

OFFICIAL EXHIBITS

IURC Cause No. 45568
Granger Water's Second Supplemental Response to OUCC DR 4
November 8, 2021

Q-4-6: Please provide copies of all communications on the subject of extending municipal water to the Hills at St. Joe Farm Major Subdivision between Mishawaka Utilities and Granger Water Utility, any entity on behalf of Granger Water Utility, or any affiliate of Granger Water Utility. If no other communications exist other than those in Attachment JPM-6, Water System Management Plan, pages 73 to 77, so state.

Objection: Granger Water objects to the Data Request on the basis of the foregoing general objections.

Original Response to Q-4-6:

There were no additional communications other than those provided in Attachment JPM-6. Granger did meet with the city administration, but nothing came from said meeting and no written notes or minutes were taken.

Supplemental Response to Q-4-6:

In the course of preparing its response to OUCC Data Request Set No. 8, Q-8-14, Granger Water discovered additional responsive documents that existed on the date of the original response, which are produced in response to Data Request 8-14. Also, additional correspondence with Mishawaka occurred after the date of the initial response -- to the extent Granger Water is under a duty to seasonably supplement its response with those more recent communications, Granger Water produces such additional correspondence also in response to Data Request 8-14. Other than the above, there were no additional communications other than those provided in Attachment JPM-6. Granger did meet with the city administration, but nothing came from said meeting and no written notes or minutes were taken.

IURC
PUBLIC'S
EXHIBIT NO. CX-4
11-15-21 AT
DATE REPORTER

Q-8-14: Please provide all communication between the City of Mishawaka and Petitioner or any of its affiliates or principles discussing whether Mishawaka would permit an extension to its system to provide service to the Hills.

Objection: Granger Water objects to the Data Request on the basis of the foregoing general objections.

Response:

See Attachment OUCC 8-14.



Patrick Matthews <pat@7.diamonds>

Re: The Hills Major Sudbivision

1 message

Patrick Matthews <pat@7.diamonds>
To: Dave Majewski <dmajewski@mishawaka.in.gov>

Thu, Jun 4, 2020 at 2:20 PM

Thank you! Pleasure to visit with you today!
Pat

On Thu, Jun 4, 2020 at 2:06 PM Dave Majewski <dmajewski@mishawaka.in.gov> wrote:

Hi Patrick,

I have attached the letter for you. Mishawaka Utilities does not have the infrastructure or any plans in the near future to run water main to the area in question.

If you have any questions feel free to call.

Good luck with your project.

Regards,

Dave

David Majewski

Mishawaka Utilities Water Division

Manager

(574)258-1652

dmajewski@mishawaka.in.gov



From: Patrick Matthews <pat@7.diamonds>
Sent: Friday, May 29, 2020 1:52 PM
To: Dave Majewski <dmajewski@mishawaka.in.gov>
Subject: The Hills Major Sudbivision

>>> FROM EXTERNAL SENDER <<<

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dave,

My name is Pat Matthews and my company is developing a new subdivision in Granger, IN. I am also building a potable water plant to supply to the community. The subdivision is north of the toll road, between Currant Rd and Bittersweet Rd.

As you know, IDEM requires that I notify regional water districts in the area of the new neighborhood facility. Can you please review the attached letter and return with your interest.

Thank you in advance for your assistance.

Thank you,

Patrick Matthews

Granger Water Utility LLC

574.315.9668 cell



Patrick Matthews <pat@7.diamonds>

Re: The Hills at St Joe Farms - City-County-Developer Meeting

1 message

Patrick Matthews <pat@7.diamonds>

Thu, Jul 23, 2020 at 1:10 PM

To: Andrew Lemberis <alemberis@dlz.com>

Cc: Bill Schalliol <BSchalliol@sjcindiana.com>, "Stephanie Cerling, P.E." <scerling@dlz.com>, Dave Majewski <dmajewski@mishawaka.in.gov>, Pat Matthews <jpm.fbb@gmail.com>

All,

I have blocked Wed Aug 5, 10:00am for a meeting. Please send the calendar invite with location details. I am perfectly comfortable with a face to face meeting, but open to whatever the group decides.

Thanks
Pat

On Thu, Jul 23, 2020 at 8:58 AM Andrew Lemberis <alemberis@dlz.com> wrote:

Bill,

Will do. We will develop a draft agenda and suggested graphics for your review and input.

Thanks,
Andy

From: Bill Schalliol <BSchalliol@sjcindiana.com>

Sent: Thursday, July 23, 2020 8:34 AM

To: Andrew Lemberis <alemberis@dlz.com>

Cc: Stephanie Cerling, P.E. <scerling@dlz.com>; Dave Majewski <dmajewski@mishawaka.in.gov>; Pat Matthews <jpm.fbb@gmail.com>

Subject: RE: The Hills at St Joe Farms - City-County-Developer Meeting

EXTERNAL: Message origin is from an external network. Use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Andy –

While I cannot speak for Pat, I am happy to come to Mishawaka City Hall for the meeting. If you could circulate an agenda prior to the meeting, that would be helpful so that we are properly prepared with any exhibits we might need to bring.

Sincerely,

Bill Schalliol

William "Bill" Schalliol, Esq.

Executive Director of Economic Development

Department of Infrastructure, Planning & Growth

St. Joseph County, Indiana

227 W. Jefferson Blvd. I 11th Fl.
South Bend, IN 46601

P: (574) 235-9812 | M: (574) 876-6363 | F: (574) 235-5057

www.sjcindiana.com

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender and delete the material from any computer.

From: Andrew Lemberis <alemberis@dlz.com>

Sent: Thursday, July 23, 2020 8:21 AM

To: Bill Schalliol <BSchalliol@sjcindiana.com>

Cc: Stephanie Cerling, P.E. <scerling@dlz.com>; Dave Majewski <dmajewski@mishawaka.in.gov>; Pat Matthews <jpm.fbb@gmail.com>

Subject: RE: The Hills at St Joe Farms - City-County-Developer Meeting

Bill,

Thanks for the quick response. We confirmed that 10am on August 5th works. It may be easier to meet face-to-face. If this would work, we could meet at Mishawaka City Hall. If not, I can setup a Zoom meeting.

We want to make the best use of everyone's time. Please let us know if you would like to discuss the agenda or meeting materials before the Aug 5th.

Andy

From: Bill Schalliol <BSchalliol@sjcindiana.com>
Sent: Wednesday, July 22, 2020 4:53 PM
To: Andrew Lemberis <alemberis@dlz.com>
Cc: Stephanie Cerling, P.E. <scerling@dlz.com>; Dave Majewski <dmajewski@mishawaka.in.gov>; Pat Matthews <jpm.fbb@gmail.com>
Subject: RE: The Hills at St Joe Farms - City-County-Developer Meeting

EXTERNAL: Message origin is from an external network. Use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Andy –

Thank you for the note. At this point, the August 5th timeslot would work best for Pat and myself. We have a 9 am call for the Hills project with our project team, but we could be free by 10 am if that works for the Mayor and others.

Bill Schalliol

William “Bill” Schalliol, Esq.

Executive Director of Economic Development

Department of Infrastructure, Planning & Growth

St. Joseph County, Indiana

227 W. Jefferson Blvd. I 11th Fl.
South Bend, IN 46601

P: (574) 235-9812 | M: (574) 876-6363 | F: (574) 235-5057

www.sjcindiana.com

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender and delete the material from any computer.

From: Andrew Lemberis <alemberis@dlz.com>
Sent: Wednesday, July 22, 2020 1:50 PM
To: Bill Schalliol <BSchalliol@sjcindiana.com>
Cc: Stephanie Cerling, P.E. <scerling@dlz.com>; Dave Majewski <dmajewski@mishawaka.in.gov>
Subject: The Hills at St Joe Farms - City-County-Developer Meeting

Bill,

The City would like to discuss the potential of supplying Mishawaka Utilities' water to The Hills at St. Joe Farms. The following dates are available for the City:

- August 5th in the morning (this is the preferred date)
- August 3rd from 1pm – 3pm.

The anticipated attendees from the City are Mayor Dave Wood, Ken Prince, Chris Jamrose and Dave Majewski.

We anticipate that Stephanie Cerling and I would attend from DLZ.

Please let us know the preferred date/time for the County and Mr. Matthews.

Please email/call if you have any questions or would like additional information.

Thanks,
Andy

Andrew Lemberis | Vice President

574-236-4400 x635 (office) | 574-514-3713 (cell)
alemberis@dlz.com | www.dlz.com



INNOVATIVE IDEAS
EXCEPTIONAL DESIGN
UNMATCHED CLIENT SERVICE

LinkedIn | Twitter | Facebook | Issuu



Patrick Matthews <pat@7.diamonds>

Fwd: Granger Water

1 message

Patrick Matthews <pat@7.diamonds>
To: Dave Majewski <dmajewski@mishawaka.in.gov>

Fri, Oct 8, 2021 at 5:16 PM

Dave,

The attached scan w highlights (underlined text) will direct you more quickly to the comments related to you and to Mish Utilities. Thanks for your time. I will follow up with you on Monday. Apologies for the quick turn, but I am on the clock with respect to our comments and case with the IURC.

Thanks
Pat Matthews
574.315.9668 cell

----- Forwarded message -----
From: **Diane Lau** <diane@7.diamonds>
Date: Fri, Oct 8, 2021 at 5:13 PM
Subject: Granger Water
To: Pat Matthews <pat@7.diamonds>

 **OUC Parks' Testimony_compressed.pdf**
2724K



Patrick Matthews <pat@7.diamonds>

Granger Water Position Letter

1 message

Patrick Matthews <pat@7.diamonds>

Sun, Oct 24, 2021 at 4:49 PM

To: Dave Wood <dwood@mishawaka.in.gov>

Cc: Joe Grabill <joegrabill@bhhsni.com>

Bcc: "McGimpsey, David T." <david.mcgimpsey@dentons.com>

Mayor Wood,

Thank you for your time Tuesday, Oct 19, to discuss the issues I am facing with the OUCC and IURC.

My rebuttal testimony is due this Tuesday, Oct 26. I am asking that I may receive a letter in time to include as an exhibit to my testimony from the City of Mishawaka confirming the City's position on extending water service to This Hills at St. Joe Farm Subdivision north of the toll road in Granger, IN.

Thank you in advance for your assistance in this matter.

Thank you,

Pat Matthews

c: 574.315.9668

e: Pat@7.Diamonds (no ".com" necessary)



Patrick Matthews <pat@7.diamonds>

Fwd: Granger Water Position Letter

1 message

Patrick Matthews <pat@7.diamonds>

Tue, Nov 2, 2021 at 4:42 PM

To: mayor@mishawaka.in.gov

----- Forwarded message -----

From: **Patrick Matthews** <pat@7.diamonds>

Date: Tue, Nov 2, 2021 at 4:37 PM

Subject: Re: Granger Water Position Letter

To: David A. Wood <dwood@mishawaka.in.gov>

Mayor Wood,

Thank you for responding to my request for Mishawaka's position on a water main extension for The Hills subdivision. I was surprised by your response in light of our August 5, 2020 meeting, at which it was my understanding that Mishawaka made it very clear that the city would not be extending water service to the Hills at that time. Based on that meeting, I interpret your email as one that is defending Dave Majewski's statements to the OUC because it is not consistent with what was represented back in August of 2020.

Although disappointing, your letter is not in any way a barrier to our relationship or future projects with the City of Mishawaka.

Thank you,
Pat Matthews

On Tue, Oct 26, 2021 at 3:07 PM David A. Wood <dwood@mishawaka.in.gov> wrote:

Hello Pat,

Sorry I did not get back to you earlier. I have had a death in the family and was at a funeral all day today. I have spoke at length with the City's legal department, Mishawaka Utilities leadership (and others) about your request for letter and have reviewed your draft letter. I have been advised that the City should not send a letter nor get involved in the IURC case for various reasons.

We have offered to allow a study to be done to explore possible connection from the Hills at St. Joe Farm [the Hills] to the City's water utility system. While we are open to serving the broader area, our position is that a study must first be done and the City's rate payers will not bare the cost of extending infrastructure to the development. I have been advised that a study has been requested by Mishawaka Utilities [MU] and rejected by your development group. So it is not entirely factual to say that Mishawaka Utilities declines to extend service to the Hills. It is conceivable that MU could extend water service to the Hill if a study concluded it was feasible, infrastructure was built to City standards and the developers of the Hill or some other entity funded infrastructure extension to the development.

I also did some checking into your reference in the draft letter you provided that MU declined to service the Cobblestone development because we do not wish to service growth northwest of the City. That was not the reason that service by MU was denied to the development. The developers of Cobblestone approached the City several years

ago and requested to connect to the City's water system and agreed to do a study. While MU was initially open to extending water service to that development, it was ultimately determined (based on the completed study) that due to the location, elevation and size of the development, the city's system could not handle the pressure needed to service growth outside the City in that location at that time so it was denied. Further, extending service there could have compromised service and water pressure to our existing customers in the University Park Pressure District including to critical users such as hospitals and medical service providers. That issue is currently being remedied now with the construction of the City's largest water tank on Gumwood, the construction of new Juday Creek Water filtration plant and the Juday Creek Wellfield. Once these three projects are complete in the coming months, MU will be able to service growth in and around Mishawaka with unlimited, clean, safe potable drinking water with outstanding pressure for the very long term at a great value to our customers.

I am sure that this response comes as a disappointment to you. I assure you that is not my intent nor do I wish for this to be a barrier in our relationship going forward. We have many dealings with the IURC and we believe it is very likely that they will contact us in this matter anyway. If they do, we are duty bound to convey to them exactly our position and what we have communicated to you.

Yours in Mishawaka

Dave Wood, Mayor

City of Mishawaka, Indiana

On Oct 24, 2021, at 4:49 PM, Patrick Matthews <pat@7.diamonds> wrote:

>>> FROM EXTERNAL SENDER <<<

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mayor Wood,

Thank you for your time Tuesday, Oct 19. to discuss the issues I am facing with the OUCC and IURC.

My rebuttal testimony is due this Tuesday, Oct 26. I am asking that I may receive a letter in time to include as an exhibit to my testimony from the City of Mishawaka confirming the City's position on extending water service to This Hills at St. Joe Farm Subdivision north of the toll road in Granger, IN.

Thank you in advance for your assistance in this matter.

Thank you,
Pat Matthews
c: 574.315.9668
e: Pat@7.Diamonds (no ".com" necessary)