

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**IN THE MATTER OF AMENDED PETITION OF )  
AQUA INDIANA, INC. FOR ISSUANCE PURSUANT )  
TO IND. CODE § 8-1-2-89 OF A CERTIFICATE OF )  
TERRITORIAL AUTHORITY PERMITTING IT TO )  
PROVIDE WASTEWATER UTILITY SERVICE )  
WITHIN PORTIONS OF MORAL TOWNSHIP IN ) CAUSE NO. 45582  
SHELBY COUNTY, INDIANA AND CONSENT )  
PURSUANT TO IND. CODE § 36-2-2-23 TO AQUA )  
INDIANA, INC.'S USE OF PROPERTY OWNED BY )  
SHELBY COUNTY, INDIANA )**

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**Presiding Officers: Sarah E. Freeman, Commissioner  
Jennifer L. Schuster, Administrative Law Judge**

**NORTHWEST SHELBY COUNTY REGIONAL SEWER DISTRICT  
VERIFIED PETITION FOR LEAVE TO INTERVENE**

This Petitioner, Northwest Shelby County Regional Sewer District (“NW Shelby RSD”), by counsel, pursuant to 170 IAC 1-1.1-11, respectfully petitions for leave to intervene as a party in the above-captioned proceeding, to enable it to participate in submission of post-hearing responsive briefing, and in support hereof, states the following:

1. NW Shelby RSD is a not-for-profit Indiana corporation organized and existing pursuant to Indiana Code 13-26-2 and created pursuant to authority of the Indiana Department of Environmental Management on or about the 19<sup>th</sup> date of July, 2012.

2. NW Shelby RSD was created to “promote the public health, safety, convenience and welfare of its residents and for the purpose of collecting, treating and disposing of sewage from within its district, which is defined as set forth in the attached **Exhibits A and B** (the “District”).

3. On August 2, 2021, Aqua Indiana, Inc. (“Aqua”) filed an Amended Petition with the Commission seeking issuance of a certificate of territorial authority (“CTA”) pursuant to Ind. Code § 8-1-2-89 that would permit it to provide wastewater service to a 7,740-acre area located in Moral Township in Shelby County, Indiana (“Expanded CTA Area”).

4. On September 14, 2021, CWA Authority, Inc. (“CWA”) filed its Petition to Intervene, asserting that it had sufficient infrastructure and wished to serve the same Shelby County residents in Moral Township.

5. The residents within Moral Township, Shelby County which are the subject of the Aqua and CWA Petitions are all located within the NW Shelby RSD District in Shelby County.

6. A public evidentiary hearing of this cause is scheduled to be conducted November 30, 2021.

7. NW Shelby RSD has been actively applying for local, state and federal grant money and engaging in negotiations with various public and private entities since its formation for the purpose of acquiring sufficient funding to construct a treatment plant and sewer system.

8. NW Shelby RSD has recently engaged in negotiations with Indiana American Water (“IAW”) to develop a strategic partnership by which IAW provides sufficient funding, in addition to any grant or other funds obtained by NW Shelby RSD, to construct and install a treatment plan and sewer system within the District.

9. NW Shelby RSD anticipates that under its current planning, it would be in a position to construct the sewer treatment facilities within its District and begin offering services to the District residents on a timeline consistent with that which could be offered by Aqua.

10. The provision of sewer services, as well as the costs to and ability to maintain local control, is a significant matter of public concern and directly impacts the public health, safety, convenience and welfare of the residents within the NW Shelby RSD District.

11. As a consequence of its charter and formative purpose, NW Shelby RSD has a substantial and continuing interest in the subject matter of this proceeding sufficient to warrant granting NW Shelby RSD status as an Intervenor to enable it to participate in the proceedings.

12. NW Shelby RSD opposes the Petition filed by Aqua and opposes the Petition filed by CWA to the extent it seeks to provide public sewer services within the District..

13. Participation by NW Shelby RSD as an Intervenor in the proceedings will serve the public interest.

14. The granting of this petition to intervene will not unduly broaden the issues nor result in any delays in the proceedings as NW Shelby RSD intends to comply with the October 14,

2021 submission deadline and to participate without request for continuance in the November 30, 2021 hearing previously scheduled in this matter.

15. Intervention by NW Shelby RSD in the proceeding will assist the Commission and presiding officers in fulfilling their statutory duty to function as an impartial fact-finding body and to issue orders upon facts impartially found. [I.C. 8-1-1-5(a)].

16. This petition is filed more than five (5) days prior to the November 30, 2021 evidentiary hearing.

17. NW Shelby RSD understands, acknowledges, and agrees to the provisions set forth in 170 IAC 1-1.1-11(e) whereby NW Shelby RSD will be bound by all rulings and other matters of record prior to the time NW Shelby RSD is made a party, and that NW Shelby RSD will take this case as it finds it as of the date of intervention.

18. Pursuant to 170 IAC 1-1.1-9(a)(5), the undersigned counsel for ICA enters their appearances herein on behalf of NW Shelby RSD and represents that they are authorized to accept service of pleadings and other pertinent papers and filings in this proceeding on NW Shelby RSD's behalf.

WHEREFORE, NW Shelby RSD respectfully requests that it be granted leave to intervene and be made a party in the above-captioned proceeding and for all other appropriate relief.

### **Verification**

THE FOREGOING MATTERS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND INFORMATION.



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Jeremy Miller  
President, NW Shelby RSD

Respectfully submitted,

/s/ Raymond A. Basile

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*Counsel for Intervenor,  
Northwest Shelby County Regional Sewer District*

## CERTIFICATE OF SERVICE

The undersigned certifies that on the date shown below a copy of the foregoing was served on the following counsel of record by electronic mail on this 5<sup>th</sup> day of October, 2021:

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/s/ Raymond A. Basile  
Raymond A. Basile

## **EXHIBIT A**

**The territory to be included in the Northwest Shelby County RSD will include the Town of Fairland and all of the unincorporated areas of Moral Township, Sugar Creek Township, and Brandywine Township, except the portions already being served by the City of Shelbyville, Indiana, which is located in Shelby County. IDEM received the boundary description on March 21, 2012 for the Northwest Shelby County RSD and is as follows:**

**On the West, the District Boundary is formed by the Shelby/Marion County and the Shelby/Johnson County line (also known as County Road 900 W) extending from the Shelby/Hancock County line (also known as County Road 600 S / County Road W 1220 N) on the north to West Range Road on the south. The Western Shelby Conservancy District (bounded by eastbound Interstate 74 on the north, Walnut Street on the east, and E McGregor Road (also known as County Road W 940 N) on the south) is excluded from the Regional Sewer District area.**

**On the South, the District Boundary is formed by West Range Road extending from the Shelby/Johnson County line to approximately 2,600 feet east of County Road 350 W.**

**On the East, the District Boundary is formed by a line best described as follows: beginning at a point 2,600 feet east of County Road N 350 W and West Range Road, north to County Road W 200 N; then east to North White Oak Court; then north to County Road 700 N (excluding the Shelbyville Sewer Service Area at Interchange 109 which consists of the businesses surrounding the Indiana Live casino and horse park); then west along County Road 700N to a point approximately 1,400 feet east of County Road N 325 W; then north to the Shelby/Hancock County line (also known as County Road 600 S / County Road W 1200 N).**

**On the North, the District Boundary is formed by the Shelby/Hancock County line (also known as County Road 600 S / County Road W 1220 N) extending from County Road N 300 W on the east to the Shelby/Marion County line (also known as CR 900 W) on the west.**



