

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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

**VERIFIED PETITION OF SOUTHERN INDIANA GAS)
AND ELECTRIC COMPANY D/B/A CENTERPOINT)
ENERGY INDIANA SOUTH UNDER 170 IAC 4-7-2.1) CAUSE NO. 46333
AND 1-1.1-4 FOR DETERMINATIONS THAT CERTAIN)
INFORMATION CONTAINED IN AND RELATED TO) APPROVED: OCT 07 2026
ITS 2025 INTEGRATED RESOURCE PLAN IS)
CONFIDENTIAL AND EXEMPT FROM PUBLIC)
DISCLOSURE)**

ORDER OF THE COMMISSION

Presiding Officers:

David E. Ziegner, Commissioner

Steve Henke, Administrative Law Judge

On December 5, 2025, Southern Indiana Gas and Electric Company d/b/a CenterPoint Energy Indiana South (“Petitioner” or “CEI South”) filed its Verified Petition requesting for confidential treatment of certain documents and portions of documents (“Confidential Information”) contained in its 2025 Integrated Resource Plan (“IRP”). Petitioner indicates that the Confidential Information contains protected critical infrastructure information and trade secrets as that term is defined in Ind. Code § 24-2-3-2. Ind. Code § 5-14-3-4 exempts records containing trade secrets and protected critical infrastructure information from public disclosure. In support of its Verified Petition, CEI South included the sworn Affidavit of Matthew A. Rice, CEI South’s Director of Regulatory & Rates. The Affidavit has been placed in the Commission’s official file in this matter and is incorporated by reference.

On December 17, 2025, the Presiding Officers issued a Docket Entry in this Cause, which found that the Verified Petition and accompanying Affidavit provided sufficient basis for a determination that the Petitioner’s designated Confidential Information should be held as confidential by the Commission on a preliminary basis. In the Docket Entry, the Presiding Officers directed Petitioner to file the Confidential Information with the Commission in accordance with General Administrative Order 2016-2. On December 17, 2025, Petitioner submitted to the Commission under seal the designated portions of the 2025 IRP for which it sought confidential treatment. On April 7, 2026, Citizens Actions Coalition of Indiana, Inc. and Solar United Neighbors submitted, under seal, an unredacted version of Comments on the CenterPoint 2025 Integrated Resource Plan of CAC, SUN, and Vote Solar (“Intervenor Comments”).

In accordance with 170 IAC 1-1.1-4(c), more than 30 days have passed and no objections to the Petition were filed. The Presiding Officers did not determine need for a hearing after review and thus, no hearing was held.

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

1. **Commission Jurisdiction.** Ind. Code § 8-1-8.5-3 requires a public utility to submit an IRP to the Commission. CEI South is a public utility as defined in Ind. Code §§ 8-1-2-1 and 8-1-8.5-1. Under Ind. Code § 8-1-2-29 and 170 IAC 1-1.1-4, the Commission has jurisdiction to determine the confidentiality of information submitted concerning a utility's IRP—including both the Confidential Information submitted by Petitioner and the Intervenor Comments containing Confidential Information. Accordingly, the Commission has jurisdiction over Petitioner and the subject matter of this Cause.

2. **Petitioner's Characteristics.** CEI South is an electric generating utility and a corporation organized and existing under Indiana law with its principal office in Indianapolis, Indiana. Petitioner is engaged in rendering electric public utility service in Indiana. Petitioner owns and operates plant and equipment within Indiana used for the production, transmission, delivery, and furnishing of electric service to the public.

3. **Relief Requested.** Petitioner requests that the Commission determine that designated portions of its 2025 IRP contain confidential, proprietary, trade secret, and/or protected critical infrastructure information and therefore are exempt from public disclosure under Ind. Code § 8-1-2-29 and Ind. Code ch. 5-14-3.

4. **Petitioner's Evidence.** Petitioner asserts that its 2025 IRP contains cost, price, and capacity contingency data that Petitioner considers to be confidential, proprietary, competitively sensitive, and/or trade secret. Petitioner seeks to protect certain excerpts from Exhibits to its 2025 IRP. Petitioner states that the Confidential Information would be of economic value to Petitioner's suppliers and competitors, and others, and is not available or ascertainable by suppliers or competitors or others through normal or proper means.

The Confidential Information includes information in the Itron and Encompass modelling input-output files; engineering, procurement, and construction project capital costs, costs associated with firm gas service at Petitioner's generating locations, protected critical energy infrastructure information, and personal contact information of interested parties provided at the Commission's request. These data are within volume two of Petitioner's publicly disclosed 2025 IRP, specifically: Attachment 2.2 (Technology Assessment Summary); Attachment 2.3 (Transmission Study); Attachment 3.2 (Energy and Demand Forecast Model Inputs-Outputs); Attachment 3.5 (Gase Pipeline Cost Estimates); Attachment 4.1 (CEIS 2025 IRP Model with Scenarios & Stochastics Model); Attachment 6.1 (CEIS 2025 IRP Alternative Reference Stochastics Model); and Attachment 6.2 (Large Load Study Results). The Intervenor Comments included unredacted comments that repeated portions of the Confidential Information.

Mr. Rice provided sworn testimony that the Confidential Information is disclosed only on a need-to-know basis within CEI South, and with an executed non-disclosure agreement designed to protect the Confidential Information. Mr. Rice further testified that the Confidential Information contains competitively sensitive and trade secret information because competitors may use such data to gain a competitive advantage over CEI South. The information contained in Confidential Information derives independent economic value by reason of the fact that it is not publicly available.

Petitioner maintains that disclosure of the Confidential Information would unfairly allow Petitioner's suppliers and competitors to analyze Petitioner's operations, making pricing decisions, and determine market entry. Petitioner further states that disclosure of the Confidential Information would also allow other entities to derive economic value from Petitioner's Confidential Information.

Petitioner notes that the Confidential Information is similar to what the Commission has previously found to be confidential and exempt from public disclosure in several prior Causes, and that the Confidential Information consists of the same (but updated) information that the Commission found to be exempt from public disclosure in prior Commission Orders addressing Petitioner's IRP.

5. **Commission Discussion and Findings.** Ind. Code § 8-1-8.5-3 requires public utilities to submit an IRP to the Commission. 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 Acts ("APRA") in Ind. Code ch. 5-14-3. The APRA sets out a broad policy in favor of disclosure of information and generally mandates that government agencies make public records available for inspection and copying. Ind. Code § 5-14-3-1 explains APRA's underlying principles:

A fundamental philosophy of the American constitutional form of representative government is that government is the servant of the people and not their master. Accordingly, it is the public policy of the state that all persons are entitled to full and complete information regarding the affairs of the government and the official acts of those who represent them as public officials and employees. Providing persons with the information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty is to provide the information.

While APRA provides mandatory and discretionary exemptions from public disclosure for certain categories of information, the Court of Appeals has stated that "[l]iberal construction of [APRA] requires narrow construction of its exceptions." *Robinson v. Indiana University*, 659 N.E.2d 153, 156 (Ind. Ct. App. 1995).

Consequently, the Commission balances the purpose of APRA against the protections provided to confidential information under Indiana law. In this Cause, those protections are for trade secret and critical infrastructure information.

Documents containing trade secret information are exempt from public disclosure under Ind. Code § 5-14-3-4(a)(4). Whether confidential information is a "trade secret" under Indiana law is determined by the Uniform Trade Secrets Act, which defines trade secret as:

information, including a formula, pattern, compilation, program, device, method, technique, or process, that

- (1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Ind. Code § 24-2-3-2.

Documents containing critical infrastructure information are also exempt from public disclosure. This includes “[i]nfrastructure records that disclosure the configuration of critical systems such as . . . communication, electrical, ventilation, water, and wastewater systems.” Ind. Code § 5-14-3-4(b)(19)(J). Certain critical infrastructure information is also “required to be kept confidential under federal law.” Ind. Code § 5-14-3-4(a)(3). *See, e.g.*, 16 U.S.C. § 824o-1(d)(1)(B); 18 C.F.R. § 388.113.

The rules pertaining to IRP filing requirements authorize a utility to request confidential treatment of certain information submitted as part of the IRP process. 170 IAC 4-7-2.1. A review of the Confidential Information shows that those documents contain confidential trade secret information. The evidence shows the Confidential Information has independent economic value from not being generally known or readily ascertainable by proper means, and that Petitioner takes reasonable steps to maintain the secrecy of the information. Disclosure of the trade secret information could harm Petitioner, its customers, or its third-party sources. Further, the Confidential Information includes information that falls under the protections afforded to critical infrastructure information.

Therefore, the Commission finds that the Confidential Information is entitled to confidential treatment, qualifies for an exemption from public disclosure under 170 IAC 4-7-2.1 and Ind. Code § 5-14-3-4, and is exempt from the public access requirements of Ind. Code ch. 5-14-3 and Ind. Code § 8-1-2-29.

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

1. The portions of CEI South’s 2025 IRP submitted under seal, which are described in Finding Paragraph No. 4 of this Order and found to be entitled to confidential treatment in Finding Paragraph No. 5, 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.

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 Order as approved.**

Regina K

Joyner

Digitally signed by Regina K

Joyner

Date: 2026.10.07 10:22:28

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on behalf of

Dana Kosco

Secretary of the Commission