

140 FERC ¶ 61,069
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
Cheryl A. LaFleur, and Tony T. Clark.

Duke Energy Indiana, Inc.

Docket No. CP11-27-000

ORDER VACATING CERTIFICATES

(Issued July 23, 2012)

1. On January 12, 2012, Duke Energy Indiana, Inc. (Duke) filed a motion requesting that the Commission vacate certificate authorizations issued in Docket No. CP11-27-000.¹ The Commission had granted Duke authority to construct: (1) approximately 19.45 miles of 20-inch diameter pipeline extending from an interconnection with Texas Gas Transmission, LLC's mainline facilities near the City of Kosmosdale in Jefferson County, Kentucky, across the Ohio River to Duke's Gallagher Station in Floyd County, Indiana and (2) various appurtenant metering station, regulation station, and mainline block valve facilities. The Commission also issued Duke a blanket construction certificate under Subpart F of Part 157 of the Commission's regulations. On June 30, 2011, Duke accepted the certificates.

2. In its application to the Commission seeking the certificates, Duke had stated that converting two of its electric generating units at the Gallagher Station from coal-fired to natural gas-fired units appeared to be the best way to comply with a federal court consent decree concerning alleged violations of the Clean Air Act. Subsequently, Duke decided to retire the Gallagher Station units rather than convert them to gas-fired units, and instead to purchase an interest in an existing gas-fired generating plant in Vermillion County, Indiana to comply with the consent decree.² Hence, Duke no longer needs to construct the facilities authorized in Docket No. CP11-27-000.

¹ *Duke Energy Indiana, Inc.*, 135 FERC ¶ 61,238 (2011).

² On August 12, 2011, the Commission authorized Duke to acquire the Vermillion generating plant. *Duke Energy Vermillion II, LLC*, 136 FERC ¶ 62,136, *order granting clarification and dismissing request for rehearing*, 137 FERC ¶ 61,174 (2011).

3. Duke states that it will not construct the authorized facilities and that there is no longer a need for those facilities. Thus, we vacate the certificate authority for construction and operation of the authorized facilities, as well as the Subpart F, Part 157 blanket certificate.

The Commission orders:

The certificate authorizations issued in Docket No. CP11-27-000 are vacated.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.