

ORIGINAL

GENERAL ADMINISTRATIVE ORDER
OF THE INDIANA UTILITY REGULATORY COMMISSION
2026-03

Commissioner	Yes	No	Not Participating
Swinger	✓		
Bain	✓		
Deig	✓		
Jerrells	✓		
Ziegner	✓		

WHEREAS, Indiana Code § 8-1-39-10 permits an Indiana public utility providing electric and/or natural gas service to petition the Indiana Utility Regulatory Commission (“IURC” or “Commission”) for approval of the public utility’s plan for eligible transmission, distribution, and storage system improvements; and

WHEREAS, pursuant to Indiana Code § 8-1-39-10(b), the Commission’s order must include: (1) a finding of the best estimate of the cost of the eligible improvements included in the plan; (2) a determination whether public convenience and necessity require or will require the eligible improvements included in the plan; and (3) a determination whether the estimated costs of the eligible improvements included in the plan are justified by incremental benefits attributable to the plan; and

WHEREAS, the Indiana Supreme Court has provided its interpretation of Indiana Code § 8-1-39-10(b)(3) in *Indiana Office of Utility Consumer Counselor, et al. v. Duke Energy Indiana, LLC*, 248 N.E.3d 1205 (Ind. 2024) (rehearing denied) (“*Duke*”), holding that “section 10(b)(3) requires the Commission to determine whether the ‘eligible improvements’ are justified by the ‘incremental benefits’, not whether the plan’s total costs are justified by the plan’s total benefits.” *Id.* at 1214; and

WHEREAS, based on the Court’s decision in *Duke*, two requirements are clear regarding the Commission’s Section 10(b)(3) determination; (1) the Commission’s order must include its determination whether the proposed improvements are cost-justified on a project-by-project basis; and (2) even if an eligible improvement is not cost-justified through a quantitative benefit-to-cost ratio, the Commission may consider other factors, such as qualitative benefits, and approve a proposed plan that includes those projects as reasonable (pp. 29-30 of 46342 Final Order); and

WHEREAS, evidence must be provided by the petitioning utility regarding both quantitative and qualitative benefits of the requested eligible improvements, sufficient to allow the Commission to independently determine whether the costs are justified by the benefits on a project-by-project basis; and

WHEREAS, guidance is appropriate regarding the application of the *Duke* interpretation to petitions for new TDSIC plans and the evidence that needs to be provided for the Commission’s determination and approval of such plans;

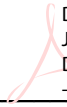
NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the TDSIC Plan Guidance, which is attached to this General Administrative Order as Appendix A, be adopted by this Commission.

SWINGER, BAIN, DEIG, JERRELLS, AND ZIEGNER CONCUR:

APPROVED: OCT 07 2026

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

Regina K
Joyner

 Digitally signed by Regina K Joyner
Date: 2026.10.07 10:17:44 -04'00'

_____ on behalf of
Dana Kosco, Secretary of the Commission

Indiana Utility Regulatory Commission
GAO 2026-03
Appendix A – TDSIC Plan Guidance

The following guidance is being provided regarding the submission of new Transmission, Distribution, and Storage System Improvement Charge (“TDSIC”) plans under Indiana Code § 8-1-39-10¹:

- 1) The petitioning utility must provide sufficient evidence for the Commission to independently determine that each proposed eligible improvement within the plan is cost justified.
- 2) As part of its evidence, the petitioning utility should perform, and provide the results of, a quantitative cost-benefit analysis for each proposed eligible improvement within the plan. The quantitative cost-benefit analysis should, at a minimum, include:
 - A. an analysis of the proposed eligible improvement’s costs and incremental benefits under expected conditions; and
 - B. an analysis of the proposed eligible improvement’s costs and incremental benefits in relation to high-impact, low frequency events.
- 3) For those proposed eligible improvements that show quantitative costs outweighing the benefits or for which quantitative analysis is not reasonably possible, an analysis, explanation, and, as applicable, documentation of the improvement’s incremental qualitative benefits should also be provided as part of the utility’s evidence.

¹ This Order should also inform the kind of evidentiary showing expected of a petitioning utility in connection with any proposed addition to a TDSIC plan pursuant to Indiana Code § 8-1-39-12(d) as the same findings must be made for approval of the proposed addition.