

**IN THE
INDIANA SUPREME COURT**

Citizens Action Coalition of Indiana and Vote Solar, Appellants, v. Duke Energy Indiana, LLC and Indiana Utility Regulatory Commission, Appellees.	Supreme Court Case No. 26S-EX-127 Court of Appeals Case No. 25A-EX-2999 IURC Case No. 46193
--	--

**JOINT MOTION OF CLEAN GRID ALLIANCE, EARTH CHARTER INDIANA,
ENVIRONMENTAL LAW & POLICY CENTER, GARY ADVOCATES FOR
RESPONSIBLE DEVELOPMENT, HOOSIER ENVIRONMENTAL COUNCIL,
INDIANA AUDUBON SOCIETY, INDIANA CONSERVATION VOTERS, JUST
TRANSITION NORTHWEST INDIANA, SAVE THE DUNES CONSERVATION FUND,
INC., SIERRA CLUB-HOOSIER CHAPTER, SOLAR UNITED NEIGHBORS, and
SURFRIDER FOUNDATION FOR LEAVE TO APPEAR AS *AMICI CURIAE* AND
TENDER THEIR *AMICI* BRIEF IN SUPPORT OF APPELLANTS CITIZEN ACTION
COALITION OF INDIANA AND VOTE SOLAR**

Pursuant to Indiana Rule of Appellate Procedure 41, Clean Grid Alliance, Earth Charter Indiana, Environmental Law & Policy Center, Gary Advocates for Responsible Development, Hoosier Environmental Council, Indiana Audubon Society, Indiana Conservation Voters, Just Transition Northwest Indiana, Save the Dunes Conservation Fund, Sierra Club-Hoosier Chapter, Solar United Neighbors, and Surfrider Foundation (collectively “*Amici*”) respectfully move the Court for leave to appear as *amicus curiae* in this appeal and to tender their *Amici* Brief in Support of Appellants Citizens Action Coalition (“CAC”) and Vote Solar. In support, *Amici* state as follows:

I. Interest of *Amici*

Amici are twelve non-profit organizations that collectively represent thousands of Hoosiers and business interests that share a common commitment to protecting Indiana’s natural resources,

public health, and quality of life. Through their respective missions, *Amici* represent their members' interests before administrative agencies and courts in proceedings involving environmental protection, land use, and energy regulation while facilitating informed decision-making and meaningful public participation in governmental processes.

In particular, Save the Dunes Conservation Fund, founded in 1952, is one of Indiana's oldest nonprofit organizations dedicated to protecting the Indiana Dunes, Lake Michigan, and the surrounding natural areas for the health of the environment and people of Northwest Indiana. It has long represented its members in administrative and judicial proceedings involving Indiana's public trust doctrine and the protection of Hoosiers' rights to access and enjoy Lake Michigan. In turn, Just Transition Northwest Indiana exists to address the systemic environmental justice issues facing communities in Lake, Porter, LaPorte, and Jasper Counties. It has represented its members who are disproportionately burdened by industrial pollution in litigation to strengthen standards for hazardous air pollutants from coal-fired power plants. Gary Advocates for Responsible Development promotes economic development in the City of Gary in a way that prioritizes environmental justice, community health, and protection of local neighborhoods and natural resources. It has represented its members in administrative and judicial proceedings challenging air permits for major industrial facilities proposed in Northwest Indiana.

Earth Charter Indiana works to advance sustainable, just, and peaceful living in the state by educating, engaging, and advocating on behalf of Hoosier children and their families who advocate creatively and passionately in defending their environmental rights. Indiana Conservation Voters advocates to ensure that Indiana's elected officials are accountable to Hoosiers by championing legislation to improve the state's environment, economy, and competitive edge. Indiana Audubon Society is dedicated to engaging Hoosier communities in the

enjoyment of birds in their habitat through conservation, education, and research. The Hoosier Environmental Council, founded in 1983, has long represented thousands of Hoosiers statewide in advocating to make Indiana a better place to live, breathe, work, and play. It has participated in numerous administrative and judicial proceedings involving air pollution, water quality, wetlands, coal ash, renewable energy, and environmental permitting on its members' behalf.

Amici also include environmental and clean energy organizations that have members throughout the Midwest. The Environmental Law & Policy Center ("ELPC") is dedicated to ensuring that everyone in the Midwest has healthy air to breathe, clean water to drink, and can live in communities without toxic threats. As part of that work, ELPC focuses on industrial pollution affecting Indiana communities and regularly participates in proceedings before Indiana courts and administrative bodies. Surfrider Foundation is dedicated to the protection of the oceans and Great Lakes for all people. Through its Great Lakes advocacy, Surfrider has participated in Indiana proceedings involving Clean Water Act enforcement and state permitting decisions affecting Lake Michigan. Solar United Neighbors represents solar energy supporters around the country, including Indiana ratepayers and consumers participating in utility regulatory proceedings. Sierra Club-Hoosier Chapter is the Indiana branch of the nation's oldest conservation organization. The Hoosier Chapter has represented its members in Indiana litigation involving industrial air pollution, utility regulation, and environmental permitting. Clean Grid Alliance ("CGA") is a regional nonprofit operating in nine states in the Upper Midwest to advance renewable energy's access to the grid. CGA's members include developers of wind, solar, and energy storage projects, businesses that support the renewable energy industry, and aligned clean energy advocacy organizations. CGA has participated in proceedings before the IURC pertaining to utility resource

planning, permitting, and serving large load customers and has represented its members in court proceedings pertaining to renewable energy projects and policy in Indiana.

Collectively, *Amici* have participated in numerous administrative proceedings and judicial actions before Indiana courts concerning air pollution, water quality, energy regulation, public trust, wetlands, industrial permitting, and environmental justice. Because this case concerns whether associational standing will remain available in Indiana, *Amici* have a direct institutional interest in the Court's resolution of that question and are uniquely positioned to explain how the doctrine operates in practice.

II. Alignment with Appellants CAC and Vote Solar

Amici tender their accompanying Brief in support of Appellants CAC and Vote Solar's position that Indiana should embrace the federal doctrine of associational standing adopted in *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333 (1977). Counsel for *Amici* have consulted with Appellants' counsel, who consent to the filing of this Motion and attached brief.

III. Helpfulness to the Court

The *Amici Curiae* brief tendered with this motion will be helpful to the Court because it is grounded in the collective, real-world experience of organizations that have represented their members through associational standing in Indiana administrative and judicial proceedings for more than two decades. *Amici* offer a unique perspective of the crucial role associational standing plays in environmental and energy proceedings, what Indiana's experience reveals about the doctrine's constitutionally recognized representative function, and why neither funding individual members lawsuits nor pursuing class actions—the alternatives proposed by Appellees—are adequate substitutes for associational standing.

Federal and state environmental and energy laws rely on informed public participation and citizen enforcement, *see, e.g.*, Ind. Code § 13-30-9-1 *et seq.*; 33 U.S.C. § 1365; 42 U.S.C. § 7604,

making organizations such as *Amici* indispensable parties in complex planning, permitting, administrative, and judicial proceedings that their members could not realistically navigate on their own. Indeed, many of *Amici*'s members are laypersons who lack the time, resources, technical expertise, or financial ability to monitor and participate in highly technical and complex proceedings. Instead, they rely on *Amici* to undertake those responsibilities on their behalf, which is precisely the sort of representational relationship that associational standing is designed to preserve. See *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 459-60 (1958) (holding that the NAACP was the "appropriate party" to defend its members "freedom to engage in association for the advancement of beliefs and ideas [that] is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment" because the organization was "in every practical sense identical" to its members and was "but the medium through which [they sought] to make more effective the expression of their own views.").

In the environmental context, litigation is rarely the beginning of that representation. As *Amici*'s collective experience demonstrates, litigation is often the culmination of years of representative work through which the organization investigated the environmental harm, analyzed complex scientific and legal issues, developed the administrative record, and determined whether court intervention was necessary to protect their members' interests. To require the organization to relinquish that representative role at the critical point when judicial involvement becomes necessary would sever the continuity of representation that associational standing is designed to preserve. *Amici*'s brief further details these practical and legal considerations and will assist the Court in resolving the question presented.

WHEREFORE, *Amici* respectfully request the Court grant their motion for leave to appear and tender their *Amici Curiae* brief in support of associational standing.

Respectfully submitted,

/s/ Kim E. Ferraro

Kim E. Ferraro, Attorney No. 27102-64

Noah B. Hines, Attorney No. 38889-02

Conservation Law Center

116 South Indiana Avenue

Bloomington, Indiana 47408

812/856-5737

kimferra@iu.edu

nbhines@iu.edu

Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I certify that on July 24, 2026, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS). I also certify that, on that same date, the foregoing document was served upon the following person(s) via IEFS:

Jennifer Washburn: jwashburn@citact.org
Kirti Datla: kdatla@earthjustice.org
Sameer Doshi: sdoshi@earthjustice.org
Linnet Davis-Stermitz: ldavisstermitz@earthjustice.org
Shannon Fisk: sfisk@earthjustice.org
Robert Rigonan: rrigonan@earthjustice.org
Andrew Wells: andrew.wells@duke-energy.com
Liane K. Steffes: liane.steffes@duke-energy.com
Peter J. Rusthoven: peter.rusthoven@btlaw.com
Nicholas K. Kile: nicholas.kile@btlaw.com
Hillary J. Close: hillary.close@btlaw.com
Lauren M. Box: lauren.box@btlaw.com
Lauren Aguilar: lauren.aguilar@btlaw.com
Abby R. Gray: agray@oucc.in.gov
T. Jason Haas: thaas@oucc.in.gov
Adam Kashin: akashin@oucc.in.gov
Tabitha Balzer: tbalzer@lewis-kappes.com
Aaron Schmoll: aschmoll@lewis-kappes.com
Theodore E. Rokita: efile@atg.in.gov
Benjamin M.L. Jones: benjamin.jones@atg.in.gov
Kyle Hunter: kyle.hunter@atg.in.gov
Beth Heline: bheline@urc.in.gov
Jeremy R. Comeau: jcomeau@urc.in.gov
Anne E. Becker: abecker@lewis-kappes.com
Nikki G. Shoultz: nshoultz@boselaw.com
Kristina Kern Wheeler: kwheeler@boselaw.com
Brian J. Paul: brian.paul@faegredrinker.com
Maggie L. Smith: mlsmith@fbtgibbons.com
David P. Johnson: djohnson@holtzmanvogel.com
Todd J. Janzen: janzen@aglaw.us
Brianna J. Schroeder: schroeder@aglaw.us
Emily C. Guenin-Hodson: office@gueninlaw.com

/s/ Kim E. Ferraro