

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)

PETITION TO INTERVENE

The Town of Chesterton, Indiana (“Town”), by and through the Town of Chesterton Utility Service Board (the “Board”),¹ by counsel, hereby respectfully requests leave to intervene and to be made a party in the above-captioned proceeding. In support of its Petition, Chesterton respectfully states as follows:

1. The Town is a municipal corporation located in Porter County, Indiana. The Town owns a sewage works pursuant to Ind. Code § 36-9-23.
2. The Town established the Board pursuant to Ind. Code § 36-9-23-3 for the purpose of constructing, acquiring, improving, operating and maintaining the sewage works owned by Chesterton.
3. The area served by the Chesterton’s sewage works includes all territory within the Town’s municipal corporate limits. Pursuant to Ind. Code § 36-9-23-36, Chesterton is authorized to render sewer service up to 10 miles outside the Town’s municipal corporate limits, and has indeed extended sewer service to areas outside of the Town’s municipal corporate limits.
4. Chesterton has a substantial interest in this legal proceeding because the City of Valparaiso, Indiana (“Valparaiso”) proposes to establish an exclusive sewer service territory

¹ The Town and Board are hereinafter collectively referred to as “Chesterton.”

covering areas that overlap areas to which Chesterton may lawfully provide sewer service, pursuant to Ind. Code § 36-9-23-36.

5. The outcome of this legal proceeding will have a direct and material impact on Chesterton's ability to render sewer service outside of the Town's municipal corporate limits and in areas for which it has master planned sewer service.

6. Chesterton's position and interests are not otherwise represented by any other party in this proceeding.

7. Chesterton's intervention will not unduly broaden the issues pending before the Commission in this proceeding.

8. On October 29, 2019, Chesterton filed a Petition in a new Cause (Cause No. TBD) requesting that the Commission rule that 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.

9. Also on October 29, 2019, Chesterton is contemporaneously filing Motions to Consolidate in this matter, as well as the new Cause filed by Chesterton, seeking to consolidate such new Cause into this matter.

10. Chesterton understands and acknowledges that it is bound by the record as it stands at the time its Petition to Intervene is granted.

11. The names and addresses of the attorneys for Chesterton in this Cause are:

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Each of whom is authorized to accept service of papers in this proceeding on behalf of Chesterton in this proceeding.

12. Chesterton files this Petition to Intervene at least five days prior to the date set for the initial evidentiary hearing in this matter.

WHEREFORE, the Town of Chesterton, Indiana, by and through the Town of Chesterton Utility Service Board, hereby respectfully requests that the Commission grant it leave to intervene and to be made a party to this proceeding.

This 29th day of October, 2019

Respectfully submitted,



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*Attorneys for Intervenor,
Town of Chesterton, Indiana, by and through the
Town of Chesterton Utility Service Board*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITION TO INTERVENE** has been served upon the following counsel of record by electronic service this 29th day of October, 2019.

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