

¹ Mr. Hein is a property owner with significant landholdings that has partnered with LBL Development, LLC on the development of the area at issue in this matter.

2. On December 13, 2023, Petitioner, the Town of Winfield (“Winfield”), filed its Petition in this Cause, seeking Commission-approval of a regulatory ordinance establishing a service territory for Winfield’s municipal sewer system in accordance with Ind. Code § 8-1.5-6 *et seq.*

3. The Regulatory Ordinance provides: “this Ordinance expressly prohibits other utilities from furnishing wastewater service to customers within the Town of Winfield Wastewater Service Area” (§ 3).

4. Based on LBL’s review of the map attached as Exhibit 2 to the Petition, LBL owns properties within and adjacent to the area Winfield is requesting be included in its regulated territory.

5. LBL has constructed a lift station adjacent to the southern portion of the regulated territory and built mains that are designed to service approximately 2,800 to 3,000 equivalent dwelling units within the proposed regulated territory. Those facilities are connected to the Town of Hebron and the Town of Hebron has plans to provide wastewater treatment service to the entirety of the development that LBL expects to construct.

6. In addition, LBL has donated land adjacent to the regulated service area requested by Winfield to the Town of Crown Point (“Crown Point”) for Crown Point to construct a new 2 MGD wastewater treatment plant that Crown Point has already had approved by IDEM for up to 11.5 MGD. LBL donated the approximately 44-acre parcel of land to Crown Point based on its written agreement to extend service to the property owned by LBL and the fact Crown Point’s plant can service a significant portion of LBL’s property by gravity sewer instead of additional lift stations. The property owned by LBL in that area has been identified by the Northwest Indiana Forum, who is the multi-county economic development organization tasked by Governor Holcomb

via the Indiana Economic Development Corporation with the administering of the READI Grant 1.0 and 2.0 funds, for potential economic growth.

7. The Regulatory Ordinance, on its face, would limit wastewater service in the proposed regulated territory to exclusively Winfield, which would have an adverse effect on LBL's existing and future property interests in and adjacent to the proposed regulated territory. Accordingly, the interests of LBL are directly relevant to the subject matter of the relief requested by Winfield.

8. LBL has invested substantial efforts and money into developing the area and its ability to further develop the area will be impeded and adversely affected if the relief sought by Petitioner is granted.

9. LBL's intervention in this Cause is for the purpose of responding to issues raised or to be raised by Winfield on matters concerning LBL's existing and future property interests within the proposed regulated territory.

10. No party in this Cause represents LBL, and if LBL is not permitted to intervene so as to protect its substantial interest, LBL may be adversely impacted by any decision in this Cause.

11. LBL anticipates that the positions it may take in this proceeding may be opposite to the positions taken by Winfield.

12. Granting of LBL's Petition to Intervene will not unduly broaden the issues.

13. Counsel representing LBL are:

Steven W. Krohne (Atty. #20969-49)
Jack M. Petr (Atty #37680-49)
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, IN 46282-0200
Mr. Krohne's Phone: (317) 236-2294
Mr. Petr's Phone: (317) 236-2145
Mr. Krohne's Fax: (317) 236-2219

Mr. Petr's Fax: (317) 236-2219
steven.krohne@icemiller.com
jack.petr@icemiller.com

Jonathan Lotton (Atty. #35031-45)
LBL Development LLC
14400 Lake Shore Dr.
Cedar Lake, IN 46303
Mr. Lotton's Phone: (219) 299-7973
jonathan.lotton27@gmail.com

The above-named attorneys are authorized to accept service of papers in the proceeding on behalf of LBL.

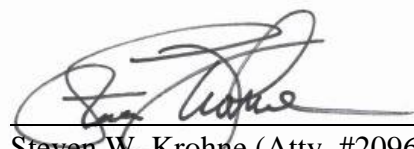
14. The Commission has found that similarly situated developers have a substantial interest in other proceedings where a City or Town has sought approval of a regulatory ordinance. *See, e.g., Re Town of Huntertown*, Cause No. 44519 (approved June 3, 2015; Docket Entry dated September 10, 2014 granting Twin Eagles Development II, LLC's Petition to Intervene).

15. This Petition to Intervene is being filed more than five (5) days prior to the date set for the evidentiary hearing in the proceeding.

WHEREFORE, LBL respectfully requests that this Petition to Intervene be granted, that it be named a party in this proceeding, and that it be granted all other relief appropriate and supported by the pleadings or evidence in this Cause.

[Signature page follows]

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steven W. Krohne", is written over a horizontal line.

Steven W. Krohne (Atty. #20969-49)

Jack M. Petr (Atty #37680-49)

Ice Miller LLP

One American Square, Suite 2900

Indianapolis, IN 46282-0200

Mr. Krohne's Phone: (317) 236-2294

Mr. Petr's Phone: (317) 236-2145

Mr. Krohne's Fax: (317) 236-2219

Mr. Petr's Fax: (317) 236-2219

steven.krohne@icemiller.com

jack.petr@icemiller.com

Jonathan Lotton (Atty. #35031-45)

LBL Development LLC

14400 Lake Shore Dr.

Cedar Lake, IN 46303

Mr. Lotton's Phone: (219) 299-7973

jonathan.lotton27@gmail.com

Counsel for LBL Development, LLC

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 22nd day of April, 2024:

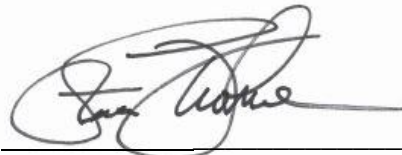
Robert M. Glennon, Atty. No. 8129-49
Robert Glennon & Associates
3697 N. 500 E Danville IN 46122
Indianapolis, IN 46204
(317) 694-4025
robertglennonlaw@gmail.com

Mark W. Cooper
Attorney at Law
1449 North College Avenue
Indianapolis, IN 46202
attymcooper@indy.rr.com

Daniel LeVay
Victor Peters
Office of Utility Consumer Counselor
115 W. Washington St., Suite 1500 South
Indianapolis, IN 46204
dlevay@oucc.in.gov
ViPeters@oucc.in.gov
infomgt@oucc.in.gov

David Austgen
Austgen Kuiper Jasaitis P.C.
akapc@austgenlaw.com

Chris Janak
Jacob Antrim
Bose McKinney & Evans LLP
11 South Meridian Street
Indianapolis, IN 46204
cjanak@boselaw.com
jantrim@boselaw.com



Steven W. Krohne
An Attorney for LBL Development LLC