

# ORIGINAL

## STATE OF INDIANA

### INDIANA UTILITY REGULATORY COMMISSION

Commissioner	Yes	No	Not Participating
Huston	√		
Bennett	√		
Freeman	√		
Veleta	√		
Ziegner	√		

PETITION OF DUKE ENERGY INDIANA, ) CAUSE NO. 45934  
LLC FOR APPROVAL OF AN ELECTRIC )  
SUPPLY AGREEMENT WITH NUCOR ) APPROVED: SEP 27 2023  
CORPORATION )

### PREHEARING CONFERENCE AND INTERIM ORDER OF THE COMMISSION

#### Presiding Officers:

David E. Veleta, Commissioner

Kristin E. Kresge, Administrative Law Judge

On August 11, 2023, Duke Energy Indiana, LLC ("Petitioner") filed its petition with the Indiana Utility Regulatory Commission ("Commission") in this matter. Petitioner also filed a Verified Motion on an Expedited Basis for Interim Order ("Motion") requesting approval of an extension of the current Electric Supply Agreement between Petitioner and Nucor Steel, a Division of Nucor Corporation ("Nucor") as approved in Cause No. 45464.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference and Preliminary Hearing was held in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana, at 1:00 p.m. on September 15, 2023. Proofs of publication of the notice of the Prehearing Conference and Preliminary have been incorporated into the record and placed in the official files of the Commission. Counsel for Petitioner, Nucor, and the Indiana Office of Utility Consumer Counselor ("OUCC") participated in the Prehearing Conference and Preliminary Hearing.

Prior to the opening of the record and with the consent of all parties in attendance, an informal discussion was held regarding procedural and scheduling matters in this Cause. The agreement of the parties was then read into the record.

Based upon the agreement of the parties and the evidence offered at the hearing, the Commission now enters the following Findings and Order which shall become a part of the record in this proceeding:

1. **Petitioner's Prefiling Date.** Petitioner shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before November 1, 2023. Copies of same shall be served upon all parties of record.

2. **OUCC's and Intervenors' Prefiling Date.** The OUCC and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before January 31, 2024. Copies of same shall be served upon all parties of record.

3. **Petitioner's Rebuttal Prefiling Date.** Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before February 14, 2024. Copies of same shall be served upon all parties of record.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of the Petitioner, the OUCC, and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. March 12, 2024, in room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties shall be presented, and their respective witnesses examined. Thereafter, Petitioner shall present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of the OUCC's or Intervenors' witnesses. If the parties reach settlement, the agreement and supporting testimony and exhibits shall be submitted to the Commission ten business days prior to the evidentiary hearing.

5. **Hearing Exhibits.** Paper copies of exhibits to be offered at the evidentiary hearing must be: (a) single-sided; (b) fastened together with staples, binder clips, or other non-permanent bindings that have no more than three holes along the longest edge. Exhibits that contain excel spreadsheets, are oversized or voluminous in nature, should be run through an optical character recognition program and offered on a compact disc. Confidential exhibit shall be offered on green paper in an envelope marked "confidential" or, if offered on a compact disc, the exhibits and compact disc shall be labeled "confidential."

6. **Sworn Testimony.** Any witness testimony to be offered into the record of this proceeding shall be made under oath or affirmation. In accordance with 170 IAC 1-1.1-18(h), if the prefiled testimony of a witness is to be offered into evidence at the evidentiary hearing, and the witness sponsoring the prefiled testimony is not required to, and does not, attend the evidentiary hearing, the prefiled testimony shall be accompanied by the witness's sworn affidavit or written verification at the time the evidence is offered into the record.

7. **Discovery.** Discovery is available for all parties and shall be conducted on an informal basis. Any response or objection to a discovery request shall be made within ten calendar days of the receipt of such request. However, after February 14, 2024, any response or objection to a discovery request shall be made within five business days.

8. **Prefiling of Working Papers.** When prefiling technical evidence with the Commission, each party shall file a copy of the working papers used to produce that evidence within two business days after the prefiling of such technical evidence. Copies of same shall also be served on the other parties to this Cause.

9. **Number of Copies/Corrections.** Filings with the Commission shall comply with General Administrative Order 2016-2. Any corrections to prefiled testimony shall be made in writing as soon as possible after discovery of the need to make such corrections.

**10. Objections to Prefiled Testimony and Exhibits.** Any objections to the admissibility of prefiled testimony or exhibits shall be filed with the Commission and served on all parties of record as soon as an objection can be reasonably determined, but no less than ten days prior to the date scheduled for commencement of the hearing at which the testimony or exhibit will be offered into the record.

**11. Intervenors.** Any party permitted to become an Intervenor in this Cause shall be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.

**12. Motion for Interim Order.** Petitioner requests interim authority to extend the current Nucor Electric Supply Agreement's rates, charges, terms, and conditions, which were approved in Cause No. 45464, beyond the October 1, 2023, expiration date of the Agreement. Specifically, Petitioner asks that the Commission extend the current Agreement until such time as the Commission issues its final order in this Cause, or Petitioner withdraws its Petition.

In support of its request for interim authority, Petitioner included the affidavit of Maria T. Diaz, Petitioner's Director, Rates & Regulatory Planning. Ms. Diaz stated that the current Nucor Electric Service Agreement is set to expire on October 1, 2023. She stated that Petitioner and Nucor have continuously negotiated, in good faith, a new Electric Service Agreement. Ms. Diaz stated that an interim order is needed to maintain consistency between the current Nucor Electric Service Agreement and the soon to be filed new Electric Service Agreement. She explained that due to the nature of the forthcoming new Electric Service Agreement, negotiations between Petitioner and Nucor have continued into the second half of 2023, and the anticipated conclusion of negotiations will not allow the Company to receive Commission approval of a new Electric Service Agreement prior to the termination of the current Electric Service Agreement. Rather than punitively forcing Nucor off its current rates and charges, Ms. Diaz stated that Petitioner is requesting an interim order to continue the current Nucor Electric Service Agreement into 2024, until a final order is issued in this Cause, or the accompanying Petition is withdrawn.

Neither the OUCC nor Nucor opposed Petitioner's request for interim relief. The OUCC reserves its right to examine and object to the new Electric Service Agreement. Based on the evidence provided, the Commission finds that continuance of the current Nucor Electric Supply Agreement's rates, charges, terms, and conditions, as approved in Cause No. 45464, is supported as reasonable and in the public interest. Therefore, Petitioner is authorized, on an interim basis and without reaching any conclusions as to the issues to be considered at the final evidentiary hearing in this proceeding, to continue the current Nucor Electric Supply Agreement's rates, charges, terms, and conditions, as approved in Cause No. 45464, until such time as the Commission issues a final order in this Cause or Petitioner withdraws its Petition.

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

1. The determinations of the Prehearing Conference and Preliminary Hearing set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.

2. Petitioner is authorized to extend the rates, charges, terms, and conditions of the current Electric Service Agreement, which are set to expire on October 1, 2023, on an interim basis, until issuance of a final order in this Cause or Petitioner's withdrawal of its Petition.

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

**HUSTON, BENNETT, FREEMAN, VELETA, AND ZIEGNER CONCUR:**

**APPROVED: SEP 27 2023**

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

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**Dana Kosco**  
**Secretary of the Commission**