

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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

IN THE MATTER OF THE PETITION BY SULLIVAN)
COUNTY POWER, LLC FOR CERTAIN) CAUSE NO. 46266
DETERMINATIONS BY THE COMMISSION WITH)
RESPECT TO ITS JURISDICTION OVER PETITIONER'S) APPROVED: OCT 08 2025
ACTIVITIES AS A GENERATOR OF ELECTRIC POWER)

ORDER OF THE COMMISSION

Presiding Officers:

Sarah E. Freeman, Commissioner

Kehinde Akinro, Administrative Law Judge

On June 27, 2025, Sullivan County Power, LLC ("Petitioner") filed its Verified Petition with the Indiana Utility Regulatory Commission ("Commission") initiating this Cause. Pursuant to Ind. Code ch. 8-1-2.5, Petitioner requests certain determinations, declinations of jurisdiction, and approvals relating to its proposed construction of a solar power electric generation facility to be known as the Sullivan County Power Facility (the "Project"). Also on June 27, 2025, Petitioner prefiled the direct testimony and attachments of Heath D. Norrick, Director, Origination, for Deriva Energy Solar, LLC.

On August 13, 2025, Petitioner submitted revisions and updates to Mr. Norrick's direct testimony. On August 14, 2025, the Indiana Office of Utility Consumer Counselor ("OUCC") filed its Notice of Intent Not to File Testimony. On August 22, 2025, the OUCC filed its Notice of Intent Not to File Rebuttal Testimony.

The Commission held an evidentiary hearing on September 15, 2025, at 10:30 a.m. in Room 224 of the PNC Center, 101 W. Washington Street, Indianapolis, Indiana. Petitioner and the OUCC appeared by counsel and participated in the evidentiary hearing, during which Petitioner's exhibits were admitted into the record without objection.

Based upon the applicable law and evidence, 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 herein, Petitioner intends to engage in activity that would qualify it as a "public utility" under Ind. Code § 8-1-2-1 and as an "energy utility" under Ind. Code § 8-1-2.5-2. The Commission may decline to exercise, in whole or in part, its jurisdiction over an energy utility pursuant to Ind. Code § 8-1-2.5-5. Therefore, the Commission has jurisdiction over Petitioner and the subject matter of this Cause.

2. Petitioner Characteristics. Petitioner is a limited liability company organized and existing under the laws of the State of Delaware and authorized to do business in the State of Indiana. Petitioner's principal place of business is in Sullivan County, Indiana. Petitioner is an

indirect wholly-owned subsidiary of Deriva Energy Holding Company, LLC, which, together with its subsidiary Deriva Energy Solar, LLC (“Deriva Energy”), is a developer, owner and operator of wind energy, utility scale solar and battery storage projects across the United States. Deriva Energy is headquartered in Charlotte, North Carolina.

3. Project Overview. Mr. Norrick testified that the Project is anticipated to have the capability of generating up to approximately 400 megawatts (“MW”) of photovoltaic (“PV”) alternating current (“AC”) solar-derived energy. The solar field will include mounted PV modules, inverters, and transformers. The total area for the Project includes an approximately 2,000-acre solar panel operational area. The Project will interconnect to the Gibson to Merom 345 kilovolt (“kV”) transmission line for transmission into the Midcontinent Independent System Operator, Inc. (“MISO”) grid. He further testified that the Project area will be located in Sullivan County, Indiana.

Construction of the Project is expected to begin in the second quarter of 2026 with commercial operation expected in the second quarter of 2028. Petitioner intends to self-certify the project as an exempt wholesale generator and apply for market-based rate authority under Federal Energy Regulatory Commission (“FERC”) rules and regulations. Therefore, its rates for power will be subject to FERC regulation.

4. Relief Requested. Petitioner requests the Commission decline to exercise its jurisdiction over Petitioner pursuant to Ind. Code § 8-1-2.5-5 as it pertains to the construction, ownership, and operation of the Project.

5. Commission Discussion and Findings. If the Commission finds that Petitioner is a public utility for the purposes of Indiana’s Utility Power Plant Construction Act, Ind. Code ch. 8-1-8.5 (the “Power Plant Act”), then Petitioner would be considered an “energy utility” as defined by Ind. Code § 8-1-2.5-2. The Commission may decline to exercise jurisdiction over Petitioner pursuant to Ind. Code ch. 8-1-2.5, including its jurisdiction under the Power Plant Act, to issue certificates of public convenience and necessity for the construction of the Project. For the Commission to decline to exercise jurisdiction over Petitioner pursuant to Ind. Code ch. 8-1-2.5, the Commission must first assert jurisdiction over Petitioner.

Ind. Code § 8-1-8.5-1(a) defines “public utility” to mean a: (1) public, municipally owned, or cooperatively owned utility; or (2) joint agency created under Ind. Code ch. 8-1-2.2. Petitioner is a limited liability company that will generate electricity, some of which may be ultimately consumed by Indiana residents. The Commission has previously asserted jurisdiction over investor-owned public utilities pursuant to Ind. Code ch. 8-1-8.5. *See, e.g., Indianapolis Power & Light Co.*, Cause No. 43235, 2007 WL 8420716 (IURC June 13, 2007). In addition, Petitioner’s property “is used in a business that is public in nature and not one that is private.” *See Foltz v. City of Indianapolis*, 130 N.E.2d 650, 659 (Ind. 1955). Accordingly, Petitioner’s business is “impressed with a public interest” and would render service “of a public character and of public consequence and concern,” which leads us to determine that Petitioner is a “public utility” within the meaning of Ind. Code § 8-1-8.5-1. *Id.*

The Commission must also determine that Petitioner satisfies the definition of “public utility” found in Ind. Code § 8-1-2-1. The evidence establishes that Petitioner’s ownership, development, financing, construction, and operation of the Project is for the purpose of selling power generated by that plant in the wholesale market to public utilities, energy service providers, and power marketers within and outside of Indiana. The Commission has found in prior cases that a business that only generates electricity and then sells that electricity directly to public utilities is itself a public utility. *See, e.g., Benton County Wind Farm, LLC*, Cause No. 43068, 2006 WL 4400582 (IURC Dec. 6, 2006) (“Benton County”). In *Benton County*, the Commission specifically found that it had jurisdiction over a wind energy generator with wholesale operations. Thus, based on the evidence and applicable law, the Commission finds that Petitioner is a “public utility” within the meaning of Ind. Code §§ 8-1-2-1 and 8-1-8.5-1 and is “an energy utility” under Ind. Code § 81-2.5-2 for purposes of owning, developing, financing, constructing, and operating the Project. Ind. Code § 8-1-2.5-2 defines “energy utility” to mean, among other things, a public utility or municipally owned utility within the meaning of Ind. Code § 8-1-2-1. Because we have determined that Petitioner is a “public utility” under Ind. Code § 8-1-2-1, Petitioner is also an “energy utility.”

If the Commission concludes that Petitioner is a “public utility” as defined in the Power Plant Act, Indiana Code authorizes the Commission to decline to exercise, in whole or in part, jurisdiction over an “energy utility” if certain conditions are satisfied. In particular, the Indiana Code provides that the Commission may enter an Order, after notice and hearing, that the public interest requires the Commission “to commence an orderly process to decline to exercise, in whole or in part, its jurisdiction over ... the energy utility ...” Ind. Code § 8-1-2.5-5(a).

In determining whether the public interest will be served by a declination of jurisdiction, the Commission will consider the following:

- (1) Whether the technological or operating conditions, competitive forces, or the extent of regulation by other state or federal regulatory bodies render the exercise, in whole or in part, of jurisdiction by the commission unnecessary or wasteful.
- (2) Whether the commission’s declining to exercise, in whole or in part, its jurisdiction will be beneficial for the energy utility, the energy utility’s customers, or the state.
- (3) Whether the commission’s declining to exercise, in whole or in part, its jurisdiction will promote energy utility efficiency.
- (4) Whether the exercise of commission jurisdiction inhibits an energy utility from competing with other providers of functionally similar energy services or equipment.

Ind. Code § 8-1-2.5-5(b).

Mr. Norrick testified that the Petitioner will be subject to the requirements of other regulatory bodies, including Sullivan County, FERC, MISO, and other federal, state, and local agencies. He explained that competitive forces in the wholesale power markets will serve as a check on Petitioner’s activities, particularly on the wholesale power price.

Mr. Norrick testified that a declination of jurisdiction by the Commission, in whole or in part, would be beneficial for Petitioner and Indiana. He explained that Petitioner would benefit from the ability to devote its efforts and resources to complying fully with the requirements of federal,

local, and other state regulatory agencies with jurisdiction over its operations, as well as the requirements of MISO, which would promote the efficiency of Petitioner's ongoing development and operation of the Project. He stated that the public in Indiana may benefit from the efficiencies that flow from proximity to the source of electric generation.

Mr. Norrick testified that the exercise of Commission jurisdiction would inhibit Petitioner in competing with other providers of functionally similar energy services or equipment. He testified that should the Commission exercise jurisdiction over Petitioner, the Commission would place Petitioner at a competitive disadvantage with respect to other independent power producers over whom the Commission has declined to exercise jurisdiction. He opined that such regulation would expose Petitioner to the risk of regulatory lag and could hinder the quick implementation of business decisions in a highly competitive market, which would create a significant competitive disadvantage for Petitioner.

The evidence in this Cause demonstrates that Petitioner does not intend or request authority to sell the electricity generated by the Project to the public or to any retail customer. Instead, the power will be generated solely for resale subject to the jurisdiction of FERC under the provisions of the Federal Power Act, 16 U.S.C. § 824 *et. seq.* Petitioner has indicated that it will operate the Project in a manner consistent with good utility practice. Further, the costs of the Project will not be recovered through a rate base and rate of return or other process typically associated with public utility rates.

The evidence presented demonstrates further Commission regulation of the Project pursuant to Ind. Code § 8-1-2.5-5(b): (1) would be duplicative of other regulatory bodies; (2) could complicate and cause inefficiencies in Petitioner's development and operation of the Project; (3) could impede Petitioner's ability to compete with other wholesale renewable energy providers; and (4) would be an unnecessary use of the Commission's resources. Consequently, we find Petitioner's request that the Commission decline to exercise its jurisdiction over the Project is in the public interest and should be granted. In so finding, as part of the Commission's public interest analysis, we have considered several additional factors typically considered in prior declination proceedings, as discussed below.

A. Location. As part of its public interest analysis, the Commission may consider whether the Project's planned location would serve the public interest. Based on the factors reviewed below, the Commission finds that the Project's proposed location may be compatible with the surrounding land uses.

i. Local, State, and Federal Requirements. Mr. Norrick summarized the local, state, and federal permits and laws that may impact the Project. He testified that Petitioner has applied or would apply for and obtain all necessary federal, state, and local permits needed for construction and operation of the Project. He stated that no environmental issues are foreseen that would delay or prevent the permitting and construction of the Project.

ii. Land Use and Solar Resources. Mr. Norrick testified that Deriva Energy maintains more than 80 projects across the United States, generating more than 5,900 MW of developed solar, wind, and battery storage capacity. Mr. Norrick also testified that the

Petitioner completed a wetland delineation report, a habitat assessment report, a Phase I environmental site assessment, and a cultural resource report. Based on the evidence presented and Deriva Energy’s experience in managing other solar projects, it appears Petitioner, utilizing Deriva Energy’s experience, has determined that both the solar resource and the location of the Project site is sufficient for the development of an economically viable project.

iii. **Water Use and Supply.** Mr. Norrick testified that the Project will not use significant quantities of water, will have negligible or no impact on local water supplies, and will not have any substantial negative impact on any groundwater rights, streams, or wetlands.

iv. **Transmission Interconnection and Compliance with General Administrative Orders (“GAOs”) 2022-01 and 2025-02.** Mr. Norrick stated that the Project will interconnect to a 345 kV Merom to Gibson line owned by Duke Energy Indiana for transmission into the MISO grid. Petitioner holds MISO queue interconnection positions J1691 and J1786. He explained that the Project will secure energy resource interconnection service for the 400 MW AC capacity. He testified that the Project completed the Project Definitive Planning Phase (“DPP”) I System Impact Study with MISO in June 2023. DPP II was completed in August 2024 and DPP III was completed in March 2025. The final MISO Facilities Study Report was completed in February 2024. Mr. Norrick testified that the Project’s interconnection with the Duke Energy Indiana transmission system will not negatively impact system performance. Petitioner offered to submit copies of any System Impact Studies prepared by MISO as part of Petitioner’s reporting requirements.

Mr. Norrick also explained that Petitioner executed a Generator Interconnection Agreement (“GIA”) with MISO and Duke Energy Business Services, LLC on June 26, 2025. Regarding the Project’s expected capacity factors and interconnection accreditation characteristics, Mr. Norrick testified the expected net capacity factor (P50) of the Project is 24.9%. Through MISO’s generator interconnection process, the Project will secure energy resource interconnection service for the 400 MW AC capacity and the Project will be dispatched according to MISO’s interconnection tariff and the GIA.

Mr. Norrick testified that as an energy resource interconnection service project, the Project has zero accredited capacity and cannot participate in the MISO capacity market. However, the Project is expected to continue producing at Effective Load Carrying Capability for each of the seasonal capacity constructs. Mr. Norrick explained that the Project will have a capacity factor of up to 59% at peak hours during the winter months and 87% during the summer months.

Based on Mr. Norrick’s testimony, the Commission finds Petitioner provided information responsive to and in compliance with GAOs 2022-01 and 2025-02.¹

v. **Use of the Public Right-of-Way.** Petitioner seeks to retain the right to use the public right-of-way within the Project area. Mr. Norrick testified that retention of the use of the public right-of-way will allow Petitioner to place collector lines and transmission lines in the public right-of-way. Additionally, retention of this right will clarify issues surrounding use of the

¹ GAO 2025-02 was promulgated during the pendency of this proceeding, and was addressed by Mr. Norrick’s revised and updated direct testimony.

public right-of-way for road crossings. Based upon the evidence presented, we find Petitioner's request for limited use of the public right-of-way to be reasonable. Petitioner retains the right to use the public right-of-way as identified in its evidence.

B. Need. In determining whether to decline jurisdiction, the Commission has previously considered whether the development of additional generating capacity will serve the public interest. Mr. Norrick testified there is a need for the electricity generated by the Project and provided an excerpt from the State Utility Forecasting Group's most recent forecast projecting future electricity requirements in Indiana for the years 2022-2041. Additionally, Mr. Norrick testified that Petitioner is negotiating with potential off-takers, thus demonstrating a need for the electricity that will be generated by the Project.

Mr. Norrick also discussed other benefits of the Project, including the environmental benefits of solar generation, efficiencies from proximity to generation resources, economic benefits to landowners, generation of local tax revenues, and creation of jobs during the construction and operation of the Project.

Based on the evidence presented, the Commission finds Petitioner showed its proposed development of new generation via the Project will serve the public interest.

C. Financing and Management. Mr. Norrick testified that Deriva Energy's expertise includes the development, construction, and operation of electric generation and storage resources throughout the United States. He explained Deriva Energy's capital market team has experience successfully developing and operating solar projects across the country and will provide Petitioner with the necessary financial, technical, and managerial expertise to construct and operate the Project. Mr. Norrick also stated Petitioner will operate the Project in a commercially reasonable manner in accordance with good utility practice. Based on evidence presented, Petitioner has shown that it has the capability to finance, construct, and manage the Project.

D. Transfers of Ownership. The Commission reserves its jurisdiction under Ind. Code § 8-1-2-83 to require Petitioner to obtain prior Commission approval of any transfer of assets owned by Petitioner. However, Petitioner shall not be required to seek prior approval, but shall provide written notice in this Cause to the Commission and the OUCC of any transfers of ownership of Project assets or ownership interests in Petitioner involving: (1) the grant of a security interest, mortgage, deed of trust, or other encumbrance to a bank or other lender or collateral agent, administrative agent, or other security representative, or a trustee on behalf of bondholders in connection with any financing or refinancing (including any lease financing), or any investor, guarantor, equipment supplier, or financing entity; (2) Petitioner or an affiliate becoming a debtor in possession; (3) an affiliate of Petitioner; or (4) a foreclosure (or deed in lieu of foreclosure) on the property owned by Petitioner. Additionally, a third-party owner and operator may succeed to Petitioner's declination of jurisdiction, provided: (1) the Commission determines that the successor has the necessary technical, financial, and managerial capability to own and operate the Project; and (2) the successor satisfies the same terms and conditions imposed on Petitioner as set forth in this Order.

E. Affiliate Transactions. In addition to determining whether the public interest would be served if the Commission declines to exercise jurisdiction, the Commission also considers what actions Petitioner must take to ensure that the public interest is served throughout the commercial life of the Project. Specifically, the Commission considers the extent to which its authority should be reserved over Petitioner's activities involving affiliate transactions and transfers of ownership. To ensure the Commission's declination of jurisdiction over an "energy utility" is in the public interest, the Commission must be assured that adequate consumer protections are in place, should an "energy utility" subsequently become an affiliate, as defined in Ind. Code § 8-1-2-49, of any regulated Indiana retail utility. While the Commission is declining to exercise its jurisdiction over Petitioner's affiliate transactions initially, the Commission reserves its authority to regulate Petitioner should it become an affiliate of any regulated Indiana retail utility. Accordingly, Petitioner must inform the Commission and the OUCC at the time it becomes an affiliate of any regulated retail utility operating in Indiana if such an affiliation occurs.

Petitioner shall obtain prior Commission approval with respect to the sale of any electricity to any affiliated, regulated Indiana retail electric utility. The Commission notes that it retains certain authority under Section 201 of the Federal Power Act to examine Petitioner's books, accounts, memoranda, contracts, and records consistent with the limitations contained therein. 16 U.S.C. § 824.

6. Financial Assurance. As a condition of this Order, the Commission requires Petitioner to maintain financial assurance to ensure that the Project will be properly decommissioned at the end of its serviceable life. As part of an Economic Development Agreement entered into with Sullivan County, Petitioner agreed to a decommissioning plan, which includes the establishment of a performance bond.

Petitioner shall promptly notify the Commission when its decommissioning security has been established, including the form and amount, or in the event Petitioner is no longer required to comply with all or part of the financial assurance requirements agreed to in the decommissioning agreement.

7. Reporting Requirements. In addition to the foregoing requirements, as a condition of this Order and the Commission's continued declination of jurisdiction, Petitioner must file reports with the Commission as described below, and provide any other information requested by the Commission. These reporting requirements are intended to ensure that the Commission obtains reliable, up-to-date information in a timely manner necessary to carry out its statutory obligations. A responsible officer of Petitioner shall verify all reports, and Petitioner shall file the reports under this Cause within the prescribed timeframes.

The following reports shall be prepared and filed by the Petitioner:

A. Initial Report. Petitioner's initial report, due within 30 days after the date of this Order, shall provide the following information, to the extent it is known and available:

- (1) Project ownership and name(s) of the Project;
- (2) Name, title, address, email address, and phone number(s) for primary contact person(s) for the Project;
- (3) Anticipated number of solar panels;
- (4) Anticipated total output of Project;
- (5) Connecting utility(s);
- (6) Links to any Interconnection System Impact Studies prepared by MISO;
- (7) Expected in-service (commercial operation) date;
- (8) An estimate of the engineering/construction timeline and critical milestones for the Project;
- (9) The status of the GIA with MISO; and,
- (10) The information listed below in the Subsequent Reports section to the extent such information is available.

B. Subsequent Reports. Petitioner shall file subsequent reports by each January 15 and July 15 until the quarter that occurs after commercial operation is achieved. Subsequent reports shall include the following information:

- (1) Manufacturer, model number, and operational characteristics of panels;
- (2) Any changes to the information provided in the Initial Report;
- (3) Links to any Interconnection Studies and/or reports not previously submitted to the Commission;
- (4) Links to the GIA as filed with FERC;
- (5) Notice of the establishment of an independent financial instrument for the purpose of supporting Petitioner's decommissioning obligations, including its form and amount;
- (6) Achievement of construction milestones described in the GIA and such events as the procurement of major equipment, the receipt of major permits material to the construction and operation of the Project, construction start-up, initial energization, and commercial operation; and
- (7) When commercial operation is achieved, the nameplate capacity, the Project's MISO accredited capacity rating(s), the term and identity of a purchaser for any contracts then existing for utility sales, contingency plans (if any) detailing response plans to emergency conditions as required by state or local units of government, the interconnecting transmission owner, and/or MISO; and
- (8) An update on all supply chain-related challenges and/or delays.

C. Additional Requirements. Petitioner shall notify the Commission if it modifies or suspends the Project under the terms of the GIA and does not reinstitute work within three years following commencement of such suspension. If the Commission determines that Petitioner: (1) has failed to enter into an agreement pursuant to MISO generator interconnection procedures; (2) has suspended the Project under the terms of GIA and has not reinstated work within three years following commencement of such suspension; or (3) has otherwise suspended its efforts to complete the Project within three years of this Order, the Commission may issue an order in accordance with Ind. Code § 8-1-2.5-7 providing notice to Petitioner of the Commission's

intent to proceed to issue an order terminating the declination of jurisdiction. Petitioner shall notify the Commission at least six months before repowering or decommissioning is expected and upon completion of repowering or decommissioning.

8. Conclusion. Consistent with Ind. Code § 8-1-2.5-5, the Commission finds that declining to exercise its jurisdiction over Petitioner, as requested and discussed above, will facilitate moving forward with construction of the proposed Project and add generation capacity in Indiana. This should be beneficial to the State of Indiana and for those public utilities that may indirectly have access to the power produced. We further find that declining to exercise our jurisdiction over Petitioner will promote energy utility efficiency. In addition, Petitioner has demonstrated that it, along with Deriva Energy's, experience and financial position, has the technical, financial, and managerial capabilities to construct, own, and operate the proposed Project. It has also shown that the wholesale market for electricity in Indiana may benefit from the addition of the Project's generating capacity, and, therefore, its market entry is reasonable.

Accordingly, based on these findings and the additional requirements contained in this Order, the Commission finds a declination of its jurisdiction over Petitioner as an energy utility, except in the areas in which we reserve jurisdiction that are identified above, is in the public interest. While the Commission is not declining jurisdiction for a particular term of years, the Commission does not intend to reassert jurisdiction absent circumstances affecting the public interest. Petitioner is not granted authority to offer its power for sale to the general public; therefore, any revenue Petitioner derives from the sale of electricity for resale by the purchaser is not subject to the public utility fee.

If the Commission determines Petitioner: (1) has failed to commence construction of the Project within the timeframe provided under this Order; (2) is no longer diligently pursuing the commencement of construction of the Project; or (3) has not completed construction of the Project under the terms of the GIA, then the Commission may issue an Order in accordance with Ind. Code § 8-1-2.5-7 providing notice to Petitioner of the Commission's intent to proceed to issue an Order terminating the declination of jurisdiction set forth herein. Through the subsequent reports required by this Order, Petitioner shall notify the Commission and the OUCC when construction begins and when commercial operation of the Project begins. Petitioner will satisfy the reporting requirements outlined above. Petitioner shall also file with the Commission any Annual Report required to be filed with FERC and provide the Commission such other information as we may from time to time require from other Indiana public utilities or otherwise request.

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

1. Petitioner is a "public utility" within the meaning of Ind. Code §§ 8-1-8.5-1 and 8-1-2-1 and an "energy utility" within the meaning of Ind. Code § 8-1-2.5-2.
2. The Project is a "utility" within the meaning of Ind. Code § 8-1-2-1.

3. The Commission declines to exercise its jurisdiction over Petitioner and its construction, operation, and financing of the Project, except as specifically stated within this Order.

4. Petitioner shall not exercise an Indiana public utility's rights, powers, and privileges of eminent domain and of exemption from local zoning, land use requirements, land use ordinances, and construction-related permits in the operation and construction of the Project. Petitioner shall retain the right to a limited use of the public right-of-way within the Project area as described above.

5. Petitioner shall not sell at retail in the State of Indiana any of the electricity generated by the Project without further Order of the Commission. The gross revenues generated by sales for resale of the electricity generated by the Project are adjudged to be exempt from the public utility fee prescribed by Ind. Code ch. 8-1-6.

6. Petitioner shall comply fully with the terms of this Order and file with the Commission under this Cause all information required by the terms of this Order.

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

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

APPROVED: OCT 08 2025

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

Dana Kosco Digitally signed by
Dana Kosco
Date: 2025.10.08
10:22:15 -04'00'

Dana Kosco
Secretary of the Commission