

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 IND. CODE 8-)
1.5-6 ET. SEQ.

CORRECTED CITY OF CROWN POINT’S PETITION TO INTERVENE

The City of Crown Point, Indiana (“Crown Point”), by counsel, pursuant to 170 I.A.C. 1-1.1-11, hereby seeks intervention in this Cause. In support thereof, Crown Point states as follows:

1. Crown Point’s eastern municipal border is contiguous to the municipal border of the Town of Winfield, Indiana (“Winfield”).
2. Crown Point did not receive written notice or informal notice from Winfield of the passage of Winfield’s Regulatory Ordinance at issue in this Cause or the filing of this IURC Cause seeking approval of that Regulatory Ordinance.
3. The pendency of this case was not discovered by Crown Point and its counsel until, March 29, 2024.
4. On August 7, 2023, Crown Point passed its own Regulatory Ordinance for the provision of sewage and potable water services within four miles of its corporate borders, some of which overlaps with the regulated sewer territory

requested by Winfield. Crown Point's Regulatory Ordinance is attached as Attachment 1.

5. Crown Point provided written notice of its approved August 7, 2023, Regulatory Ordinance to all neighboring municipalities and utilities including Winfield, and has sought the opportunity to discuss and resolve any concerns they may have.
6. Crown Point has been working with neighboring municipalities and utilities to reach agreement on its Regulatory Ordinance service territory boundaries, and has successfully received written agreements from three of them.
7. Indiana Code 8-1.5-6-10 strongly encourages municipalities that pursue a regulatory ordinance to reach agreement with neighboring utilities.
8. Crown Point is better suited and located to provide sewage service to the areas where Winfield's Regulatory Ordinance conflicts with Crown Point's Regulatory Ordinance, can do so much sooner, at lower cost and already has agreed to provide water and sewer service to a large land development in that disputed overlap area.
9. Winfield's lack of notice to Crown Point of the passage of Winfield's Regulatory Ordinance and lack of written notice of filing this Cause severely prejudices Crown Point, the Commission, the Indiana Office of the Utility Consumer Counselor, the public, and the provision of sewage service to the affected areas.
10. Crown Point has substantial relevant information regarding Winfield's requested relief that will greatly help the Commission to make a fully

informed decision on this matter and comply with the applicable statutory criteria.

11. Crown Point's interests will not be adequately represented by any other Party in this Cause.
12. Crown Point's intervention will not unnecessarily broaden the issues in this Cause.
13. Crown Point's participation in this Cause will bring critically important information to the Commission on the relevant statutorily required issues in this Regulatory Ordinance case.
14. This Petition is timely filed more than five (5) days before the scheduled evidentiary hearing in this Cause.

WHEREFORE, the City of Crown Point respectfully requests that it be granted intervention as a Party in this proceeding and for all other relief appropriate in the premises.

Respectfully submitted,

/s/ R. M. Glennon

Robert M. Glennon

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Petition to Intervene was served upon the following by electronic delivery this 31st day of March 2024, to:

OUCG
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CITY OF CROWN POINT ORDINANCE NO. 2023-08-19

**AN ORDINANCE AMENDING ORDINANCE 2023-05-15, ORDINANCE 2022-11-21 and
ORDINANCE 2022-11-22 ESTABLISHING THE CITY OF CROWN POINT WATER AND
WASTEWATER SERVICE AREAS AND REGULATING THE FURNISHING OF
SERVICES THEREIN**

WHEREAS, the City of Crown Point, Indiana (the "City") owns and operates the City of Crown Point Water and Wastewater Utility; and

WHEREAS, Ind. Code § 36-9-2-16 permits a municipality to regulate the furnishing of the water and wastewater service to the public; and

WHEREAS, Ind. Code § 36-9-2-18 permits a municipality to exercise powers granted by Ind. Code § 36-9-2-16 in areas within four (4) miles outside its corporate boundaries; and

WHEREAS, Ind. Code § 8-1.5-6, *et seq.*, permits the City to adopt a regulatory ordinance creating a "Regulated Territory" which is then submitted to the Indiana Utility Regulatory Commission for review and approval and said regulatory ordinance allows the municipality to regulate the furnishing of water and wastewater utility service in the Regulated Territory within four (4) miles outside the City's corporate boundaries; and

WHEREAS, the City has made a determination as to the establishment of a certain defined exclusive water and wastewater service Regulated Territory for the City within four (4) miles of the City's corporate limits; and

WHEREAS, it is the intent of this Ordinance to amend Ordinance 2023-05-15, Ordinance 2022-11-21 and Ordinance 2022-11-22 to more accurately define the water and wastewater service areas; and

WHEREAS, the City has planned to accommodate beneficial area growth through capital improvements to, and service from, its Water and Wastewater utilities;

WHEREAS, the City wishes to establish a specific water and wastewater service territory in a Regulated Territory area that is within four (4) miles of its corporation boundaries as permitted by Indiana law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CROWN POINT, INDIANA, that:

Section 1. That this Ordinance shall not, in any way, prevent the City from: (i) later seeking and obtaining from the nearby municipalities or others the right to provide water and or wastewater service in any area; (ii) retaining any and all rights to acquire any or all of other's assets used in providing water or wastewater services in any service area; or (iii) exercising any power it has under Indiana law including Indiana Code §§ 8-1.5-1 *et. seq.* or 36-9-23 *et seq.*

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Section 2. The City of Crown Point Water and Wastewater Service Areas are hereby defined and established as those areas within the corporate boundaries of the City, as well as certain “Regulated Territory” within four (4) miles outside the City's boundaries as shown on the attached map marked as Exhibit “A”.

Section 3. Upon adoption of this Ordinance and its approval by the Indiana Utility Regulatory Commission, the City shall hold an exclusive license to furnish water and wastewater service to and shall be the exclusive provider of water and wastewater service to the public within the Regulated Territory.

Section 4. As a matter of law the City is and shall remain the exclusive provider of water and wastewater service within its corporate boundaries.

Section 5. Upon adoption of this Ordinance and its approval by the Indiana Utility Regulatory Commission, no other utilities are permitted to provide water and wastewater service within the Regulated Territory, except for those customers located in Regulated Territory that are connected to another water or wastewater service provider on the date this Ordinance is approved by by the City. This Ordinance does not mandate the City to extend service to areas where technically or financially not feasible, rather, this Ordinance expressly prohibits other utilities from furnishing water or wastewater service to customers within the City or within the City of Crown Point Wastewater Service Areas. Nothing in this Ordinance shall be construed to prohibit the City from authorizing other water and/or wastewater service providers to assist the City in providing service in the City of Crown Point Regulated Areas.

Section 6. No end service user shall permit a connection to water or wastewater service within the City of Crown Point Water or Wastewater Regulated Territory by any other water or wastewater service provider without the consent of the City.

Section 7. This Ordinance shall not be construed to prohibit an individual property owner in the City of Crown Point Regulated Territory from providing his or her own private water service and/or septic service to such property owner’s lot through the installation of lawfully approved facilities on such property so long as such private wells and/or private septic facilities are permissible under all applicable laws, rules, orders and regulations.

Section 8. Any person, firm or corporation who violates this Ordinance may be subject to a civil action and any penalty fines imposed under the City’s Municipal Code or other applicable law.

Section 9. The City's existing rules and regulations, and rates and charges for water and wastewater service as amended from time to time shall apply to and within the City of Crown Point Water and Wastewater Regulated Territory,

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Section 10. If any one or more of the terms, provisions, or sentences of this Ordinance, or portions of this Ordinance, shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Ordinance.

PASSED AND ADOPTED by the Common Council of the City of Crown Point, Lake County, Indiana, on this 7th day of August, 2023.



Peter D. Land, Mayor

ATTEST:



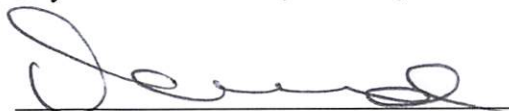
David B. Benson, Clerk-Treasurer

Presented by me to the Mayor of the City of Crown Point, Indiana, on this 7th day of August, 2023.

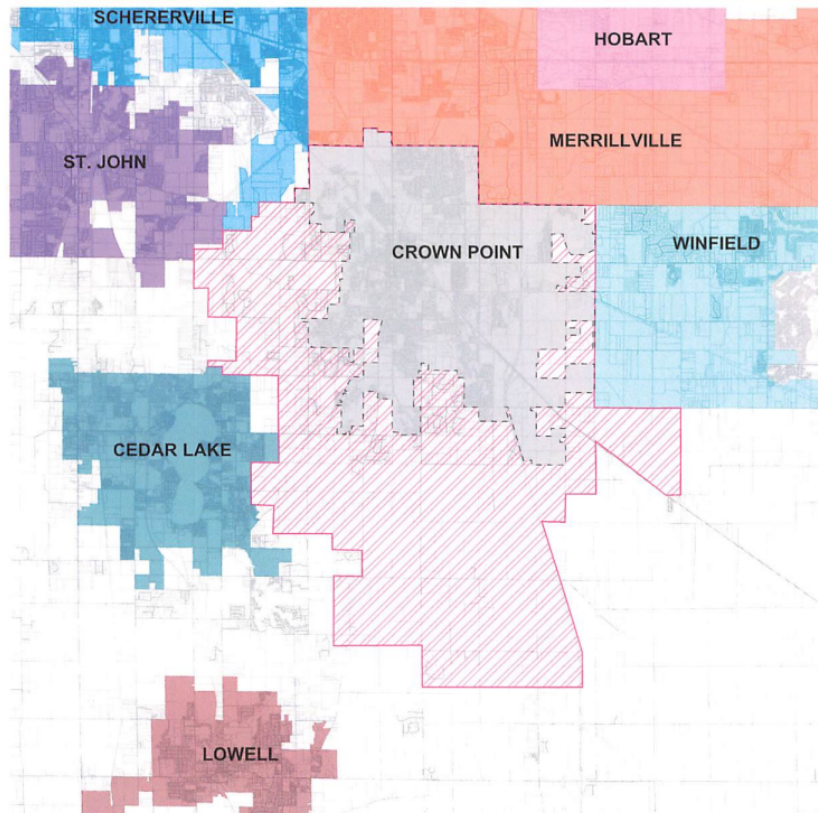


David B. Benson, Clerk-Treasurer

Approved by me, the Mayor of the City of Crown Point, Indiana, on this 7th day of August, 2023.



Peter D. Land, Mayor



LEGEND
----- EXISTING SERVICE AREA
----- EXTENT OF PROPOSED SERVICE AREA
NEW SERVICE AREA

SCALE 1"=400'
0 100 200 300 400 500 600 700 800 900 1000



CITY OF CROWN POINT
LAKE COUNTY, INDIANA
PROPOSED DEVELOPMENT
OVERALL AERIAL MAP