

FILED
October 28, 2024
INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF THE)
TOWN OF PENDLETON AND TOWN OF)
PENDLETON WATER UTILITY FOR) CAUSE NO. 46087
APPROVAL OF A REGULATORY ORDINANCE)
ESTABLISHING A SERVICE TERRITORY FOR)
THE TOWN'S MUNICIPAL WATER SYSTEM)
PURSUANT TO INDIANA CODE §§ 8-1.5-6-1 ET
ESQ.

INGALLS' SUBMISSION OF DIRECT TESTIMONY OF NEIL STEVENSON

Intervenor, the Town of Ingalls, Madison County, Indiana ("Ingalls"), by counsel, hereby submits the direct testimony of Neil Stevenson. Ingalls has no objection to the City of Anderson's Motion for Extension to Prefile Testimony, filed on October 25, 2024. Given that there is unlikely to be a ruling before the end of the business day today, Ingalls is filing its case-in-chief as a precaution. Ingalls reserves the right to supplement its case-in-chief in the event the motion is granted.

IURC
INTERVENOR'S / Town of Ingalls
EXHIBIT NO. _____
3-13-25
DATE _____ REPORTER _____

Respectfully submitted,

Bradford Hines

Nicholas K. Kile (Atty. No. 15203-53)
Bradford L. Hines (Atty. No. 36648-49)
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204
(317) 231-7768 (Kile)
(317) 231-7409 (Hines)
Fax: (317) 231-7433
Email: Nicholas.kile@btlaw.com
bradford.hines@btlaw.com

OFFICIAL
EXHIBITS

Gregg H. Morelock, Atty. No. 9871-30
BRAND & MORELOCK
6 W. South St.
Greenfield, IN 46140

Phone: (317) 462-7787

Fax: (317) 432-4535

Email: gmorelock@brandmorelocklaw.com

Counsel for Intervenor,
The Town of Ingalls, Indiana

TESTIMONY OF NEIL STEVENSON
On behalf of
THE TOWN OF INGALLS, INDIANA

1 **I. Introduction**

2 **Q1. Please state your name, job title, and business address.**

3 A1. My name is Neil Stevenson and my title is Town Manager/Director of Planning and
4 Development for the town of Ingalls, Indiana. My office is located at 308 North
5 Meridian Street, Ingalls, Indiana 46048.

6 **Q2. Would you please describe your educational and professional qualifications?**

7 A2. I currently serve as the Town Manager and Director of Planning and Development for
8 Ingalls, Indiana. With a Bachelor's in Urban Planning and Development from Ball State
9 University and more than fifteen years of professional experience, I am also an AICP-
10 certified planner, a credential that reflects my commitment to high standards in planning
11 practice, ethics, and professional growth. Previously, I spent twelve years as a Principal
12 Planner with the Madison County Council of Governments, where I led comprehensive
13 planning and public engagement initiatives for several Indiana towns. In my current role, I
14 oversee daily operations, budgeting, strategic planning, and policy implementation,
15 working to build strong community relationships and advance the town's long-term
16 development goals.

17 **Q3. Have you previously testified before the Indiana Utility Regulatory Commission**
18 **("IURC" or "Commission")?**

19 A3. No I have not.

20 **Q4. What is the purpose of your testimony in this proceeding?**

1 A4. The purpose of my testimony is to oppose Petitioner's proposed relief for its proposed
2 service territory, as we already serve customers in that area and it violates our statutory
3 rights under Ind. Code § 8-1-5-2-17(c).

4 **Q5. Are you sponsoring any attachments?**

5 A5. Yes. I am sponsoring Attachment NS-1, which is a copy of a map showing the area Ingalls
6 currently has water infrastructure and is currently serving customers that Petitioner seeks
7 to claim as its exclusive service territory. Attachment NS-1 was prepared or assembled by
8 me or under my supervision and direction.

9 **Q6. Please briefly describe Ingalls' concerns with Pendleton's proposed relief.**

10 A6. Unlike as described in Pendleton's testimony, the proposed ordinance does not exclude
11 Ingalls' service area. Petitioner's proposed service territory, as presented in Exhibit 1 to
12 their Petition, includes areas that already contain Ingalls' existing water infrastructure and
13 current Ingalls customers we are contractually obligated to serve. In addition, to the extent
14 the proposed ordinance could be construed as prohibiting Ingalls from exercising its
15 statutory rights under Ind. Code § 8-1-5-2-17(c) to develop our source of water supply
16 within 25 miles outside of our corporate boundaries, it should be rejected. I recognized that
17 Pendleton has a similar right to develop source of supply within a similar radius outside its
18 limits, but Pendleton should not be permitted to adopt an ordinance that prohibits what the
19 General Assembly allows. We are very concerned if Pendleton's proposed map is
20 approved, it would be to the detriment of Ingalls and its customers.

21 **II. Relief Sought**

22 **Q7. What relief does Ingalls seek in this proceeding?**

1 A7. Ingalls respectfully request the Commission deny Petitioner's proposed service territory as
2 Ingalls already serves customers in the area Petitioner wishes to claim as its exclusive
3 service territory, and approval will infringe on Ingalls' statutory rights.

4 **III. Why Petitioner's Proposed Service Territory should be Denied.**

5 **Q8. You previously mentioned Ingalls already has utility infrastructure and is serving the**
6 **proposed service territory Petitioner wishes to claim as part of their exclusive service**
7 **territory. Please briefly describe the utility infrastructure Ingalls already has and the**
8 **customers Ingalls serves in the proposed service territory.**

9 A8. Located within the proposed Pendleton Ordinance territory, Ingalls has 40,200 feet of water
10 mains, 8 wells, two water treatment plants, 22 fire hydrants, plus multiple other
11 appurtenances. The population in that area that Ingalls already serves is 3,500 people,
12 including three major prison facilities, the Indiana State Police Post, a manufactured
13 housing community, and several individual customers. Ingalls has been serving customers
14 in this area for over 20 years and we have contractual obligations to continue serving the
15 state facilities. I would estimate that the investment in existing infrastructure in this area
16 has been approximately \$8 million, building up that infrastructure with the intent to serve
17 our current and future customers. This amount does not include the \$15 million treatment
18 plant located at the penitentiary that Ingalls maintains. As you can see in Attachment NS-
19 1, we already serve customers in Petitioner's proposed service territory. In addition to the
20 existing infrastructure, Ingalls is in the final phases of designing another treatment plant
21 and water tower in anticipation of future growth. Ingalls has already invested \$400,000 in
22 design, engineering and exploration work.

1 **Q9. If the Commission approved Petitioner's proposed service territory despite Ingalls**
2 **already serving customers and having infrastructure in the ground, would that be a**
3 **prudent use for ratepayer dollars?**

4 A9. No, it would absolutely not be a prudent use of our ratepayers' money or Pendleton's
5 ratepayers' money. We already serve and have infrastructure in the ground. I have
6 absolutely no idea how it would be a prudent use of ratepayer dollars to allow another
7 utility to build a duplicate set of infrastructure to perform the exact same service we are
8 already providing today. Approval of Petitioner's proposed service territory would make
9 the investment Ingalls has made over the last 20-plus years a waste.

10 **Q10. Wouldn't Pendleton's proposed service territory also infringe on Ingalls' statutory**
11 **rights under Ind. Code § 8-1-.5-2-17(c) to preserve and protect its right to develop**
12 **source of supply up to twenty-five (25) miles outside its corporate boundaries?**

13 A10. It appears that it may. Indiana Code § 8-1-.5-2-17(c) gives Ingalls the right to preserve and
14 protect its property rights for water service up to twenty-five (25) miles outside its
15 corporate boundaries. Petitioner's proposed service territory, as shown in Petitioner's
16 Exhibit 1 to its Petition, would extend up to the current eastern and northeastern corporate
17 boundaries of Ingalls. This ordinance should not be construed to take away our statutory
18 rights by fiat.

19 **Q11. Do Pendleton and Ingalls share the same rights under Ind. Code § 8-1-.5-2-17(c)?**

1 A11. As municipalities, both Pendleton and Ingalls enjoy the same rights under the statute. But
2 neither one of us should be permitted to adopt an ordinance that would prohibit the other
3 from doing what the General Assembly has already said we can do.

4 **IV. Recommendation and Conclusion**

5 **Q12. What is your recommendation?**

6 A12. I recommend the Commission deny Petitioner's request for its proposed service territory.

7 **Q13. Does this conclude your direct testimony?**

8 A13. Yes, it does.

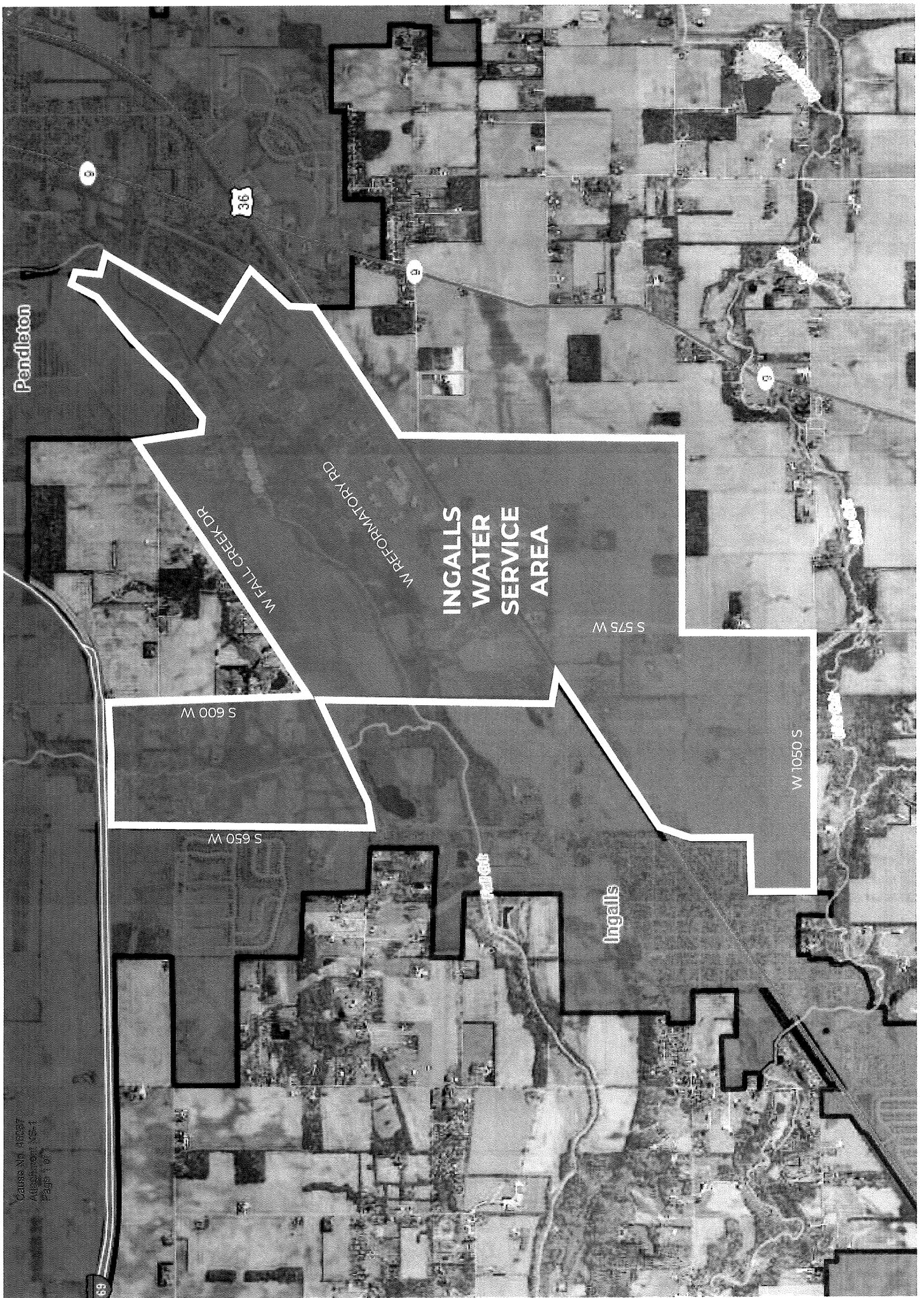
VERIFICATION

I affirm under the penalties of perjury that the foregoing is true to the best of my knowledge, information and belief as of the date here filed.

The Town of Ingalls, Indiana



Neil Stevenson



Pendleton

**INGALLS
WATER
SERVICE
AREA**

W FALL CREEK DR

W RECREATORY RD

S 575 W

S 609 W

S 650 W

W 1050 S

Pendleton

Ingalls

36

36

69

69

69

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the following
counsel of record electronically this 28th day of October, 2024:

Daniel M. LeVay, Atty. No. 22184-49
Indiana Office of Utility Consumer Counselor
115 W. Washington St., Suite 1500 South
Indianapolis, IN 46204
dlevay@oucc.in.gov
infomgt@oucc.in.gov

Jeremy L. Fetty, Atty. No. 26811-06
Aleasha J. Boling, Atty. No. 31897-49
Courtney L. Darcy, Atty. No. 35800-49
PARR RICHEY FRANDBSEN PATTERSON
KRUSE LLP
251 N. Illinois St., Suite 1800
Indianapolis, IN 46204
jfetty@parrlaw.com
aboling@parrlaw.com
cdarcy@parrlaw.com

J. Christopher Janak, Atty. No. 18499-49
Jacob Antrim, Atty. No. 36762-49
BOSE MCKINNEY & EVANS LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
cjanak@boselaw.com
jantrim@boselaw.com

Timothy S. Lanane, Atty. No. 8664-48
Paul Podlejski, Atty. No. 30809-48
City of Anderson, Indiana
22 W. 8th Street
Anderson, IN 46016
tlanane@cityofanderson.com
ppodlejski@cityofanderson.com



Bradford Hines

Nicholas K. Kile (Atty. No. 15203-53)
Bradford L. Hines (Atty. No. 36648-49)
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204
(317) 231-7768 (Kile)
(317) 231-7409 (Hines)
Fax: (317) 231-7433

Email: Nicholas.kile@btlaw.com
bradford.hines@btlaw.com

Gregg H. Morelock, Atty. No. 9871-30
BRAND & MORELOCK
6 W. South St.
Greenfield, IN 46140
Phone: (317) 462-7787
Fax: (317) 432-4535
Email: gmorelock@brandmorelocklaw.com

Counsel for Intervenor
The Town of Ingalls, Indiana