

STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF THE )  
CITY OF VALPARAISO, INDIANA, AND )  
VALPARAISO CITY UTILITIES FOR )  
APPROVAL OF A REGULATORY ORDINANCE ) CAUSE NO. 45306  
ESTABLISHING A SERVICE TERRITORY FOR )  
THE CITY'S MUNICIPAL SEWER SYSTEM )  
PURSUANT TO IND. CODE CH. 8-1.5-6 )

**THE TOWN OF CHESTERTON, INDIANA'S  
MOTION TO WITHDRAW ITS MOTION TO CONSOLIDATE**

The Town of Chesterton, Indiana, an intervening party in the above captioned legal proceeding, acting by and through the Town of Chesterton Utility Service Board,<sup>1</sup> by counsel, respectfully seeks leave from the Commission to withdraw its Motion to Consolidate without prejudice filed on October 29, 2019. In support, Chesterton respectfully states as follows:

1. On October 15, 2019, Valparaiso filed its Verified Petition commencing this legal proceeding and requesting that the Commission approve, pursuant to Ind. Code § 8-1.5-6, a Regulatory Ordinance (the "Valparaiso Ordinance") seeking to establish an exclusive service territory for Valparaiso's municipal sewer system.

2. It should be noted that portions of the service territory in question are immediately adjacent to Chesterton, are subject to Chesterton's master sewer plan, contain municipal sewer lines installed by Chesterton, and are currently being provided municipal sewer utility services by Chesterton.

3. As a result of the foregoing, on October 29, 2019, Chesterton: (i) filed a Verified Petition in Cause No. 45312 requesting that the Commission rule that

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<sup>1</sup> The Town of Chesterton and the Board are hereinafter collectively referred to as "Chesterton."

Chesterton—and not Valparaiso—has the right to provide sewer utility services to portions of the geographic area included in and subject to the Valparaiso Ordinance; and (ii) moved to consolidate this legal proceeding with Cause No. 45312.

4. On November 27, 2019, legal counsel for the parties and intervenors met and conferred telephonically regarding potential procedural schedules in this legal proceeding and Cause No. 45312. During that conference it became evident that consolidation of this legal proceeding with Cause No. 45312 would cause previously unforeseen and unanticipated procedural scheduling difficulties.

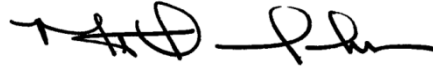
5. As a result, and to avoid any potential procedural scheduling difficulties, Chesterton hereby moves the Commission for leave to withdraw its Motion to Consolidate.

6. Prior to the filing of this Motion, the undersigned counsel contacted legal counsel for Valparaiso and the intervening parties regarding the relief requested in this Motion. Neither Valparaiso nor the intervening parties object to the relief requested in this Motion.

WHEREFORE, the Town of Chesterton, Indiana, acting by and through the Town of Chesterton Utility Service Board, hereby respectfully requests that the Commission: grant the Town of Chesterton, Indiana: (1) leave to withdraw its Motion to Consolidate this matter with Cause No. 45312 without prejudice; and (2) all other and further relief as is just and proper.

This 3<sup>rd</sup> Day of December, 2019

Respectfully submitted,



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by and through the Town of Chesterton  
Utility Service Board*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **THE TOWN OF CHESTERTON, INDIANA'S MOTION TO WITHDRAW ITS MOTION TO CONSOLIDATE** was served by e-mail or by First Class United States mail, postage prepaid, this 3<sup>rd</sup> day of December, 2019, to the following:

**OUC**

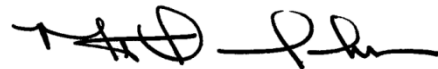
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