ORAL ARGUMENT NOT YET SCHEDULED

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN LUNG ASSOCIATION, et al., *Petitioners*, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., *Respondents*.	Case No. 19-1140 (and consolidated cases)

MOTION OF INDIANA ENERGY ASSOCIATION AND INDIANA UTILITY GROUP FOR LEAVE TO INTERVENE IN SUPPORT OF RESPONDENTS

In accordance with Rules 15(d) and 27 of the Federal Rules of Appellate Procedure and Circuit Rules 15(b) and 27, the Indiana Energy Association and Indiana Utility Group ("IEA/IUG") respectfully move for leave to intervene in support of Respondents United States Environmental Protection Agency, et al. ("EPA") in the case of *Appalachian Mountain Club v. United States Environmental Protection Agency*, Case No. 19-1166. The Petition for Review was filed August 14, 2019, and the case has now been consolidated with *American Lung Association v. United States Environmental Protection Agency*, Case No. 19-1140, and *State of New*

York v. United States Environmental Protection Agency, Case No. 19-1165. Several other cases have been consolidated by the Court with *American Lung Association, et al. v. United States Environmental Protection Agency* to include: No. 19-1173, 19-1175, 19-1176, 19-1177, 19-1179, 19-1185, 19-1186, 19-1187 and 19-1188.

The underlying Petition for Review involves interpretation of EPA's final "Affordable Clean Energy Rule" or "ACE Rule" published July 8, 2019, at 84 Fed. Reg. 32520, and styled "Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations." IEA/IUG member companies would have been regulated by the Clean Power Plan and will be regulated under the ACE Rule and therefore have a substantial interest in the outcome of this matter.

Federal Rule of Appellate Procedure 15(d) and Circuit Rule 15(b) provide that motions to intervene are timely if filed within 30 days of the date the underlying Petition for Review is filed; therefore, this motion, filed within 30 days of the Petition for Review filed on August 14, 2019, in *Appalachian Mountain Club v. United States Environmental Protection Agency*, is timely. Further, Counsel for IEA/IUG is authorized to state that Petitioners in *Appalachian Mountain Club, et al. v. United*

States Environmental Protection Agency, et al. take no position on this motion and that Respondents take no position on this motion.

BACKGROUND

Final Rule and Petition for Review

Clean Air Act Section 111 requires that EPA establish "standards of performance" for "new" stationary sources including new, modified, and reconstructed sources within categories of stationary sources that "cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare". 42 U.S.C. §§ 7411(b)(1)(A) and (B)

EPA is further authorized to issue guidelines that states must follow in developing plans that contain state-established standards of performance for existing sources of any pollutant within a category for which EPA has established standards of performance for new sources. *Id.* § 7411(d). State plans for existing sources must also identify the "best system of emission reduction," as established by EPA, for that category of sources. States must then submit a plan that includes standards of performance for those existing sources within their jurisdictions. *See id.* § 7411(a)(1).

On July 8, 2019, EPA finalized three independent actions, including (1) repeal of the Clean Power Plan ("CPP"); (2) establishment of emission

guidelines to inform states in the development of plans to establish standards of performance reflecting the "best system of emission reduction," based on heat rate improvement measures that can be implemented at the facilities, for limiting carbon dioxide emissions from existing coal-fired electric generating units ("EGUs"); and (3) establishing new implementing regulations describing the process by which EPA and the states will implement the program. 84 Fed. Reg. at 32,520. The petition for review is directed at each of the three independent final actions by EPA.

IEA/IUG's Interests

The Indiana Energy Association ("IEA") is an association of the Indiana investor-owned electric and gas utilities and a public trust gas utility that provides Indiana consumers with affordable and reliable energy, benefiting families and businesses across the Hoosier state. Its mission is to advocate policies that promote the general welfare of the energy industry to enhance its role in improving the economy and quality of life in Indiana. Since 2001, emissions from the Indiana electric power industry are down approximately 37% percent for carbon dioxide (CO2), 93% percent for sulfur dioxide (SO2), and nearly 81% percent for nitrogen dioxide (NOx). IEA member companies are investing heavily in new technologies to continue to reduce emissions, ranging from the operation of one of the

world's cleanest coal-fired power plants to the largest airport-based solar farms in the country. IEA member companies deliver electricity and gas service to over 4,000,000 Hoosiers. Approximately 11,500 people are directly employed by the 14 IEA member companies in Indiana. The combined effects of the operating expenditures and capital investments of the IEA member companies generate nearly $5.6 billion in Indiana gross domestic product each year. The Indiana Utility Group ("IUG") is a group comprised of rural electric cooperative, privately held investor-owned utility, and municipal joint action agency electric generating companies in Indiana that are not IEA members. Combined, this group also has investment and ownership in some of the cleanest, most efficient coal-fired power plants in the U.S. along with dozens of solar farms located throughout Indiana with many more under development. See Attachment A.

The ACE Rule at issue in this litigation, based on the unambiguous language in the statute and supported by its legislative history as well as EPA's own past practices, represents a return to the EPA's historical practice that establishes emission limits based on technologies that can be implemented at the regulated units, i.e., "inside the fence."

In the ACE Rule, EPA articulates a number of efficiency improvements

that states may use to evaluate heat rate improvements that are achievable and applicable to existing EGUs. IEA/IUG generally agrees that analysis of potential heat rate improvement measures should be done "inside the fence" on a unit specific basis and completed at the state level because states are more familiar with the EGUs within their borders than is EPA. IEA/IUG also agrees that states should consider numerous factors that can impact a unit's heat rate in establishing unit - based standards of performance.

IEA/IUG also supports the changes proposed to the general implementing regulations for Section 111(d) standards, including extending the time for states to submit their plans and for EPA to review such plans to make them consistent with general state implementation plan requirements under Section 110.

ARGUMENT

IEA/IUG members are directly affected by the ACE Rule, have a significant interest in this litigation and its outcome, and their interests in this litigation are not fully aligned with any party to the litigation. Accordingly, IEA/IUG members could be adversely affected by rulings in favor of issues that may be raised by the Petitioners and, thus, they have standing to intervene in the litigation. IEA/IUG's motion for leave to intervene as a Respondent in this case should therefore be granted because

IEA/IUG meets the requirements necessary for intervention.

I. The Standard for Intervention

Federal Rule of Appellate Procedure 15(d), which establishes the requirements for intervention in petition for review proceedings in this Court, requires that a party moving for intervention must do so "within 30 days after the petition for review is filed" and need only provide a "concise statement of interest . . . and the grounds for intervention." *Synovus Fin. Corp. v. Bd. of Governors*, 952 F.2d 426, 433 (D.C. Cir. 1991).

The criteria applicable to intervention of right under Federal Rule of Civil Procedure 24(a)(2) have been used to provide guidance for intervention under Federal Rule of Appellate Procedure Rule 15(d) and require that: (1) the motion to intervene is timely; (2) the movant claims an interest relating to the subject of the action; (3) disposition of the action may as a practical matter impair or impede the movant's ability to protect its interest; and (4) existing parties may not adequately represent the movant's interest. *See Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003) (citing *Mova Pharm. Corp. v. Shalala*, 140 F.3d 1060, 1074 (D.C. Cir. 1998)); *see also, e.g., Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312, 320-21 (D.C. Cir. 2015).

This Court has stated that an applicant for intervention that meets the test for intervention of right also thereby demonstrates Article III standing. *See Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 233 (D.C. Cir. 2003) ("any person who satisfies Rule 24(a) will also meet Article III's standing requirement") (citing *Sokaogon Chippewa Cmty. v. Babbitt*, 214 F.3d 941, 946 (7th Cir. 2000)).

As discussed below, IEA/IUG satisfies the requirements of Rule 24(a) and meets any standing test that applies to intervention.

II. IEA/IUG Meets the Criteria for Intervention.

In its final ACE Rule, EPA determined that the best system of emission reduction to control greenhouse-gas emissions from existing EGUs under Clean Air Act section 111(d) will be accomplished by those sources implementing applicable heat rate improvement measures. In the case of IEA/IUG units in Indiana, the Indiana Department of Environmental Management will apply those measures at individual units based on numerous factors, including the remaining useful life of the unit. IEA/IUG members would, therefore, be adversely affected if this Court were to vacate or remand the framework set by the ACE Rule. Accordingly, the Court should grant IEA/IUG's motion to intervene.

A. IEA/IUG's Motion is Timely.

Petitioners Appalachian Mountain Club, Center for Biological Diversity, Clean Air Council, Clean Wisconsin, Conservation Law Foundation, Environmental Defense Fund, Environmental Law & Policy Center, Minnesota Center for Environmental Advocacy, Natural Resources Defense Council, and Sierra Club filed their Petition for Review on August 14, 2019, and the IEA/IUG's motion to intervene, filed September 10, 2019, is timely, particularly given that the Court has taken no action regarding either procedural motions or the filing of briefs on the merits. In addition, more petitions for review has been filed and additional consolidations have occurred. In summary, granting this motion will not delay the proceedings in this litigation and will not cause any undue prejudice to the parties.

B. IEA/IUG Has Significant Interests in this Litigation That May be Impaired by the Outcome.

Federal Rule of Civil Procedure 24(a)(2) requires that a movant for intervention claim an interest relating to the subject of the action.

IEA/IUG companies own fossil fuel-fired EGUs that will be regulated under the ACE Rule. IEA/IUG member companies are investing heavily in new technologies to continue to reduce emissions and IEA/IUG facilities will be required to make additional investments and/or adapt their operations to satisfy the requirements of this rule and the plans that will be adopted by

states to satisfy the requirements of the ACE Rule. This Court's response to the Petitions for Review that have been filed in this litigation, could result in changes to those requirements that will have a direct and practical impact on IEA/IUG's facilities, including requiring significant additional compliance obligations and concomitant expenses. IEA/IUG commented extensively on the ACE Rule, just as it did on the previous rule now repealed, the Clean Power Plan. The IEA/IUG also participated in the presentation of testimony on the proposed repeal of the Clean Power Plan.

IEA/IUG's comments explained that the ACE Rule is consistent with the statutory provisions in Clean Air Act Section 111, including the limitations on EPA's authority to regulate existing coal-fired EGUs[1]. In addition, and as a participant in the public hearing testimony of the Midwest Ozone Group, IEA/IUG explained why the IEA/IUG supports repeal of the Clean Power Plan.[2]

---

[1] IEA/IUG's Comments on EPA's Proposed Rule: Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; and Revisions to New Source Review Program Commonly Called the Affordable Clean Energy Rule or ACE Rule 83 Fed. Reg. 44,746 (Aug. 31, 2018) (Oct. 31, 2018), https://www.regulations.gov/document?D=EPA-HQ-OAR-2017-0355-23742.

[2] Testimony of David M. Flannery, counsel the Midwest Ozone Group, at the November 28, 2017, public hearing on U.S. EPA's Proposed Repeal of "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 82 Fed. Reg. 48035 (October 16, 2017),

Under the ACE Rule states must evaluate heat rate improvements at existing coal-fired EGUs in order to establish performance standards. The IEA/IUG agrees that those evaluations must be done on a unit specific basis and that they should be completed at the state level. Moreover, the IEA/IUG supports a requirement that states consider a number of factors that can impact heat rate in establishing unit-based standards of performance because that process assures continued incremental progress in reducing CO2 emissions from the regulated facilities, which is consistent with the requirements of Clean Air Act Section 111(d). Finally, the IEA/IUG also supports EPA's revisions to the general implementing regulations for Clean Air Act Section 111(d) standards, including an extension of time for states to submit their plans and for EPA to review state plans to ensure that those plans are consistent with general state implementation plan requirements under Clean Air Act Section 110. The IEA/IUG supports those revisions in order to allow adequate time for states to perform the technical analyses required by the rule, and for the resulting standards to be established by the states and reviewed by EPA.

For all of the aforementioned reasons, the IEA/IUG has significant,

---

https://www.regulations.gov/document?D=EPA-HQ-OAR-2017-0355-6849

legally protectable interests in this litigation and in defending the Final Rule that the Petitioners challenge. *Cf. Crossroads Grassroots*, 788 F.3d at 318 ("Losing the favorable [agency] order would be a significant injury in fact.").

C. The Interests of IEA/IUG are Not Adequately Represented by Any Existing Party.

Notwithstanding that Federal Rule of Civil Procedure 24(a)(2)'s "adequate representation" prong has no parallel in Federal Rule of Appellate Procedure 15(d), but assuming that inadequate representation by existing parties is a relevant criterion for intervention under Federal Rule of Appellate Procedure 15(d), IEA/IUG submits that they have met that condition. The burden of showing inadequate representation in a Rule 24(a)(2) motion to intervene is "'minimal.'" *Fund for Animals*, 322 F.3d at 735 (quoting *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)); *id.* at 736 n.7 ("*Trbovich* makes clear that the standard for measuring inadequacy of representation is low"); *Crossroads Grassroots*, 788 F.3d at 321. A movant for leave to intervene "need only show that representation of his interest 'may be' inadequate, not that representation will in fact be inadequate." *Dimond v. Dist. of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986) (quoting *Trbovich*, 404 U.S. at 538 n.10). No party to these cases can represent IEA/IUG's interests in opposing the arguments of the Petitioners.

Certainly, since Petitioners manifestly are challenging the final agency action that contains many elements that IEA/IUG supports, they cannot represent IEA/IUG's interests.

EPA cannot and does not adequately represent IEA/IUG's interests because, as a governmental entity, it represents the broader "general public interest." *Id.* at 192-93 ("A government entity ... is charged by law with representing the public interest of its citizens.... The District [of Columbia government] would be shirking its duty were it to advance th[e] narrower interest [of a business concern] at the expense of its representation of the general public interest."); *Fund for Animals,* 322 F.3d at 736 (observing that this Court "ha[s] often concluded that governmental entities do not adequately represent the interests of aspiring intervenors") (footnote omitted); *accord Crossroads Grassroots,* 788 F.3d at 321; *see, e.g., id.* (noting that, in applying the intervention-of-right test, "we look skeptically on government entities serving as adequate advocates for private parties") (citing *Fund for Animals,* 322 F.3d at 736; *Nat. Res. Def. Council v. Costle,* 561 F.2d 904, 912-13 (D.C. Cir. 1977)).

Unlike EPA, IEA/IUG have a narrow focus to assure that any emission reductions required by the ACE Rule adequately consider all of the factors the Clean Air Act authorizes states and EPA to consider, and that such

reductions do not result in unnecessarily costly and burdensome regulatory obligations on their facilities. In any event, "[e]ven when the interests of EPA and [intervenors] can be expected to coincide, ... that does not necessarily mean that adequacy of representation is ensured." *Costle*, 561 F.2d at 912; *see also Crossroads Grassroots*, 788 F.3d at 321.

The position that EPA does not and cannot adequately represent IEA/IUG's interests is reinforced by the fact that there is routinely an adversarial relationship between EPA, as the federal agency with regulatory responsibility under the Clean Air Act, and IEA/IUG members, since the IEA/IUG members are frequently the targets of EPA Clean Air Act regulations. The IEA/IUG submits, therefore, that no party in this litigation represents the IEA/IUG's interests in defending against Petitioners' challenge to aspects of the ACE Rule.

CONCLUSION

For the foregoing reasons, this Court should grant IEA/IUG's for leave to intervene in support of EPA.

DATED: September 10, 2019

Respectfully submitted,
/s/ David M. Flannery
David M. Flannery
Kathy G. Beckett
Edward L. Kropp
Amy M. Smith
STEPTOE & JOHNSON, PLLC
707 Virginia Street East

Charleston, WV 25326
Tel: (304) 353-8000
dave.flannery@steptoe-johnson.com
kathy.beckett@steptoe-johnson.com
skipp.kropp@steptoe-johnson.com
amy.smith@steptoe-johnson.com

Counsel for Movants Indiana Energy Association and Indiana Utility Group

CERTIFICATE OF COMPLIANCE

The foregoing motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 2809 words, excluding those parts exempted by Federal Rule of Appellate Procedure 32(f).

This motion also complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5)(A) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point, Georgia font.

/s/ David M. Flannery
David M. Flannery

CERTIFICATE OF PARTIES

Pursuant to Circuit Rules 27(a)(4) and 28(a)(1)(A), Proposed Intervenor-Respondent submits the following Certificate of Parties:

The Petitioners in the above-captioned consolidates cases are the American Lung Association, American Public Health Association, Appalachian Mountain Club, Center for Biological Diversity, Clean Air Council, Clean Wisconsin, Conservation Law Foundation, Environmental Defense Fund, Environmental Law & Policy Center, Minnesota Center for Environmental Advocacy, Natural Resources Defense Council, and Sierra Club. State of New York, State of California, State of Colorado, State of Connecticut, State of Delaware, State of Hawaii, State of Illinois, State of Maine, State of Maryland, State of Massachusetts, State of Michigan, State of Minnesota, State of New Jersey, State of New Mexico, State of North Carolina, State of Oregon, Commonwealth of Pennsylvania, State of Rhode Island, State of Vermont, Commonwealth of Virginia, State of Washington, State of Wisconsin, District of Columbia, City of Boulder, (CO), City of Chicago, City of Los Angeles, City of New York, City of Philadelphia, City of South Miami, (FL), Chesapeake Bay Foundation, Inc., Robinson Enterprises, Inc, Nuckles Oil Company, Inc. dba Merit Oil Company, Construction Industry Air Quality Coalition, Liberty Packing Company,

LLC, Dalton Trucking, Inc., Norman R. Brown, Joanne Brown, Competitive Enterprise Institute, Texas Public Policy Foundation, Westmoreland Mining Holdings, LLC, City, County of Denver Colorado, North American Coal Corporation, Biogenic CO2 Coalition, Advanced Energy Economy, American Wind Energy Association, Solar Energy Industries Association, Consolidated Edison, Inc., Exelon Corporation, National Grid USA, New York Power Authority, Power Companies Climate Coalition, Public Service Enterprise Group Incorporated, and Sacramento Municipal Utility District.

The Respondents in the above-captioned case are the United States Environmental Protection Agency and Andrew Wheeler, Administrator of the United States Environmental Protection Agency.

Movant Respondent-Intervenors are National Rural Electric Cooperative Association, Chamber of Commerce of the United States of America, National Mining Association, America's Power, Westmoreland Mining Holdings LLC, Murray Energy Corporation, Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, AEP Generating Company, AEP Generation Resources Inc., Wheeling Power, and the State of North Dakota.

We are unaware that this Court has granted any interventions or that

any entity has been admitted as an *amicus* at this time.

DATED: September 10, 2019

Respectfully submitted,
/s/ David M. Flannery

David M. Flannery
Kathy G. Beckett
Edward L. Kropp
Amy M. Smith
STEPTOE & JOHNSON, PLLC
707 Virginia Street East
Charleston, WV 25326
Tel: (304) 353-8000
dave.flannery@steptoe-johnson.com
kathy.beckett@steptoe-johnson.com
skipp.kropp@steptoe-johnson.com
amy.smith@steptoe-johnson.com

Counsel for Movants Indiana Energy Association and Indiana Utility Group

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN LUNG ASSOCIATION *et al*, *Petitioners*, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., *Respondents*.	Case No. 19-1140 (and consolidated cases)

RULE 26.1 DISCLOSURE STATEMENT OF INDIANA ENERGY ASSOCIATION AND INDIANA UTILITY GROUP

The following statements are submitted pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1:

The Indiana Energy Association and Indiana Utility Group represent energy companies that provide wholesale and retail electric services to customers and own fossil fuel-fired generating facilities in Indiana. There is no parent and no 10-percent-or-greater owner of the Indiana Energy Association or Indiana Utility Group.

DATED: September 10, 2019

Respectfully submitted,

/s/ David M. Flannery
David M. Flannery

Kathy G. Beckett
Edward L. Kropp
Amy M. Smith
Steptoe & JOHNSON, PLLC
707 Virginia Street East
Charleston, WV 25326
Tel: (304) 353-8000
dave.flannery@steptoe-johnson.com
kathy.beckett@steptoe-johnson.com
skipp.kropp@steptoe-johnson.com
amy.smith@steptoe-johnson.com

Counsel for Movants Indiana Energy Association and Indiana Utility Group

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2019, I am causing the foregoing motion and accompanying documents to be electronically filed with the Clerk of the Court by using the Court's CM/ECF system. All registered counsel will be served by the Court's CM/ECF system.

DATED: September 10, 2019

/s/ David M. Flannery
David M. Flannery

ATTACHMENT A

IN THE UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN LUNG ASSOCIATION, et al.,

Petitioners,

v. No. 19-1140

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., (and consolidated cases)

Respondents.

DECLARATION OF TIMOTHY J. RUSHENBERG

I, Timothy J. Rushenberg, declare that the following statements made by me are true and correct to the best of my knowledge, information and belief:

1. I am Vice President of the Indiana Energy Association. I am submitting this declaration in support of the Motion of the Indiana Energy Association and Indiana Utility Group ("IEA/IUG") for Leave To Intervene in Support of Respondents that is being filed in this case.
2. The IEA is an association of the Indiana investor-owned electric and gas utilities and a public trust gas utility that provide Indiana consumers with affordable and reliable energy, benefiting families and

businesses across the Hoosier state. Its mission is to advocate policies that promote the general welfare of the energy industry to enhance its role in improving the economy and quality of life in Indiana. Since 2001, emissions from the Indiana electric power industry are down approximately 37% percent for carbon dioxide (CO2), 93% percent for sulfur dioxide (SO2), and nearly 81% percent for nitrogen dioxide (NOx).

3. IEA member companies are investing heavily in new technologies to continue to reduce emissions, ranging from the operation of one of the world's cleanest coal-fired power plants to the largest airport-based solar farms in the country.

4. IEA member companies deliver electricity and gas service to over 4,000,000 Hoosiers.

5. Approximately 11,500 people are directly employed by the 14 IEA member companies in Indiana. The combined effects of the operating expenditures and capital investments of the IEA member companies generate nearly $5.6 billion in Indiana gross domestic product each year.

6. The IUG is a group comprised of rural electric cooperative, privately held investor-owned utility, and municipal joint action agency electric

generating companies in Indiana that are not IEA members. Combined, this group also has investment and ownership in some of the cleanest, most efficient coal-fired power plants in the U.S. along with dozens of solar farms located throughout Indiana with many more under development.

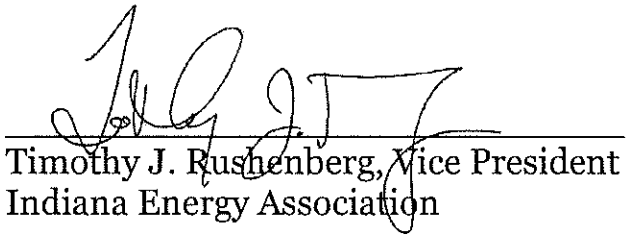
7. The IEA/IUG has a substantial interest in the current rulemaking because the ACE Rule replaced the Clean Power Plan with a program that is consistent with the literal terms of the statute, its legislative history, and the agency's own past practice implementing such programs over the past 48 years.

8. IEA/IUG member companies supported public testimony on the proposed repeal of the Clean Power Plan on November 17, 2017.

9. IEA/IUG member companies submitted comments on the proposed Affordable Clean Energy Rule on October 31, 2018.

I make this declaration under penalty of perjury, and I state the facts set forth herein are true.

September 9, 2019



Timothy J. Rushenberg, Vice President
Indiana Energy Association