

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**JOINT PETITION OF CITIZENS REGIONAL WATER)
RESOURCES, LLC, OR “CRW,” THE BOARD OF)
DIRECTORS FOR UTILITIES OF THE)
DEPARTMENT OF PUBLIC UTILITIES OF THE CITY)
OF INDIANAPOLIS, OR THE “BOARD,” AS TRUSTEE)
OF THE PUBLIC CHARITABLE TRUST FOR THE)
WATER SYSTEM, D/B/A CITIZENS WATER, AND)
CITIZENS WATER OF WESTFIELD, LLC, FOR: (1))
APPROVAL OF WHOLESALE WATER SUPPLY)
AGREEMENT BETWEEN CRW AND CITY OF)
LEBANON UTILITIES, INCLUDING APPROVAL OF)
CRW TO OPERATE AS A PUBLIC UTILITY IN)
CONNECTION WITH SUCH SUPPLY AGREEMENT;)
(2) APPROVAL OF WHOLESALE WATER SUPPLY)
AGREEMENT BETWEEN CRW AND CITIZENS)
WATER, USING CITIZENS WATER’S CURRENT)
WHOLESALE RATE; (3) GRANTING TO CRW ALL)
NECESSARY AUTHORITY IN CONNECTION WITH)
THE ISSUANCE OF LONG-TERM DEBT IN AN)
AGGREGATE PRINCIPAL AMOUNT OF UP TO)
\$200,000,000.00 IN THE FORM OF AN INDIANA)
FINANCE AUTHORITY STATE REVOLVING FUND)
LOAN, TOGETHER WITH APPROVAL OF A DIRECT)
FUNDING AND GUARANTY AGREEMENT)
BETWEEN CRW AND THE INDIANA ECONOMIC)
DEVELOPMENT CORPORATION, OR “IEDC,”)
WHEREBY IEDC RETAINS FULL RESPONSIBILITY)
FOR REPAYMENT OF THE LOAN; (4) APPROVAL)
OF AGREEMENTS ANCILLARY TO THE)
TRANSACTION INCLUDING A MANAGEMENT AND)
OPERATING AGREEMENT BETWEEN CRW AND)
THE BOARD, AND AN ASSET USE AGREEMENT)
BETWEEN AND AMONG CRW, CITIZENS WATER)
AND CITIZENS WATER OF WESTFIELD, LLC; (5))
APPROVAL OF PROPOSED ALLOCATION OF)
CORPORATE SHARED SERVICES COSTS TO CRW;)
(6) APPROVAL OF DEPRECIATION RATES FOR USE)
BY CRW; AND (7) GRANTING OF THE)
COMMISSION’S CONSENT FOR CRW TO USE)
PROPERTY OWNED BY BOONE COUNTY, INDIANA,)
PURSUANT TO IND. CODE § 36-2-2-23, AND, TO THE)
EXTENT REQUIRED, ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY (“CPCN”) TO PROVIDE WATER)
UTILITY SERVICE IN CERTAIN AREAS OF)
BOONE COUNTY, INDIANA.)**

CAUSE NO. 45896

JOINT PETITIONERS' NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Citizens Regional Water Resources, LLC, the Board of Directors for Utilities of the Department of Public Utilities of the City of Indianapolis (the “Board” or “Citizens Energy Group”), in its capacity as trustee of the public charitable trust for the Water System, d/b/a Citizens Water, and Citizens Water of Westfield, LLC (hereinafter, collectively, the “Joint Petitioners”) respectfully submit notice of their voluntary withdrawal of the Amended Verified Petition (the “Petition”) filed in this Cause on June 23, 2003, and a dismissal of this proceeding without prejudice. In support thereof, Joint Petitioners further state:

1. On June 23, 2023, Joint Petitioners filed the Petition, in which they requested certain approvals from the Indiana Utility Regulatory Commission (“Commission”) related to water supply for a proposed Innovation Development District established by the State of Indiana known as the Limitless Exploration/Advance Pace Lebanon Innovation District (the “LEAP District”).

2. The Petition is supported by Joint Petitioners’ case-in-chief testimony filed on May 26, 2023 and June 23, 2023.

3. On June 30, 2023, the Indiana Office of Utility Consumer Counselor (the “OUCC”) filed testimony recommending that the Commission approve the relief requested in the Petition and described in Joint Petitioners’ case-in-chief testimony.

4. On July 19, 2023, Joint Petitioners filed a motion requesting the Commission stay this proceeding to allow Joint Petitioners to continue discussions with the Indiana Economic Development Corporation in an attempt to resolve certain issues directly related to Joint Petitioners’ case-in-chief testimony (the “Motion to Stay”).

5. On July 19, 2023, the Commission granted the Motion to Stay and stayed this matter until further action by the Commission.

6. Citizens Energy Group remains committed to mutually beneficial regional water supply planning solutions that optimize resources used to serve customers in the City of Indianapolis and other Central Indiana communities, including Lebanon and the LEAP District.

7. At this point, however, the issues that caused Joint Petitioners to request a stay have not been resolved. Moreover, Joint Petitioners believe that if a resolution is reached, it will necessitate material modifications to the Petition and Joint Petitioners' case-in-chief testimony.

8. The undersigned is authorized to represent that the OUCC does not object to Joint Petitioners' voluntary withdrawal of their petition and a dismissal of this proceeding without prejudice. A proposed order for the Commission's consideration is attached hereto as Attachment 1.

WHEREFORE, Joint Petitioners respectfully withdraw their Petition and request the Commission dismiss this proceeding without prejudice.

Respectfully submitted,

**JOINT PETITIONERS:
CITIZENS REGIONAL WATER RESOURCES, LLC;
CITIZENS WATER; and
CITIZENS WATER OF WESTFIELD, LLC**

s/Michael E. Allen
Counsel for Joint Petitioners

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was electronically served
this 5th day of October, 2023, to:

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 BOONE COUNTY, INDIANA.)

CAUSE NO. 45896

BY THE COMMISSION:

David E. Veleta, Commissioner

Ann Pagonis, Administrative Law Judge

On June 23, 2023, Citizens Regional Water Resources, LLC, the Board of Directors for Utilities of the Department of Public Utilities of the City of Indianapolis, in its capacity as trustee of the public charitable trust for the Water System, d/b/a Citizens Water, and Citizens Water of Westfield, LLC (hereinafter, collectively, the “Joint Petitioners”) filed an Amended Verified Petition (the “Petition”) in this Cause. On October 5, 2023, the Joint Petitioners filed their notice of voluntary dismissal without prejudice (the “Notice”). The Notice represents that the Indiana Office of Utility Consumer Counselor does not object to Joint Petitioners’ voluntary withdrawal of their petition and a dismissal of this proceeding without prejudice. Based on the Notice and applicable law, the Commission hereby dismisses this proceeding without prejudice.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. This proceeding is dismissed without prejudice and this Cause is now closed.
2. This Order shall be effective on and after the date of its approval.

HUSTON, BENNETT, FREEMAN, VELETA, AND ZIEGNER CONCUR:

APPROVED:

I hereby certify that the above is a true and correct copy of the Order as approved.

Dana Kosco
Secretary of the Commission