

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF ELBERFELD, )  
INDIANA, FOR APPROVAL OF ITS ORDINANCE )  
GOVERNING THE PROVISION OF WASTEWATER )  
UTILITY SERVICE TO CUSTOMERS LOCATED IN )  
THE UNINCORPORATED AREAS OF WARRICK )  
COUNTY, INDIANA THAT ARE WITHIN FOUR )  
MILES OF THE TOWN'S INCORPORATED )  
BOUNDARY )

CAUSE NO. 44766

TESTIMONY OF

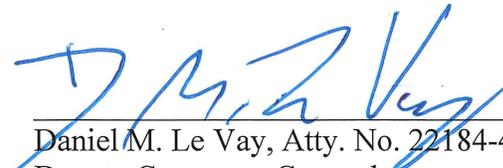
JAMES T. PARKS – PUBLIC'S EXHIBIT NO. 1

ON BEHALF OF THE

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

JUNE 29, 2016

Respectfully submitted,

  
Daniel M. Le Vay, Atty. No. 22184-49  
Deputy Consumer Counselor

**TESTIMONY OF OUCC WITNESS JAMES T. PARKS**  
**CAUSE NO. 44766**  
**TOWN OF ELBERFELD MUNICIPAL WASTEWATER UTILITY**

**I. INTRODUCTION**

1 **Q: Please state your name and business address.**

2 A: My name is James T. Parks, P.E., and my business address is 115 W. Washington  
3 Street, Suite 1500 South, Indianapolis, IN 46204.

4 **Q: By whom are you employed and in what capacity?**

5 A: I am employed by the Office of Utility Consumer Counselor (“OUCC”) as a Utility  
6 Analyst II in the Water/Wastewater Division. My qualifications and experience are  
7 described in Appendix A.

8 **Q: What relief does the Town of Elberfeld seek in this Cause?**

9 A: The Town of Elberfeld (“Elberfeld”, “Petitioner” or “Utility”) seeks Commission  
10 approval of Ordinance 2016-2 to establish the exclusive right to provide wastewater  
11 service in a defined Regulated Territory within its corporate boundaries and in  
12 unincorporated areas of Warrick County within four miles of its corporate  
13 boundaries. According to its petition, Elberfeld considers Indiana Code § 8-1.5-6-  
14 9 to be relevant to the subject matter of this proceeding. (See Elberfeld Petition, p.  
15 2.)

16 **Q: When did Elberfeld first establish the regulated area?**

17 A: Elberfeld established a regulated area for water and wastewater services through  
18 Town Ordinance 2013-3, adopted on March 27, 2013. On May 26, 2016,  
19 Elberfeld’s Town Council replaced Ordinance 2013-3 by adopting Ordinance

1 2016-2 which established a regulated area for only wastewater services. Elberfeld  
2 filed replacement Ordinance 2016-2 with the Commission as a Supplemental  
3 Exhibit to Cause No. 44766 on June 3, 2016.

4 **Q: Please describe the review and analysis you conducted to prepare your**  
5 **testimony.**

6 A: I reviewed the Town of Elberfeld's Petition for approval of its regulatory ordinance,  
7 which it filed pursuant to IC 8-1.5-6-9. I reviewed Petitioner's case-in-chief  
8 consisting of the direct testimony and exhibits of Mr. Dennis A. Miller, Assistant  
9 Utilities Manager of Elberfeld's Water and Sewer Utilities, and Mr. David A.  
10 Hynes, Associate Partner for Commonwealth Engineers, Inc. I participated in  
11 drafting discovery questions to the Town of Elberfeld and reviewed Petitioner's  
12 responses. In particular, I reviewed information Petitioner provided about its plans  
13 for providing wastewater services in its Regulated Territory.

14 **Q: What is the purpose of your testimony?**

15 A: I briefly describe the relief requested by Elberfeld. I discuss the extent of  
16 Elberfeld's wastewater collection and treatment operations and assess its ability to  
17 extend sewer service. I propose that, in assessing whether to grant a municipal  
18 utility the ability to exclude other utilities from providing service, the Commission  
19 consider the demand for services in the regulatory territory proposed.

20 **Q: Does Elberfeld's proposed Regulated Territory overlap with any other sewer**  
21 **utility?**

22 A: Elberfeld asserted it is not aware of any sewer utilities actually or potentially  
23 affected by its Regulatory Ordinance. I found no information that is inconsistent  
24 with that assertion.

## II. ELBERFELD'S WASTEWATER SERVICES

1 **Q: Please describe Elberfeld's wastewater utility.**

2 A: Through its Municipal Water and Sewer Utility, the Town of Elberfeld currently  
3 provides water and wastewater services within its corporate boundaries and in some  
4 areas adjacent to the Town. In his Direct Testimony (page 3), David Hynes,  
5 Associate Partner, Commonwealth Engineers, described Elberfeld's wastewater  
6 utilities. Wastewater infrastructure includes 41,000 lineal feet ("LF") of force  
7 mains and gravity sewers ranging from six to fifteen inches in diameter of which  
8 32,000 LF are vitrified clay pipe ("VCP") from the 1970s. The Utility also has  
9 three lift stations. Elberfeld's wastewater treatment plant design average flow is  
10 149,400 gallons per day ("gpd"). Peak hourly wet weather flow is 431,400 gpd.

11 According to the wastewater facilities description contained in Elberfeld's  
12 wastewater discharge permit<sup>1</sup>, the Utility currently operates a Class I, 0.1494  
13 million gallon per day ("MGD") Sequential Batch Reactor ("SBR") treatment  
14 facility consisting of an influent flow meter, an ultraviolet light disinfection unit,  
15 and an effluent flow meter. Sludge handling facilities include an aerobic sludge  
16 digester with final solids land applied in accordance with land application permit  
17 INLA000692. The collection system is comprised of 100% separate sanitary  
18 sewers by design with no overflow or bypass points.

---

<sup>1</sup> Town of Elberfeld Wastewater Treatment Plant, National Pollutant Discharge Elimination System (NPDES) Permit IN0020788 effective March 1, 2015, issued by the Indiana Department of Environmental Management.

1 **Q: Does Elberfeld currently have excess capacity in its collection system and at its**  
2 **wastewater treatment plant to serve additional wastewater customers?**

3 Q: No. Most days Elberfeld is able to treat all incoming wastewater. But during wet  
4 weather events, when clear water enters into the separate sanitary sewers, the Utility  
5 experiences peak flows exceeding the treatment plant's hydraulic capacity. During  
6 these events, sanitary sewer overflow ("SSOs") occur in the collection system and  
7 at the treatment plant. These SSOs are expressly prohibited by the Utility's NPDES  
8 permit.

9 **Q: Is Elberfeld's wastewater system under any enforcement actions?**

10 A: Yes. In 2007, the Indiana Department of Environmental Management ("IDEM")  
11 initiated an enforcement action against Elberfeld because of its SSOs. Elberfeld  
12 entered into Agreed Order 2007-16901-W with IDEM on September 6, 2007. This  
13 Agreed Order is still active because SSOs are still occurring.

14 **Q: What kind of planning has Elberfeld undertaken to resolve the IDEM Agreed**  
15 **Order and address the SSOs?**

16 A: In response to the IDEM enforcement action, Elberfeld has taken a number of  
17 positive steps. Elberfeld hired Commonwealth Engineers to evaluate the  
18 wastewater system, propose a Compliance Plan, and develop capital improvement  
19 projects to eliminate the SSOs. Commonwealth Engineers also prepared a Master  
20 Plan for Water, Sanitary Sewer, and Drainage in October 2012 that was approved  
21 by the Town Council and is guiding the Town's efforts.

22 **Q: Have you reviewed Elberfeld's 2012 Master Plan?**

23 A: Yes. Based on my review, the Master Plan is comprehensive, well done, and a  
24 good example of planning that can serve as a road map for infrastructure

1 development. It describes the Town's existing utilities and documents the work the  
2 Town has completed to correct system deficiencies.

3 **Q: What is Elberfeld doing to eliminate the SSOs?**

4 A: The Utility previously completed a comprehensive program to locate infiltration  
5 and inflow ("I&I") sources using smoke testing, manhole inspections, sewer  
6 televising, flow monitoring, and flow modeling. Elberfeld addressed the identified  
7 I&I sources by repairing sewer and manhole leaks. Mr. Hynes reports that the I&I  
8 reduction efforts have relieved much of the capacity issues in the collection system.  
9 But according to the Direct Testimony (pages 3 and 4) of David Hynes, despite  
10 reductions of I&I in the sewer system, hydraulic overloading of the wastewater  
11 plant continues.

12 **Q: What treatment plant project is Elberfeld pursuing to combat the hydraulic**  
13 **overloading and provide for future customer growth.**

14 A: According to the Direct Testimony (page 4) of David Hynes, Elberfeld is expanding  
15 the wastewater plant to treat a design average flow of 400,000 gpd and a peak flow  
16 of 1.6 MGD. The expansion is a key element in the Town's Revised Compliance  
17 Plan approved by IDEM on April 27, 2016. The expansion is also sized for future  
18 customer growth north and west of the Town as contemplated by the Master Plan  
19 for Water, Sanitary Sewer, and Drainage.

20 **Q: What other project is Elberfeld pursuing to address the SSO problem?**

21 A: To prevent SSOs within the collection system, Elberfeld is currently finishing a  
22 new trunk line sewer to transport wastewater from the North Warrick Industrial  
23 Park and surrounding area directly to the wastewater treatment plant. The new  
24 trunk line sewer is projected to relieve one-third of the sewage flow currently routed

1 through the town's VCP sewers. This offloading of flow should lessen and possibly  
2 eliminate collection system overflows within the Town.

### III. REGULATED TERRITORY FOR WASTEWATER SERVICES

3 **Q: Where is the Town of Elberfeld's proposed regulated territory for wastewater**  
4 **services?**

5 A: Elberfeld's proposed regulated territory includes all areas located inside its  
6 corporate limits and all territory within four miles of its corporate boundaries in  
7 adjacent unincorporated areas of Warrick County only. Elberfeld included a map  
8 in its Petition as an Exhibit showing the Regulated Territory but the map title is  
9 unreadable. Both Ordinances refer to a map depicting the Regulated Territory  
10 (Section 6 of Ordinance 2013-3 and Section 5 of Ordinance 2016-2) assumed to be  
11 the same map included in the Petition. This map shows the Town of Elberfeld  
12 shaded blue, the Warrick County northwest boundary line as a red dashed line, and  
13 the Regulated Territory boundary within Warrick County as a solid green line. The  
14 center-point of the four-mile radius appears to be located somewhere within the  
15 Town limits. But neither the map nor the Ordinance locate or otherwise identify  
16 the precise center-point.

17 **Q: Does Elberfeld's Regulated Territory include land in any other County?**

18 A: No. In response to discovery, Elberfeld stated that its requested Regulated Territory  
19 only includes northwest Warrick County and does not extend into adjacent  
20 Vanderburgh or Gibson Counties. The proposed regulated Territory also does not  
21 extend west of the Interstates I-69 / I-64 interchange. Elberfeld explained that it  
22 elected not to cross county lines with its proposed regulated territory in order to  
23 avoid potential conflict with neighboring counties and the political subdivisions

1 within those counties. Attachment JTP-1 provides Petitioner's responses to OUCC  
2 discovery questions.

3 **Q: Why did the Town adopt the regulatory ordinance?**

4 A: According to Mr. Miller, Elberfeld is investing in its wastewater infrastructure and  
5 "expects to rely on the monthly income stream from its wastewater customers in  
6 order to service the debt on its wastewater capital improvements, and confirming  
7 the Town's exclusive territorial rights to provide such service helps secure that  
8 income stream." (Dennis Miller testimony, page 3)

9 Mr. Hynes testified the area outside Elberfeld is poised to attract new  
10 businesses and residents, but wastewater services are needed. He added that  
11 Elberfeld is in the best position to provide wastewater services because there are no  
12 other wastewater utilities in this part of Warrick County. Mr. Hynes stated "having  
13 exclusive territorial rights assures the Town will be able to expand its system in  
14 accordance with its Master Plan." (David Hynes testimony, page 6)

15 **Q: Does Elberfeld currently have water distribution mains and sanitary sewers**  
16 **outside its corporate limits?**

17 A: Yes. Elberfeld's water mains and sewers extend outside its corporate boundaries  
18 both to the north and south. In fact, the Town's wastewater treatment plant is  
19 located south of the Town's corporate boundaries.

20 **Q: Is Elberfeld capable of providing wastewater services to the entire proposed**  
21 **regulated territory?**

22 A: Not currently. However, as discussed above, the Town is expanding the wastewater  
23 treatment plant and constructing a new trunk line sewer. The Town also has plans  
24 to extend Elberfeld's wastewater collection system to serve new customers  
25 primarily located to the north and west of Town.

1 **Q: If the Town of Elberfeld is not able to provide sewer service to the entire area,**  
2 **can a property owner still install a private on-site wastewater treatment system**  
3 **such as a septic tank or mound system?**

4 **A:** Yes. Elberfeld stated that where sewer service is not available, a property owner  
5 within the regulated territory will be allowed to install a private system that  
6 otherwise complies with all applicable health code and other regulations.

7 **Q: Regarding Elberfeld's petition to be granted a Regulated Territory, is there**  
8 **currently demand for water and wastewater service in the Regulated**  
9 **Territory?**

10 **A:** The demand for water and wastewater services in the entire Regulated Territory  
11 appears to be unknown. Petitioner does not project this demand or explain how  
12 demand might grow in the future. Petitioner does note the strategic location of land  
13 at the Interstates I-69 / I-64 Interchange, the existing North Warrick Industrial Park,  
14 and the Tax Increment Financing (TIF) District.

15 **Q: Did the OUCC receive any consumer comments?**

16 **A:** No.

#### **IV. OUCC'S POSITION**

17 **Q: Please summarize your conclusions and recommendations.**

18 **A:** Elberfeld Municipal Utilities has existing wastewater infrastructure and the  
19 managerial and technical capabilities needed to extend wastewater services to areas  
20 beyond its corporate limits. In responding to Petitioner's request for relief, as well  
21 as the ability of the municipal utility to extend service, the Commission should  
22 consider the demand for service in the proposed exclusive territory. There appears  
23 to be a potential for demand for wastewater service in the area east of the Interstates  
24 I-69 / I-64 interchange. But as to the other parts of the proposed regulated territory  
25 existing outside Elberfeld's municipal limits, there appeared to be little evidence of

1 demand. Another factor that should be considered is whether granting exclusivity  
2 to such a large area will deter other utilities from extending service to customers  
3 that Petitioner is not yet able to serve. The closest other wastewater utilities appear  
4 to be the Town of Lynnville, which is approximately six miles away, and the Town  
5 of Chandler, which is 8.15 miles away . It seems unlikely that other utilities will  
6 be poised to serve in the regulated territory before Elberfeld. But if that should ever  
7 be the case, hopefully the extent of the exclusive Regulated Territory may be  
8 revisited. In the meantime, the OUCC does not contest approval of Elberfeld's  
9 ordinance.

10 **Q: Does this conclude your testimony?**

11 **A: Yes.**

**Appendix A**

1 **Q: Please describe your educational background and experience.**

2 A: In 1980 I graduated from Purdue University, where I received a Bachelor of Science  
3 degree in Civil Engineering, having specialized in Environmental Engineering. I  
4 then worked with the Peace Corps for two years in Honduras as a municipal  
5 engineer and as a Project Engineer on self-help rural water supply and sanitation  
6 projects funded by the U.S. Agency for International Development (U.S. AID). In  
7 1984 I earned a Master of Science degree in Civil Engineering and Environmental  
8 Engineering from Purdue University. I have been a Registered Professional  
9 Engineer in the State of Indiana since 1986. In 1984, I accepted an engineering  
10 position with Purdue University, and was assigned to work as a process engineer  
11 with the Indianapolis Department of Public Works at the City's Advanced  
12 Wastewater Treatment Plants. I left Purdue and subsequently worked for  
13 engineering consulting firms, first as a Project Engineer for Process Engineering  
14 Group of Indianapolis and then as a Project Manager for the consulting firm HNTB  
15 in Indianapolis. In 1999, I returned to the Indianapolis Department of Public Works  
16 as a Project Engineer working on planning projects, permitting, compliance  
17 monitoring, wastewater treatment plant upgrades, and combined sewer overflow  
18 control projects.

19 **Q: Have you previously testified before the Indiana Utility Regulatory**  
20 **Commission ("Commission")?**

21 A: Yes.

OBJECTIONS AND RESPONSES  
OF THE TOWN OF ELBERFELD, INDIANA  
TO THE  
INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR'S  
FIRST DATA REQUEST SET

**IURC CAUSE NO. 44766**

**June 21, 2016**

**GENERAL OBJECTIONS**

1. The responses below are made solely for the purpose of this proceeding, and are not to be used in any manner in connection with any other proceeding or otherwise.
2. Any response to a Data Request set forth below is subject to all objections as to competence, relevance, materiality and admissibility, and any and all other objections on any applicable grounds, all of which objections and grounds are expressly reserved and may be interposed at the time of the evidentiary hearing in this matter.
3. Inadvertent identification or production of privileged writings or information is not a waiver of any applicable privilege. Production of writings or information does not waive any objection, including, but not limited to, relevancy to the admission of such writings in evidence.
4. The Town of Elberfeld ("Elberfeld") objects to the extent any Data Request seeks disclosure of documents constituting, evidencing or reflecting confidential communications between Elberfeld and its attorneys or documents that are otherwise protected from disclosure by the attorney-client privilege or any other applicable privilege. Elberfeld may produce responsive documents without waiving the foregoing objection.
5. Elberfeld objects to the extent the Data Requests seek information or documents which are neither relevant nor material to, or are outside the scope of, the subject-matter involved in this proceeding, and which are not reasonably calculated to lead to the discovery of admissible evidence.
6. Elberfeld objects to the Data Requests to the extent they purport to impose any obligation, including but not limited to an obligation to supplement responses, that is different from or additional to the obligations imposed under the Commission's rules or, to the extent they apply, Indiana Rules of Trial Procedure.

7. Elberfeld objects to the Data Requests to the extent they do not adequately describe the information requested or are otherwise overly broad and unduly burdensome. Elberfeld will conduct a reasonable search of its records where responsive information may be found without undue burden and will produce such documents that are not subject to privilege or other objection.
8. Elberfeld objects to the Data Requests to the extent they are not limited to any stated period of time or specify a period of time that is longer than is relevant to this proceeding or is otherwise overly broad and unduly burdensome.
9. Elberfeld objects to the Data Requests to the extent they request PEHOA to perform a study, conduct an analysis or otherwise prepare information that does not currently exist.

Notwithstanding and without waiving the foregoing general objections, Elberfeld now responds to the OUCC's data request set #1 as follows:

## II. Data Requests.

- Q 1.1.** *Will the Town of Elberfeld have the ability to provide sewer service to the entire requested regulated territory? Please explain.*

**Response:**

Eventually, yes, but not immediately. Elberfeld's plans for its sewer utility call for it to expand outward from existing facilities, adding treatment capacity over time to accommodate new customers in the requested regulated territory.

- Q 1.2.** *If the Town of Elberfeld is not able to provide sewer service to the entire area, can a property owner still install a private on-site wastewater treatment system such as a septic tank or mound system?*

**Response:**

Yes, where sewer service is not available from Elberfeld, a property owner within the regulated territory will be allowed to install a private system that otherwise complies with all applicable health code and other regulations.

**Q 1.3.** *Does the Town of Elberfeld's requested regulated territory conflict with or overlap with any other regulated territory? If so, please explain.*

**Response:**

Elberfeld is not aware of any such conflict or overlap.

**Q 1.4.** *Please state why the requested regulated territory is only limited to northwest Warrick County and does not extend into Gibson and Vanderburgh Counties.*

**Response:**

Elberfeld elected not to cross county lines with its proposed regulated territory in order to avoid potential conflict with neighboring counties and the political subdivisions within those counties.

**Q 1.5.** *Please explain why the requested regulated territory does not extend to the west side of the I-69 and I-64 interchange.*

**Response:**

The territory on the west side of the referenced highway interchange is outside of Warrick County. Please also refer to Elberfeld's response to Data Request #1.4, above.

**Q 1.6.** *Please describe the technical capabilities of the Town of Elberfeld's wastewater collection and treatment utility.*

**Response:**

Although Elberfeld notes that it is not entirely clear as to what is meant by "technical capabilities," it responds as follows based on data for 2015: Elberfeld's sewer treatment plant is designed to treat up to 149,400 gallons of wastewater per day, with a designed peak daily flow capacity of 431,040 gallons. The actual average daily flow for 2015 was 126,100 gallons, and the minimum daily flow was 26,000 gallons; the latter number may have been the result of an instrument malfunction which has been corrected. The system is a Sequencing Batch Reactor utilizing aeration, activated sludge, mixing and settling for treatment.

**Q 1.7.** *Please describe the financial capabilities of the Town of Elberfeld's wastewater collection and treatment utility.*

**Response:**

Although Elberfeld notes that it is not entirely clear as to what is meant by "financial capabilities," please see the attached Fund Report with Investments for Elberfeld's wastewater utility funds through May, 2016. Elberfeld further notes that its most recent published audit from the State Board of Accounts was for 2010 and 2011. A more recent State Board of Accounts audit of Elberfeld is expected to be released later this summer.

Installed by the TOWN OF ELBERFELD-2016

Fund Report with Investments

All Funds

For the month of May 2016

Grouped By Bank

Ordered By Bank, Fund

FUND	TITLE	BALANCE BEG OF YEAR	REVENUE YTD	DISBURSED YTD	BALANCE BEG OF MONTH	REVENUE MTD	DISBURSED MTD	CURRENT BALANCE	INVESTMENTS	ENDING BALANCE
606	WASTEWATER OPERATING	239475.54	236151.97	194415.62	289226.97	20573.05	28588.13	281211.89	0.00	281211.89
607	WASTEWATER BOND & INT	0.00	77290.00	77290.00	0.00	15458.00	15458.00	0.00	0.00	0.00
608	WASTEWATER BOND RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
609	WASTEWATER CONSTRUCTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
613	WASTEWATER ULT DEPOSITS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1000.00	1000.00
614	WASTEWATER ESCROW-IMPROV	60268.32	3000.00	0.00	62668.32	600.00	0.00	63268.32	55000.00	118268.32
SubTotal Bank 1		299743.86	316441.97	271705.62	351895.29	36631.05	44046.13	344480.21	56000.00	400480.21
**Bank 2										
601	WATER UTILITY OPERATING	112225.34	133766.04	155117.82	95757.63	23836.28	28720.35	90873.56	0.00	90873.56
602	WATER UTL BOND & INTERE	5238.02	6930.20	2468.75	8313.43	1386.04	0.00	9699.47	0.00	9699.47
603	WATER BOND RESERVE	21810.00	0.00	0.00	21810.00	0.00	0.00	21810.00	0.00	21810.00
604	WATER UTL METER DEPOSIT	24986.10	1620.60	117.45	26429.25	60.00	0.00	26489.25	26500.00	52989.25
605	CONSTRUCTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
610	WASTEWATER UTL COLLECTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
611	WATER ESCROW-IMPROVEMENT	46030.42	2500.00	0.00	48030.42	500.00	0.00	48530.42	0.00	48530.42
612	WATER CONSTRUCTION FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SubTotal Bank 2		210289.88	144816.84	157704.02	200340.73	25782.32	28720.35	197402.70	26500.00	223902.70
*** GRAND TOTAL ***		1227269.78	664195.11	701466.61	1175483.98	104614.31	90100.01	1189998.28	255500.00	1445498.28

**Lyons, Mary (OUCC)**

---

**From:** Miller, Clayton <cmiller@bamberger.com>  
**Sent:** Tuesday, June 21, 2016 6:10 PM  
**To:** Levay, Daniel  
**Cc:** UCC Info Mgt  
**Subject:** Town of Elberfeld's responses to OUCC data requests, IURC Cause No. 44766  
**Attachments:** administrator@bamberger.com\_20160621\_180148.pdf

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\* \_\_\_\_\_

Dan,

Attached are the responses of my client, the Town of Elberfeld, Indiana, to the OUCC's data requests in the above-referenced cause.

- Clay

Clayton C. Miller  
Bamberger, Foreman, Oswald & Hahn, LLP  
201 N. Illinois Street, Suite 1225  
Indianapolis, IN 46204  
(317) 822-6786  
cmiller@bamberger.com

---

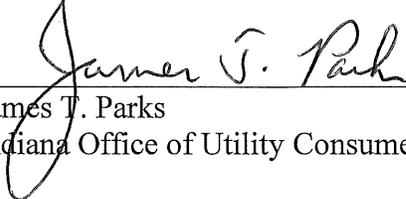
Bamberger, Foreman, Oswald & Hahn, LLP

Bamberger attorneys are licensed in Indiana, Kentucky and Illinois. We have office locations in Evansville, Indianapolis, Princeton, and Poseyville. We handle business client services and transactions, litigation, human resources, health care, wills and trusts, probate, family law, mediations, real estate and zoning. For more information about Bamberger, please visit our webpage at <http://www.bamberger.com>.

This communication constitutes an electronic communication within the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. Please contact us immediately by return e-mail, and destroy the original transmission and its attachments without reading or saving in any manner.

**AFFIRMATION**

I affirm, under the penalties for perjury, that the foregoing representations are true.

  
\_\_\_\_\_  
James T. Parks  
Indiana Office of Utility Consumer Counselor

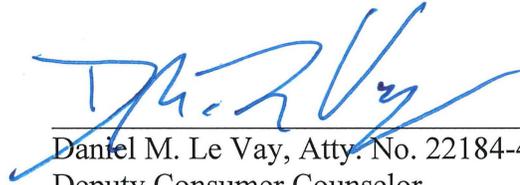
June 29, 2016  
Date

Cause No. 44766  
Town of Elberfeld, IN

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing *OUCC Testimony of James T. Parks: Public's Exhibit No. 1* has been served upon the following counsel of record in the captioned proceeding by electronic service on June 29, 2016

Clayton C. Miller  
Bamberger, Foreman, Oswald & Hahn, LLP  
201 N. Illinois Street, Suite 1225  
Indianapolis, IN 46204  
[cmiller@bamberger.com](mailto:cmiller@bamberger.com)



---

Daniel M. Le Vay, Atty. No. 22184-49  
Deputy Consumer Counselor

**INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR**  
115 West Washington Street  
Suite 1500 South  
Indianapolis, IN 46204  
[infomgt@oucc.in.gov](mailto:infomgt@oucc.in.gov)  
317/232-2494 – Phone  
317/232-5923 – Facsimile