

**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**

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

Amended and Restated Prefiled  
Direct Testimony of Michael P. Duffy, Jr.

Petitioner's Exhibit 5

Excerpt from 2016 Sanitary Sewer Master Plan

Petitioner's Exhibit 6

Updated Winfield Service Territory Map

Petitioner's Exhibit 7

Diagram of Existing and Facilities for Service to  
Winfield Service Territory

Petitioner's Exhibit 8

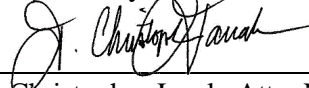
Map of Drainage Basin

Petitioner's Exhibit 9

Diagram of Proposed Service to LBL Development

Petitioner's Exhibit 10

Respectfully submitted,



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

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

**I.**  
**INTRODUCTION**

**Q1. 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.

**Q2. 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.

**Q3. 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 thirteen (13) working in the Water (Public Works) Department for the DLZ Fort Wayne office.

1     **Q4. 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   As I stated above, I currently serve as the Department Manager at my firm's Fort Wayne  
5               Office. While a portion of my time is spent in managing the various staff and projects  
6               out of our Fort Wayne office, almost all my time is spent on planning, designing, and  
7               administering construction projects involving wastewater, water, stormwater, and site  
8               development throughout the State of Indiana.

9               I have specifically worked on projects for Winfield and its municipal sewer utility since  
10              approximately 2012. In Winfield, I work cooperatively with another professional  
11              engineer, Jeremy Lin, with Lintech Engineering. Our duties are generally divided such  
12              that I, along with my other colleagues at DLZ, work on Winfield's transmission and  
13              collection facilities and Mr. Lin focuses on the engineering associated with Winfield's  
14              treatment facilities. Since 2012, I have also performed the role of reviewing and  
15              approving the engineering for all proposed residential and commercial subdivision  
16              projects, utility extensions, and commercial site development projects in and around  
17              Winfield. Some of my prior utility-related sewer projects for Winfield over the years  
18              includes the Doubletree East Sanitary Sewer Rehabilitation Project and Town of  
19              Winfield Sanitary Sewer Master Plan (2016) (“2016 Sanitary Sewer Master Plan”). In  
20              fact, Winfield intends on installing some of the improvements identified in the 2016  
21              Sanitary Sewer Master Plan as part of its plan to extend service to the Winfield Service

1 Territory (as defined below). Relevant Excerpts from the 2016 Sanitary Sewer Master  
2 Plan are attached to my testimony as Petitioner's Exhibit 6.

3 **Q5. ARE YOU THE SAME MICHAEL P. DUFFY, JR. WHO PREVIOUSLY FILED**  
4 **PREFILED DIRECT TESTIMONY AND EXHIBITS IN THIS CAUSE?**

5 A Yes, I am. On December 26, 2023, I prefiled my direct testimony and exhibits in this  
6 Cause.

7 **Q6. IS YOUR TESTIMONY AND EXHIBITS TODAY INTENDED TO AMEND AND**  
8 **REPLACE YOUR 2023 TESTIMONY?**

9 A Yes, it is. This amended and restated prefiled direct testimony and exhibits will amend  
10 and replace my December 26, 2023 testimony.

11 **Q7. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY IN THIS**  
12 **PROCEEDING?**

13 A The purpose of my testimony is four-fold. I will discuss the: (i) the ability of Winfield  
14 to serve its proposed service territory ("Winfield Service Territory") as described in  
15 Ordinance No. 358 (attached as Exhibit 2 to the Petition; see also Petitioner's Exhibit 2  
16 attached to the prefiled direct testimony of Mr. Zachary Beaver); (ii) specific facilities  
17 necessary to extend service from Winfield's existing facilities to a new development  
18 proposed by an intervenor in this Cause, LBL Development, Inc. ("LBL"), that will be  
19 located both inside and immediately adjacent to the Town's current municipal  
20 boundaries; (iii) ability of another utility to provide service in the Winfield Service  
21 Territory; and (iv) potential impact on present and future economic development in the

Winfield Service Territory if the Indiana Utility Regulatory Commission (“Commission”) were to grant Winfield’s request in this case.

II.

**ABILITY OF WINFIELD TO SERVE THE WINFIELD SERVICE TERRITORY**

A. **SERVICE TO WINFIELD SERVICE TERRITORY**

**Q8. BASED ON YOUR BACKGROUND, EXPERIENCE, AND KNOWLEDGE OF ITS MUNICIPAL SEWER SYSTEM, DO YOU BELIEVE THAT WINFIELD IS ABLE TO SERVE THE WINFIELD SERVICE TERRITORY?**

A Yes. Based on my more than thirteen (13) years of working with Winfield and its management team, I believe that Winfield can provide safe, efficient, and cost-effective service to the Winfield Service Territory. In my professional opinion, the Winfield Service Territory is a logical extension of the existing wastewater infrastructure that Winfield is operating, maintaining, and using to provide service to customers located immediately adjacent to the Winfield Service Territory and is consistent with Winfield’s planning efforts and activities over the last twenty (20) years.

**Q9. DID YOU PREPARE A DESCRIPTION AND MAP THAT OUTLINES THE EXACT LOCATION OF THE WINFIELD SERVICE TERRITORY?**

A Yes, I did. A copy of the description and map that I prepared are attached as Exhibit 2 to the Petition. I have also prepared an updated Winfield Service Territory map that better illustrates how the Winfield Service Territory is a logical extension of Winfield’s existing service area. This updated map is attached to my testimony as Petitioner’s Exhibit 7.

**Q10. HOW DID WINFIELD INITIALLY DETERMINE THE AREA THAT SHOULD  
BE INCLUDED IN THE WINFIELD SERVICE TERRITORY?**

A As explained in some detail by Mr. Zachary Beaver in his prefiled testimony and exhibits, the Winfield Service Territory is within a larger area over which Winfield has exercised planning and the provision of services since 2006 (i.e. the Master Plan Area as defined below). In 2006 and 2023, Winfield adopted Comprehensive Master Plans (individually, “2006 Master Plan” and “2023 Master Plan”) that included almost all the Winfield Service Territory and additional areas south to 157<sup>th</sup> Street (collectively, “Master Plan Area”). In addition to Winfield’s historical efforts to plan for the development and delivery of services to the Master Plan Area, the Winfield Service Territory is conveniently located immediately adjacent to Winfield’s existing boundaries and within reasonably close proximity to Winfield’s existing facilities which makes the area a logical extension of Winfield’s existing service.

Currently, Winfield, as illustrated in Petitioner’s Exhibit 7, is constrained to the north by the Town of Merrillville’s corporate boundary, to the west by the City of Crown Point’s corporate boundary, and to the east by Porter County and Community Utilities of Indiana. The expansion direction available to Winfield to develop and render sanitary service is essentially only to the south. Over the last twenty (20) years, Winfield leaders have discussed and determined that the Master Plan Area (which includes the Winfield Service Territory) is the next logical area for municipal growth. Additionally, the corridor of Randolph Street terminates at the south boundary of the current Winfield municipal limits which would make the road right of way available to carry a sewer

1 extension north through Winfield to a point in inside the municipal limits where  
2 Winfield currently has utility easements through privately held properties to reach the  
3 Winfield Wastewater Treatment Plant ("Winfield WWTP"). Generally, in the  
4 determination of this corridor it was decided to use the properties that border US 231  
5 (except for the Leroy area) as the southern limits. Depending on how development  
6 occurs, Winfield can extend its service southward to 157<sup>th</sup> Street which is the southern-  
7 most boundary of the Master Plan Area (initially established in the 2006 Master Plan).

8 **Q11. FROM AN ENGINEERING PERSPECTIVE, PLEASE DESCRIBE WINFIELD'S**  
9 **HISTORICAL EFFORTS TO DELIVER SEWER SERVICE TO THE**  
10 **WINFIELD SERVICE TERRITORY.**

11 A As stated above and Mr. Beaver's testimony, Winfield has considered the Winfield  
12 Service Territory to be a future growth area over which Winfield has exercised planning  
13 and the provision of municipal services for almost two (2) decades. While the 2006  
14 Master Plan does not describe in great detail how Winfield would provide services to  
15 the Master Plan Territory, this is not surprising considering that much of the area was  
16 and still is undeveloped (farm) ground. In anticipation of growth in the area, Winfield  
17 completed the 2016 Sanitary Sewer Master Plan that was referenced in the 2023 Master  
18 Plan. The 2016 Sanitary Sewer Master Plan contemplates the extension of facilities  
19 southward toward the Winfield Service Territory, including the construction of a  
20 regional lift station on the southern-most boundary of Winfield's existing municipal  
21 limits and across the street from the Winfield Service Territory (See Petitioner's Exhibit



1           8, Proposed Lift Station #1). This lift station has been planned as a regional lift station  
2           that will provide service within the Winfield Service Territory once it develops.

3       **Q12. MR. DUFFY, HAVE YOU PREPARED A DIAGRAM OR MAP THAT**  
4       **OUTLINES HOW WINFIELD PLANS TO PROVIDE SERVICE TO THE**  
5       **WINFIELD SERVICE TERRITORY?**

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

14       **Q13. MR. DUFFY, PLEASE DESCRIBE THE PROPOSED FACILITIES DEPICTED**  
15       **IN PETITIONER'S EXHIBIT 8 IN MORE DETAIL AND EXPLAIN HOW WILL**  
16       **THESE NEW FACILITIES WILL ALLOW WINFIELD TO SERVE THE**  
17       **WINFIELD SERVICE TERRITORY?**

18       A     The backbone for serving the area will be the two lift stations (i.e. Lift Stations #1 and  
19           #2); a proposed sewer force main (from the Winfield WWTP) that runs eastward to  
20           Randolph Street then southward on Randolph Street to Lift Station #1; and the gravity  
21           sewers in the area feeding both Lift Station #1 and Lift Station #2 from development  
22           within the Winfield Service Territory. Lift Station #2 will then deliver its collected flow

1 to Lift Station # 1 via a forcemain where the collected flow will then be pumped via  
2 forcemain to the Winfield WWTP. One lift station, Lift Station #1, will be installed  
3 near Winfield's current southern-most municipal boundary near Randolph Street. The  
4 second lift station, Lift Station #2, will be installed almost directly south near State Road  
5 231. The two lift stations will be interconnected by the aforementioned sanitary sewer  
6 force main, all of which will be sized to serve the Winfield Service Territory. As  
7 reflected in the attached drainage map (i.e. Petitioner's Exhibit 8), the topography of the  
8 drainage basin where the Winfield Service Territory is located is such that much of the  
9 sewage from this area will flow by gravity to the anticipated location of Lift Station #2  
10 along State Road 231. Lift Station #2 will then pump the flows to Lift Station #1. As is  
11 the case with Lift Station #2, Lift Station 1 will be located in the drainage basin so that  
12 the remaining flows from this area will flow by gravity to this lift station. Lift Station  
13 #1 will then pump the flows to Winfield's existing wastewater treatment plant. The  
14 sizing of this Lift Station #2 will be determined based on the pace of development and  
15 needs in the area.

16 **Q14. IS THE CURRENT PLAN FOR SERVING THE WINFIELD SERVICE**  
17 **TERRITORY A CONTINUATION OF THE 2016 SANITARY SEWER**  
18 **MASTER PLAN?**

19 A Yes, it is. In the 2016 Sanitary Sewer Master Plan, Winfield planned on installing a  
20 regional lift station (i.e. Lift Station #1) that could be used to serve the area. I included  
21 a diagram showing the installation of what is now being called Lift Station #1 and  
22 related facilities (in the excerpt, the current Lift Station #1 was referred to as Lift Station

1           #5). Winfield's current plan for serving the Winfield Service Territory is a logical  
2           extension of the 2016 Sanitary Sewer Master Plan.

3                           **B.     ABILITY TO PROVIDE IMMEDIATE SERVICE TO THE LBL**

4           **Q15. ARE YOU AWARE THAT THE CITY OF CROWN POINT, INDIANA**  
5           **(“CROWN POINT”) HAS FILED ITS OWN TERRITORIAL ORDINANCE?**

6           A    Yes, I am. I have reviewed the ordinance and am generally familiar with Crown Point's  
7           proposed sanitary sewer service area.

8           **Q16. IS THERE ANY OVERLAP BETWEEN CROWN POINT'S PROPOSED SEWER**  
9           **SERVICE AREA AND THE WINFIELD SERVICE TERRITORY?**

10          A    Yes, there is. Crown Point's proposed sewer service area extends across State Road 231  
11          and encroaches on the western-most portion of the Winfield Service Territory (and  
12          Master Plan Area) (“Disputed Area”).

13          **Q17. IS MUCH OF THE DISPUTED AREA CONTROLLED BY A SINGLE ENTITY?**

14          A    Yes, that is my understanding. I understand that LBL owns or controls a significant  
15          portion of the land located in the Disputed Area. I also understand that LBL proposes to  
16          develop this land within the Disputed Area in connection with acreage that is currently  
17          within Winfield's existing municipal limits. In other words, LBL is proposing a  
18          development that would include land both inside Winfield's municipal limits and within  
19          the Winfield Service Territory (outside Winfield's limits). For the Commission's  
20          convenience, I have attached as Petitioner's Exhibit 10 a diagram that shows the location

1 of the LBL development, LBL's proposed development of the property, and the facilities  
2 that Winfield would use to provide service to the development.

3 **Q18. DOES CROWN POINT HAVE TREATMENT FACILITIES WITH SUFFICIENT**  
4 **CAPACITY TO SERVE THE LBL DEVELOPMENT?**

5 A It is my understanding that Crown Point's existing wastewater treatment plant no longer  
6 has the capacity necessary to handle the flows anticipated from within their current  
7 municipal limits. I also understand that Crown Point is proposing a new wastewater  
8 treatment plant that may not come to fruition for many years.

9 **Q19. IS WINFIELD READY, WILLING, AND ABLE TO PROVIDE SERVICE TO**  
10 **THE DEVELOPMENT?**

11 A As I, testified above, a portion of the LBL development is within Winfield's existing  
12 municipal limits. To my knowledge, Winfield has always planned on serving all the area  
13 that comprises the LBL development, not just the portion that is within the current  
14 municipal limits. Winfield owns an existing lift station, the Gibson Street Lift Station,  
15 that is within 3,000 feet of the LBL development. The lift station has sufficient capacity  
16 to extend into the LBL development and serve as a connection point for all flows  
17 generated from this area. If the pace of development for LBL is such that it needs service  
18 more quickly than the other areas in the Winfield Service Territory, I would propose  
19 that service be extended to a new lift station along 129<sup>th</sup> Avenue in the vicinity of Niles  
20 Ditch, Lift Station #3 (as referenced in Petitioner's Exhibit 10), at sufficient depth to  
21 collect the sewage from LBL development via a gravity sewer network (installed within  
22 the LBL development). Once the sewage flows by gravity from the LBL development

1 to Lift Station #3, the wastewater would be pumped to the Gibson Street Lift Station  
2 which would pump the water to the 117<sup>th</sup> Street Lift Station and then on to the Winfield  
3 WWTP. The Gibson Street Lift Station currently has excess capacity that can be used  
4 to serve flows from the LBL development and additional capacity can easily be added  
5 as development progresses due to a second force main stub that was installed at the  
6 Gibson Street Lift Station during its original design and construction. If it becomes  
7 necessary to install an additional force main, such forcemain would be extended from  
8 the Gibson Street Lift Station to the 117<sup>th</sup> Avenue Lift Station and the appropriate pump  
9 replacements made to accommodate additional flow. During this process, the needs of  
10 the Town and southern service territory will continually be monitored by Mr. Lin and  
11 myself to determine if at some point it makes more sense to route flow to proposed Lift  
12 Station #1 or to continue through Gibson Street station.

13 **Q20. HAS LBL FORMALLY REQUESTED SERVICE FROM WINFIELD?**

14 A To my knowledge, no. As the engineer who typically reviews all plans for new  
15 development, I have not seen anything for the LBL development. If and when I do, I  
16 am prepared to review and respond to such request in a timely manner. From a timing  
17 and location perspective, I do not yet know how or where LBL intends to initiate its  
18 development. Regardless of how the development occurs, Winfield has a plan in place  
19 to meet LBL's sanitary sewer service needs.

1     **Q21. HAVE YOU PREPARED A MAP OR DIAGRAM THAT SHOWS THE**  
2           **FACILITIES THAT WOULD NEED TO BE CONSTRUCTED TO SERVE THE**  
3           **DEVELOPMENT?**

4           A Yes, I have. I have attached as Petitioner's Exhibit 10, a map which depicts Winfield's  
5           existing lift station and the proposed nine thousand feet (9,000) of forced main  
6           (following existing roadways). Winfield would use its existing Gibson Street Lift  
7           Station and extend mains to the LBL development. While my testimony above presents  
8           a plan to serve the entire Winfield Service Territory, Winfield can easily use its Gibson  
9           Street Lift Station and the proposed forced mains described on Petitioner's Exhibit 10  
10          to meet the needs of LBL regardless of whether LBL begins its development inside or  
11          outside Winfield's municipal limits.

12    **Q22. CAN WINFIELD LATER INCORPORATE THE LBL IMPROVEMENTS OR**  
13          **EXTENSIONS INTO THE REMAINING IMPROVEMENTS NEEDED TO**  
14          **SERVE THE ENTIRE WINFIELD SERVICE TERRITORY?**

15          A Yes, it can. As I mentioned above, Winfield has two options for providing service to  
16          the Winfield Service Territory that will depend upon the pace and location of  
17          development. If the LBL development progresses more quickly, then Winfield can  
18          provide service to the entire LBL development through the Gibson Street Lift Station.  
19          If development occurs in such a way that service will be needed east of the LBL  
20          development, then Winfield can install the facilities identified on Petitioner's Exhibit 7  
21          and redirect the flows from Lift Station #3 that were being sent to the Gibson Street Lift  
22          Station to Lift Station #1. Even if the development occurs later and the facilities on

1        Petitioner's Exhibit 7 are necessary, Winfield can redirect the flows from the Gibson  
2        Street Lift Station to Lift Station #1 and from Lift Station #1 on to the Winfield WWTP.

3        **Q23. DOES WINFIELD HAVE THE CAPABILITY OF ADDRESSING ANY SEPTIC**  
4        **ELIMINATION ISSUES IN AND AROUND THE DISPUTED AREA?**

5        A Yes, it does. I understand from affidavits filed by Crown Point's engineer in April,  
6        2024, that there are areas in unincorporated Lake County that are in and around the  
7        Winfield Service Territory that have failing septic. Winfield's Gibson Street Lift  
8        Station and its plan to serve the Winfield Service Territory will place Winfield in the  
9        position to address these issues on an as needed basis.

10       **Q24. DOES WINFIELD NEED TO BUILD A NEW WASTEWATER TREATMENT**  
11       **PLANT TO PROVIDE SERVICE TO THE WINFIELD SERVICE TERRITORY?**

12       No, it does not. As Mr. Lin will explain in his testimony, Winfield will soon complete  
13       an expansion to its existing wastewater treatment plant which will provide Winfield with  
14       sufficient capacity to provide service to the Winfield Service Territory. Winfield has  
15       already planned, permitted, financed, changed rates, and constructed the treatment  
16       improvements necessary to serve the area in question. It does not need to build a brand-  
17       new wastewater treatment plant to serve the area.

1     **Q25.   FROM A TECHNICAL OR ENGINEERING PERSPECTIVE, DOES**  
2           **WINFIELD'S PLAN FOR SERVING THE WINFIELD SERVICE TERRITORY**  
3           **MAKE SENSE?**

4           A   Absolutely. Depending on the pace and location of development, Winfield can install  
5           either the facilities outlined on Petitioner's Exhibit 7 or 10. Both are a logical extensions  
6           of Winfield's existing system. In terms of timing, Winfield can install the proposed  
7           facilities in phases (depending again on the pace and location of development). Overall,  
8           Winfield's plan for serving the area makes perfect sense from an engineering and  
9           technical perspective.

10    **Q26.   BASED ON YOUR EXPERIENCE IN WORKING WITH UTILITIES, DO YOU**  
11           **BELIEVE THAT WINFIELD HAS THE TECHNICAL, FINANCIAL, AND**  
12           **MANAGERIAL CAPABILITY TO SERVE THE WINFIELD SERVICE**  
13           **TERRITORY, INCLUDING THE LBL DEVELOPMENT?**

14           A   Yes, I do. Over more than thirteen (13) years, I have become very familiar with many  
15           of the key personnel at Winfield that will maintain and manage the wastewater facilities  
16           in the Winfield Service Territory. Based on my experience, Winfield's wastewater staff  
17           is very knowledgeable about Winfield's existing system, and they have the requisite  
18           technical and managerial capability to operate and maintain the required facilities.  
19           While Winfield's financial witness, Ms. Jennifer Wilson, will testify on Winfield's  
20           financial capability, my experience has been that Winfield also has the funds available  
21           to make the necessary extensions and replacements to maintain its system in compliance  
22           with all state and federal requirements. Based on my experience with Winfield and its



1 staff, I have no doubt that Winfield will be able to extend its facilities and provide safe,  
2 efficient service to the Winfield Service Territory.

3 **IV.**  
4 **ABILITY OF ANOTHER PROVIDER TO SERVE**  
5 **THE WINFIELD SERVICE TERRITORY**

6 **Q27. DO ANY OTHER UTILITIES SERVE CUSTOMERS IN THE WINFIELD**  
7 **SERVICE TERRITORY**

8 A To the best of my knowledge, there are no other utilities currently serving in the  
9 Winfield Service Territory. The map, attached as Petitioner's Exhibit 7, shows that  
10 there are only two other utilities that are remotely close to providing service to the  
11 Winfield Service Territory. These two utilities are Crown Point and Community  
12 Utilities of Indiana d/b/a Twin Lakes Utility ("Twin Lakes").

13 **Q28. COULD TWIN LAKES OR CROWN POINT SERVE THE WINFIELD**  
14 **SERVICE TERRITORY?**

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

1           Additionally, Twin Lakes would need sufficient capacity to treat the anticipated flow.  
2           In light of the above, Twin Lakes is probably not a viable alternative for serving the  
3           area.

4           As I stated above, Crown Point would need to build a new wastewater treatment plant  
5           and extend facilities across State Road 231 and into the Winfield Service Territory. As  
6           Jeremy Lin will describe in his testimony, Winfield is completing an expansion to its  
7           own wastewater treatment plant with sufficient capacity to serve additional areas which  
8           could include areas within the proposed Winfield Service Territory. Additionally,  
9           Winfield has received a Preliminary Effluent Limitation from IDEM to further expand  
10          the plant to serve up to 4.0 MGD. In contrast, Crown Point is years away from having  
11          its own wastewater treatment facility designed, permitted, bid, financed, and constructed  
12          that would be necessary to provide service to the Disputed Area. In addition, an  
13          extension from its existing or future facilities across State Road 231 would need to  
14          occur. Winfield, on the other hand, is immediately adjacent to the Winfield Service  
15          Territory and can easily extend its existing facilities into this area. In my opinion, it  
16          makes more sense from an engineering perspective for Winfield to provide service to  
17          the Winfield Service Territory.

18

V.

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

**Q29. HOW IS THE PRESENT AND FUTURE ECONOMIC DEVELOPMENT IMPACTED BY WINFIELD'S REGULATORY ORDINANCE?**

A To my knowledge, Winfield is the only utility that has or will soon have facilities with sufficient capacity to serve the Winfield Service Territory. From a timing perspective, Winfield is best prepared to serve any existing or future economic development within the area within the most reasonable or shortest period of time. As explained in more detail by Jennifer Wilson, Winfield also plans on providing service throughout the Winfield Service Territory at the same rates and charges that Winfield's existing, in-town customers pay. Crown Point, however, imposes a twenty-five percent (25%) surcharge which will result in rates that are more than double Winfield's existing rates. 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.

**Q30. WHY SHOULD WINFIELD BE THE EXCLUSIVE WASTEWATER UTILITY SERVICE PROVIDER IN THE WINFIELD SERVICE TERRITORY?**

A As an initial matter, Winfield has planned, designed, financed, and now is within weeks of completing an expansion to its current wastewater treatment facility that can and will be used to serve the Winfield Service Territory. Winfield desires to protect its investment and infrastructure by having its regulatory ordinance approved by the

1 Commission. Without such protection, I fear that multiple utilities could construct  
2 duplicative facilities which would ultimately lead to confusion for property owners and  
3 developers, stranded or under-utilized infrastructure, and higher rates for all users in this  
4 region. Lastly, since part of this area is already in Winfield's municipal boundary, it  
5 seems that it would be more consistent to not have competing sewer utilities with vastly  
6 different rates serving distinct parts of what is presented as a master planned  
7 development. Residents would have different rates, different providers, different  
8 governments, and overall differing rules which could cause confusion and a lack of  
9 cohesiveness to the area.

10 **VI.**  
11 **CONCLUSION**

12 **Q31. DOES THIS CONCLUDE YOUR TESTIMONY?**

13 A Yes, it does.

1

**VERIFICATION**

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

  
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 21st day of April, 2024:

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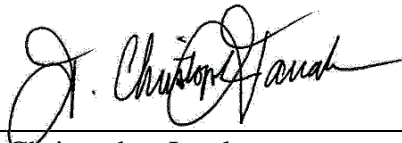
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