affairs Decision against Respondent Southern Indiana Gas and Electric Co. d/b/a Vectren Energy Delivery of Indiana, Inc.* (“Complaint”) with the Indiana Utility Regulatory Commission (“Commission”) in this matter.¹ On July 12, 2013, Respondent Southern Indiana Gas and Electric Co. d/b/a Vectren Energy Delivery of Indiana, Inc. (“Respondent” or “Vectren”) filed its Answer.

The Commission conducted a Prehearing Conference in this Cause in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana at 1:30 p.m., on July 25, 2013. Proofs of publication of the notice of the Prehearing Conference have been incorporated into the record and placed in the official files of the Commission. The Complainant, Respondent, the Indiana Office of Utility Consumer Counselor (“Public” or “OUCC”), and Intervenor Citizens Action Coalition, Inc. (“CAC”) appeared and participated at the Prehearing Conference. No members of the general public appeared. CAC’s Petition to Intervene was granted on the record, without objection.

On October 24, 2013, Inovateus Solar LLC (“Inovateus”) filed its Petition to Intervene. The Presiding Officers granted Inovateus intervention over Vectren’s objection.

On September 19, 2013, counsel for Morton Solar filed its case-in-chief and also tendered a joint Petition to Intervene on behalf of several customers that Morton Solar purported to represent, including the Ohio Township Public Library, Lincoln Heritage Public Library, the

¹ Although originally captioned as an appeal from the Commission’s Consumer Affairs Division, the Complaint was referred to the Commission’s docket on request of the Commission’s General Counsel pursuant to 170 IAC 16-1-5(e), and the Consumer Affairs Division made no determination with respect to Complainant’s informal complaint.

Town of Chrisney, Erik & Laura Arneberg, Don Jost, Chanda Banner, Gary Weiss, Sharis Goines-Pitt, Bob Martin, Randy Ellis, Denise Vaal, and Martha Crosley (collectively the “Customer Group”). Vectren did not object to the intervention of the Customer Group, but it requested a modification to the procedural schedule to require them to file testimony in conjunction with Morton Solar. The Commission granted the Customer Group’s petition to intervene on November 4, 2013, modifying the procedural schedule to afford Vectren an opportunity to file responsive testimony.

The Commission conducted an evidentiary hearing on May 22, 2014, at 9:30 a.m., in Room 222, PNC Center, 101 West Washington Street, Indianapolis, Indiana. At the hearing, the prefiled evidence of Morton Solar, Vectren, the OUCC, CAC, Inovateus, and Customer Group were admitted into the record. No members of the general public appeared or participated at the hearing.

Following the hearing and the submission of proposed orders by the parties, Petitioner and Respondent filed, on August 22, 2014, a Joint Motion to Dismiss, indicating that they have reached a resolution of their respective positions. On September 2, 2014, CAC filed its response to the Joint Motion to Dismiss. On September 9, 2014, Vectren filed its Reply.

This Cause was initiated over a dispute between Vectren, Mr. Morton, and the Customer Group. Based on their statements in the Joint Motion, those disputes have been resolved, and the dismissal of this Cause, with prejudice, is one of the conditions of the agreed resolution.

CAC’s response to the Joint Motion to Dismiss suggested that the Commission should initiate a new docket to broadly address net-metering and interconnection issues identified by Mr. Morton, and order Vectren to comply with the interconnection rules. We agree with Vectren that the underlying dispute that gave rise to this Cause was Vectren’s noncompliance with the Commission’s interconnection rules, not the rules themselves, and we decline to open a new investigatory docket at this time. With respect to Vectren’s compliance with 170 IAC 4-4.1, Vectren stated that it would update its informational materials and website to reflect compliance and initiate a 30-day filing to modify its Level 1 disconnect policy, and we order Vectren to file, within 10 days of the date of this order, notice of compliance certified by a corporate officer.

Having reviewed the Joint Motion to Dismiss, we hereby dismiss this Cause with prejudice, subject to Vectren’s compliance filing.

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

1. Cause No. 44344, initiated on June 21, 2013, is dismissed with prejudice.

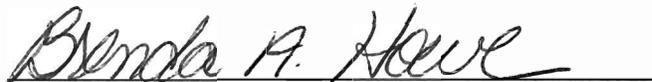
2. Within 10 days of the effective date of this order, Vectren shall file notice with the Commission that it has complied with the commitments set out in the August 22, 2014 Joint Motion to Dismiss.

3. This Order shall be effective on and after the date of its approval.

**STEPHAN, HUSTON, AND ZIEGNER CONCUR; WEBER NOT PARTICIPATING;
MAYS-MEDLEY ABSENT:**

APPROVED: DEC 03 2014

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



Brenda A. Howe
Secretary to the Commission