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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THRALLS STATION, INC. TO )  
RELINQUISH ITS AUTHORITY TO PROVIDE ) CAUSE NO. 43805  
SEWAGE DISPOSAL SERVICES WITHIN )  
PORTIONS OF TOWNSHIPS OF VIGO ) APPROVED:  
COUNTY, INDIANA AND FOR RELATED ) MAR 03 2010  
RELIEF )

**BY THE COMMISSION:**

**Jeffrey L. Golc, Commissioner**  
**Aaron A. Schmoll, Administrative Law Judge**

On October 8, 2009, the Thralls Station, Inc. ("Petitioner") filed its Verified Petition seeking authority to surrender its certificate of territorial authority ("CTA") and for other relief relating to the surrender of its CTA. No objection was made to Petitioner's request in the Verified Petition that the Commission schedule and notice the final evidentiary hearing without conducting a pre-hearing conference and the same was granted. Pursuant to notice as required by law, a public evidentiary hearing was conducted on November 23, 2009, commencing at 9:30 a.m. E.D.T. in the Room 224 of the National City Center, 101 W. Washington Street, Indianapolis, Indiana.

Both Petitioner and the Office of Consumer Counselor ("Public") appeared and participated at the evidentiary hearing by counsel. Petitioner offered into evidence its Verified Petition, which was admitted into the record without objection. While participating at the hearing, the Public presented no evidence and had no objection to the relief requested. No members of the general public appeared or participated at the evidentiary hearing.

Based upon the evidence and applicable law, the Commission makes the following findings:

**1. Notice and Jurisdiction.** Due, legal and timely notice of the evidentiary hearing conducted in this Cause was provided as required by law. Petitioner is a "public utility" and a "sewage disposal company" as those terms are defined in Ind. Code § 8-1-2-1 and 8-1-2-89. The Commission has jurisdiction of the parties and the subject matter of this proceeding.

**2. Relief Requested.** Petitioner requests Commission approval to surrender the CTA issued by the Commission on July 29, 1981 in Cause No. 36453. Petitioner states that its current customers will be served going forward by a new regional sewer district.

**3. Evidence Presented at Hearing.** The Verified Petition states that Petitioner has five customers within the area that its CTA authorizes it to serve. Petitioner indicates in the Verified Petition that the Vigo County Commissioners filed a petition with the Indiana Department of Environmental Management ("IDEM") for the formation of Thralls Station Regional Sewer District ("RSD") on September 1, 2009. The RSD will provide sewage disposal service to Petitioner's customers, using Petitioner's existing facilities on a going forward basis. On February 18, 2010, Petitioner submitted its proposed order in this Cause and indicated that 33 days had

passed from IDEM's November 17, 2009 order and that no petitions for judicial review were filed, and therefore, the order establishing the RSD is effective.

4. **Commission's Findings.** Indiana Code § 8-1-2-89(k) permits the Commission to terminate a CTA in the event "any term, condition, or limitation of" has not been satisfied by the holder. The evidence of record shows that the Vigo County Commissioners have sought to establish a regional sewer district to commence sewage disposal service to customers within Petitioner's CTA, and that IDEM granted the petition to create the RSD on November 17, 2009.

Accordingly, Petitioner shall be permitted to surrender its CTA and, having done so, the rights and responsibilities conferred by it should terminate. Further, without an effective CTA, the rates and charges for service, as well as the associated terms and conditions filed by the Petitioner with the Commission are inapplicable to any service that Petitioner is authorized to offer and should be cancelled. In conclusion, we find that the relief requested in Petitioner's Verified Petition shall be granted, and that authorizing Petitioner to surrender the CTA granted to it in Cause No. 36453, together with granting the other relief requested in the Verified Petition, is in the public interest and authorized by Ind. Code § 8-1-2-89.

**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. Petitioner's request to surrender its CTA granted in Cause No. 36453 is hereby approved and Petitioner's rights and responsibilities under that CTA are hereby terminated.
2. Petitioner's schedule of rates and charges, as well as the terms and conditions of service are hereby cancelled.
3. This Order shall be effective on and after the date of its approval.

**ATTERHOLT, GOLC, LANDIS, AND ZIEGNER CONCUR; HARDY ABSENT:**

APPROVED: MAR 03 2010

**I hereby certify that the above is a true and correct copy of the Order as approved.**



**Brenda A. Howe  
Secretary to the Commission**