

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Northern Indiana Public Service Company LLC
Dunns Bridge Solar Center LLC
Indiana Crossroads Wind Farm LLC
Meadow Lake Solar Park LLC
Rosewater Wind Farm LLC

Docket No. EC23-99

Motion to Answer and Answer of Public Citizen and Citizens Action Coalition

Pursuant to 18 CFR § 385.213, Public Citizen and Citizens Action Coalition answers the applicants' August 1 reply, in order to correct the factual record.

Applicants' answer (at page 5) that "Blackstone's Ownership of Equity or Control of Board Seats in Other Energy Companies Does Not Result in an Adverse Impact on Competition" ignores Section 8 of the Clayton Act, which states, in part: "No person shall, at the same time, serve as a director or officer in any two corporations (other than banks, banking associations, and trust companies) that are—(A) engaged in whole or in part in commerce; and (B) by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the antitrust laws".¹ Allowing Blackstone executives to serve simultaneously on the board of directors of NiSource and FirstEnergy appears to violate Section 8 of the Clayton Act, and therefore violates the public interest. The Commission should compel applicants to provide a full list of all companies where Blackstone executives serve on the board of directors to assess whether the proposed transaction is consistent with the public interest and with federal anti-trust statutes.

Respectfully submitted,

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¹ 15 USC § 19(a).