

**STATE OF INDIANA**  
**Indiana Utility Regulatory Commission**

**In the Matter of the Appeal of the    )**  
**Consumer Affairs Division Decision    )**  
**Concerning the Provision of Gas        )       Cause Number 44920**  
**Service to Michael Adams in CAD        )**  
**Complaint Number 119086                )**

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**ACKNOWLEDGEMENT OF APPEAL AND ANSWER**  
**BY CONSUMER**

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Pursuant to 170 IAC16 – 1 – 6 and Indiana Code § 8 – 1 – 2 – 34.5, the consumer, Michael W. Adams, pro se, hereby acknowledges receipt of appeal of Consumer Affairs Division's decision in Complaint Number 119086 as follows:

1. The consumer, Michael W. Adams, acknowledges that all parties are subject to the laws of the State of Indiana, the rules of this commission, and are bound by its decisions.
2. The consumer, Michael W. Adams, denies the false, malicious, libelous, and slanderous, and defaming allegations of theft and fraud made by the appellant, Northern Indiana Public Service with no proof of such allegations except continued assentation's they were somehow victim of fraud or theft, Felons and/ or Misdemeanors in the State of Indiana, at some point after my service was disconnected in 2006.
  - a. It should be noted here that the consumer, Michael W. Adams, has been referred for selection in Federal Service as a Chief Law Enforcement Officer at a Federal Facility, and
  - b. Is under consideration for a Chief of Police position in the local municipality.

- c. It should also be noted that the consumer, Michael W. Adams, has extensive investigative experience in law enforcement and security operations and is more than qualified to review this case.

3. **For the record, the consumer, Michael W. Adams, states unequivocally that he did not commit theft or commit fraud in any way shape or form in this matter, or in any other matter. The consumer, Michael W. Adams, was not a resident of this rental property for the time in question. Prior to applying for services with the appellant the consumer, Michael W. Adams had no knowledge of any of these false, malicious, libelous, slanderous and defaming allegations made by the appellee. Service is for a new home, purchased in 2016 with a VA loan.**
4. For the Appellant to presume that theft or fraud or unauthorized use had taken place one would think the minimum proofs of this would be the methodology of the theft, fraud or misuse. No report of this to any Law Enforcement agency. In the consumer's, Michael W. Adams, entire discovery information, there is no mention of how any of these offenses may have taken place. The Appellant did not even bother to generate a bill, turn the matter over to a debt collector, or take any action whatsoever to enforce any rights they may, or may not have had.
5. Had the Appellant believed that any of these things had taken place collection on this or prosecution has also passed the 5-year to 6-year statute of limitations and less including Civil and Criminal Law for the State of Indiana. IC § 34-11-2-7(1)(3)(4) Fraud, IC 34-11-2-7, Six-year limitation (Civil Law) Sec. 7. The following actions must be commenced within six (6) years after the cause of action accrues;(1) Actions on accounts and contracts not in writing, (2) Actions for use, rents, and profits of real property, (3) Actions for injuries to property other than personal property, damages for detention of personal property and for recovering possession of personal property, (4) Actions for relief against frauds, as added by P.L.1-1998, SEC.
6. AND, IC § 35-41-4-2(a)(1), (a)(2) Theft. (Criminal Law); Periods of limitation: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced: (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014); or (2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

7. **As a matter of law**, the consumer, Michael W. Adams, contends that these claims have exceeded the statute of limitations in the State of Indiana by many years. The assertion that there is in place an upper time limit for lawful collection activities to take place cannot be true as if it was true there the only two things that there is no statute of limitations in the State of Indiana are Murder and IURC Electric Service Tariff 8.5 Tampering, Fraud, Theft or Unauthorized Use. To enforce this under a tariff is contrary to public policy as determined under the Laws of the State of Indiana, enacted by the General Assembly and signed into Law by the Governor.
- a. The purpose and effect of statutes of limitations are to protect defendants. There are 3 reasons for their existence: [Halsbury's Laws of England, 4th edition] {cited as best and shortest.}; 1.) A plaintiff with a valid cause of action should pursue it with reasonable diligence, 2.) A defendant might have lost evidence to disprove a stale claim., 3.) A long-dormant claim has more cruelty than justice.
  - b. The intention of these laws is to facilitate resolution within a "reasonable" length of time. In this case the time allowed by law was more than sufficient to make a lawful claim. As a matter of law these highly questionable claims have no legal basis for consideration.
8. This leads one to believe that this is a false malicious and deliberately misleading statement and an attempt to collect an even older bill that is passed the statute of limitations for collecting a debt. Had the appellant believed that any of these things had taken place collection on this or prosecution has also passed the 5-year to 6-year statute of limitations and less including Civil and Criminal Law for the State of Indiana.
9. The appellant unable to provide convincing evidence changed tactics and asserted that the consumer, Michael W. Adams, had ownership of the rental mobile home, and was liable under the rules, the mobile home by introducing property tax records from 2009. Personal property tax records do not indicate ownership by law of the mobile home. The ownership of the mobile home is determined by Law, Indiana Code § **IC 9-17-6-1**, Certificate of title; requirement: Sec. 1. A person who owns a manufactured home that is: (1) personal property not held for resale; or (2) not attached to real estate by a permanent foundation; shall obtain a certificate of title for the manufactured home under this chapter. as added by P.L.2-1991, SEC.5. Amended by P.L.106-2007, SEC.1, the Indiana Bureau of Motor Vehicles. A simple search of BMV records would show the consumer, Michael W. Adams, has never owned a

mobile home in the State of Indiana. This claim would also fail the Statute of Limitations Test.

10. It should be noted that the consumer, Michael W Adams, agreed to accept liability for the property taxes per rental agreement from said mobile home park in 2009, this in no way construes an ownership interest in the past of said mobile home. This was done to offset park owner's property taxes allowing the consumer, Michael W Adams, to retain the rental price of \$250 per month, an extremely reasonable rent.
11. It should also be noted that the appellant alleges their loss continued for a period of nearly one year. The consumer's investigation has revealed that the electric meter for trailer number 12 and trailer number 13 our next each other. The consumer, Michael W. Adams, obtained an affidavit and photograph of said meters from a former resident. It is unclear how the appellant's meter reading personnel could not have noted the meter on trailer 12 was running, and not reporting same to supervision for a period exceeding 11 months. At best this is gross negligence on the part of appellants' employees, at worst said employee are incompetent. In this consumer experience, incompetent people are few and far between. This does not exclude the possibility that the whole theft fraud and related accusations are something that, for reasons unknown, the appellate made up. **Exhibit 1 attached.**
12. It should be noted that a family member of the consumer, Michael W. Adams, rented trailer 12 at some point in time in 2007. The consumer Michael W. Adams reestablish residency with this family member at some point in time late 2008.

### **OBJECTIONS AND OTHER MOTIONS**

1. The consumer, Michael W. Adams, moves for full discovery of any information that may or may not be presented at any evidentiary hearing should one take place. The consumer requests this discovery to be delivered via email if possible a minimum of two (2) weeks prior to any evidentiary hearing that may take place for review and rebuttal.
2. The consumer, Michael W Adams, objects to any legal briefs or other documents being delivered **after** an evidentiary hearing. To

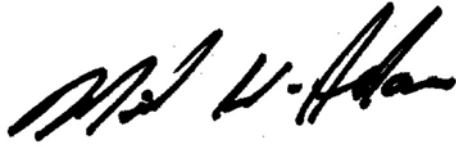
allow that to happen is patently unfair and gives the consumer no opportunity to rebut.

3. The consumer, Michael W Adams, request any briefs to be filed prior to or at the evidentiary hearing before it at the same time and as discovery information, for review and rebuttal.
4. The consumer, Michael W. Adams objects to the submission of any new evidence by the appellant, at is as it is his belief that during the consumer appeal process all possible evidence was presented.
5. The consumer, Michael W. Adams, objects to consideration of all matters outside of the original decision. This would include matters of the alleged need for protection, the right to reject application, potential security deposits, the answer to the question who needs protection from whom, and any other extraneous requests made by the appellate. **This case is exclusively about if the Statue of Limitations are applicable in this matter.**

All of the consumer's evidence, and I believe all of the appellant's evidence has been submitted electronically, via email and telephone conversations to the review official. This evidence is available for the commission's review. The consumer does not believe that a further evidentiary hearing is necessary, and will just delay the outcome of this matter, and issue that has been going on since October 2016. It is a consumer's belief that this commission will follow the law in this matter, and has enough evidence to render a decision. The appellant, of course may feel differently.

In cases like this it is the consumer, not the appellant that need protection the most. It is extremely difficult for an individual to fight a big corporation, that knows the law, does not like the law, and attempts to find ways around the law. The use of the unsubstantiated theft or fraud claim is the appellant's way to try and circumvent statute of limitations law, pretending to be a severely injured party, while doing nothing for years to further their claim. The fact that the appellate wants no statutory time limit to apply in cases like this is just evidence of their disagreement with statute law. They throw personal attacks that damaged the reputation of the consumer, in a public forum that anyone can access. They may take the charges of theft, theft by deception (fraud) lightly but this consumer does not. These serious and untrue charges have damaged my reputation in a public forum, been published on line and will not be tolerated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael W. Adams".

Michael W. Adams

5740 W. State Road 10

North Judson, IN 46366

219-477-9426

Email: [dearmike@outlook.com](mailto:dearmike@outlook.com)

Certificate of Service

The undersigned hereby certifies that the foregoing was served this 31<sup>st</sup> day of March 2017, via email transmission to William fine, office of the utility consumer counselor, 115 West Washington St., Suite 1500 S., Indianapolis, IN 46204 ([wfine@oucc.in.gov](mailto:wfine@oucc.in.gov) , [informgt@oucc.in.gov](mailto:informgt@oucc.in.gov) ) and attorney of record for the appellant Christopher C. Earle, NiSource corporate services – legal, 150 West Market St., Suite 600, Indianapolis Indiana, 64204 ( [cearle@nisource.com](mailto:cearle@nisource.com) )

A handwritten signature in black ink, appearing to read "Michael W. Adams".

Michael W. Adams