

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

**MOTION FOR LEAVE TO FILE SUR REPLY**

Petitioner, the Town of Winfield, Lake County, Indiana ("Winfield"), by counsel, for its *Motion for Leave to File Sur Reply* on or before April 24, 2024, to address new arguments and materials submitted by Crown Point, and in support, states as follows:

1. Crown Point raised new arguments and included new materials in its *City of Crown Point's Reply to Town of Winfield's Objection to Motion to Vacate Procedural Schedule and to Consolidate and to Winfield's Motion to Strike the Affidavit of Albert Stong* ("Reply"), filed on April 15, 2024.

2. Specifically, Crown Point's new arguments include that Winfield "violated Crown Point's due process rights," as well as a new statutory argument regarding Ind. Code § 8-1.5-6. (*See e.g.*, Reply, pp. 2, 11-21). Further, Crown Point attached three (3) new affidavits to its Reply that it did not originally file in support of its *Motion to Vacate Procedural Schedule* and *Motion to Consolidate this Cause with Cause No. 46035*.

3. Winfield respectfully requests leave to file a sur reply to address the new arguments and materials submitted by Crown Point in its Reply, which it will file on or before April 24, 2024.

4. Counsel for Winfield corresponded with counsel for the OUCC regarding this Motion, and the OUCC indicated it has no objection to Winfield filing a sur reply on or before April 24, 2024.

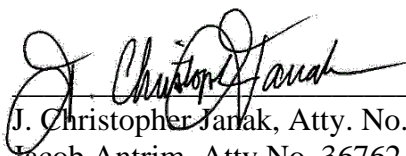
5. Counsel for Winfield corresponded with counsel for Crown Point regarding this Motion, who indicated that Crown Point does not consent to Winfield's relief sought in this Motion.

6. The evidentiary hearing in this case is currently scheduled on May 21, 2024; as such, the Commission will have ample time before the hearing to consider the arguments set forth in the proposed sur reply.

7. In the alternative of a sur reply, Winfield requests that the Commission set this matter for oral argument for the parties to address Crown Point's *Motion to Vacate Procedural Schedule* and *Motion to Consolidate this Cause with Cause No. 46035* and the parties' related filings.

WHEREFORE, Petitioner, Town of Winfield, Lake County, Indiana, respectfully requests that the Commission enter an order granting its *Motion for Leave to File Sur Reply*, and grant Winfield to and including April 24, 2024, to file a sur reply to address new arguments and materials submitted by Crown Point, or in the alternative, set this matter for oral argument.

Respectfully submitted,



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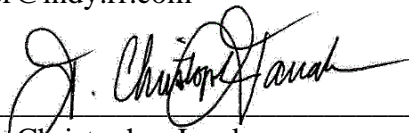
Counsel for the Town of Winfield, Indiana

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served upon the following by electronic mail this 16th day of April, 2024:

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