

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 ) CAUSE NO. 45992  
SEWER SYSTEM PURSUANT TO ID. CODE 8- )  
1.5-6 ET SEQ. )

**CITY OF CROWN POINT, INDIANA'S MOTION TO CONSOLIDATE THIS CAUSE  
WITH CAUSE NO 46035**

The City of Crown Point, Indiana ("Crown Point"), by counsel, files its Motion to Consolidate pursuant to 170 IAC 1-1.1-19, and shows the Indiana Utility Regulatory Commission ("IURC" or "Commission") as follows:

1. On December 13, 2013, the Town of Winfield, Indiana ("Winfield") filed a Petition with the IURC pursuant to IC 8-1.5-6 *et seq.*, initiating Cause No. 45992. By its Petition, Winfield seeks approval of its December 12, 2023, Regulatory Ordinance ("Winfield Ordinance"). The Winfield Ordinance establishes a regulated territory in which Winfield is, generally, the exclusive provider of sewage disposal service.
2. On April 1, 2024, Crown Point filed a Verified Petition with the IURC pursuant to IC 8-1.5-6 *et seq.*, initiating Cause No. 46035. By its Verified Petition, Crown Point seeks approval of its August 7, 2023, Regulatory Ordinance ("Crown Point Ordinance"). The Crown Point Ordinance establishes a regulated territory in which Crown Point is, generally, the exclusive provider of water service and sewage disposal service.
3. The respective Regulated Territories proposed by Winfield and Crown Point are different overall but, in some critical areas, the proposed Regulated Territories overlap and are in dispute ("Disputed Area").

4. The Commission must hear the evidence of both Winfield and Crown Point and, of course, the Indiana Office of the Utility Consumer Counselor (“OUCC”), to determine which sewer provider best serves the public interests in the Disputed Area before approving **either** Regulatory Ordinance. Only in this manner will the Commission have the most complete evidence on the critical managerial, technical and financial ability of each provider. As the Commission well knows, the public interest is rarely well served by the second-best sewer provider.

5. 170 IAC 1-1.1-19(a) reads as follows:

Sec. 19. (a) Causes sharing common issues of fact or law may be consolidated at the discretion of a presiding officer.

The Commission’s consideration of both pending Regulatory Ordinances is governed by IC 8-1.5-6 *et seq.*, the law applicable to both Causes is the same. The evidence of Winfield and Crown Point’s ability to serve the Disputed Area and which provider best serves the public interests is relevant in both Causes, so the facts are also the same.

6. The applicable law and relevant facts in Cause Nos. 45992 and 46035 are the same, as expressly contemplated by 170 IAC 1-1.1-19(a). Critically, all of the facts should be presented in both Causes before the Commission approves the Regulatory Ordinance proposed in either Cause. Crown Point submits the only way to assure the Commission has all of the evidence to determine what best serves the public interest is to consolidate Cause Nos. 45992 and 46035 for hearing and order.

WHEREFORE, Crown Point respectfully requests the Commission consolidate Cause Nos. 45992 and 46035 for proposes of hearing and order, and for all other proper relief.

Respectfully submitted

/s/ Robert M. Glennon

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Certificate of Service

The undersigned certifies that a copy of the foregoing Motion to Consolidate was served upon the following by electronic delivery this 1<sup>st</sup> day of April, 2024, to:

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