

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**IN THE MATTER OF THE PETITION OF THE
TOWN OF WINFIELD, LAKE COUNTY,
INDIANA, FOR APPROVAL OF A
REGULATORY ORDINANCE
ESTABLISHING A SERVICE TERRITORY
FOR THE TOWN'S MUNICIPAL SEWER
SYSTEM PURSUANT TO IND. CODE § 8-1.5-6
ET SEQ.**

CAUSE NO. 45992

**THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA'S
MOTION FOR EXTENSION OF TIME**

The Town of Winfield, Lake County, Indiana ("Winfield"), by counsel, respectfully requests the Indiana Utility Regulatory Commission ("Commission") grant Winfield a 30-day extension of time to respond to the City of Crown Point, Indiana's ("Crown Point") 108-page data request consisting of 101 data requests (not including subparts). In support of this request, Winfield submits the following:

1. This Cause was initiated on December 13, 2023, upon the filing of Winfield's Verified Petition.
2. After a series of stays, the Commission issued a March 19, 2025 docket entry establishing a procedural schedule. This procedural schedule set a ten-day timeframe within which the parties are to respond to discovery requests, established an April 18, 2025 deadline for Winfield and Crown Point to submit the respective cases-in-chief, and also provided that "Winfield and Crown Point shall prefile responsive testimony and exhibits to each other's case-in-chief filing on or before June 2, 2025." March 19, 2025 Docket Entry at 2.
3. On March 20, 2025, counsel for Crown Point emailed its First Set of Discovery Requests ("Data Requests"), which are attached to this motion as Attachment A, to Winfield's counsel.
4. The Data Requests span 108 pages and include 101 separate requests, not including subparts.
5. Given that the Data Requests were served upon Winfield's counsel on March 20, 2025, and March 30, 2025, the tenth day after the service date, is a Sunday, Winfield's responses to the Data Requests are due on Monday, March 31, 2025. *See* 170 IAC 1-1.1-3(f).

6. Winfield requests a single 30-day extension of time to provide its discovery responses to Crown Point such that its response deadline to the Data Requests would be due on or before April 30, 2025.

7. Winfield's counsel initially requested this extension of time through a March 24, 2025 phone call with Crown Point's counsel. Counsel for Winfield and Crown Point spoke again on March 25, 2025, and exchanged the emails attached as Attachment B on March 26, 2025, regarding the proposed extension, but they have not resolved Winfield's request for an extension.

8. The volume of Crown Point's 101 requests (not including subparts) warrants an extension of time. To answer these requests, even by distributing them amongst its witnesses, some of whom have experience preparing discovery responses and some of whom do not, Winfield will need more than 10 days to answer these requests which will require careful consideration and do not merely seek "simple, easy responses."

9. Through the Data Requests, Crown Point has asked, in part, Winfield to provide the following:

- a. Technical information regarding Winfield's current and planned facilities, as well as certain figures, maps, to-scale drawings, and additional drawings detailing matters described in 12 data request subparts.
- b. Five years of Winfield's communications with IDEM and "any other government agency or body" regarding certain subject matter; four years of Monthly Reports of Operations; five years of grant applications; 24 months of Winfield Sewer Engineering reports; five years of denied sewer service requests and related information; planning reports/material regarding the WWTP expansion; Winfield's Sewer Rate Sufficiency Report, sewer extension/improvement financing studies, and Comprehensive Master Plan (with all versions from past five years); and studies, proposals, plans, permit applications, permits, regulatory approvals, engineering work, cost estimates regarding the WWTP expansion.
- c. Projections for anticipated WWTP capacity needed over the next 20 years with supporting planning documents; identification of projected collection system and/or WWTP improvements over the next 20 years; identification and description of all corrective actions for inflow and infiltration and projected costs for the next 20 years; projected wastewater flows and loads for the next 20 years; anticipated volumetric daily demand for sewage treatment from customers within Winfield's municipal boundaries and the area within Winfield's Requested Area for the next 15 years; anticipated growth within Winfield's sewer service area and its proposed service area for 20 years.
- d. Details and costs regarding the WWTP expansion and system extension, including service impacts of the extension and expansion timing.
- e. Information regarding personnel, economic development issues, building corporation bonds, and system development charges, and utility commitments.
- f. Responses to questions regarding testimony and an affidavit previously provided by four Winfield witnesses in this Cause.

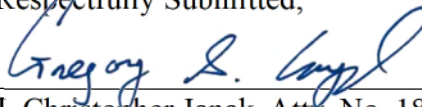
10. The issue created by the volume of Crown Point's requests is exacerbated by the fact that Winfield's deadline to submit its case-in-chief is just 19 days after the current data request deadline. Preparing discovery responses will require a significant amount of time from Winfield's witnesses—time that they need to devote to conducting discovery regarding the service needs of the Intervenor, reviewing the discovery responses, meeting with its witnesses, research regarding the changed circumstances since Winfield filed its case in 2023, and incorporating the discovery responses, research, and updated circumstances into Winfield's updated testimony. Winfield anticipates that its updates to its case-in-chief will require a significant expenditure of time and resources.

11. Further, the procedural schedule includes a specific provision permitting Crown Point until June 2, 2025 (more than a month after Winfield's proposed response deadline) to respond to Winfield's case-in-chief so any risk of prejudice to Crown Point through the granting of this extension is mitigated. In fact, most, if not all, of Crown Point's data requests are most appropriate for responsive testimony due on June 2, 2025.

12. Given the June 2, 2025 deadline, Winfield does not believe it is necessary to adjust the procedural schedule to accommodate its requested discovery extension, but would understand if the Commission were to find it appropriate to adjust the procedural schedule upon granting Winfield's request.

THEREFORE, Winfield respectfully requests the Commission grant this motion, permit Winfield to respond to the Data Requests on or before April 30, 2025, and for all other just and proper relief.

Respectfully Submitted,



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*Counsel for the Town of Winfield, Lake County,
Indiana*

CERTIFICATE OF SERVICE

I certify that on March 28, 2025, the foregoing was filed electronically with the Indiana Utility Regulatory Commission using the Commission's electronic filing system and was served electronically on the parties below:

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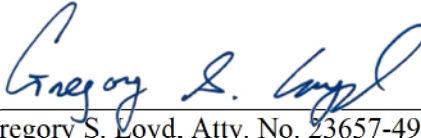
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Gregory S. Loyd, Atty. No. 23657-49

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IN THE MATTER OF THE PETITION OF THE)
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 IND. CODE 8-1.5-6 ET. SEQ.)

**FIRST SET OF DISCOVERY REQUESTS OF THE CITY OF CROWN POINT,
 INDIANA TO PETITIONER TOWN OF WINFIELD, INDIANA**

Pursuant to 170 IAC 1-1.1-16, Intervenor the City of Crown Point, Indiana (“Crown Point”) hereby requests that Petitioner Town of Winfield, Lake County, Indiana (“Winfield”) respond to each of the following discovery requests, separately, in writing, and produce all documents and other information in the possession, custody, or control of any of Winfield’s employees, representatives, attorneys, consultants, engineers, accountants, or agents that are responsive to the requests specified below. If Winfield does not have complete or precise information with respect to any of the following discovery requests, please so state and provide the most complete and accurate answer possible in light of the information available to Winfield, and identify each person Winfield believes may have more complete or precise information.

Production of documents and responses to the discovery requests shall be made by email to Mark W. Cooper, 1449 N. College Avenue, Indianapolis, IN 46202, attymcooper@indy.rr.com and to Robert M. Glennon, Robert Glennon & Associates, 3697 N. 500 E., Danville, IN 46122, robertglennonlaw@gmail.com as soon as practicable and, in no event later than ten (10) calendar days after the date of this request.

DEFINITIONS

The terms “Winfield,” “you,” and “your” shall refer to the Town of Winfield, Lake County, Indiana and all representatives, employees, officials and/or consultants of Winfield.

The term “document(s)” means and includes any and all materials within the scope of Trial Rule 34(A)(1) of the Indiana Rules of Trial Procedure and is used in the broadest possible sense, and shall include, without limitation, originals unless otherwise stated (or any copies when originals are not available), and any non-identical copies (whether different from the originals because of notes made on such copies or otherwise), of any writing (whether handwritten, typed, printed, photostatic, electronic, or otherwise made), drawing, graph, chart, map, diagram, plan, picture, photograph, phono-record, or electronic or mechanical matter (including microfilm of any kind or nature, audio, video, or computer tapes or recordings), or other data (translated, if necessary, into reasonably usable form), and shall include, without limiting the generality of the foregoing, all correspondence, letters, messages, notes of telephone conversations, telecopies or facsimiles, telegrams, bills, cables, contracts, agreements, applications, teletypes, printouts, studies, reports, schedules, memoranda, minutes, notes, books, records, transcripts, newspaper clippings, log book entries, diaries, transmittals, subpoenas or other legal process, and any and all other writings or papers of any kind, including all drafts, copies, or reproductions of any of the foregoing that differ in any respect from the original, computer readable data, and information stored in a computer or other data storage or processing equipment. The term “documents” includes the file and folder tabs associated with each aforesaid original and/or copy, or all correspondence transmitting such document or explaining or commenting on the contents thereof, and all working or support papers.

The terms “and” and “or” shall be construed either disjunctively or conjunctively so as to bring within the scope of the following requests any document(s) which might otherwise be construed to be outside the scope of these requests, and the terms “any” and “all” shall each be

construed to mean “any and all.” The singular includes the plural and the plural includes the singular.

The terms “concerning,” “regarding,” and “relating to” mean and include: analyzing, associated with, commenting on, comprising, concerning, connected with, constituting, containing, dealing with, defining, describing, discussing, embodying, establishing, evidencing, identifying, indicating, pertaining to, presenting, purporting, referring to, reflecting, regarding, relating to, responding to, showing, stating, or with respect to.

The term “identify,” when used with respect to a document means to state (a) the nature of the document (*e.g.*, letter); (b) the name and business address of the present custodian and location of the document; (c) the name and business address of each person who prepared the document; (d) the date(s) the document was made and prepared; and (e) the addressee(s) or other distributee(s) of the document. The term “identify” means, as to an individual, state the individual’s name, business address, present occupation, present organizational title, and, where relevant, past occupation and organizational title. The term “identify” means, as to an entity other than an individual, state the entity’s full name, the address of its principal place of business, and its state of incorporation or organization.

The term “IURC” means the Indiana Utility Regulatory Commission.

“Winfield Requested Area” refers to the expanded Winfield sewage service area outside its municipal borders, Winfield wants the IURC to approve in this Cause.

INSTRUCTIONS

1. Each request for production of documents includes, but is not limited to, all documents created, sent, received, stored, or reproduced.

2. All requests for the production of documents contemplate production of the requested documents in full, without deletion, redaction, abbreviation, or expurgation.

3. All requests for the production of documents shall be construed to include any additional documents responsive to these requests that are discovered or produced after the date of production. This request encompasses all documents that are within Winfield's possession, custody, or control or within the possession, custody, or control of its attorneys, consultants, engineers, accountants, or any other person acting or purporting to act on Winfield's behalf. A document is to be deemed in your possession, custody, or control if it is in your physical custody, or if it is in the physical custody of any other person and you (1) own such document in whole or in part, (2) have a right, by contract, statute or otherwise, to use, inspect, examine, or copy such document on any terms, (3) have an understanding, express or implied, that you may use, inspect, examine, or copy such document on any terms, or (4) have, as a practical matter, been able to use, inspect, examine, or copy such document when you sought to do so.

4. If Winfield claims that any document (or any portion of a document) responsive to these requests is privileged, the nature of the privilege shall be stated in writing and shall be supported by a privilege log setting forth the following information:

the author(s) of the document(s);

the name of the person(s) to whom the document(s) was (were) delivered or addressed, including indicated or blind copy recipients, and that person's (those persons') relationship to the author(s);

the date of the document(s);

the present location and custodian of the document(s); and

a description of the subject matter of the document, and any attachment or appendices, and the number of pages.

5. In the event that any document called for by these requests was, but is no longer, in the possession or custody of Winfield or subject to Winfield's control, state what disposition was made of the document, the date the disposition occurred, and the circumstances surrounding the document's disposition.

6. In the event that any document (or any portion of a document) or information responsive to these requests is confidential and is so designated, Crown Point is willing to receive that information pursuant to a mutually agreeable confidentiality agreement.

For each data request, please identify all persons who provided responsive information or materials. Also, please indicate the witness or witnesses to be called in your case-in-chief and rebuttal who can answer questions regarding the substance of or origination of information supplied by Winfield in each response to these requests.

Except as otherwise indicated explicitly or by context, these requests shall be deemed to be continuing. Any information or document responsive to these requests which Winfield acquires or which becomes known to Winfield subsequent to the initial response shall be provided within a reasonable time after such information or document is acquired or becomes known to Winfield.

This set of data requests requires supplemental or amended responses to the extent required by Trial Rule 26(E) of the Indiana Rules of Trial Procedure. In addition, these requests shall be deemed to be continuing requests for supplemental responses pursuant to Trial Rule 26(E)(3).

DATA REQUESTS

Request No. 1.1:

Please provide copies of any amendments to the Town of Winfield Ordinance No. 358 approved after December 27, 2023, together with all exhibits.

Response:

Request No. 1.2:

Please provide copies of all Winfield ordinances, operative on, and after, December 27, 2023, relating to Winfield's sewer service, including, but not limited to, sewer rates and charge, sewer user terms, conditions, rules and regulations, and non-recurring charges and fees, including exhibits.

Response:

Request No. 1.3:

Please provide copies of any amendments to Winfield's Sewer Rate Ordinance No. 143-F and Winfield's System Development Charge Ordinance No. 143-G approved after December 27, 2023, including all exhibits thereto.

Response:

Request No. 1.4:

Please provide a copy (or copies) of Winfield's latest Sewer Rate Sufficiency Report(s), all exhibits, and any workpapers upon which said Sufficiency Report(s) is premised.

Response:

Request No. 1.5:

Please provide copies of all Winfield financing studies and reports for, or relating to, the proposed sewer extensions and improvements planned to provide sewer service to Winfield's proposed expanded sewer service area outside of its municipal boundaries (Winfield Requested Area"), together with all exhibits and any amendments thereto, whether generated by Winfield employees or Winfield's financial advisor.

Response:

Request No. 1.6:

Please provide copies of Winfield's grant applications made within the last five (5) years for proposed improvements to and extensions of Winfield's sewer system and sewer infrastructure both inside and outside of Winfield's municipal boundaries and all attachments thereto.

Response:

Request No. 1.7:

Please provide copies of all of Winfield's sewer system Monthly Reports of Operations submitted to the Indiana Department of Environmental Management ("IDEM") for 2021, 2022, 2023, and 2024 and to date.

Response:

Request No. 1.8:

Please provide copies of all of the preliminary and final engineering studies, statements, opinions, reports, and the like, made or prepared within the last twenty-four (24) months, relating to any extensions and improvements to Winfield's sewer treatment facility and collection system planned to provide sewer service to the Winfield Requested Area.

Response:

Request No. 1.9:

Please provide copies of all survey documentation and legal descriptions for the proposed parcel or parcels upon which Winfield's sewer collection system and/or wastewater treatment plant ("WWTP") facilities, equipment, and structures planned to provide sewer service to the Winfield Area are to be constructed.

Response:

Request No. 1.10:

Please provide a copy of the latest version of Winfield's Comprehensive Master Plan, including any plans related to Winfield's sewer utility service, and any prior versions of such plans for the previous five (5) years.

Response:

Request No. 1.11:

Please provide a copy of all Winfield Sewer Engineering reports for the past twenty-four (24) months for the proposed Winfield Requested Area and the Winfield WWTP expansion / lift station initiative and undertaking.

Response:

Request No. 1.12:

Please provide copies of all Winfield sewer reports to IDEM of non-compliance with Winfield's National Pollutant Discharge Elimination System ("NPDES") Permit(s), including all exhibits related to same.

Response:

Request No. 1.13:

For all Winfield communications occurring within the last five (5) years with IDEM, or any other government agency or body, regarding Winfield's Ordinance No. 358, IURC Cause No. 45992, and Winfield's proposed sewer infrastructure improvements, including those planned to provide sewer service to the Winfield Requested Area, please provide copies of the communications and identify:

- (1) the communication;
- (2) the date of the communication; and
- (3) the participants to the communication.

Response:

Request No. 1.14:

Please provide copies of all Winfield Sanitary Sewer NPDES Permit(s), and any attachments or exhibits thereto, currently in effect.

Response:

Request No. 1.15:

Please provide a copy of Winfield's communications related to or addressing sewer or water utility service with any and all units of local government adjoining Winfield, Lake County Government, other governmental units, or developers and any elected or appointed or employed representatives of the same pertaining to utility service by Winfield or other municipalities since January 1,2022.

Response:

Request No. 1.16:

How much WWTP capacity does Winfield project it will need to serve current and future sewer requirements within Winfield's municipal limits each year for the next twenty (20) years? Provide the Winfield planning documents that support those annual projected capacity needs.

Response:

Request No. 1.17:

How much WWTP capacity does Winfield project it will need to serve current and future sewer requirements within Winfield's Requested Area expansion each year for the next twenty (20) years? Provide the Winfield planning documents that support those annual projected capacity needs.

Response:

Request No. 1.18:

What is the timing and cost of the proposed expansion of Winfield's WWTP from 0.8 million gallons per day ("MGD") to 1.6 MGD, and from 1.6 MGD to 4.0 MGD?

Response

Request No. 1.19:

Are Winfield's WWTP operators employees of Winfield or contractors? Please provide employer information for any contractor employees, if applicable.

Response:

Request No. 1.20:

For each member of the management and staff of Winfield's sewer utility, please state:

- (1) the title of each position;
- (2) whether the position is filled by a Winfield employee or a contractor (and the identity of the contractor's employer, if applicable);
- (3) the job description for each position;
- (4) for the person filling each position, provide the person's education, qualifications, and time in that position; and
- (5) for each position, please provide the salary.

Response:

Request No. 1.21:

If a large developer with plans for significant development in Winfield's proposed sewer service area was unable to receive sewer service from Winfield, what would be the effect on economic development in the proposed Winfield Requested Area? Please provide any documents supporting your response and demonstrating the economic effects on the proposed Winfield Requested Area if Winfield did not provide sewer service to that area.

Response:

Request No. 1.22:

Please define what Winfield Witness Lin means by “ready availability of sewer service” on page 7, line 6 of his Verified Direct Testimony.

Response:

Request No. 1.23:

Please state when Winfield will provide the ready availability of sewer service at all locations throughout the proposed Winfield Requested Area.

Response:

Request No. 1.24:

Does Winfield currently provide the ready availability of sewer service at all locations within its municipal boundaries?

Response:

Request No. 1.25:

Regarding Winfield Witness Lin's response to Question 17 in his Verified Direct Testimony, "Why should Winfield be the exclusive provider in the Winfield service area?", Mr. Lin answered, in part, on page 7, line 10 of his Verified Direct Testimony that "[a]s an initial matter, I believe it is a question of fairness", please respond to the following:

- (1) Define the term "fairness."
- (2) Fair to whom?
- (3) Is the determination of fairness an engineering function? Please explain why or why not.
- (4) Please identify all factors considered by Witness Lin in testifying on page 7, lines 13-15, that "[f]rom my perspective, it makes sense (and is fair) that Winfield be authorized to be the exclusive provider in order to protect the investments made in order to make service available to the area."

Response:

Request No. 1.26:

Please provide the planning reports and/or materials assembled by Winfield in support of and/or relating to the current 0.8 MGD to 1.6 MGD WWTP expansion.

Response:

Request No. 1.27:

Please provide the planning reports and/or materials assembled by Winfield in support of and/or relating to future Winfield wastewater collection, conveyance, and treatment capabilities required for Winfield to provide sewer service in the proposed Winfield Requested Area.

Response:

Request No. 1.28:

Please identify Winfield's existing sewer facilities and provide corresponding capacity capabilities, including, but not limited to, the following:

- (1) WWTP – design flows and loadings capabilities;
- (2) major lift stations – design flows capabilities; and
- (3) major transmission and collection system pipes, diameters, and corresponding full flow capacities.

Response:

Request No. 1.29:

Please provide Winfield Sewer Utility's last three (3) years of Monthly Reports of Operations ("MRO") and corresponding monthly average flows and loadings. Please clearly denote the maximum monthly flows and loadings, (including, Biological Oxygen Demand, Suspended Solids, Ammonia, and Phosphorus) recognized over this time frame.

Response:

Request No. 1.30:

Please state if areas within Winfield's existing sewer service area (corporate limits) are currently not receiving sewer service (no wastewater collection and conveyance facilities). If so, list and clearly identify and clearly show on a Winfield map, these areas and state if Winfield intends to provide sewer service to said areas. If Winfield intends to provide sewer service to these areas, please provide all planning materials for such service, and state when the service will be provided.

Response:

Request No. 1.31:

Please describe in detail the condition of Winfield's existing sewer facilities including, but not limited to, the WWTP, lift stations, gravity sewers, etc. Please provide copies of any documents, reports, studies, analysis, and the like that describe the condition of those facilities, and note which were used or referred to in preparing the descriptions provided in your response above.

Response:

Request No. 1.32:

Please provide a to-scale drawing of the Winfield existing WWTP site showing property boundaries, existing treatment structures/facilities, existing piping connecting existing treatment structures/facilities, and discharge location.

Response:

Request No. 1.33:

Please provide a to-scale drawing of Winfield's existing collection system showing main lift stations and force mains, and corresponding pumping capacities, force main pipe diameters, routing, and discharge locations.

Response:

Request No. 1.34:

Please provide a to-scale drawing of Winfield's existing collection and conveyance sewers showing diameters, routing, and corresponding full pipe flow conveyance capacities.

Response:

Request No. 1.35:

Please provide the Winfield sewer shed map(s) which identify the sub-basins within the existing Winfield service area/corporate limits that exist and locations they discharge to (lift stations and/or main line sewers).

Response:

Request No. 1.36:

Please describe how all areas within the existing Winfield sewer service area/corporate limits are routing (or intending to route) wastewater flow to assure collection, transportation, and treatment at the existing WWTP.

Response:

Request No. 1.37:

Please identify the sub-basins within the existing current Winfield sewer service area/corporate limits and the locations they discharge to (lift stations and/or main line sewers).

Response:

Request No. 1.38:

For Winfield's existing sewer service area (corporate boundaries), please identify and describe all corrective actions/improvements to Winfield's sewer facilities required to accommodate: existing sewage flows and loadings; anticipated sewage flows and loadings after twenty (20) years; and anticipated sewage flows and loadings after complete build-out.

Response:

Request No. 1.39:

Please identify and describe Winfield's existing sewer collection system (within its corporate boundaries) inflow and infiltration ("I&I") volumes and all Winfield's (a) current and (b) planned sewer corrective actions for I&I and the projected annual cost of each over the next twenty (20) years.

Response:

Request No. 1.40:

Please identify and describe the Winfield existing sewer service area/corporate limits and the corresponding anticipated growth:

- (1) over the next twenty (20) years; and
- (2) to achieve ultimate build-out of the existing service area.

Response:

Request No. 1.41:

Please describe and provide the corresponding projected wastewater flows and loadings for the existing Winfield sewer system (Winfield's corporate limits) for the next twenty (20) years and for ultimate buildout growth projections of the existing Winfield sewer service area (Winfield's corporate limits).

Response:

Request No. 1.42:

For the planned expansion of the existing Winfield sewer service area, please specifically identify these areas' boundaries, how they abut, or relate to, Winfield's existing sewer service area (Winfield's corporate limits), and provide corresponding customer/development growth anticipated in the proposed expanded service area:

- (1) over the next twenty (20) years; and
- (2) to achieve ultimate buildout of the proposed expanded service area.

Response:

Request No. 1.43:

Please also identify and describe the corresponding wastewater system flows and loadings for the proposed expanded Winfield Requested Area sewer service for the next twenty (20) years and for ultimate buildout growth projections of the proposed Winfield Requested Area sewer service.

Response:

Request No. 1.44:

Please provide a map of Winfield's existing sewer service area (Winfield's corporate limits) and please identify, by circling or outlining, the areas on the map not currently served by Winfield's existing sewer collection system and the nearest collection/conveyance sewer or lift station for each of those unserved areas.

Response:

Request No. 1.45:

Please confirm for Winfield's proposed sewer expansion area that no facilities currently exist to provide collection and transport of wastewater. If such facilities do currently exist, please describe those facilities in detail and state and show their locations.

Response:

Request No. 1.46:

Please state if Winfield plans to build/install collection and transport facilities for wastewater from the Winfield sewer service territory expansion area. If so, please provide details of the facilities, their timing, their financing and the installation thereof. If not, please state and explain how Winfield expects to convey flow from the proposed expanded Winfield service area to Winfield's existing collection system and/or WWTP (discharge location) and corresponding improvements required to support same.

Response:

Request No. 1.47:

Please identify any locations within Winfield's existing sewer service area (Winfield's corporate limits) where improvements to the existing collection system are required to provide adequate sewer service for:

- (1) 20-year growth; and
- (2) ultimate build-out growth.

Response:

Request No. 1.48:

Please identify the anticipated required improvements to Winfield's WWTP to accommodate anticipated flows from the Winfield existing sewer service area (Winfield's corporate limits) at:

- (1) 20-year growth; and
- (2) ultimate build-out growth.

Response:

Request No. 1.49:

Please identify improvements required at the Winfield WWTP to accommodate anticipated flows from the proposed Winfield Requested Area at:

- (1) 20-year growth; and
- (2) ultimate build-out growth.

Response:

Request No. 1.50:

Does the existing Winfield WWTP site have the necessary footprint to support the improvements required for the above 20-year growth scenarios?

- (1) If so, please provide a site plan that illustrates to scale planned improvements for the same.
- (2) If not, please identify the additional property that Winfield plans to acquire to support said improvements and provide a site plan which illustrates said property boundaries and clearly denotes the anticipated discharge location for treated wastewater.

Response:

Request No. 1.51:

Please provide details and corresponding costs associated with the expansion of the existing Winfield wastewater facilities to provide necessary wastewater collection, conveyance, and treatment capabilities:

- (1) For Winfield's existing sewer service area (Winfield corporate limits) at:
 - a. 20-year growth; and
 - b. ultimate build-out growth.
- (2) For the proposed expanded Winfield sewer service area at:
 - a. 20-year growth; and
 - b. ultimate build-out growth.

Response:

Request No. 1.52:

Please provide figures/maps/drawings that clearly illustrate the following:

- (1) Winfield's existing sewer service area (Winfield's corporate limits).
- (2) Winfield's existing sewer collection system, including, but not limited to:
 - a. major lift stations, major lift station design flow ratings, major lift stations discharging force mains and diameters, and routing of force mains to points of discharge; and
 - b. existing gravity sewers and manholes – please provide flow direction arrows and clearly indicate gravity sewer diameters.
- (3) Winfield's existing WWTP, including, but not limited to:
 - a. process flow schematic and hydraulic profile of the 1.6 MGD facility;
 - b. existing site boundaries and the 1.6 MGD facility's layout (to scale) of all buildings, structures, and drives; and
 - c. the 1.6 MGD facilities site piping plan.
- (4) Winfield's existing major sewer lift stations, and, on the map or drawing, please identify the average wet and dry weather flows realized currently at each of the major lift stations and corresponding percent capacities consumed (compared to the design flows of the lift stations).
- (5) Winfield's existing sewer flow contribution areas, and on the map or drawing, please identify the sewer sheds and where their resultant wastewater flows are routed to (whether it be a gravity sewer or a lift station), and please identify any areas that currently do not contribute flow to the existing collection system.
- (6) The anticipated zoning and growth within Winfield's proposed expanded sewer service area.
- (7) Anticipated improvements to Winfield's sewer collection system in Winfield's expanded sewer service area to accommodate growth projections within the existing and expanded service areas, including, but not limited to:
 - a. increases in existing lift station capacities;
 - b. new lift stations;
 - c. upsizing of existing sanitary sewers;
 - d. new sanitary sewers; and
 - e. clearly denote flow path/routing to the WWTP for treatment.
- (8) Additional sanitary sewers and routing in Winfield's proposed expanded sewer service area.
- (9) The anticipated improvements to Winfield's existing WWTP required to accommodate Winfield's existing sewer service area (Winfield's corporate limits) and Winfield's proposed expanded sewer service area growth.

- (10) Demonstrate Winfield's existing WWTP site has available land to accommodate planned expansion.
- (11) Identify alternate location(s) and plans for wastewater treatment if the existing site is deficient.
- (12) If there are plans for phased improvements to the existing 1.6 MGD WWTP treatment capacity, please denote improvements by corresponding phases (i.e. 3.2 MGD, etc.).

Response:

Request No. 1.53:

How many equivalent dwelling units (“EDUs”) has Winfield committed to serve within its current corporate boundaries that are not yet served? State the dates when and with whom those commitments were made.

Response:

Request No. 1.54:

For each subdivision, each commercial customer, and each industrial customer that Winfield has committed to serve, but is not yet serving, within its current corporate boundaries please state the daily expected sewage flows from each one of them individually, and in total, and the dates at which they are expected to be connected to the Winfield sewage lines and receive actual sewage treatment service.

Response:

Request No. 1.55:

From January 1, 2020 to date, state each request for sewer service from residential land developers that Winfield denied, the volume of sewage each would have sent to Winfield's sewer system when built out, and the reasons each request was denied. For the same time period, please provide the same information for each sewer service request from all commercial developers.

Response:

Request No. 1.56:

Name each developer that has expressed to Winfield, over the last five (5) years, its preference that it receive sewage treatment service from Crown Point rather than Winfield.

Response:

Request No. 1.57:

What is the anticipated volumetric daily demand for sewage treatment of flows from sewage customers within Winfield's current municipal boundaries for the years 2025 through 2040?

Response:

Request No. 1.58:

What is the anticipated volumetric daily demand for sewage treatment for flows from sewage customers within Winfield's Requested Area for the years 2025 through 2040?

Response:

Request No. 1.59:

Does Winfield now plan to provide sewer service to the disputed area between Crown Point and Winfield in this proceeding (the “Disputed Area”) using a forced main to its Gibson Street Lift Station (“GSL”)? If so, why? If not, how does Winfield plan to serve the Disputed Area?

Response:

Request No. 1.60:

Is Mr. Duffy aware that prior to December 27, 2024, representatives of Winfield had expressed interest to representatives of Crown Point in having Crown Point provide sewage treatment service to Winfield?

Response:

Request No. 1.61:

Provide the dates and topics of each meeting in 2022 - 2024 which Mr. Duffy attended, or learned about the results thereof, wherein the topic of Crown Point providing Winfield with sewage treatment service was mentioned.

Response:

Request No. 1.62:

When and how did Mr. Duffy first learn that IDEM has permitted Crown Point's new wastewater treatment plant for up to 11.5 MGD?

Response:

Request No. 1.63:

Please provide all studies, proposals, plans, permit applications, permits, regulatory approvals, engineering work, cost estimates, and the like related to Winfield's provision of sewer service to the Disputed Area using the GSL.

Response:

Request No. 1.64:

What will be the length and cost of the forced main and the lift station in the Disputed Area if Winfield provides sewer service to the southwest portion of the Disputed Area through the GSL?

Response:

Request No. 1.65:

Please provide a copy of Winfield's IDEM construction permit application for the GSL. Does that application show its total capacity committed to serve the Taft Middle School and a 330-home subdivision? If not, please explain in detail.

Response:

Request No. 1.66:

How will Winfield's proposal to serve the Disputed Area with the GSL impact Winfield's proposal to serve the balance of its requested sewer service area?

Response:

Request No. 1.67:

What is the current status of the improvements, upgrades, degree of completion, and time to completion of Winfield's WWTP?

Response:

Request No. 1.68:

What is the current status of the planning, construction, and time to completion of the lift station in the Disputed Area and the forced main from the Disputed Area to the GLS?

Response:

Request No. 1.69:

When will Winfield be able to provide sewer service to:

- (1) the entire proposed Winfield Requested Area; and
- (2) just the Disputed Area.

Response:

Request No. 1.70:

How many municipal utility clients has Winfield Witness Wilson represented in issuing debt? Of that total, how many were wastewater municipal utilities?

Response:

Request No. 1.71:

Is Ms. Wilson aware of any Indiana municipal wastewater utilities that have issued debt with Building Corporation debt? If so, please identify those utilities and explain the circumstances of such debt issuance. State which of those municipal wastewater utilities were clients of Ms. Wilson.

Response:

Request No. 1.72:

Of those municipal wastewater utilities Ms. Wilson has represented, how many tried to issue additional debt when it could not satisfy parity requirements?

Response:

Request No. 1.73:

Is it common practice for a municipal utility to issue additional debt when it cannot satisfy parity requirements? If yes, please identify those municipal utilities which you know to have engaged in such debt issuances and provide details of those debt issuances.

Response:

Request No. 1.74:

What happens to the Building Corporation Bonds if Winfield does not pay the required rent to the Building Corporation?

Response:

Request No. 1.75:

What is Winfield's source of revenue for Winfield's rental payments to the Building Corporation?

Response:

Request No. 1.76:

Why does Winfield's sewer utility not have sufficient revenue to allow for the issuance of additional sewer revenue bonds?

Response:

Request No. 1.77:

When did Winfield last increase its sewage rates and by how much? Please provide the schedule of increased rates and charges

Response:

Request No. 1.78:

When does Winfield expect it will next increase its sewage rates, and how much of an increase will it likely be? Provide Winfield's projections and calculations of estimated possible future wastewater rate increases.

Response:

Request No. 1.79:

Describe in detail what Winfield has done to determine if its current sewage rates will be increased and provide the accounting and finance analysis that was performed.

Response:

Request No. 1.80:

What sewage rate increase, over the sewage rates in effect at the time of the enactment of Winfield's Ordinance No. 358, would be needed to allow Winfield to meet its parity requirements?

Response:

Request No. 1.81:

By using Building Corporation Bonds to finance sewer utility infrastructure, aren't non-sewer customers taxpayers subsidizing Winfield's sewer customers? If other than yes, explain your answer in detail.

Response:

Request No. 1.82:

What is the consequence to the Winfield Sewer Utility if the Building Corporation Bonds go into default?

Response:

Request No. 1.83:

Other than the Winfield Sewer Utility, have other Winfield town departments received funds from the Winfield Building Corporation Bonds?

Response:

Request No. 1.84:

Please describe the Winfield Sewer Utility procedure for charging, collecting, and accounting for system development charges (“SDCs”).

Response:

Request No. 1.85:

How was the Winfield Sewer Utility SDC calculated? Please provide the study whereby it was calculated.

Response:

Request No. 1.86:

What was the balance in the Winfield Sewer Utility SDC account as of December 31, 2024? What is the balance in the Winfield Sewer Utility SDC account currently?

Response:

Request No. 1.87:

Please refer to Ms. Wilson's Verified Direct Testimony at page 5, line 16 and at page 6, lines 1-2, wherein Ms. Wilson states "[t]he Utility has substantial coverage on the outstanding debt issuance to allow for annual capital improvement or the buildup of funds for future capital improvements." For each of the last five (5) years, please provide the dollar amount of the annual capital improvements made and the dollar amount of funds accumulated ("buildup") for future capital improvements.

Response:

Request No. 1.88:

Does the Winfield Sewer Utility pay obligations of, or transfer funds to, other municipal departments? If yes, please provide the rationale for, and details of the amounts and recipients of, each payment, or transfer, for each of the last five (5) years.

Response:

Request No. 1.89:

Please refer to question 13 of Ms. Wilson's Verified Direct Testimony (page 7, lines 8-10), which reads "[t]o your knowledge, has Winfield recently issued bonds for the purpose of financing the construction of facilities with sufficient capacity to serve the Winfield service area?", which Ms. Wilson responded to (page 7, line 12) by stating "[y]es, it has." Regarding Ms. Wilson's answer, please respond to the following:

- (1) How do you know the proceeds of the Bond issuance are sufficient to construct the facilities?
- (2) How do you know if the facilities have sufficient capacity to serve the Winfield proposed regulated ordinance service area?
- (3) State the name and cost of each portion and capacity of new treatment plant, lift stations, and sewage mains that would be needed to serve the Winfield regulated territory and whether they are included in the bond ordinance referenced in question 13 to Ms. Wilson's Verified Direct Testimony. State and name all plant to be built with proceeds from the referenced bond that is being built to serve current and projected sewage needs within Winfield's town limits.

Response:

Request No. 1.90:

Please refer to page 8, lines 17-18 of Ms. Wilson's Verified Direct Testimony, wherein Ms. Wilson states "the Utility did not have the capacity to fund the additional debt service for the issuance of the debt without an increase to its monthly user rates." Please respond to the following:

- (1) Are Winfield's sewer user rates inadequate?
- (2) If no, please explain why sewer user rates insufficient to support new borrowings are adequate.
- (3) If yes, please explain why Winfield would maintain inadequate sewer user rates.
- (4) Has Winfield increased its sewer user rates since Winfield's testimony in this Cause was prepared?

Response:

Request No. 1.91:

Please describe and explain the borrowing flexibility provided to Winfield's sewer utility by the Building Corporation financing approach referenced in Ms. Wilson's Verified Direct Testimony.

Response:

Request No. 1.92:

Please provide an amortization schedule for the 2023 Building Corporation Bonds.

Response:

Request No. 1.93:

Is it usual and customary for municipal entities to issue bonds just days before the Christmas holiday?

Response:

|

Request No. 1.94:

Why did Winfield issue its 2023 Building Corporation Bond just days before Christmas?

Response:

|

Request No. 1.95:

What was Ms. Wilson told about Winfield being in a hurry to get her testimony and its IURC Regulatory Ordinance Petition filed with the IURC quickly, or as soon as possible?

Response:

Request No. 1.96

In his April 8, 2024, Affidavit, filed in this Cause on April 8, 2024, Mr. Nick Bellar states, “I attended some of the meetings and negotiations with Crown Point on the annexation discussions...” Did Mr. Bellar attend any meetings, prior to the filing of the petition in Cause 45992, with Crown Point where Winfield’s sewer service and sewer service territory were discussed?

Response:

Request No. 1.97

For each meeting referenced above, please identify the date(s), location(s), all subjects discussed and the attendees of each meeting, and state whether or not attended by Mr. Bellar.

Response:

Request No. 1.98

Did Mr. Bellar attend the February 9, 2022, lunch meeting at Gamba's Restaurant in Merrillville, Indiana, between Crown Point officials and Winfield officials?

Response:

Request No. 1.99

If yes, did then Winfield Councilman Steiner say that Winfield, at that time, was not going to be able to serve the waste water needs of its future growth within its jurisdiction limits, and then ask if Crown Point would serve certain areas within Winfield's jurisdictional limits West of Colorado Street?

Response:

Request No. 1.100

Since the February 9, 2022, meeting, has any Winfield official, employee, contractor or representative stated that Winfield is, or may become, unable to provide adequate sewer service within its corporate boundaries or within the proposed Winfield Area?

Response:

Request No. 101

If yes, please identify: the name and position of the person who made the statement; when and where the statement was made; who was present at the making of the statement; and, whether the statement was written or oral. If oral, provide a detailed description of the statement. If written, provide a copy of the statement.

Response:

Respectfully submitted,

/s/ Mark W. Cooper

Mark W. Cooper, Attorney for Crown Point

/s/ Robert M. Glennon

Robert M. Glennon, Attorney for Crown Point

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the following counsel of record by electronic mail this ____ day of March, 2025:

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Loyd, Greg S.

From: attymcooper@indy.rr.com
Sent: Wednesday, March 26, 2025 4:57 PM
To: Loyd, Greg S.
Cc: Robert M. Glennon; attymcooper@indy.rr.com
Subject: FW: 45992, Winfield Request for Extension of Time

Greg,

Please see my responses by interlineation below.

Best,

Mark

Mark W. Cooper
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From: Loyd, Greg S. <gloyd@boselaw.com>
Sent: Wednesday, March 26, 2025 12:05 PM
To: attymcooper@indy.rr.com
Cc: Janak, J. Christopher <cjanak@boselaw.com>
Subject: 45992, Winfield Request for Extension of Time

Mark,

I'm reaching out one more time in hopes of resolving my client's request for a 30-day extension of time to answer Crown Point's March 20, 2025 data requests. Under my client's proposal, the response deadline would be extended from Monday, March 31, 2025, to April 30, 2025.

My client makes this request due to the sheer volume of Crown Point's discovery requests. The request is 108 pages and consists of 101 requests (not including subparts). Such a sizable number of requests, standing alone, is a sufficient reason for a single extension of time. The problem of responding to so many requests within a 10-day window is exacerbated by the fact that my client's responses are due just 18 days prior to its case-in-chief prefilings deadline.

Crown Point Response: Crown Point submitted its Data Requests ("DR") as soon as possible after the IURC Docket Entry authorizing discovery. You suggest the "sheer volume" of Crown Point's DRs is sufficient reason for an extension to respond. As you note Crown Point submitted 101 DRs which were directed at Winfield Witnesses Wilson, Duffy, Lin and Affiant Bellar. Or, about 25 DRs per witness which is neither excessive nor even uncommon for technical witnesses such as these. We have all seen cases where an individual technical witness received far more than 25 DRs. Again, we do not expect one respondent to respond to 100 DRs but,

rather, each of four respondents to respond to the DRs in their respective areas. Further, your expert technical witnesses are likely well experienced at responding to discovery. Moreover, many of the DRs are requests for production on documents that should be in Winfield Utilities own files. Those are simple a matter of pulling and producing them.

During our conversation, you asked me to identify particular discovery requests which my client finds burdensome. The problem is not just the difficulty in responding to particular requests in isolation, rather, the combined volume of requests due shortly before my client's case-in-chief deadline creates a situation in which the identification of problematic discovery requests does not address the underlying issue of answering 101 requests (again, not counting subparts) within 10 days shortly before its case-in-chief prefilng deadline.

Crown Point Response: I suggested prior to considering an extension, that you first convey the DRs to your several witnesses to determine which could be readily responded to and which might require more time. I told you we would discuss extensions on any particularly difficult DRs for good cause. But, Winfield, curiously, seems unwilling to undertake that reasonable inquiry. It appears to Crown Point that responses to most of the DRs call for simple, easy responses and "off the shelf" documents. You mentioned the DR responses creating a problem with Winfield's case-in-chief deadline. In the March 6 Notice to the IURC in Cause 45992, Winfield said the update to its case-in-chief would only involve supplementing the Duffy Testimony with some points from the Duffy April 4, 2024 Affidavit filed in this Cause. It does not appear the updating of the Winfield case-in-chief will be extensive or time consuming, thus not adversely impacted by providing the DR responses.

You indicated you would not agree to an extension because Crown Point wants my client's discovery responses to aid in Crown Point's case-in-chief preparation. The March 19, 2025 docket entry establishing a procedural schedule specifically provides Winfield and Crown Point until June 2 to prefile testimony and exhibits responsive to each other's case-in-chief filing. As such, the procedural schedule already provides your client an opportunity to respond my client's discovery responses, even if the responses aren't received until after the April 18 case-in-chief prefilng deadline.

Crown Point Response: Winfield's and Crown Point's proposed Regulated Territories overlap ("Disputed Area"). The IURC has determined the question of which Regulated Territory will contain, or which will serve, the Disputed Area will be heard in Cause 45992. This procedure makes the DR responses relevant in all phases of the Cause. Crown Point must have and understand this information to prepare its case-in-chief. If Winfield believes that Crown Point's case-in-chief contains inappropriate information, it can object at hearing.

If Winfield were to propose its discovery extension with a matching extension of the procedural schedule, Crown Point would consider that balanced approach. But the best path is for Winfield to send the responses it can within the 10 day time frame and then discuss extensions of individual DR responses.

Please advise.

Best,

Mark

Greg Loyd

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