

IN THE INDIANA COURT OF APPEALS

CAUSE NO. 19A-EX-2077

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR,	)	Appeal from the
	)	Indiana Utility Regulatory Commission
)	
Appellant (Statutory Representative)	
Below),	)	IURC Cause No: 45043
)	
v.	)	The Honorable James F. Huston,
	)	Chairman
INDIANA-AMERICAN WATER COMPANY,)	
INC.; CITIZENS ACTION COALITION OF)	
INDIANA, INC.; TOWN OF	)	The Honorable Sarah E. Freeman,
SCHERERVILLE, INDIANA; and INDIANA	)	Stefanie Krevda, David Ober, and David
UTILITY REGULATORY COMMISSION	)	E. Ziegner, Commissioners
)	
)	
Appellees (Petitioner, Intervenors and	)	The Honorable David E. Veleta,
Administrative Agency Below).	)	Senior Administrative Law Judge.

**APPELLANT’S VERIFIED STATUS REPORT
AND MOTION TO DISMISS APPEAL**

Appellant, Indiana Office of Utility Consumer Counselor (“OUCC”), by counsel, pursuant to the Court’s September 17, 2019 Order, hereby submits this Status Report regarding proceedings before the Indiana Utility Regulatory Commission (“IURC”), and moves the Court to dismiss the above captioned appeal. In support, the OUCC states as follows:

1. The OUCC initiated this appeal on September 6, 2019 from an Order on Remand issued by the IURC on August 7, 2019.¹

¹ The IURC issued a final order in Cause No. 45043 which the OUCC appealed to this Court under Cause No. 18A-EX-2030. On May 10, 2019, this Court reversed and remanded with instructions to the IURC to issue additional findings.

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2. On August 27, 2019, the OUCC filed with the IURC its Petition for Reconsideration. To preserve judicial review, the OUCC filed a Notice of Appeal on September 6, 2019.

3. On September 12, 2019, the OUCC submitted its Verified Motion for Stay of Appeal ("Motion"), in order to afford the IURC an opportunity to rule on the OUCC's Petition for Reconsideration and, potentially, obviate the need for this appeal altogether.

4. On September 17, 2019, the Court issued its Order granting the OUCC's Motion and remanding the case "so that the IURC may rule on Appellant's petition for reconsideration." The Court directed the OUCC to file a status report regarding the proceedings before the IURC within thirty (30) days making it due on or before October 17, 2019.

5. On October 8, 2019, the IURC issued its Order on Reconsideration, thereby completing the reconsideration process.

6. Having fully considered the matter within the time prescribed by the Court for this filing, Appellant OUCC elects to dismiss its appeal and requests that the Court dismiss the appeal with prejudice, pursuant to Appellate Rule 36(A).

WHEREFORE, the Appellant, OUCC, respectfully submits this timely status report, and requests that the Court dismiss the appeal, and for all other appropriate relief.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "S Franson". The signature is stylized with a large initial "S" and a horizontal line extending to the right.

Scott Franson
Deputy Consumer Counselor
Indiana Office of Utility Consumer Counselor
115 West Washington Street, Suite 1500 South
Indianapolis, IN 46204
(317) 232-2494
Indiana Attorney Number: 27839-49

Appellant Indiana Office of Utility Consumer Counselor's Verified Status Report and Motion to Dismiss Appeal

VERIFICATION

I verify under penalties of perjury that the foregoing factual representations are true and correct.

A handwritten signature in black ink, appearing to read 'Scott Franson', written in a cursive style.

Scott Franson
Deputy Consumer Counselor
Indiana Office of Utility Consumer Counselor
115 West Washington Street, Suite 1500 South
Indianapolis, IN 46204
(317) 232-2494
Indiana Attorney Number: 27839-49

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2019, I electronically filed the foregoing document using the Indiana E-Filing System.

I also certify that on October 17, 2019, the foregoing document was served upon the following persons via the IEFS.

<p><u>Counsel of Record</u></p> <p><u>Indiana-American Water Company, Inc.</u> Nicholas K. Kile Peter J. Rusthoven Barnes & Thornburg LLP nicholas.kile@btlaw.com peter.rusthoven@btlaw.com</p> <p><u>Citizens Action Coalition of Indiana, Inc.</u> Jennifer A. Washburn jwashburn@citact.org</p> <p><u>Town of Schererville, Indiana</u> J. Christopher Janak Kristina Kern Wheeler BOSE MCKINNEY & EVANS LLP jjanak@boselaw.com kwheeler@boselaw.com</p>	<p><u>Office of the Indiana Attorney General</u> Curtis T. Hill, Jr., Attorney General Aaron T. Craft, Deputy Attorney General efile@atg.in.gov Aaron.Craft@atg.in.gov</p> <p><u>Administrative Agency</u> Beth E. Heline, General Counsel Jeremy Comeau, Assistant General Counsel Steve Davies, Assistant General Counsel Indiana Utility Regulatory Commission bheline@urc.in.gov jcomeau@urc.in.gov sdavies@urc.in.gov</p>
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I further certify the foregoing document was served on October 17, 2019, upon the following persons, not designated as Public Service Contacts, via first-class U.S. mail, postage

Appellant Indiana Office of Utility Consumer Counselor's Verified Status Report and Motion to Dismiss Appeal

prepaid, addressed as follows:

<p><u>Counsel of Record</u></p> <p><u>Indiana-American Water Company, Inc.</u> Hillary J. Close Lauren M. Box Barnes & Thornburg LLP 11 South Meridian Street Indianapolis, Indiana 46204</p> <p>David L. Pippen General Counsel Indiana-American Water Company 153 North Emerson Avenue Greenwood, Indiana 46143</p> <p><u>Citizens Action Coalition of Indiana, Inc.</u> Margo Tucker Citizens Action Coalition of Indiana, Inc. 1915 West 18th Street, Suite C Indianapolis, Indiana 46202</p>	<p><u>Administrative Agency Court Reporter</u> Lynda Ruble, Senior Court Reporter Amy Tokash, Court Reporter Indiana Utility Regulatory Commission PNC Center 101 West Washington Street, Suite 1500 East Indianapolis, IN 46204</p>
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Scott Franson
Deputy Consumer Counselor