

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

Comes now the Town of Winfield, Lake County, Indiana ("Winfield"), and objects to the City of Crown Point, Indiana's ("Crown Point") Motion for Extension of Procedural Schedule ("Motion") and Crown Point's Reply in Support of Motion for Extension of Procedural Schedule and Request for Expedited Ruling ("May 7 Filing"). In opposition to Crown Point's filings, Winfield submits the following:

I. Winfield Did Not Agree to a 50 Day Extension of Time at the April 24, 2025 Attorneys' Conference.

1. The Presiding Officers conducted an Attorneys' Conference in this Cause on April 24, 2025.
2. During this Attorneys' Conference, counsel for Crown Point and for LBL Development, Inc. ("LBL") advocated to extend the procedural schedule by 50 days.
3. Counsel for Crown Point and Winfield stated that they did not have client authority to agree to an extension.
4. At the conclusion of the Attorneys' Conference, counsel were to consult their respective clients to ascertain their respective positions. The Presiding Officers directed counsel to file a notice or motion, by May 1, 2025, addressing what agreement the parties could reach regarding Crown Point and LBL's arguments to extend the procedural schedule.

5. The issue at the end of the Attorneys' Conference was not whether counsel would be able to work together regarding the proposed extension, but rather, whether their respective clients would agree to such a course of action.

II. Winfield Is Timely Responding to Crown Point's Motion

6. Winfield's counsel subsequently communicated with Winfield, which indicated it did not agree to an extension of time.

7. Winfield therefore timely filed, on May 1, 2025, its Notice Regarding Procedural Schedule ("Notice").

8. Consistent with the Presiding Officers' directive, the purpose of the Notice was to notify the Presiding Officers of Winfield's response to the requested extension of time. To this end, Winfield explained in its Notice why it did not agree to Crown Point and LBL's proposal for an extension of the procedural schedule and Winfield's reasoning for its objection.

9. Also on May 1, 2025, Crown Point filed and served its Motion.

10. Other than two inapplicable exceptions, 170 IAC 1-1.1-12(e) provides that a response to a written motion must be filed within 10 days of service of the written motion.

11. Winfield now timely files and serves this Response to Winfield's Motion.

12. Winfield incorporates by reference its arguments set forth in its March 28, 2025 Motion for Extension of Time and its Notice.

III. Crown Point Waited 353 Days to Serve Its Discovery Requests

13. Winfield filed its Petition and case-in-chief on December 13, 2023.

14. Crown Point filed its Petition to Intervene on April 1, 2024, which the Presiding Officers granted on November 15, 2024.

15. Given that Winfield's case-in-chief was prefiled in 2023, Crown Point could have used the 228 days between the date it filed its Petition to Intervene and the date its intervention was granted to prepare its discovery requests such that they could be served immediately upon the granting of its intervention, if not in the meantime. Instead, Crown Point was silent regarding discovery requests.

16. Even just the 30 days between the end of the last stay (October 14, 2024) and the date Crown Point was permitted to intervene provided Crown Point sufficient time to prepare and serve its discovery requests immediately upon its intervention.

17. Crown Point equally could have served its discovery requests during the 109 days between the date its intervention was granted and the March 4, 2025 Attorneys' Conference. Instead, Crown Point was silent regarding discovery requests.

18. *Then, within approximately 24 hours of the Presiding Officers issuing a docket entry establishing a procedural schedule, Crown Point served Winfield with 101 pages of 134 data requests to which Winfield would ostensibly be required to answer within 10 days and just 19 days before Winfield's prefiling deadline.*

19. Even just looking at the time since the Presiding Officers granted Crown Point's intervention on November 15, 2024, Crown Point waited 125 days to serve its discovery requests.

IV. Winfield Should Not Suffer the Consequences of the Timing When Crown Point Served its Discovery Requests

20. On April 21, 2025, Winfield served and filed 68 pages of amended and restated direct testimony and 307 pages of exhibits.

21. Nine days later, on April 30, 2025, Winfield served 35 pages of written discovery responses and 350 pages of documents in response to Crown Point's requests.

22. Seven days after serving this discovery, on May 7, 2025, Winfield served 11 pages of supplemental written discovery responses and 271 pages of additional documents.

23. As such, Winfield provided 114 pages of written testimony/discovery responses and 928 pages of exhibits/documents within the past 17 days.

24. It would be unreasonable to expect Winfield to respond to Crown Point's discovery requests within 10 days, requests which Crown Point had 353 days to prepare and could have served at a much earlier point in time, in light of the volume of material which Winfield produced in its prefiling and discovery disclosures.

25. The timing of Crown Point's discovery requests created the current procedural posture and Winfield should not suffer the resulting consequences, a delay in the procedural schedule.

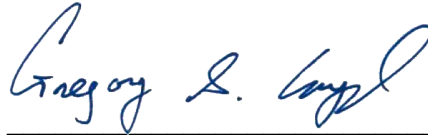
V. Crown Point's Requested Extension is Unreasonable

26. Winfield detailed in its Notice why a 50 day extension of the procedural schedule is unreasonable, arguments which remain valid.

27. Crown Point, on the other hand, has made no explanation as to why it needs an additional 50 days to review testimony, exhibits, and discovery responses. This is particularly true when considering that the original schedule only provided the parties with a total of 42 days to review the direct testimony, consider discovery, and file responsive testimony.

WHEREFORE, Winfield respectfully requests the Commission grant its Motion for Extension of time, deny Crown Point's Motion and May 7 Filing, and for all other relief just and proper in the premises.

Respectfully Submitted,

A handwritten signature in blue ink, reading "Gregory S. Loyd". The signature is fluid and cursive, with the first name "Gregory" being more legible than the last name "Loyd".

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CERTIFICATE OF SERVICE

I certify that on May 8, 2025, the foregoing was filed electronically with the Indiana Utility Regulatory Commission using the Commission's electronic filing system and was served electronically on the parties below:

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