

ORIGINAL

Commissioner	Yes	No	Not Participating
Zay	√		
Deig	√		
Swinger	√		
Veleta	√		
Ziegner	√		

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF WABASH VALLEY POWER)
ASSOCIATION. INC. FOR DETERMINATION THAT)
CERTAIN INFORMATION CONTAINED IN ITS)
REPORT TO BE SUBMITTED TO THE COMMISSION)
PURSUANT TO IND. CODE § 8-1-8.5-13 IS)
CONFIDENTIAL AND EXEMPT FROM DISCLOSURE)
PURSUANT TO 170 IAC 1-1.1-4 IND. CODE § 8-1-2-29)
AND IND. CODE § 5-14-3-4)

CAUSE NO. 46412

APPROVED: JUN 17 2026

ORDER OF THE COMMISSION

Presiding Officers:
Anthony F. Swinger, Commissioner
Loraine L. Seyfried, Chief Administrative Law Judge

On May 14, 2026, Wabash Valley Power Association, Inc. (“Wabash Valley Power” or “Petitioner”) filed a Verified Petition (“Petition”) in this Cause. In its Petition, Wabash Valley Power asserts that certain information (“Confidential Information”) to be submitted to the Commission contains trade secrets as that term is defined under Ind. Code § 24-2-3-2. Specifically, the Confidential Information consists of individual resources and contracts. Information containing trade secrets is excepted from public disclosure under Ind. Code § 5-14-3-4.

More than 30 days have passed and no objections to the Petition were filed. The Presiding Officers did not determine a need for a hearing and thus, no hearing was held.

Based on the applicable law and evidence presented, the Commission finds:

1. Commission Jurisdiction. Wabash Valley Power is a public utility as defined in Ind. Code § 8-1-2-1 and is required to submit certain information to the Commission in accordance with Ind Code § 8-1-8.5-13. Under Ind. Code § 8-1-2-29 and 170 IAC 1-1.1-4, the Commission has jurisdiction to determine the confidentiality of information to be submitted by Petitioner. Accordingly, the Commission has jurisdiction over Petitioner and the subject matter of this proceeding.

2. Commission Discussion and Findings. Under Ind. Code § 8-1-2-29, all information submitted to the Commission is open to the public, subject to the provisions of the Indiana Access to Public Records Act found at Ind. Code ch. 5-14-3. Documents containing trade secret information are exempt from public disclosure under Ind. Code § 5-14-3-4(a)(4).

The submission of confidential information to the Commission is governed by 170 IAC 1-1.1-4, which requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that sets forth facts describing: (1) the nature of the confidential information; (2) the reasons

why the information should be treated as confidential pursuant to Ind. Code § 8-1-2-29 and Ind Code ch. 5-14-13; and (3) the efforts the party has made to maintain the confidentiality of the information.

Petitioner asserts that the Confidential Information contains individual resources and contracts, which constitute trade secrets. In support of its Petition, Wabash Valley Power submitted the sworn Affidavit of Matthew Moore, Petitioner’s Executive Vice President, Power Supply. Mr. Moore provided facts to show that the Confidential Information has actual or potential independent economic value for Petitioner, the disclosure of the Confidential Information could provide Petitioner’s competitors with unfair advantages, and Petitioner has taken reasonable steps to protect the Confidential Information from disclosure.

On May 21, 2026, the Presiding Officers, having considered the Petition and the accompanying affidavit, found there was a sufficient basis for a determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. On May 29, 2026, Petitioner filed the Confidential Information under seal with the Commission.

Upon review of Mr. Moore’s affidavit, and the Confidential Information, and in accordance with Ind. Code §§ 8-1-2-29 and 5-14-3-4 and 170 IAC 1-1.1-4, the Commission finds that the Confidential Information contains trade secrets and is excepted from public disclosure.

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

1. The Confidential Information filed by Wabash Valley Power under seal with the Commission contains confidential trade secret information as defined by Ind. Code § 24-2-3-2. As such, the Confidential Information is entitled to confidential treatment and shall be exempt from disclosure under Ind. Code § 8-1-2-29 and Ind. Code ch. 5-14-3.
2. This Order shall be effective on and after the date of its approval.

ZAY, DEIG, SWINGER, VELETA, AND ZIEGNER CONCUR:

APPROVED: JUN 17 2026

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

_____ on behalf of
Dana Kosco
Secretary of the Commission