

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

CITY OF CROWN POINT, INDIANA’S (“CROWN POINT”) RESPONSE TO  
TOWN OF WINFIELD’S NOTICE FOLLOWING ATTORNEYS' CONFERENCE

The Town of Winfield, Indiana’s (“Winfield”) Notice further demonstrates why its proposed schedule must be rejected and Crown Point must be afforded the right to file direct and rebuttal evidence in accordance with 170 IAC 1-1.1-18 and Ind. R. Trial P. 43(D), as provided in Crown Point’s proposed schedule. Winfield’s Notice indicates it intends to update the prefiled direct testimony of Michael P. Duffy, Jr., P.E. to provide substantive reasons on the critical consolidated issue of why it should be the exclusive provider of service to the disputed area. Winfield and Crown Point have *both petitioned* that this area be included within their respective regulated territories. The consolidated issue of which of the two competing *petitioning* municipalities should have the exclusive right to serve the disputed area has, for efficiency, been consolidated to be litigated now under this Cause. While Winfield proposes to file new direct evidence specifically supporting its request to be the exclusive provider of service in the disputed area, and then later file rebuttal evidence on that critical issue, it simultaneously seeks to deprive Crown Point of its right to file both direct and rebuttal evidence on that critical disputed area issue (a procedural and due process right Crown Point has as the Petitioner in Cause No. 46035). Both petitioning competing municipalities should be allowed to present simultaneous direct and rebuttal evidence on the consolidated issue supporting their ability to best serve the disputed area, as proposed in Crown Point’s procedural schedule.

The impropriety of Winfield's proposed schedule and limitation of Crown Point's filing rights was clearly demonstrated at the March 4, 2025, Attorney's Conference in this Cause, when **all parties** agreed to Crown Point's procedural schedule, except Winfield. As discussed above, Winfield's attempt to obtain a procedural advantage by improperly denying Crown Point's procedural and due process rights is amply confirmed by Winfield's Notice.

WHEREFORE Crown Point respectfully requests that the Commission adopt its proposed procedural schedule and grant all other appropriate relief.

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

I hereby certify that the foregoing Response was served upon the following by delivering a copy thereof electronically this 7th day of March 2025.

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