

RMG RED L 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) CAUSE NO. 45992
TERRITORY FOR THE TOWN'S MUNICIPAL)
SEWER SYSTEM PURSUANT TO IND. CODE § 8-)
1.5-6 ET. SEQ.)

**THE CITY OF CROWN POINT, INDIANA'S REPLY IN SUPPORT
OF ITS MOTION FOR EXTENSION OF PROCEDURAL SCHEDULE
AND REQUEST FOR EXPEDITED RULING**

The City of Crown Point, Indiana ("Crown Point"), by counsel, files the following Reply in support of its Motion for Extension of Procedural Schedule ("Motion") and reply to the Town of Winfield, Indiana's ("Winfield") Notice Regarding Procedural Schedule ("Response") filed on May 1, 2025 in this Cause.¹ Crown Point also respectfully requests that the Indiana Utility Regulatory Commission ("Commission") issue an Expedited Ruling on Crown Point's Motion.

In support of this Reply, Crown Point shows the Commission as follows:

1. Winfield's Response raises no new issues that were not discussed or considered by the parties and Presiding Officers at the April 24, 2025, Attorneys' Conference ("Attorneys' Conference") in this Cause. During the Attorneys' Conference, Winfield represented to the Presiding Officers and other parties that it would take until May 7, 2025, for it to provide all responses to Crown Point's First Set of Discovery Requests to Winfield ("Data Requests"), which were served on March 20, 2025. Based on that representation, all counsel, including Winfield's counsel, agreed to a 50-day extension of the procedural schedule in this Cause to prevent further

¹ The document Winfield, through gamesmanship, disingenuously disguised as a "Notice" is actually a Response to Crown Point's Motion for Extension of Procedural Schedule. To not recognize it as Winfield's Response will just further extend the delay caused by Winfield's failure to honor its agreement to extend the procedural schedule. With this Reply, Crown Point's Motion is fully briefed and may be ruled upon by the Presiding Officers.

prejudice to Crown Point in preparing its responses to Winfield's case-in-chief.

2. But, on April 30, 2025, as illustrated by the emails attached to Crown Point's Motion, Winfield denied that it agreed to ***anything*** in the Attorneys' Conference, rejected Crown Point's proposed schedule that was consistent with the parties' agreement during the Attorneys' Conference, and rushed to serve late-night, incomplete and already long overdue responses to Crown Point's Data Requests.

3. On May 1, 2025, in the spirit of compromise and despite Winfield's incomplete responses, Crown Point offered to reduce its requested extension of time to 43 days, an offer that was also rejected by Winfield's counsel. See Attachment to Motion.

4. In its Response, Winfield continues to complain about the time this Cause has been pending, blaming Crown Point for the delay. This ignores the fact that Winfield itself agreed to multiple stays of this case in the interest of pursuing settlement and that its failure to even serve Crown Point with its Regulatory Ordinance Petition when filed was responsible for months of that delay, as it resulted in the need for a new procedural schedule once Crown Point became aware of this Cause and was able to intervene. The Commission should disregard Winfield's disingenuous statements about the delay being caused by Crown Point when all purported delay of this Cause resulted either from Winfield's actions or the parties' agreement.

5. Winfield made no effort to timely respond to ***any*** of Crown Point's March 20, 2025, Data Requests, but instead took, ***without Commission consent***, a 30-day extension of time to provide even a single response to Crown Point.

6. The discovery responses that Winfield ***did*** eventually provide on April 30, 2025, were inadequate and incomplete. Many of the responses referred to Winfield's prefiled testimony and exhibits without any of the specific answers and details requested in the questions.

7. Winfield failed to follow the Commission's discovery rules and the discovery provisions established by the March 19, 2025, Docket Entry in this Cause, which has prejudiced Crown Point by making it prepare and file its direct case without the benefit of *any* discovery responses from Winfield. That past harm to Crown Point cannot be undone. But continuing harm can be mitigated by granting Crown Point's requested 43-day extension of time, which is shorter than the 50-day extension agreed to by all parties, including Winfield, at the Attorneys' Conference.

8. It is only fair for Crown Point to receive its requested 43-day extension of time to prepare its responsive testimony given Winfield's flagrant disregard for the Commission's discovery rules and the March 19, 2025, Docket Entry's procedural provisions on discovery. Crown Point reasonably needs additional time to review Winfield's discovery responses, which it just received, pursue answers to unanswered data requests and to prepare and receive answers to additional discovery requests, in order to prepare and file complete case testimony.

9. With the 40 days taken by Winfield to even inadequately respond to Crown Point's First Set of Data Requests, Crown Point cannot adequately prepare its Responsive Case by the current June 2, 2025, deadline.

10. The Presiding Officers, in their March 19, 2025, Docket Entry, encouraged the parties to consider mediation to resolve some or all issues between them. However, the resolution of this case via mediation or settlement is not a remotely realistic possibility until all parties have had a fair opportunity to conduct discovery and receive substantively complete responses. Given Winfield's self-granted excessive delay in responding to Crown Point's discovery and inadequate responses, this has not yet occurred.

11. Given Winfield's incomplete responses, Crown Point must serve Winfield with

additional discovery requests based on its responses to the first set of Data Requests, and it is Crown Point's understanding that discovery is also forthcoming from intervenor LBL Development, LLC ("LBL"). Winfield's delay in responding to the Data Requests has drastically reduced the amount of time left for these parties to finalize, serve discovery and prepare testimony.

12. Less than a month remains until Crown Point's responsive testimony is due to be filed on June 2, 2025. Given this short time frame, Crown Point respectfully requests that the Commission rule on its Motion on an expedited basis so it can adequately prepare and pursue further discovery and prepare testimony that includes what discovery has revealed.

WHEREFORE, Crown Point respectfully requests that the Commission grant its now fully briefed Motion on an expedited basis, implement the proposed procedural schedule proposed therein, and grant any other relief it finds appropriate.

Respectfully submitted,

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Mark W. Cooper, Attorney for Crown Point

/s/ Robert M. Glennon
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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 7th day of May, 2025:

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