



INDIANA UTILITY REGULATORY COMMISSION
101 W. WASHINGTON STREET, SUITE 1500E
INDIANAPOLIS, INDIANA 46204-3407

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FILED

August 2, 2017

August 10, 2017

INDIANA UTILITY
REGULATORY COMMISSION

Loraine Seyfried, Chief Administrative Law Judge
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 E
Indianapolis, Indiana 46204-3407

Re: Submission of additional documents for Consumer Affairs Division Complaints 120549, 120550, 120552, and 120559, referred to Commission on July 31, 2017, for determination

Dear Judge Seyfried:

On July 31, 2017, pursuant to 170 IAC 16-1-5(e), the Director of Consumer Affairs Division ("CAD") and General Counsel referred CAD complaint numbers 120549, 120550, 120552, and 120559 to the Indiana Utility Regulatory Commission ("Commission") and requested that these complaints be docketed for determination by the Commission and be consolidated. At that time, General Counsel provided you with the four CAD files.

Please include in the referral, and CAD record, the enclosed Order from the Kosciusko Superior Court No. 1, dated July 25, 2017; and the enclosed letters from Attorney Bette J. Dodd, dated July 27, 2017; and Attorney Robert Glennon, dated July 31, 2017. With regard to the enclosed Order, please note that the Kosciusko Superior Court has stayed its proceeding in this pending matter until the Commission makes its determination.

Sincerely,

Beth E. Heline
General Counsel
Indiana Utility Regulatory Commission

Enclosures

cc: Kenya McMillin, IURC, Consumer Affairs Division Director
Curt Gassert, IURC, Division Director, Water and Wastewater
Tabatha L. Balzer, Lewis & Kappes
Bette Dodd, Lewis & Kappes
Robert Glennon, Robert Glennon & Associates
Eric Blume, Carson Boxberger

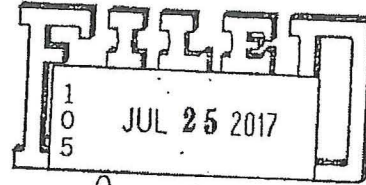
IN THE KOSCIUSKO SUPERIOR COURT NO. 1
121 NORTH LAKE STREET
WARSAW, INDIANA 46580

LAKELAND REGIONAL
SEWER DISTRICT,
Plaintiff

vs.

PINE BAY RESORT, LLC,
TLH1, LLC/NBW2, LLC/
RTK GROUP 1, LLC, d/b/a
NORTHCREST, WELKHER
ENTERPRISES, INC., d/b/a
BARBEE LANDING MHP, and
CRZ HOME SERVICES, LLC, d/b/a
KUHN LAKE LAKESIDE RESORT,
Defendants

CAUSE NO. 43D01-1704-PL-38



CLERK KOSCIUSKO SUPERIOR COURT 1

ORDER

The Court, having previously taken this matter under advisement and being duly advised in the premises, **DOES NOW DENY** Defendants' various motions to dismiss and Plaintiff's Motion for Partial Summary Judgment, but, in the interest of both comity and judicial economy, **DOES NOW ORDER** all proceedings herein **STAYED** pending determination from the Indiana Utility Regulatory Commission of pending matters therein involving the parties hereto.

All of which is **ORDERED** this 25th day of July, 2017.

David C. Cates, Judge
Kosciusko Superior Court No. 1

Distribution:

Eric M. Blume
Robert M. Glennon
Bette J. Dobb/Tabitha L. Balzer
Richard K. Helm
DCC/kr

ROBERT GLENNON
& ASSOC., P.C.
3697 N. Co. Rd. 500 E.
Danville, Indiana 46122
(317) 852-2723

July 31, 2017

Ms. Kenya McMillin, Director
Consumer Affairs Division
Indiana Utility Regulatory Commission
kmicmillin@urc.in.gov

Re: Complaint of Pine Bay Resort Campground v. Lakeland Regional Sewer District 120549

Dear Ms. McMillin:

I provide you notice that the Kosciusko Superior Court No. 1 has stayed Lakeland Regional Sewer District's Complaint for Declaratory Judgement. On July 25, 2017, the Court entered the attached Order that stays the Kosciusko proceeding pending a determination from the IURC on Pine Bay Campground's pending campground billing dispute. The Court's Order cites both comity and judicial economy as justification for its ruling. Thus the Court has shown deference for the Commission's continuing campground complaint jurisdiction over this matter.

Should you have any questions with regard to this matter, please feel free to contact me.

Respectfully,

/s/ Robert M. Glennon
Robert M. Glennon
Attorney at Law

Enclosure

RMG/jcg

Cc: Andy Boxberger
Eric Blume
Sara Satterfield
Bette Dodd



**LEWIS
KAPPES**
ATTORNEYS AT LAW

One American Square, Suite 2500, Indianapolis, IN 46282 T: 317.639.1210 F: 317.639.4882 www.lewis-kappes.com

Bette J. Dodd
bdodd@Lewis-Kappes.com

July 27, 2017

VIA EMAIL

Ms. Kenya McMillin, Director
Consumer Affairs Division
Indiana Utility Regulatory Commission
kmcmillin@urc.in.gov

Re: Complaints of Barbee Landing, Northcrest RV Park, and Kuhn Lake Resort
v. Lakeland Regional Sewer District
Case Nos: 120550, 120552, 120559

Dear Ms. McMillin:

We are writing to notify you that the Kosciusko Superior Court No. 1 has stayed the action involving the complaint by Lakeland Regional Sewer District v. Barbee Landing MHP, Northcrest RV Park and Kuhn Lake Resort, Cause No. 43D01-1704-PL-38. On July 25, 2017, the trial court entered an order staying the court proceedings pending a determination from the Indiana Utility Regulatory Commission of the pending matters involving the same parties. A copy of the order is attached as Exhibit A. We wanted to make you aware of the latest status of the court proceeding since the proceeding was mentioned in the pleadings that are part of the Consumer Affairs Division record.

If you have any questions, please feel free to contact me.

Sincerely,

LEWIS KAPPES, P.C.

Bette J. Dodd

Attachment

cc: Andy Boxberger
Eric Blume
Sara Satterfield
Robert Glennon