

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**PETITION OF THE TOWN OF CHANDLER,)
INDIANA, FOR APPROVAL OF A REGULATORY)
ORDINANCE COVERING UNINCORPORATED) CAUSE NO. 44516
AREAS OF WARRICK COUNTY, INDIANA)**

TESTIMONY OF

JAMES T. PARKS – PUBLIC’S EXHIBIT NO. 1

ON BEHALF OF THE

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

DECEMBER 16, 2014

Respectfully submitted,


Daniel M. Le Vay, Atty. No. 22184-49
Deputy Consumer Counselor

TESTIMONY OF OUCC WITNESS JAMES T. PARKS
CAUSE NO. 44516
CHANDLER MUNICIPAL WATER UTILITY

I. INTRODUCTION

1

2 **Q: Please state your name and business address.**

3 A: My name is James T. Parks, P.E. and my business address is 115 W. Washington
4 Street, Suite 1500 South, Indianapolis, IN 46204

5 **Q: By whom are you employed and in what capacity?**

6 A: I am employed by the Office of Utility Consumer Counselor ("OUCC") as a
7 Utility Analyst II in the Water/Wastewater Division.

8 **Q: Please describe your educational background and experience.**

9 A: In 1980 I graduated from Purdue University, where I received a Bachelor of
10 Science degree in Civil Engineering, having specialized in Environmental
11 Engineering. I then worked with the Peace Corps for two years serving in
12 Honduras as a municipal engineer and as a project engineer on self-help rural
13 water supply and sanitation projects funded by the U.S. Agency for International
14 Development (U.S. AID). In 1984 I earned a Master of Science degree in Civil
15 Engineering, also in Environmental Engineering, from Purdue University. I have
16 been a Registered Professional Engineer in the State of Indiana since 1986. In
17 1984, I accepted an engineering position with Purdue University, assigned to
18 work as a process engineer with the Indianapolis Department of Public Works at

1 the City's Advanced Wastewater Treatment Plants. I left Purdue and
2 subsequently worked for Engineering Consulting firms first as a Project Engineer
3 for Process Engineering Group of Indianapolis and then as a Project Manager for
4 the consulting firm HNTB in Indianapolis. In 1999 I returned to the Indianapolis
5 Department of Public Works as a Project Engineer working on planning projects,
6 permitting, compliance monitoring, wastewater treatment plant upgrades, and
7 combined sewer overflow control projects. I began my employment with the
8 OUCC in 2014.

9 **Q: Have you previously testified before the Indiana Utility Regulatory**
10 **Commission?**

11 A: No.

12 **Q: Please describe the review and analysis you conducted in order to prepare**
13 **your testimony.**

14 A: I reviewed the Town of Chandler's Petition for Approval of a Regulatory
15 Ordinance Covering Unincorporated Areas of Warrick County. I reviewed the
16 Town of Newburgh's Motion to Intervene and the Motion to Dismiss. I reviewed
17 the Town of Chandler's Response to Newburgh's Motion to Dismiss. I reviewed
18 the direct testimonies and exhibits of Mr. Robert D. Coghill, Director of Public
19 Services for Chandler Utilities, and Mr. Leon Key, Wastewater Treatment
20 Facilities Superintendent for the Town of Newburgh. I participated in drafting
21 discovery questions and reviewed both Utility's responses to discovery. In
22 particular, I reviewed information provided by both utilities regarding lift stations,
23 gravity sanitary sewers, force mains, manholes and customers in the overlap area.

24 **Q: Please describe how your testimony is organized.**

25 A: My testimony is organized into the following sections:

- 1 I. Introduction
- 2 II. Executive Summary
- 3 III. Sanitary Sewer Service Areas
- 4 IV. Description of Sanitary Sewer System Infrastructure in the Overlap Area
 - 5 A. Town of Newburgh Sanitary Sewer Infrastructure
 - 6 B. Town of Chandler Sanitary Sewer Infrastructure
- 7 V. Master Plan
- 8 VI. Chandler's Sewer Customers and Infrastructure in the Overlap Area
- 9 VII. Build-Out
- 10 VII. OUCC Recommendations

11 II. EXECUTIVE SUMMARY

12 **Q: What do you address in your testimony?**

13 A: I describe the sanitary sewer service areas for the Town of Chandler ("Chandler,"
14 "Petitioner," or "Utility") and the Town of Newburgh ("Newburgh") and each
15 town's infrastructure in the overlap area. I discuss Newburgh's Master Planning
16 efforts for the overlap area from 1999 to the present. I present and concur with
17 Newburgh's statements indicating that sewer customers within the overlap area
18 who are currently connected to Chandler's sewer system should stay connected to
19 and remain customers of Chandler's sewer system. I also recommend the
20 Commission require the establishment of a formal service area boundary between
21 the two towns that recognizes each utility's current customers and infrastructure.

1 **III. SANITARY SEWER SERVICE AREAS**

2 **Q: Has the Town of Newburgh established its own regulated territory for**
3 **providing wastewater services, and if so when were the current boundaries**
4 **established?**

5 A: Newburgh has a regulated territory for sanitary sewer services that was created by
6 Town Ordinance 2007-3. The current boundaries of the regulated territory were
7 established on April 25, 2007. ("Regulated territory" is a phrase used to denote
8 the areas Chandler or Newburgh, as the case may be, has identified as their
9 service territory outside their corporate boundaries. See IC 8-1.5-6-2.)

10 **Q: Briefly describe Newburgh's regulated territory for wastewater services.**

11 A: Newburgh's regulated territory includes all territory that is located inside the
12 corporate limits and, with some exceptions, all territory in the unincorporated
13 areas of Warrick County that are within 4 miles of Newburgh's corporate
14 boundaries.

15 **Q: Are there exceptions to Newburgh's regulated territory?**

16 A: Yes. Under Section 3 of Ordinance 2007-3, the regulated territory does not
17 include those sanitary sewer customers that were connected to another sewer
18 utility as of April 25, 2007.

19 **Q: Has Chandler established a regulated territory for providing wastewater**
20 **services?**

21 A: Yes. Chandler also has a regulated area for sanitary sewer services that was
22 created by Town Ordinance 2007-12 enacted on June 4, 2007.

23 **Q: Do portions of the regulated territories of both towns overlap?**

24 A: Yes.

25 **A: Please describe the overlap area.**

1 A: The overlap area is located entirely in unincorporated areas of Warrick County
2 between the Town of Chandler to the north and the Town of Newburgh to the
3 south. The overlap is shown as both pink and green shaded areas on the map
4 presented as Petitioner's Exhibit A – Regulated Sanitary Sewer Service Area,
5 prepared by Wessler Engineering. The green shaded area contains only sanitary
6 sewer infrastructure owned and operated by the Town of Newburgh. For purpose
7 of my discussion, the pink area includes two areas: 1) a generally undeveloped
8 area in the western portion, which Newburgh has included within its planning
9 area since at least 1999 and where Newburgh is installing sewer improvements
10 and, 2) a largely developed area in the eastern portion served by Chandler's sewer
11 system, which abuts the green area that is served by Newburgh.

12 The area north of Oak Grove Road between Libbert Road (County Road 900
13 West) on the west and State Road 261 on the east in the pink area primarily
14 contains only sanitary sewer infrastructure owned and operated by the Town of
15 Chandler with limited exceptions. The pink area surrounds a small area (marked
16 as green) where Newburgh provides sanitary sewer service to 172 single family
17 homes north of Oak Grove Road in 2 subdivisions: 123 homes in the Talbert
18 Ridge subdivision and 49 homes northeast of Talbert Ridge along Alanton Park
19 Drive, Bruton Lane, and Cedar Point Drive.

1 Much of the land west of Libbert Road and north of Vann Road in the pink
2 shaded area is undeveloped as is the land west of Libbert Road between Vann
3 Road and State Road 66 in the green shaded area.

4
5 **IV. DESCRIPTION OF SANITARY SEWER SYSTEM INFRASTRUCTURE IN**
6 **THE OVERLAP AREA**

7 **A. Newburgh Sanitary Sewer Infrastructure**

8 **Q: How many sanitary sewer customers does Newburgh have in total and out of**
9 **these customers how many are located in the service area overlap with the**
10 **Town of Chandler?**

11 A: According to the Direct Testimony of Mr. Leon Key, Newburgh Wastewater
12 Treatment Facilities Superintendent (page 2, line 14), Newburgh serves 9,436
13 total customers (page 2, line 14) of which 3,700 customers are in the (green)
14 overlap area (page 3, line 11).

15 **Q: What sanitary sewer infrastructure does Newburgh have in the overlap**
16 **area?**

17 A: According to the Direct Testimony of Mr. Leon Key, Newburgh reports it has the
18 following sanitary sewer infrastructure in the overlap area.

19 Gravity sanitary sewer – 69 miles

20 Force Mains – 13.3 miles

21 Manholes – 1,452

22 Lift Stations – 10 Total (combined design capacity of 6,493 gpm)

23 Small Lift Stations with design capacity below 400 gpm– 8

24 Large Lift Stations with design capacity above 2,000 gpm - 2

25 Trunk Line Sewers – 2 (Pecka Trunk Line and Victoria Trunk Line)

1 In response to OUCC discovery, Newburgh provided a map showing Newburgh's
2 gravity sanitary sewers, force mains, manholes, and lift stations in the overlap
3 area. I have included this map as an attachment to my testimony. See Attachment
4 JTP-1.

5 **B. Chandler Sanitary Sewer Infrastructure**

6 **Q: How many sanitary sewer customers does Chandler have in total and out of**
7 **these customers how many are located in the overlap area?**

8 A: According to the Direct Testimony of Mr. Robert D. Coghill, Director of Public
9 Services for the Town of Chandler (page 6, line 23), Chandler has 3,300 sanitary
10 sewer customers. In Petitioner's response to OUCC discovery, Chandler
11 indicated it provides sewer service to 1,741 customers in the (pink) overlap area.
12 (Please see OUCC DR 1.2 to Chandler Attachment JTP-4.)

13 **Q: What sewer infrastructure does Chandler have in the overlap area?**

14 A: In response to OUCC discovery, Chandler reports it has the following sanitary
15 sewer infrastructure in the overlap area.

16 Gravity sanitary sewer – 30 miles

17 Force Mains – 2.3 miles

18 Manholes – 570

19 Lift Stations – 4 Total (combined design capacity of 1,710 gpm)

20 Small Lift Stations with design capacity below 400 gpm– 3

21 Large Lift Stations with design capacity above 2,000 gpm - 0

22 Trunk Line Sewers – none

1 In response to OUCC discovery, Chandler provided an undated map prepared by
2 Wessler Engineering showing Chandler's gravity sanitary sewers, force mains,
3 manholes, and lift stations in the overlap area. I have included this map as an
4 attachment to my testimony. See Attachment JTP-2.

5 **V. MASTER PLAN**

6 **Q: Does Newburgh have a Master Plan for its wastewater collection and**
7 **treatment system?**

8 A: Yes. In response to OUCC discovery, Newburgh provided several maps from its
9 1999 Sewer Utility Master Planning Report prepared by Commonwealth
10 Engineers, Inc., which show the existing sanitary sewer service area (1999), the
11 sanitary sewer system planning area, and drainage basins. Recognizing existing
12 sewers constructed by Chandler, Newburgh excluded from its planning area, the
13 area bounded by Libbert Road (County Road 900 West) on the west, Oak Grove
14 Road on the south and State Road 261 on the east which contains Chandler's
15 sewers. Attachment JTP-3 shows Newburgh's Service Area and Planning Area as
16 of 1999.

17 Newburgh also provided figures from the Year 2003 Newburgh Sewer System
18 Master Plan prepared by Commonwealth Engineers, Inc. showing areas for
19 potential development, Trunk Line Loading, and Trunk Line Loading for the
20 option of constructing a new West Side Wastewater Treatment Plant on Pollack
21 Avenue.

1 **Q: Has Newburgh constructed any improvements or done any planning to**
2 **provide wastewater services to the overlap area?**

3 **A:** Yes. In response to OUCC discovery , Newburgh indicated in 2003 it identified
4 areas for potential development within its planning area and updated its 1999
5 Master Plan. Newburgh determined that areas in the western part of the collection
6 system had the highest potential for growth. Updates to its Master Plan focused
7 on determining alternatives to gain capacity in the western side of the collection
8 system. (Please see OUCC DR 2.3 to Newburgh Attachment JTP-4.)

9 From hydraulic modeling of the sanitary sewer system, Newburgh and its
10 engineers developed the Westside Master Lift Station (MLS) project to redirect
11 flows from west side lift stations to open up capacity in the trunk line sewers
12 serving the west side. After constructing the MLS project, Newburgh continued
13 planning efforts in 2007 to serve the rapidly growing west side, which growth
14 included a new hospital and a TIFF District established by Warrick County.

15 Newburgh continued sewer planning and directed Commonwealth Engineers, Inc.
16 to prepare a West Side Master Plan in 2007. This plan proposes constructing a
17 new Lynch Road lift station, force main, and sanitary sewers to serve the west
18 side of Newburgh's regulated territory as shown in a figure prepared by
19 Commonwealth Engineers, Inc. (Attachment JTP-5). This area corresponds to the
20 western portion of the pink shaded area in Petitioner's Exhibit A – Regulated
21 Sanitary Sewer Service Area, prepared by Wessler Engineering.

1 In response to OUCC discovery, Newburgh indicated it has planned two
2 improvement projects in the overlap area. In 2015 Newburgh plans to construct
3 its \$5.0 million Epworth Road Sanitary Sewer Extension and commence the \$1.0
4 million Kingston Lift Station Elimination project

5 **Q: Has Chandler upsized gravity sewer segments to serve additional future**
6 **customers from the overlap area?**

7 A: In response to OUCC discovery, Chandler reports that it "[does]not have specific
8 areas upsized for future growth." Chandler added "All existing lines are
9 sufficient to cover areas where lines exist and there is no plan to extend mains in
10 the overlap area." (Please see OUCC DR 1.4 to Chandler Attachment JTP-4.)

11 **Q: Does Chandler have a Master Plan for the wastewater collection and**
12 **treatment system?**

13 A: No. In response to OUCC discovery, Chandler indicated it does not have a
14 Master Plan. (Please see OUCC DR 1.5 to Chandler Attachment JTP-4.)
15 Chandler noted: "The only area we had plans to extend is in the upper North West
16 section of the overlap area." However, Chandler indicated: "The upper North
17 West area we were considering has not been designed." (Please see OUCC DR
18 1.6 to Chandler Attachment JTP-4.)

19 **VI. CHANDLER'S SEWER CUSTOMERS AND INFRASTRUCTURE IN THE**

20 **OVERLAP AREA**

21 **Q: Does Newburgh's Ordinance 2007-3 address sewer customers connected to**
22 **Chandler's sewer system prior to April 27, 2007?**

23 A: Yes. Section 3 of Newburgh's Ordinance 2007-3 reads as follows:

24 Section 3: Upon the adoption of this Ordinance, the Town [of Newburgh]
25 shall hold exclusive license to furnish sewer service within the
26 Regulated Territory, and all other utilities are expressly prohibited

1 from furnishing sewer service within the Regulated Territory,
2 *except for those customers located in the Regulated Territory that*
3 *are connected to another sewer utility as of the date this*
4 *Ordinance is adopted* (emphasis added).
5

6 **Q: What does Newburgh say about customers in the overlap area who**
7 **connected to Chandler's sewer system between 2007 and 2011?**

8 A: In response to OUCC discovery , Newburgh said that the 139 homes referenced in
9 the Direct Testimony of Chandler's witness Robert D. Coghill that were
10 connected to Chandler's sewer system since the adoption of Newburgh's
11 Ordinance 2007-3 on April 25, 2007 through mid 2011 do not have to be
12 disconnected from Chandler's sewer system and hooked up to Newburgh's sewer
13 system. Thus, Newburgh seems to agree that current customers of Chandler's
14 sewer system should remain Chandler customers and that there will be no change
15 in service provider for these customers. (Please see OUCC DR 1.1 to Chandler
16 Attachment JTP-4.)

17 **Q: What does Newburgh say about Chandler's sewer infrastructure in the**
18 **overlap area?**

19 A: In response to OUCC discovery, Newburgh stated that it "presently [has] no
20 intentions regarding the sewer infrastructure Chandler installed in Newburgh's
21 territory." (Please see OUCC DR 1.3 to Chandler Attachment JTP-4.) Newburgh
22 also indicated it does not intend to use the infrastructure Chandler installed to
23 serve the overlap area. (Please see OUCC DR 1.5 to Chandler Attachment JTP-4.)
24 Thus, Newburgh seems to agree that Chandler would continue to own, operate
25 and maintain, but not expand, their sanitary sewer system within the overlap area.
26

1 It also appears Newburgh intends it would continue extending its own sewer
2 system to serve in its planning area including all territory in the overlap area not
3 served by Chandler after 2011 (Please see OUCC DR 1.7 to Chandler Attachment
4 JTP-4.)

5 **VII. BUILD-OUT**

6 **Q: Are all areas within the overlap area developed?**

7 A: No. Significant areas within both the pink and green shaded areas shown on
8 Petitioner's Exhibit A are undeveloped and used for agriculture.

9 **Q: How should sewer services be provided to land in the overlap area that is**
10 **developed in the future?**

11 A: Newburgh has been including these areas within their planning area since at least
12 1999 and will be adding sewer infrastructure in 2015 to serve this area.
13 Accordingly, within Newburgh's Regulated territory, all undeveloped land west
14 of Libbert Road and Bell Road (in the pink area), all land south of Oak Grove
15 Road (pink and green areas), and all land east of State Road 261 (in the green
16 area) should be connected to the Town of Newburgh's sewer system, with one
17 exception. Chandler has limited sewer infrastructure south of Oak Grove Road in
18 the vicinity of Bell Road that should remain connected to Chandler's system.

19 **Q: How should individual lots adjacent to existing Chandler sewers be handled?**

20 A: It is good public policy to allow individual lots in areas that are already served by
21 an existing Chandler sewer with available capacity to be connected to said sewer
22 when the lots are developed. This will avoid duplication of sewer lines and the

1 creation of "islands" of service for Newburgh totally surrounded by infrastructure
2 of Chandler.

3 A good example of duplicated sewer infrastructure can be seen for Newburgh's
4 Talbert Ridge Lift Station #27 (300 gpm) and Old Hickory Lift Station #9 (135
5 gpm) and Chandler's Oak Grove Lift Station (200 gpm). All three lift stations are
6 small, are located within blocks of each other along Oak Grove Road and could
7 have been consolidated into a single larger station with a single force main.

8 **Q: How should the service areas be delineated in the already built up areas?**

9 A: A clear dividing line between the two utilities is needed so that planning can
10 proceed to provide cost effective and efficient sewer services without unnecessary
11 duplication of sewer infrastructure.

12

13 **VIII. OUCC RECOMMENDATIONS**

14 **Q: Please summarize your recommendations.**

15 A: My recommendations are as follows:

16 1. The Commission should establish that all sewer customers connected to
17 Chandler's sewer system before passage of Newburgh's Ordinance 2007-3
18 and all sewer customers who connected to Chandler's sewer system, after
19 passage of Newburgh's Ordinance 2007-3, from 2007 to 2011, should remain
20 connected to and Chandler's system and remain Chandler's customers. In
21 other words, these customers should not be required to become customers of
22 Newburgh.

1 2. The Commission should establish that Chandler be permitted to provide
2 service to customers in the overlap area who are not yet customers of
3 Chandler but who abut or are adjacent to Chandler's existing wastewater
4 collection system to avoid the creation of "islands" of service for one utility
5 totally surrounded by infrastructure of another utility.

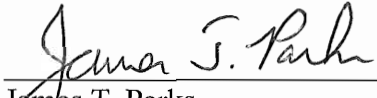
6 3. The Commission should require both towns to work together through
7 engineers to establish a clear boundary dividing the utilities' service areas in
8 the overlap area and to produce a map or drawing delineating the boundary
9 line for submittal to the Commission for formal approval. Said boundary line
10 will encompass the area presently served by Chandler generally described as
11 east of Libbert and Bell Roads, west of State Road 261, and north of Oak
12 Grove Road.

13 **Q: Does this conclude your testimony?**

14 **A: Yes.**

AFFIRMATION

I affirm, under the penalties for perjury, that the foregoing representations are true.



James T. Parks
Indiana Office of Utility Consumer Counselor

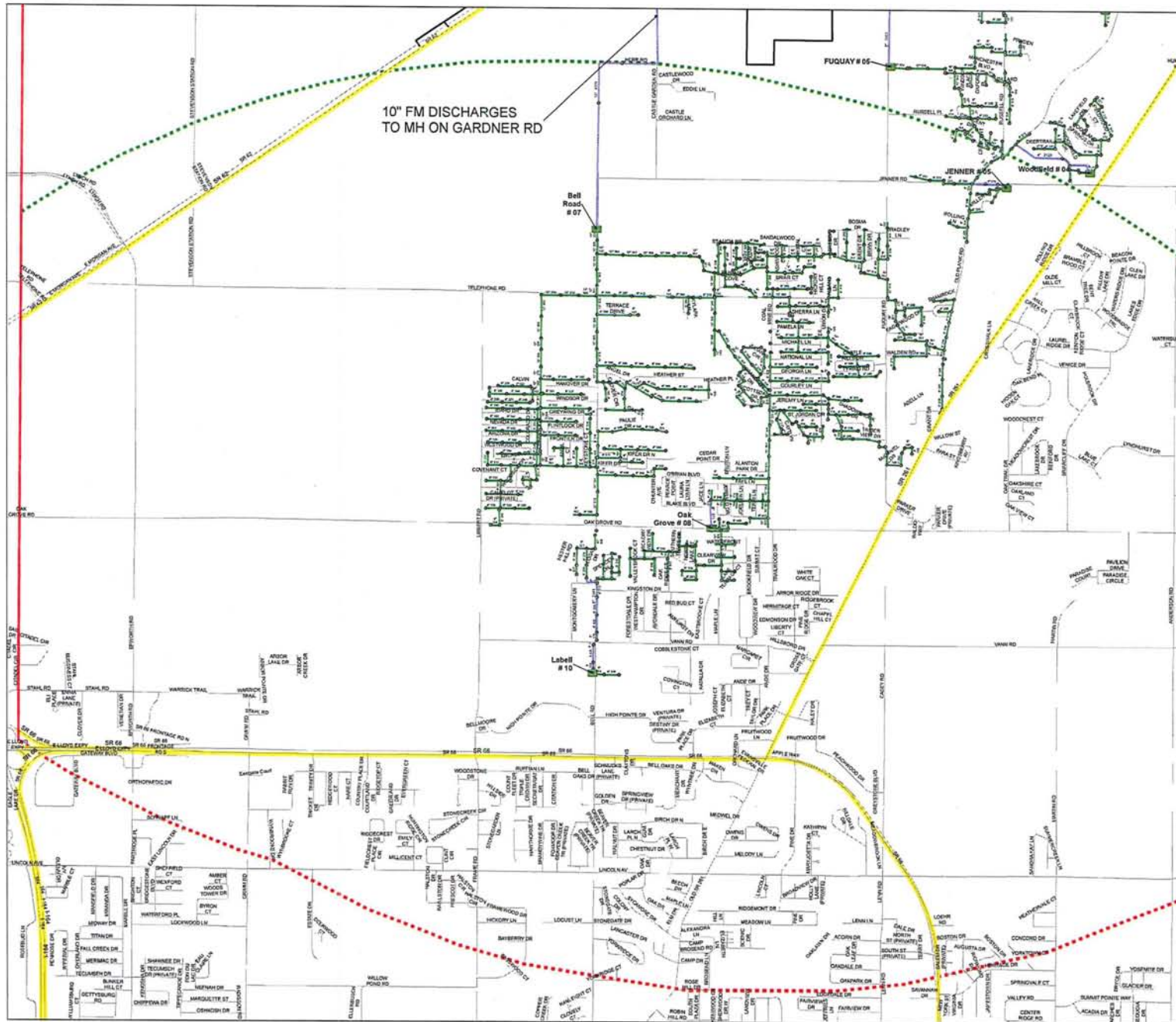
December 16, 2014
Date

Cause No. 44516
Town of Chandler, Indiana

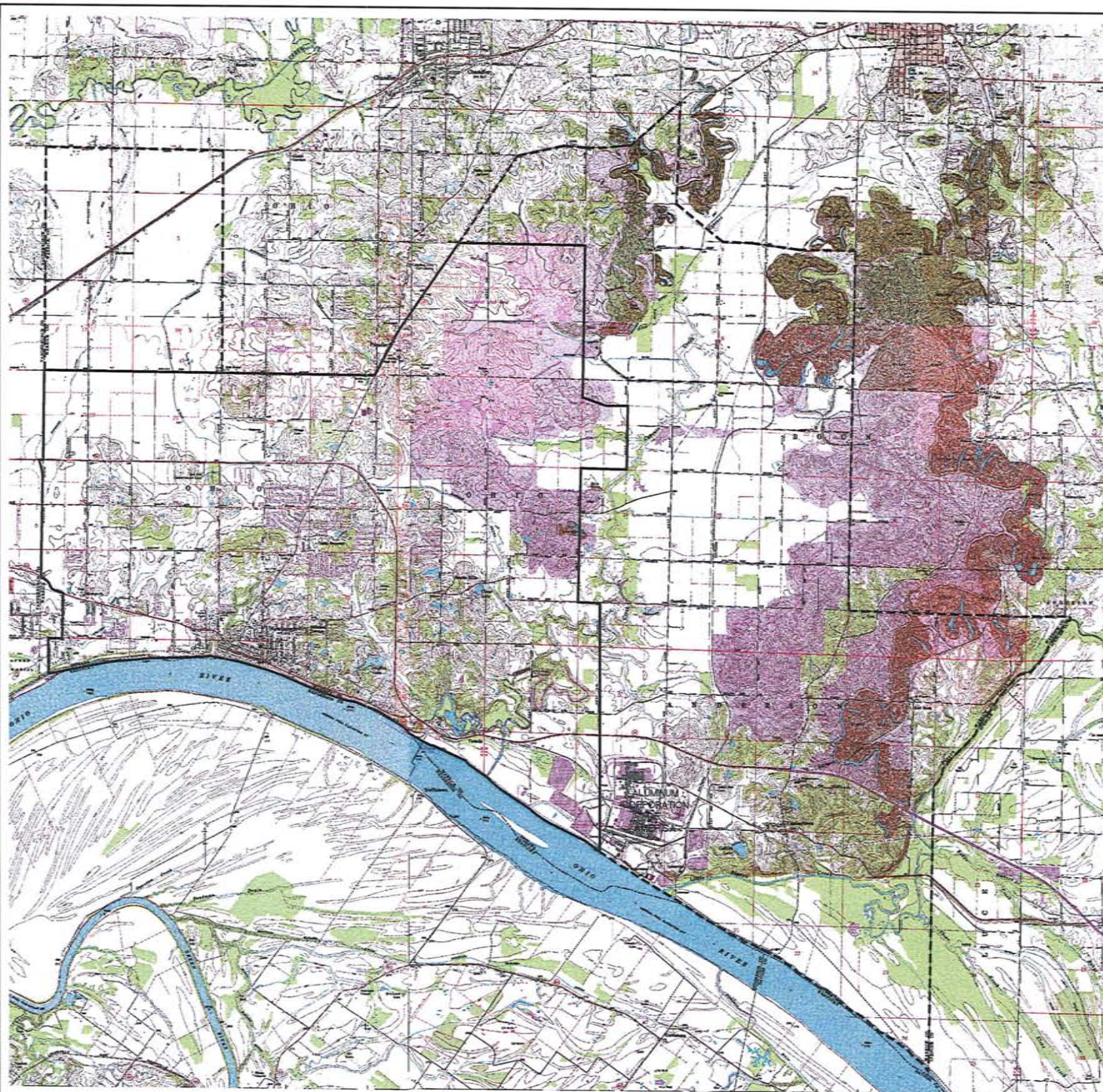


 Overlap Area
 Newburgh - Corporate Limits
 Chandler - Corporate Limits

**SANITARY SEWER MAPPING
TOWN OF CHANDLER, INDIANA
SANITARY SEWERS
IN OVERLAP AREA**



1 inch = 1,000 feet



LEGEND
 ————— EXISTING SANITARY SEWER SYSTEM SERVICE AREA
 ■■■■■■■■■■ EXISTING SANITARY SEWER PLANNING AREA



COMMONWEALTH
ENGINEERS, INC.

DRAWN BY: MCB
 CHECKED BY: TAD
 DATE: 5/16
 JOB NO: 138511
 DATE: AS NOTED

TOWN OF
 NEWBURGH, INDIANA
 SEWER UTILITY MASTER PLANNING REPORT
 CURRENT SERVICE AREA AND
 PLANNING AREA MAP

DRAWING NO.
FIGURE 3

**OBJECTIONS AND RESPONSES OF
TOWN OF NEWBURGH, INDIANA
TO
OUCC DATA REQUEST SET NO. 1
IURC CAUSE NO. 44516
November 13, 2014**

GENERAL OBJECTIONS

1. The responses below are made solely for the purpose of this proceeding, and are not to be used in any manner in connection with any other proceeding or otherwise.
2. Any response to a Data Request set forth below is subject to all objections as to competence, relevance, materiality and admissibility, and any and all other objections on any applicable grounds, all of which objections and grounds are expressly reserved and may be interposed at the time of the evidentiary hearing in this matter.
3. Inadvertent identification or production of privileged writings or information is not a waiver of any applicable privilege. Production of writings or information does not waive any objection, including, but not limited to, relevancy to the admission of such writings in evidence.
4. The Town of Newburgh, Indiana ("Newburgh") objects to the extent any Data Request seeks disclosure of documents constituting, evidencing or reflecting confidential communications between Newburgh and its attorneys or documents that are otherwise protected from disclosure by the attorney-client privilege or any other applicable privilege. Newburgh may produce responsive documents without waiving this objection.

5. Newburgh objects to the extent the Data Requests seek information or documents which are neither relevant nor material to, or are outside the scope of, the subject-matter involved in this proceeding, and which are not reasonably calculated to lead to the discovery of admissible evidence.

6. Newburgh objects to the Data Requests to the extent they purport to impose any obligation, including but not limited to an obligation to supplement responses, that is different from or additional to the obligations imposed under the Indiana Utility Regulatory Commission's ("IURC") rules and the Indiana Rules of Trial Procedure.

7. Newburgh objects to the Data Requests to the extent they do not adequately describe the information requested or are otherwise overly broad and unduly burdensome. Newburgh will conduct a reasonable search of its records where responsive information may be found without undue burden and will produce such documents that are not subject to privilege or other objection.

8. Newburgh objects to the Data Requests to the extent they are not limited to any stated period of time or specify a period of time that is longer than is relevant to this proceeding or is otherwise overly broad and unduly burdensome.

9. Newburgh objects to the Data Requests to the extent they request that Newburgh perform a study, conduct an analysis or otherwise prepare information that does not currently exist.

10. Newburgh objects to the Data Requests because its Motion to Dismiss Chandler's petition initiating this cause is pending, the granting of which would make the Data Requests moot.

11. Newburgh objects to the Data Requests for seeking information beyond the scope of the IURC's limited jurisdiction over municipal sewer utilities such as Newburgh's.

Without waiving the foregoing objections, Newburgh now responds as follows:

Data Requests

Q 1.1: *Is it Newburgh's contention that the post 2007 ordinance Chandler hook ups need to be disconnected from Chandler and hooked on to Newburgh?*

Response:

Newburgh has not made such a contention. Furthermore, Newburgh does not contend that the 139 homes referenced in the direct testimony of Chandler's witness Robert D. Coghill that Newburgh understands were connected to and receiving sewer service from Chandler since the adoption of Newburgh's Ordinance #2007-3 on April 25, 2007 through mid-2011 need to be disconnected from Chandler and hooked-up to Newburgh instead.

Q 1.2: *Who will bear the connection costs if the Commission determines that those customers who were allowed to connect to Chandler after the 2007 ordinance are required to connect to Newburgh? Please explain.*

Response:

This question calls for Newburgh to speculate as to what action the Commission might take in this cause, and the answer will depend on the circumstances. Payment for connection costs is typically determined on a case-by-case basis.

Q 1.3: *What are Newburgh's intentions regarding the infrastructure Chandler installed in the overlap area to serve those customers that requested service?*

Response:

Newburgh presently has no intentions regarding the sewer infrastructure Chandler installed in Newburgh's territory.

Q 1.4: *Is it Newburgh's contention that it is capable of serving the entire overlap area?*

Response:

Yes, eventually. Newburgh contemplates extending its sewer system throughout its territory.

Q 1.5: *Does Newburgh intend to use the infrastructure Chandler installed to serve the overlap area? Please explain.*

Response:

No. See also response to Q 1.3, above

Q 1.6: *If Newburgh uses the infrastructure Chandler installed to service the overlap area, does Newburg intend to compensate Chandler for the cost of that infrastructure? Please explain.*

Response:

Not applicable. Please see response to Q 1.5, above.

Q 1.7: *Will Newburgh need to make new investments to serve the overlap area?
Please describe.*

Response:

Yes. While certain infrastructure may be contributed by new customers or developers, Newburgh anticipates that it will also continue to invest in extending its system within its territory.

From: [Miller, Clayton](#)
To: [Levay, Daniel](#)
Cc: [UCC Info Mgt](#)
Subject: Newburgh's response to OUCC DR in Cause No. 44516
Date: Thursday, November 13, 2014 6:06:34 PM
Attachments: [14S2130.DOCX](#)

Dan,

Attached please find the responses and objections of the Town of Newburgh, Indiana to the OUCC's first data request set in IURC Cause No. 44516. And thank you again for your previous agreement to allow Newburgh a few extra days to respond.

- Clay

Clayton C. Miller
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Oswald & Hahn, LLP

Bamberger, Foreman, Oswald & Hahn, LLP

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**OBJECTIONS AND RESPONSES OF
TOWN OF NEWBURGH, INDIANA
TO
OUCC DATA REQUEST SET NO. 2
IURC CAUSE NO. 44516
November 24, 2014**

GENERAL OBJECTIONS

1. The responses below are made solely for the purpose of this proceeding, and are not to be used in any manner in connection with any other proceeding or otherwise.

2. Any response to a Data Request set forth below is subject to all objections as to competence, relevance, materiality and admissibility, and any and all other objections on any applicable grounds, all of which objections and grounds are expressly reserved and may be interposed at the time of the evidentiary hearing in this matter.

3. Inadvertent identification or production of privileged writings or information is not a waiver of any applicable privilege. Production of writings or information does not waive any objection, including, but not limited to, relevancy to the admission of such writings in evidence.

4. The Town of Newburgh, Indiana ("Newburgh") objects to the extent any Data Request seeks disclosure of documents constituting, evidencing or reflecting confidential communications between Newburgh and its attorneys or documents that are otherwise protected from disclosure by the attorney-client privilege or any other applicable privilege. Newburgh may produce responsive documents without waiving this objection.

5. Newburgh objects to the extent the Data Requests seek information or documents which are neither relevant nor material to, or are outside the scope of, the subject-matter involved in this proceeding, and which are not reasonably calculated to lead to the discovery of admissible evidence.

6. Newburgh objects to the Data Requests to the extent they purport to impose any obligation, including but not limited to an obligation to supplement responses, that is different from or additional to the obligations imposed under the Indiana Utility Regulatory Commission's ("IURC") rules and the Indiana Rules of Trial Procedure.

7. Newburgh objects to the Data Requests to the extent they do not adequately describe the information requested or are otherwise overly broad and unduly burdensome. Newburgh will conduct a reasonable search of its records where responsive information may be found without undue burden and will produce such documents that are not subject to privilege or other objection.

8. Newburgh objects to the Data Requests to the extent they are not limited to any stated period of time or specify a period of time that is longer than is relevant to this proceeding or is otherwise overly broad and unduly burdensome.

9. Newburgh objects to the Data Requests to the extent they request that Newburgh perform a study, conduct an analysis or otherwise prepare information that does not currently exist.

10. Newburgh objects to the Data Requests because its Motion to Dismiss Chandler's petition initiating this cause is pending, the granting of which would make the Data Requests moot.

11. Newburgh objects to the Data Requests for seeking information beyond the scope of the IURC's limited jurisdiction over municipal sewer utilities such as Newburgh's.

Without waiving the foregoing objections, Newburgh now responds as follows:

Data Requests

Q 2.1: *Please provide a map showing the Town of Newburgh's existing wastewater collection system serving the overlap area with the Town of Chandler including the following:*

- a. Gravity sewer lines (pipe diameters, discharge location, and size of the downstream sewer at connection location);*
- b. Lift stations (lift station name or identifier) Please also provide a list by lift station showing: design capacity, number of pumps, pump capacities, wet well volumes and detention times, invert elevations of influent sewer(s), and boundary of the areas served by the lift station, if available;*
- c. Force mains (pipe diameter and length), force main discharge locations, and size of the downstream sewer at the discharge location.*

Response: The data file containing the requested map is too large to be conveniently emailed so Newburgh will provide to the OUCC a computer disk containing it. As to subpart b. of the request, however, Newburgh does not maintain a list of lift stations showing the requested information and it objects to creating such a list. Without waiving its objections, Newburgh will provide a spreadsheet showing its lift stations' design capacity, number of pumps and single pump capacities as well as the size and length of the force mains associated with each lift station, the impeller elevations, maximum force main elevations, total dynamic head, and downstream discharge gravity sewer pipe size.

Q 2.2: *Does the Town of Newburgh have a Master Plan for the wastewater collection and treatment system?*

Response: Yes.

Q 2.3: If the Town of Newburgh has a Master Plan, please provide a map showing planned improvements to serve the overlap area with the Town of Chandler, including projected future flows and basis (i.e. number and type of units), sanitary sewer extensions, locations and capacities of future lift stations and force mains.

Response: Newburgh does not have a map showing the requested information and it objects to creating such a map. Without waiving its objections, however, Newburgh will provide data files containing its Master Plan from 1999 as well as its updates to that plan over the subsequent years. These files are too large to be conveniently emailed so Newburgh will provide to the OUCC a computer disk containing them.

Explanation of Files on CD
Provided in Response to the
Second Data Request Set Issued by the
Indiana Office of Utility Consumer Counselor
IURC Cause No. 44516

November 24, 2014

1) Figure 3 – Current Service Area and Planning Area Map (1999)

The planning area for this report includes the then-current (1999) Town of Newburgh service area, as well as a planning area generally bounded to the West by I-164; to the south by the Ohio River; to the East by the Yankeetown Highway and the Warrick County Line; and to the North along Olmstead Road, Oak Grove Road, Highway 261, and Baker Road. The planning area includes approximately 39,400 acres (61.5 square miles). These planning area limits were determined (in 1999) based upon input received from town officials as to certain unsewered areas, as well as particular undeveloped regions which might be serviced by the Town of Newburgh's collection and treatment system.

2) Figure 5 – Original Sub Drainage Basin Map (1999)

Drainage basins play a major role in the feasibility considerations and engineering design of wastewater collection systems. Gravity sewer systems must follow the natural drainage pattern of the land. Figure 5 shows 18 drainage basins in relation to the planning area.

3) Figure 6 – Super Basin Location Map (1999)

The then-existing service area has been divided into four (4) main "Super" drainage basins. These basins include Lift Station No. 2, Pecka Interceptor, Cypress Interceptor, and Victoria Lift Station. These basins were selected since all wastewater flows into the Town's treatment facility arrive via one of the above listed sources. These "Super" basins are shown in Figure 6 in relation to the planning area.

4) Drawing 01 – Areas for Potential Development (2003)

After completion of the 2002 SWMM hydraulic model of the collection system, it became apparent that certain improvements to the collection system would be necessary in order to ensure adequate capacity within the system. Drawing 01 shows areas where potential growth could occur. The update to the 1999 Master Plan cites areas in the western part of the collection system as having the highest potential for growth. The focus of this master plan update was to determine alternates needed to gain capacity in the western side of the collection system.

5) Drawing 02 – Trunk Line Loading (Current 2003)

In 2003, the system was broken down into three parts, which included the Victoria collection system, the Pecka Interceptor, and the Old Plant Trunk Line. The Old Plant system was over capacity and sanitary sewer overflows were reported in the system as a result of hydraulic overloading during storm events. This hydraulic overload of the system was also confirmed when the SWMM modeling was completed in 2002. This 2003 master plan update focused on the need to redirect flows from the southern Old Plant system. This concept grew into the need for a centralized west lift station.

6) Drawing 03 – Trunk Line Loading (Future 2003)

Further planning efforts in 2003 lead to the concept of a project coined the Westside Master Lift Station (MLS). The MLS project allowed for the redirection of the Colonial Hills, Epworth, and Triple Crown Lift Stations as well as the elimination of the Rabbit Run Lift Station. Collectively, this reconfiguration of the system opened up capacity in the collection system, which resulted in the ability to service the rapid development of the western portions of the system.

7) Exhibit 02 – Westside Master Plan, Future Sanitary Sewer Service Master Plan (2007)

After construction of the MLS, Town officials recognized the need to continue planning efforts for the rapidly developing western portions of the system. In 2007, the Town continued studies on the Epworth Road corridor. The first phase of the plan called for a new lift station, force main, and gravity sewer to provide service from SR 66 to SR 62 to the north. The 2007 efforts were driven by the fact that a hospital and other support medical facilities were under construction in the territory. Warrick County also established a TIFF district along the corridor and that area is depicted on the Exhibit 02 map.

8) Table 01 – Sanitary Lift Station Information (2014)

This spreadsheet contains operational characteristics of Newburgh's ten lift stations in Newburgh's sewer territory that is also within four miles of Chandler's municipal boundary, aka the overlap area.

9) Overlap Map Dated November 24, 2014

This map shows Newburgh's manholes, the size and general location of its sewer lines, the locations of the lift stations, and proposed projects that are located within the overlap area. Looking ahead, two projects are in the works for 2015. Bids are scheduled to open on the Epworth Road Sanitary Sewer Extension project on December 3, 2014. This projected \$5.0 million project is being funded by the Indiana Finance Authority under the direction of the State Revolving Fund. Also, a preliminary engineering report (PER) for a separate project, the proposed Kingston Lift Station Elimination project, is currently underway. The construction start date for this \$1.0 million project is projected to be May 2015.

From: [Miller, Clayton](#)
To: [Levay, Daniel](#)
Cc: [UCC Info Mgt](#)
Subject: Newburgh's responses to OUCC DR set #2
Date: Monday, November 24, 2014 6:36:56 PM
Attachments: [administrator@bamberger.com 20141124 184922.pdf](#)

Dan,

Attached are the Town of Newburgh, Indiana's objections and responses to the OUCC's second data request set in IURC Cause No. 44516. Two of the responses refer to providing files on a CD, which I expect to receive, and deliver to your office, tomorrow or Wednesday at the latest.

- Clay

Clayton C. Miller
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cmiller@bamberger.com



Bamberger, Foreman,
Oswald & Hahn, LLP

Bamberger, Foreman, Oswald & Hahn, LLP

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STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF CHANDLER,)
INDIANA, FOR APPROVAL OF)
A REGULATORY ORDINANCE COVERING) CAUSE NO. 44516
UNINCORPORATED AREAS OF WARRICK)
COUNTY, INDIANA)

RESPONSES TO OUCC's FIRST DATA REQUESTS

The Town of Chandler, Indiana respectfully submits its Responses to the First Data Requests from the Office of the Utility Consumer Counselor:

Q 1.1: Please provide a map showing the Town of Chandler's existing wastewater collection system serving the overlap area with the Town of Newburgh including the following:

- a. Gravity sewer lines (pipe diameters, discharge location, and size of the downstream sewer at connection location);
- b. Lift stations (lift station name or identifier) Please also provide a list by lift station showing: design capacity, number of pumps, pump capacities, wet well volumes and detention times, invert elevations of influent sewer(s), and boundary of the areas served by the lift station, if available;
- c. Force mains (pipe diameter and length), force main discharge locations, and size of the downstream sewer at the discharge location.

RESPONSE to Q 1.1 Please see the attached PDF version of the requested map. As to the lift station information, please see the attached spreadsheet.

Q 1.2: Please provide a customer count in the overlap area for the number of residential, commercial, and industrial customers.

RESPONSE to Q1.2 We estimate that there are 1,741 connections in the overlap area. We do not have separate counts for residential, commercial and industrial, but would note we do not believe there are any industrial customers and the majority of customers would be residential.

Q 1.3: For each lift station identified in Q 1.1, please provide the average and peak daily flows in gallons per day for 2013, and 2014 to date, an estimate of the lift station(s)' reserve capacity, and whether the lift station has been sized for future expansion.

RESPONSE to Q 1.3 Please see the attached spreadsheet which contains the requested information on the lift stations.

Q 1.4: Please identify existing gravity sewer segments upsized to serve additional future customers from the overlap area with the Town of Newburgh.

RESPONSE to Q 1.4 We do not have specific areas upsized for future growth. All existing lines are sufficient to cover areas where lines exist and there is no plan to extend mains in the overlap area. As part of a Comprehensive Plan that was created in 2004, all of the stations were upgraded to handle the needs for the area.

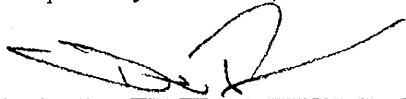
Q 1.5: Does the Town of Chandler have a Master Plan for the wastewater collection and treatment system?

RESPONSE to Q 1.5 We do not have a Master Plan. The only area we had plans to extend is in the upper North West section of the overlap area.

Q 1.6: If the Town of Chandler has a Master Plan, please provide a map showing planned improvements to serve the overlap area with the Town of Newburgh, including projected future flows and basis (i.e. number and type of units), sanitary sewer extensions, locations and capacities of future lift stations and force mains.

RESPONSE to Q 1.6 We do not have a Master Plan. The upper North West area we were considering has not been designed.

Respectfully Submitted,



David L. Pippen, Atty No. 18430-49

Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
317/684-5000
317/684-5173 (telefax)

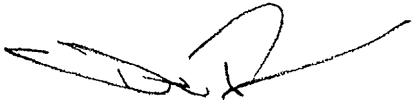
Attorneys for Town of Chandler, Indiana

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the following by electronic delivery or mailed, postage prepaid, in the United States Mail, this December 3, 2014 to:

Clayton C. Miller
Bamberger, Foreman, Oswald & Hahn, LLP
201 N. Illinois Street, Suite 1225
Indianapolis, Indiana 46204

Indiana Office of Utility Consumer Counselor
PNC Center, Suite 1500 South
115 West Washington Street
Indianapolis, IN 46204



David L Pippen

Bose McKinney & Evans LLP
111 Monument Circle, Ste. 2700
Indianapolis, IN 46204
317-684-5000

From: [Garner, Dannalyn](#)
To: [Levay, Daniel](#); [UCC Info Mgt](#); cmiller@bamberger.com
Cc: [Pippen, David](#)
Subject: Responses
Date: Wednesday, December 03, 2014 10:19:51 AM
Attachments: [0108_001.pdf](#)
[Chandler SSM-S-LS with Nwgh 4MB 24x36 Final Version.pdf](#)
[OUCC LS Info.xlsx](#)
Importance: High

Attached are the Responses to OUCC's First Data Requests. Hard copy to follow via First Class U.S. Mail. Should you have any questions, please contact our office. Thank you

Dannalyn G. Garner | Administrative Assistant to David Pippen |
Environmental Law
Bose McKinney & Evans LLP | www.boselaw.com
111 Monument Circle | Suite 2700 | Indianapolis, Indiana 46204
DGarner@boselaw.com | P 317-684-5227 | F 317-223-0227 |

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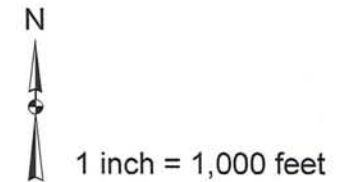
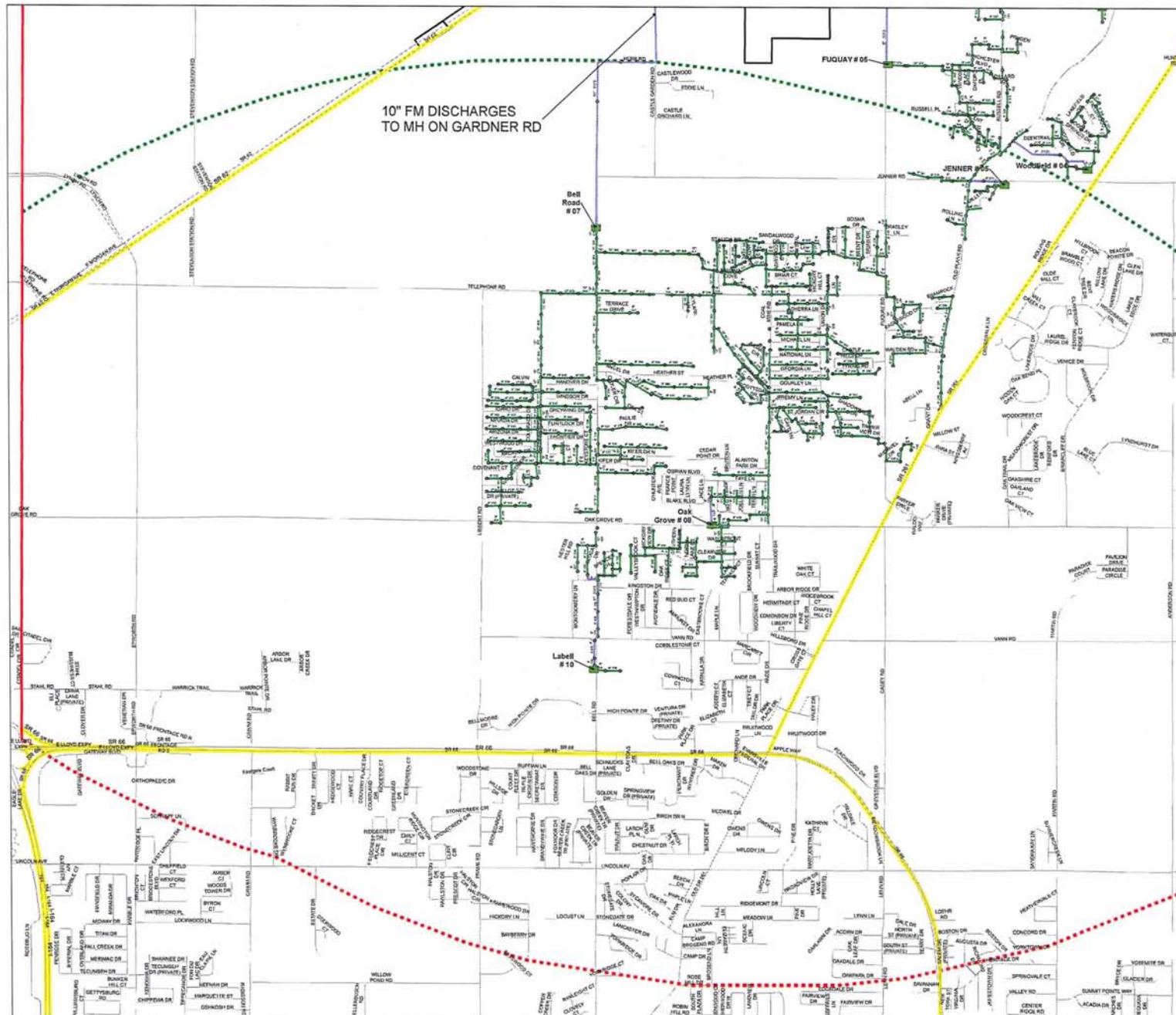
Lift Station Information
Chandler Utilities
Overlap Area

| Lift Station Name/Number | Design Capacity | Number of Pumps | Pump Capacity (each) | Wet Well Volume | Detention Time | Distance - invert to floor | 2013 | 2014 |
|-----------------------------|--------------------|-----------------------|----------------------------|--------------------|-------------------|----------------------------------|--|--|
| | | | | | | | Average/Peak Flow (gallons per day) | Average/Peak Flow (gallons per day) |
| Jenner - 05 | .4104 MGD | 2 | 285 gpm | 1,374 gal. | 3.0 hrs. | 6.5 ft. | 4,151/16,804 | 3,790/29,993 |
| Bell - 07 | 1.44 MGD | 2 | 1000 gpm | 4,697 gal. | 12 min. | 8.0 ft. | 368,987/2,598,958 | 374,485/2,042,314 |
| OakGrove - 08 | .288 MGD | 2 | 200 gpm | 1,151 gal. | 26.6 min. | 4.0 ft. | 35,434/124,700 | 32,350/155,272 |
| Labelle - 10 | .324 MGD | 2 | 225 gpm | 1,726 gal. | 3.0 hrs. | 6.0 ft. | 12,701/276,000* | 7,591/36,963 |

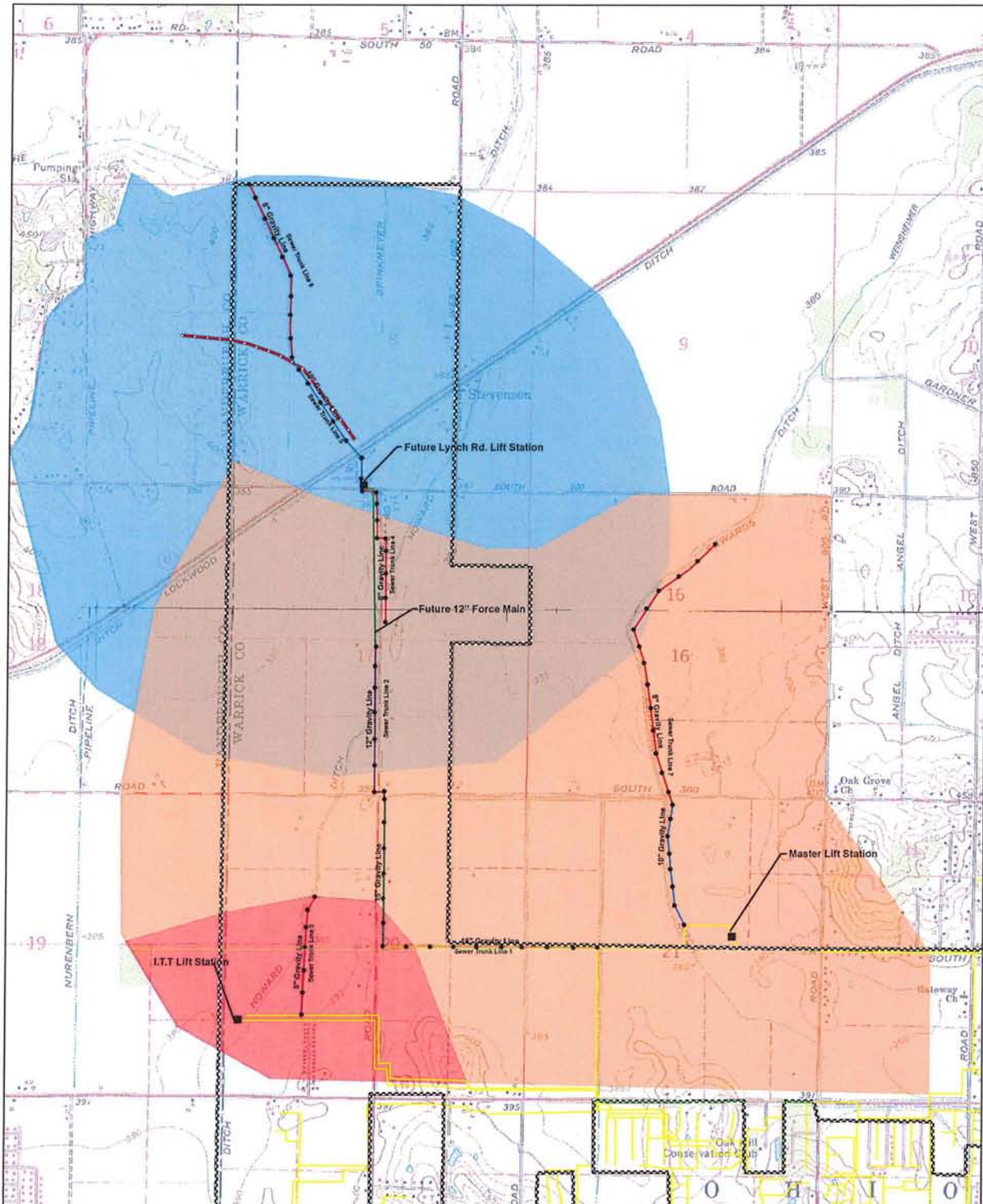
* Peak flow was due
to problem during
construction

Design capacity is based on single pump running for 24 hours. Each station is automated to allow two pumps to run at same if needed. Each station is configured in a lead lag set up and each station is fitted with alarms and data collection.

**SANITARY SEWER MAPPING
TOWN OF CHANDLER, INDIANA
SANITARY SEWERS
IN OVERLAP AREA**



**TOWN OF NEWBURGH
WEST SIDE MASTER PLAN
FUTURE SANITARY SEWER SERVICE MASTER PLAN**



This map was prepared using data from the following sources:
Center for Advanced Applications in GIS - Purdue University
Indiana Department of Environmental Management
Indiana Department of Natural Resources - Division of Water
Indiana Lands - Public Land Survey System
Natural Resources Conservation Service
U.S. Census Bureau - 2000 Census
U.S. Geological Survey
Warrick County GIS

Prepared By:
**COMMONWEALTH
ENGINEERS, INC.**

| Legend | |
|--------|-----------------------------|
| • | Future Manholes |
| ■ | Lift Stations |
| ~~~~~ | TIF District |
| --- | Lynch Road |
| --- | Proposed Sewer |
| --- | Existing Sewer |
| ■ | I.T.T. L.S. Service Area |
| ■ | Master L.S. Service Area |
| ■ | Lynch Rd. L.S. Service Area |



EXHIBIT 2

1 inch = 800 feet


September, 2007

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing *OUCC Testimony of James T. Parks: Public's Exhibit No. 1* has been served upon the following counsel of record in the captioned proceeding by electronic service on December 16, 2014.

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Daniel M. Le Vay, Atty. No. 22184-49
Deputy Consumer Counselor

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