

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

COMPLAINT OF CLARK BYRUM AGAINST)
CITIZENS WASTEWATER OF WESTFIELD,) CAUSE NO. 44886
LLC CONCERNING THE PROVISION OF)
WASTEWATER SERVICE)

SUBMISSION OF OMITTED INFORMATION

Pursuant to Indiana Rule of Evidence 106, Citizens Wastewater of Westfield, LLC (“Citizens”) respectfully submits information that was omitted from Exhibit 1 of Complainant Clark Byrum’s *Response to Motion to Dismiss* filed with the Commission on February 24, 2017. In support, Citizens states:

1. Exhibit 1 to Complainant’s *Response to Motion to Dismiss* is a one page document, which spliced together portions of two different emails. These emails were not part of the record considered by the Consumer Affairs Division, and therefore it is improper for the Commission to consider them at this juncture. See 170 IAC 16-1-6(c).
2. To the extent the presiding officer determines that Complainant’s Exhibit 1 should be reviewed, the Commission should consider the entirety of both emails, inclusive of any attachments. Indiana Rule of Evidence 106 provides that “[i]f a party introduces...part of a writing..., an adverse party may require the introduction, at that time, of any other part...that in fairness ought to be considered at the same time.”
3. Complainant’s cut-and-paste approach in his Exhibit 1 removes the context of the email exchanges and unfairly omits relevant information. The Commission should consider the entirety of the email threads, inclusive of any attachments, to reveal the context of the truncated emails presented by Complainant.

4. Attached hereto as Exhibit A is the September 3, 2015 email from Ed Bukovac to scott@langdonrealestate.com, inclusive of its omitted attachment.

5. Attached hereto as Exhibit B is the entirety of the email thread culminating with Ed Bukovac's email to Complainant on March 21, 2016 at 3:19 pm.

Respectfully submitted,



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Attorneys for Citizens Wastewater of Westfield, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the following
by electronic mail and/or U.S. Mail this 21st day of March, 2017:

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EXHIBIT A

Alson, Mark

From: Bukovac, Ed <EBukovac@citizensenergygroup.com>
Sent: Thursday, September 03, 2015 9:49 AM
To: scott@langdonrealestate.com
Subject: 3810 W. 146th Street
Attachments: 2015 Proposed Sewer.pdf

Scott,

Attached is what we would propose to get sanitary sewer to the area. Unfortunately, it is not currently served by any sewer.

At this time there is no intent for Citizens to construct this infrastructure.

Ed Bukovac, P.E.

Corporate Development Strategic Engineer

(317) 730-1386 *Cell*

(317) 927-4588 *Office*



2020 N Meridian St
Indianapolis, IN 46202

February 2015



- Legend**
- Westfield WWTP
 - Existing Lift Stations
 - Existing Sewers
 - Force Main
 - Gravity
 - Proposed Infrastructure**
 - Future LS or LS Upgrade
 - Proposed Forcemain
 - Proposed Interceptor
 - Project No. #
- Basin**
- 156TH
 - Cool Creek/Oak Rd LS
 - JED
 - NW
 - SW
 - VMLS
 - WEST
 - WMLS

Note:
Non-Infrastructure Related
Project Nos. 14 and 17 are
Not Shown

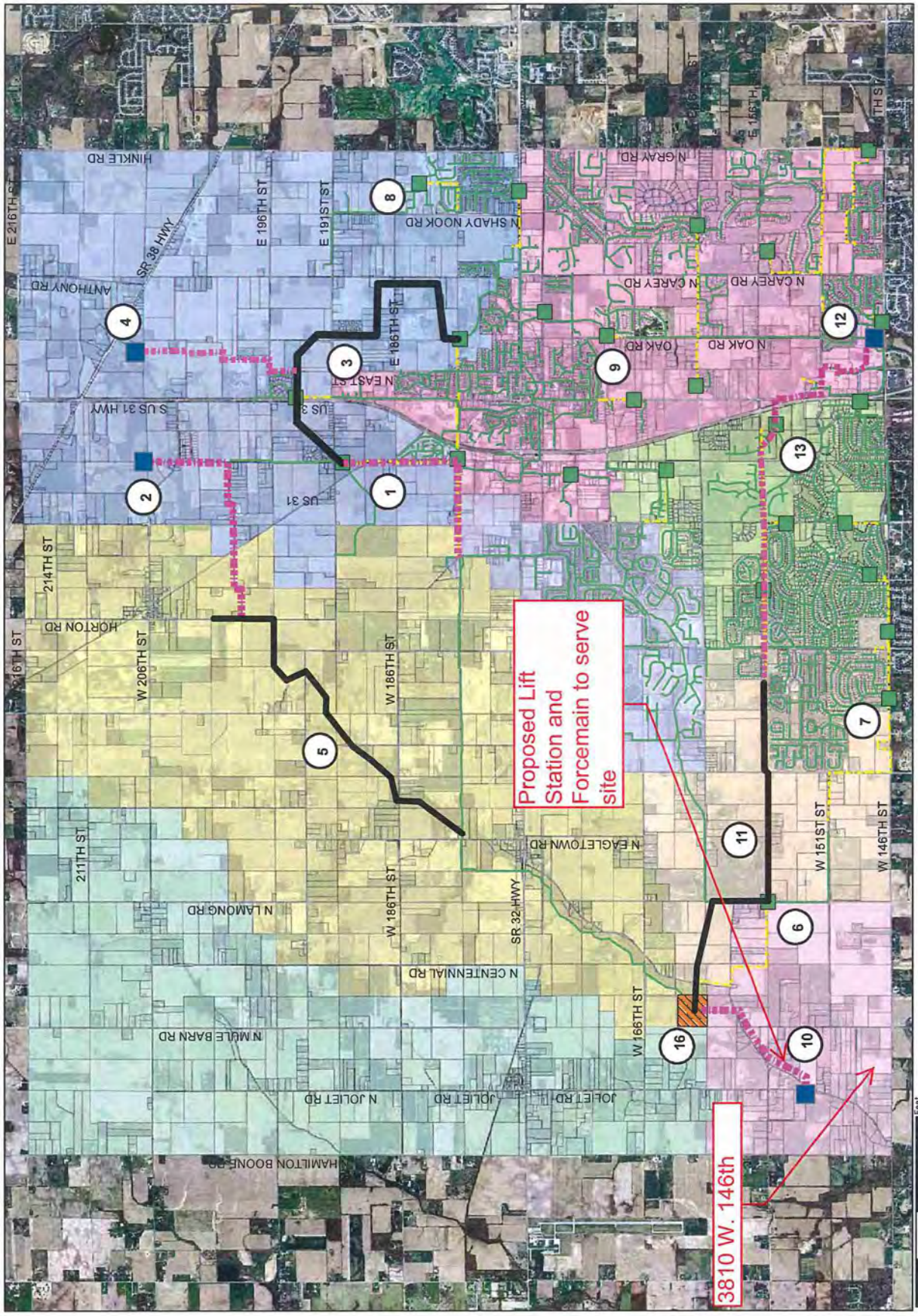


Figure 6.1 - Recommended Future Projects

EXHIBIT B

Alson, Mark

From: Bukovac, Ed <EBukovac@citizensenergygroup.com>
Sent: Monday, March 21, 2016 3:19 PM
To: Clark Byrum
Cc: Edgemon, Randal D.; Mitchell House
Subject: RE: 3810 W 146th Street Property

Mr. Byrum,

You are correct this is within Citizens Westfield's CTA. The site would be served via that lift station as the regional station for that area. However, currently there are no immediate plans to serve this area.

Typically the way that we would serve an area such as yours where no utilities exist or they do not have capacity; is that it is the responsibility of the developer/property owner to provide that infrastructure for what is required to serve that site. IE. If you only need an 8" gravity sewer to serve the site but if we would like a 15" sewer for future growth, you would pay the cost of the 8" and we would pay the remainder. This can be done one of a few ways:

- 1) We, the utility, can provide some cost estimates, and enter into a contract where the developer will pay us up front for what is required for their development. We would then take the risk and construct the infrastructure. (This is what was done with the Harmony Subdivision at 156th and Ditch Road, they needed a 10" sewer and LS and we upsized it to a 42" diameter and larger lift station. They paid us to build the sewer up front).
- 2) The developer can construct the infrastructure and we will reimburse them for the additional cost for any upsizing we require.

Basically, it is the responsibility of the developer to bring infrastructure to serve the site, as specified in our Terms and Conditions with the Indiana Utility Regulatory Commission.

There are some other minor nuances that I would be more than happy to meet and discuss with you if you would like.

Thank you,

Ed Bukovac, P.E.

(317) 927-4588 *Office*

(317) 730-1386 *Cell*

From: Clark Byrum [<mailto:cbyrum@biologicsmodular.com>]

Sent: Monday, March 21, 2016 12:02 PM

To: Bukovac, Ed

Subject: 3810 W 146th Street Property

Ed,

I am one of the General Partners in the Byrum Family Limited Partnership that has owned 32 acres at 3810 West 146th Street in Westfield since 1970. We were annexed in 2005 by Westfield when it became a city. In 2013, Citizens was granted a CTA to service water and wastewater to service our property. Recently, we have been approached by several developers to purchase portions of that property but, they lose interest when they find out that there are no nearby utilities. I have a map from last year about you potential servicing and expansion and it doesn't really give me a sense of timing on the plan for the lift station to the west of our property. Currently, 146th Street expansion is coming to us and I wanted to ask if Citizens is laying utilities with the street expansion?

If Citizens has no plans for expansion of wastewater in that area in the near future (2 years). What alternatives are there to get service to that site? Does Citizens even want to service this site because of where it lies on southern border of Westfield? We are currently working on a zoning change for the property but, if we can't get sewer and water it is

difficult to get a change in zoning for any other purpose than agricultural. We need some insights so we can do some planning. I hope you can help our endeavor. I look forward to your reply. My contact information is below.

Thanks,

Clark



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