

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

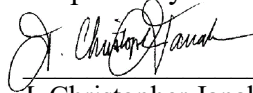
**IN THE MATTER OF THE PETITION OF THE  
TOWN OF WINFIELD, LAKE COUNTY,  
INDIANA, FOR APPROVAL OF A  
REGULATORY ORDINANCE ESTABLISHING A  
SERVICE TERRITORY FOR THE TOWN'S  
MUNICIPAL SEWER SYSTEM PURSUANT TO  
IND. CODE § 8-1.5-6 *ET SEQ.***

**CAUSE NO. 45992**

**PREFILED DIRECT TESTIMONY AND EXHIBITS  
OF MICHAEL P. DUFFY JR., PROFESSIONAL ENGINEER**

Prefiled Direct Testimony of Michael P. Duffy, Jr.	<u>Petitioner's Exhibit 1</u>
Petition for Approval of Regulatory Ordinance	<u>Petitioner's Exhibit 2</u>
Updated Winfield Service Area Map	<u>Petitioner's Exhibit 3</u>
Diagram of Existing and Prospective Facilities	<u>Petitioner's Exhibit 4</u>
Map of Drainage Basin	<u>Petitioner's Exhibit 5</u>
Excerpt from 2016 Master Plan	<u>Petitioner's Exhibit 6</u>

Respectfully submitted,



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**OF**  
**MICHAEL P. DUFFY, JR.**

**ON BEHALF OF**  
**THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA**

**I.**  
**INTRODUCTION**

**1. Q PLEASE STATE YOUR NAME, OCCUPATION, AND BUSINESS ADDRESS.**

A My name is Michael P. Duffy Jr., and I am employed as a professional engineer at DLZ Indiana, LLC ("DLZ"). My business address is 825 S. Barr Street, Fort Wayne Indiana 46802.

**2. Q PLEASE SUMMARIZE YOUR PROFESSIONAL AND EDUCATIONAL QUALIFICATIONS?**

A I am a licensed Professional Engineer and licensed Professional Land Surveyor in the State of Indiana. My current position is Department Manager of the Water (Public Works) Department of the DLZ Fort Wayne Office. I have a Bachelor's Degree in Construction Management and Engineering Technology, and an Associate's Degree in Civil Engineering Technology from Purdue Northwest (formerly Calumet) in Hammond, Indiana.

**3. Q PLEASE OUTLINE YOUR PROFESSIONAL EXPERIENCE.**

A Over the course of my career I have reviewed, designed, and overseen numerous infrastructure projects. These projects vary from site development, water, sanitary sewer, storm sewer, and transportation projects. Currently, I oversee a staff of 15 working in the Water (Public Works) Department for the DLZ Fort Wayne office.

1     **4. Q PLEASE DESCRIBE YOUR POSITION AT DLZ AND YOUR SPECIFIC**  
2           **EXPERIENCE WITH THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA**  
3           **(“WINFIELD”), AND ITS MUNICIPAL SEWER UTILITY.**

4     A I am currently a Department Manager at the DLZ Fort Wayne Office. I plan, design,  
5           and administer the construction of projects involving wastewater, water, stormwater,  
6           and site development throughout the state of Indiana. I have specifically worked on  
7           projects for Winfield and its municipal sewer utility since approximately 2012. In  
8           Winfield, I work cooperatively with another professional engineer, Jeremy Lin, with  
9           Lintech Engineering. Our duties are generally divided such that I, along with my other  
10          colleagues at DLZ, work on Winfield’s transmission and collection facilities and Mr.  
11          Lin focuses on the engineering associated with Winfield’s treatment facilities. Since  
12          2012, I have also performed the role of reviewing and approving the engineering for all  
13          proposed residential and commercial subdivision projects, utility extensions, and  
14          commercial site development projects in and around Winfield. Some of my prior utility-  
15          related sewer projects for Winfield over the years include the Doubletree East Sanitary  
16          Sewer Rehabilitation Project and Town of Winfield Sanitary Sewer Master Plan  
17          (2016)(“2016 Master Plan”). In fact, Winfield intends on installing some of the  
18          improvements identified in the 2016 Master Plan as part of its plan to extend service to  
19          the Winfield Service Area (as defined below).

20    **5. Q MR. DUFFY, HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE INDIANA**  
21           **UTILITY REGULATORY COMMISSION (“COMMISSION”)?**

22    A No, I have not.

1     **6. Q HAVE YOU REVIEWED THE PETITION (“PETITION”) THAT INITIATED**  
2           **THIS CAUSE?**

3           A Yes, I have. For the Commission’s convenience, a copy of the Petition is attached and  
4           marked as Petitioner’s Exhibit 2.

5     **7. Q DO YOU BELIEVE THE PETITION ACCURATELY REFLECTS WINFIELD’S**  
6           **INTENTIONS?**

7           A Yes, I do.

8     **8. Q WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY IN THIS**  
9           **PROCEEDING?**

10          A The purpose of my testimony is three-fold. I will discuss the: (i) the ability of Winfield  
11          to serve the proposed service area (“Winfield Service Area”) as described in Ordinance  
12          No. 358 (attached to the Petition as Exhibit 2); (ii) ability of another utility to provide  
13          service in the Winfield Service Area; and (iii) potential impact of the Winfield Service  
14          Area on present and future economic development in the area.

15   **II.**  
16           **ABILITY OF WINFIELD TO SERVE THE WINFIELD SERVICE AREA**

17     **9. Q BASED ON YOUR BACKGROUND, EXPERIENCE, AND KNOWLEDGE OF**  
18           **ITS MUNICIPAL SEWER SYSTEM, DO YOU BELIEVE THAT WINFIELD IS**  
19           **ABLE TO SERVE THE WINFIELD’S SERVICE AREA?**

20          A Yes. Based on my more than 11 years of working with Winfield and its management, I  
21          believe that Winfield is able to provide safe, efficient, and cost effective service to the  
22          Winfield Service Area. In my professional opinion, the Winfield Service Area is a

1           logical extension of the existing wastewater infrastructure that Winfield is operating,  
2           maintaining, and using to provide service to customers located immediately adjacent to  
3           the Winfield Service Area.

4       **10. Q DID YOU PREPARE A DESCRIPTION AND MAP THAT OUTLINES THE**  
5       **EXACT LOCATION OF THE WINFIELD SERVICE AREA?**

6       A   Yes, I did. A copy of the description and map that I prepared are attached as Exhibit 2  
7           to the Petition. I have also prepared an updated Winfield Service Area map that better  
8           illustrates how the Winfield Service Area is a logical extension of Winfield's existing  
9           service area. This updated map is attached hereto and incorporated herein as  
10          Petitioner's Exhibit 3.

11       **11. Q HOW DID WINFIELD DETERMINE THE AREA THAT SHOULD BE**  
12       **INCLUDED IN THE WINFIELD SERVICE AREA?**

13       A   As an initial matter, the proposed service area was selected due to the fact that it is  
14           immediately adjacent to Winfield's existing facilities, making the area a logical  
15           extension of Winfield's existing service. Currently, Winfield, as illustrated in  
16           Petitioner's Exhibit 3, is constrained to the north by the Town of Merriville's corporate  
17           boundary, to the west by the City of Crown Point's corporate boundary, and to the east  
18           by Porter County and Community Utilities of Indiana. The expansion direction  
19           available to Winfield to render sanitary service is essentially only to the south. In  
20           discussions by Winfield leaders, it was determined that the area immediately south is  
21           the next logical area for municipal growth. Additionally, the corridor of Randolph Street  
22           terminates at the south boundary of the current Winfield municipal limits which would

1 make the road right of way available to carry a sewer extension north through Winfield  
2 to a point in inside the municipal limits where Winfield currently has utility easements  
3 through the privately held properties to reach the WWTP.

4 **12. Q MR. DUFFY, HAVE YOU PREPARED A DIAGRAM OR MAP THAT**  
5 **OUTLINES HOW WINFIELD WILL PROVIDE SERVICE TO THE WINFIELD**  
6 **SERVICE AREA?**

7 A Yes, I have. Attached please find Petitioner's Exhibit 4 which is a diagram that depicts  
8 Winfield's existing facilities and the to-be-constructed extension of the existing  
9 facilities into the Winfield Service Area. As you can see on the attached diagram (i.e.  
10 Petitioner's Exhibit 4), Winfield will serve the area via two large capacity lift stations  
11 (i.e. Lift Stations 1 and 2) that can pump wastewater directly to the WWTP, a sewer  
12 force main that will be installed along a major north-south thoroughfare, and gravity  
13 sewers that extend out into the Winfield Service Area.

14 **13. Q MR. DUFFY, HOW WILL THESE NEW FACILITIES DEPICTED ON**  
15 **PETITIONER'S EXHIBIT 4 ALLOW WINFIELD TO SERVE THE WINFIELD**  
16 **SERVICE AREA**

17 A The backbone for serving the area will be the two lift stations and the proposed sewer  
18 force main. One lift station, Lift Station 1, will be installed near Winfield's current  
19 southern-most municipal boundary near Randolph Street. A second lift station, Lift  
20 Station 2, will be installed almost directly south near State Road 231. The two lift  
21 stations will be interconnected by a large sewer force main, all of which will be sized to  
22 serve the Winfield Service Area. As reflected in the attached drainage map (i.e.

1        Petitioner's Exhibit 5), the topography of the drainage basin where the Winfield Service  
2        Area is located is such that much of the sewage from this area will flow by gravity to  
3        the anticipated location of Lift Station 2 along State Road 231. Lift Station 2 will then  
4        pump the flows to Lift Station 1. As is the case with Lift Station 2, Lift Station 1 will  
5        be located in the drainage basin so that the remaining flows from this area will flow by  
6        gravity to this lift station. Lift Station 1 will then pump the flows to Winfield's existing  
7        wastewater treatment plant.

8        **14. Q FROM A TECHNICAL OR ENGINEERING PERSPECTIVE, DOES**  
9        **WINFIELD'S PLAN FOR SERVING THE WINFIELD SERVICE AREA MAKE**  
10       **SENSE?**

11       A. Absolutely. The facilities outlined on Petitioner's Exhibit 4 are a logical extension of  
12       Winfield's existing system. In terms of timing, Winfield can install the proposed  
13       facilities in phases depending on the pace and location of development with the Winfield  
14       Service Area. Overall, Winfield's plan for serving the area makes perfect sense from  
15       an engineering and technical perspective.

16       **15. Q IS THE CURRENT PLAN FOR SERVING THE WINFIELD SERVICE AREA A**  
17       **CONTINUATION OF THE 2016 MASTER PLAN?**

18       A. Yes, it is. In the 2016 Master Plan, Winfield planned on installing a regional lift station  
19       (i.e. Lift Station 1) that could be used to serve the area. For the Commission's reference,  
20       I am attaching an excerpt from the 2016 Master Plan as Petitioner's Exhibit 6. The  
21       excerpt, Petitioner's Exhibit 6, is a diagram showing the installation of what is now  
22       being called Lift Station 1 and related facilities (in the excerpt, the current Lift Station



1           1 was referred to as Lift Station 5). Winfield's current plan for serving the Winfield  
2           Service Area is a logical extension of the 2016 Master Plan.

3   **16. Q BASED ON YOUR EXPERIENCE IN WORKING WITH UTILITIES, DO YOU**  
4           **BELIEVE THAT WINFIELD HAS THE TECHNICAL, FINANCIAL, AND**  
5           **MANAGERIAL CAPABILITY TO SERVE THE WINFIELD SERVICE AREA?**

6   A   Yes, I do. Over more than 11 years, I have become very familiar with many of the key  
7           personnel at Winfield that will maintain and manage the wastewater facilities in the  
8           Winfield Service Area. Based on my experience, Winfield's wastewater staff is very  
9           knowledgeable about Winfield's existing system and they have the requisite technical  
10          and municipal capability to operate and maintain the required facilities. While  
11          Winfield's financial witness, Ms. Jennifer Wilson, will testify on Winfield's financial  
12          capability, my experience has been that Winfield also has the monies available to make  
13          the necessary extensions and replacements to maintain its system in compliance with all  
14          state and federal requirements. Based on my experience with Winfield and its staff, I  
15          have no doubt that Winfield will be able to extend its facilities and provide safe, efficient  
16          service to the Winfield Service Area.

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**III.**  
**ABILITY OF ANOTHER PROVIDER TO SERVE**  
**THE WINFIELD SERVICE AREA**

17. Q DO ANY OTHER UTILITIES SERVE CUSTOMERS IN THE WINFIELD  
SERVICE AREA

A To the best of my knowledge, there are no other utilities currently serving in the Winfield Service Area. The map, attached as Petitioner's Exhibit 3, shows that there are only two other utilities that are remotely close to providing service to the Winfield Service Area. These two utilities are the City of Crown Point, Indiana ("Crown Point), and Community Utilities of Indiana d/b/a Twin Lakes Utility ("Twin Lakes").

18. Q COULD TWIN LAKES OR CROWN POINT SERVE THE WINFIELD  
SERVICE AREA?

It is theoretically possible for Crown Point or Twin Lakes to serve some of the Winfield Service Area; however, both would need to plan, design, obtain regulatory approvals, and then finance and construct facilities to serve this area. With respect to Twin Lakes, I understand that it is a for-profit utility that primarily serves the Lakes of Four Seasons development. I also understand that Twin Lakes is regulated by the Commission and has a certificate of territorial authority ("CTA") to serve an area north and east of the Winfield Service Area. To serve the Winfield Service Area, Twin Lakes would be required to extend a transmission pipe through the Winfield existing service area (i.e. its municipal limits) to reach the Winfield Service Area. Additionally Twin Lakes would have to have available sufficient capacity available to treat the anticipated flow.

1           In light of the above, Twin Lakes is probably not a viable alternative for serving the  
2           area.

3           For Crown Point to serve the Winfield Service Area, it would likely need to build a new  
4           wastewater treatment plant and extend facilities into this area. In order to construct a  
5           new wastewater treatment plant, Crown Point would need to satisfy the anti-degradation  
6           rules which require a showing that it is not technically or financially feasible for an  
7           existing treatment facility to provide such service. In this instance, as Jeremy Lin will  
8           describe in his testimony, Winfield is in the process of expanding its own wastewater  
9           treatment plant with sufficient capacity to serve additional areas which could include  
10          areas within the proposed Winfield Service Area. Additionally, Winfield has received  
11          a Preliminary Effluent Limitations from IDEM to further expand the plant to serve up  
12          to 4.0 MGD. In light of these facts, it may difficult for Crown Point to obtain the  
13          regulatory approvals necessary to serve the Winfield Service Area. Assuming, for the  
14          sake of argument, that Crown Point could satisfy the anti-degradation rules, much of the  
15          Winfield Service Area is quite a distance from Crown Point's existing service area. In  
16          contrast, the Winfield Service Area is immediately adjacent to and a logical extension  
17          of Winfield's current service area. In my opinion, it makes more sense from an  
18          engineering perspective for Winfield to provide service to the Winfield Service Area.

IV.

**PRESENT AND FUTURE ECONOMIC DEVELOPMENT**  
**IN THE WINFIELD SERVICE AREA**

**19. Q HOW IS THE PRESENT AND FUTURE ECONOMIC DEVELOPMENT  
IMPACTED BY WINFIELD'S REGULATORY ORDINANCE?**

A To my knowledge, Winfield is the only utility that is constructing facilities with sufficient capacity to serve the Winfield Service Area. From a timing perspective, Winfield is best prepared to serve any existing or future economic development within the area in a reasonable time period. In addition, as explained in more detail by Jennifer Wilson, Winfield plans on providing service throughout the Winfield Service Area at the same rates and charges that Winfield's existing, in-town customers pay. The availability of wastewater service in a reasonable time frame at reasonable rates from an experienced entity such as Winfield should encourage present and future economic development in the area.

**20. Q WHY SHOULD WINFIELD BE THE EXCLUSIVE WASTEWATER UTILITY  
SERVICE PROVIDER IN THE WINFIELD SERVICE AREA?**

A As an initial matter, Winfield has planned, designed, financed, and is now in the process of expanding their current existing wastewater treatment facility with the goal of serving the Winfield Service Area. Winfield wishes to protect its investment and infrastructure by having its regulatory ordinance approved by the Commission. Without such protection, I fear that multiple utilities could construct duplicative facilities which would ultimately lead to confusion for property owners and developers, stranded or underutilized infrastructure, and higher rates for all users in this region.

V.

CONCLUSION

21. Q DOES THIS CONCLUDE YOUR TESTIMONY?

A Yes, it does.

**VERIFICATION**

I affirm under the penalties for perjury that the foregoing testimony is true to the best of my knowledge, information, and belief.

A handwritten signature in cursive script, appearing to read "Michael P. Duffy Jr.", written in black ink.

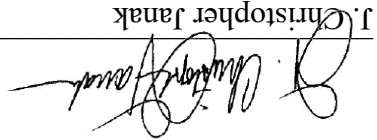
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Michael P. Duffy Jr., Professional Engineer

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served upon the following by electronic mail this  
26<sup>th</sup> day of December, 2023:

**Indiana Office of Utility Consumer Counselor**  
[info@ioucec.in.gov](mailto:info@ioucec.in.gov)

  
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J. Christopher Janak

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