

ORIGINAL

JA  
[Handwritten signatures]

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN RE: THE MATTER OF JLB )  
DEVELOPMENT, INC.'S REPORT OF UTILITY ) CAUSE NO. 43916  
STOCK TRANSACTION, STATEMENT OF )  
PROPOSED UTILITY STOCK TRANSACTION, )  
AND REQUEST FOR APPROVAL OF UTILITY ) APPROVED: MAY 18 2011  
ACCOUNTING PROCEDURES )

**BY THE COMMISSION:**  
**Carolene Mays, Commissioner**  
**Jeffery A. Earl, Administrative Law Judge**

On June 25, 2010, JLB Development, Inc. ("JLB") filed its Report of Utility Stock Transaction and Statement of Proposed Utility Stock Transaction and Request for Approval of Utility Accounting Procedures with the Indiana Utility Regulatory Commission ("Commission" or "IURC"). On July 1, 2010, JLB prefiled the verified direct testimony of Thomas Astbury, Daniel Astbury, and Tyler Rump.

The Commission held a Prehearing Conference ("PHC") in this Cause at 9:30 a.m. on August 10, 2010, in Hearing Room 224, 101 West Washington Street, Indianapolis, Indiana. Proofs of publication of the notice of the PHC have been incorporated into the record and placed in the official files of the Commission. The Petitioner and the Indiana Office of Utility Consumer Counselor ("OUCC") appeared and participated at the PHC. No members of the general public appeared. The Commission issued a Prehearing Conference Order in this Cause on August 18, 2010 ("PHC Order").

On October 20, 2010, the OUCC prefiled the testimony of Harold L. Rees. On November 18, 2010, the Commission issued a request for additional information from JLB. On December 9, 2010, JLB filed the Verified Supplemental Testimony of Thomas Astbury, in response to the Commission's request for information, and a Verified Application for Confidential Treatment of Certain Information Pursuant to 170 IAC 1-1.1-4. By a Docket Entry dated December 21, 2010, the Commission preliminarily granted JLB's request for confidential treatment. Thereafter, JLB filed confidential exhibits on December 22, 2010. Also on December 22, 2010, the OUCC filed a Notice of Intent Not to File Supplemental Responsive Testimony.

Pursuant to notice given and published as required by law, an Evidentiary Hearing was held in this Cause at 9:30 a.m. on January 24, 2011, in Hearing Room 222, 101 West Washington Street, Indianapolis, Indiana. Proof of publication of the notice of Hearing was incorporated into the record of this Cause and placed in the official files of the Commission. JLB and the OUCC were present at the hearing and submitted their respective evidence. No members of the general public appeared at the Evidentiary Hearing.

Based on the applicable law and the evidence herein, the Commission now finds:

**1. Commission Notice and Jurisdiction.** Legal and timely notices of the public hearings held in this Cause were given and published by the Commission as required by law. JLB is a “public utility” as defined by Ind. Code § 8-1-2-1(g)(3) and, more specifically, JLB was formed as a “sewage disposal company” within the meaning of Ind. Code § 8-1-2-89(2). As such, JLB is subject to the jurisdiction of the Commission in the manner and to the extent provided by law.

**2. JLB’s Characteristics.** JLB is an investor owned sewage disposal utility which provides services to the public in Hamilton County, Indiana. JLB’s existing rates and Certificate of Territorial Authority (“CTA”) were authorized in *JLB Development, Inc.*, Cause No. 39868, 1995 Ind. PUC LEXIS 227 (IURC April 19, 1995). At that time, JLB’s service territory was an unincorporated area of Hamilton County, Indiana, known as Eagletown (“original CTA area”). However, JLB’s entire service territory was annexed by the City of Westfield, Indiana (“Westfield”), on March 10, 2008. Westfield is not currently providing sewer service in the area and has not sought to acquire JLB’s plant or system.

**3. Relief Requested.** In its Petition, JLB requested that the Commission: 1) acknowledge Thomas Astbury’s acquisition of all of the JLB stock; 2) acknowledge the proposed transfer of a portion of the JLB stock from Thomas Astbury to Daniel Astbury and Tyler Rump; and 3) approve JLB’s proposed accounting allocation between its original CTA area and a new service area which is outside of its original CTA and within the Westfield corporate limits.

**4. Stock Transaction and Affiliated Contract.**

**A. JLB’s Evidence.**

**(1) Thomas Astbury.** With respect to the acquisition and operation of JLB, Thomas Astbury testified as follows. JLB provides sewage disposal services to the public in Hamilton County, Indiana. Sewage is treated by several steel package plant tanks rated for a total capacity of .02 MGD. Customers consist of a small mobile home park with 25 approved lots, a single house, a tavern, and two multi-family housing units with a total of eight units.

On January 1, 2010, Thomas Astbury purchased all of the outstanding stock of JLB from the widow of Jack L. Beery (the late Mr. Beery was the owner, developer, and initial operator of JLB). Thomas Astbury provided a confidential filing to the Commission detailing the terms of the stock transaction. Thomas Astbury plans to retain 47.5% of his shares in JLB and transfer the remaining shares as follows: 47.5% to Daniel Astbury, and 5% to Tyler Rump, following the Commission’s review in this matter. All of the prospective shareholders will be actively involved in the operation and management of JLB. Thomas Astbury will be primarily responsible for managing the financial, billing, collections, and regulatory affairs of JLB, while Daniel Astbury and Tyler Rump will be responsible for overseeing the operation and maintenance of the sewer system.

Thomas Astbury and Tyler Rump are employees of Astbury Water Technology, Inc. (“AWT”), and Daniel Astbury is AWT’s President and CEO. AWT is an organization with over thirty years of experience operating small and large sewer and drinking water utilities. AWT currently operates, maintains, and manages over 45 water and wastewater systems for commercial, industrial, and governmental clients. The actual plant operations and maintenance will be carried out by AWT, with Thomas and Daniel Astbury and Tyler Rump providing some services to JLB in their capacity as employees and/or representatives of AWT. JLB has entered into a written contract with AWT for Certified Operator services for the JLB system under the direction of Tyler Rump, who is an Indiana Class I Certified Wastewater Plant Operator. A copy of the JLB/AWT contract was filed with the Commission on May 19, 2010, as an affiliate contract, and is attached to Thomas Astbury’s testimony. Prior to the acquisition, AWT provided only annual flowmeter calibration to JLB between 2004 and 2009.

With respect to his technical and financial ability to operate JLB, Thomas Astbury testified as follows. He has held positions with the Astbury Group, a family of environmental companies, including positions ranging from sales associate to business development analyst with AWT. In addition, Thomas Astbury is currently pursuing a degree in Business Management and has been tutored in managerial practices by his father, Daniel Astbury, who will assist Thomas in running the daily affairs of JLB. Thomas Astbury submitted a confidential financial statement for Commission review. He testified that he is fully capable of funding his portion of facilities upgrades, customer connections, operation and maintenance expenses, potential working capital shortfalls, and other capital expenditures. Thomas Astbury pointed out that he believes in the prudent handling of utility expenditures and in keeping ample cash reserves for emergencies and shortfalls.

With respect to JLB’s treatment plant infrastructure, Thomas Astbury testified as follows. At the time of the stock acquisition, the infrastructure had been allowed to deteriorate and was in need of repair and upgrade. Further, the loss of a significant commercial customer due to a building demolition had negatively impacted revenues. The treatment plant suffered from an undersized influent lift station pump, a dilapidated electrical system, and the lack of an equalization basin. The collection system appeared to be in good condition, with limited storm water infiltration.

Since the stock acquisition, several improvements have been undertaken, including the following: the replacement of the influent lift station pump; the rehabilitation of the electrical system; and the conversion of the onsite steel tank into an equalization basin. Funds for these improvements were obtained by equity supplied by Thomas and Daniel Astbury and Tyler Rump. Thomas Astbury explained that due to JLB’s small size and its inability to obtain outside financing at reasonable rates, it is JLB’s preference to use equity rather than debt financing. The revenue reduction associated with the loss of a large customer will hopefully be alleviated by the procurement of additional customers.

**(2) Daniel Astbury.** With respect to his technical and financial ability to manage JLB, Daniel Astbury testified as follows. He is President and CEO of the Astbury Group, which includes AWT, and is a prospective JLB shareholder. He oversaw the growth and development of the Astbury Group from two employees to 80 as it developed new areas of

business. At its peak, the group consisted of ESG Laboratories, Astbury Environmental Engineering, and AWT. Since 2003, Daniel Astbury's primary focus has been AWT, which employs over 30 full-time equivalent employees and provides services relating to the operation and maintenance of drinking water and wastewater facilities. In addition to environmental monitoring projects, AWT provides water treatment expertise, specialized environmental field services, and environmental compliance counseling to industrial, commercial, and governmental clients. AWT specializes in turnkey operations of industrial and sanitary wastewater facilities, specialized environmental field studies, and working with clients and regulatory agencies to achieve and maintain environmental compliance. AWT has offices in Northwest and Northeast Indiana, in addition to its headquarters in Indianapolis. The company provides services throughout Indiana and the surrounding states.

Daniel Astbury stated that he previously served as the CEO of ESG Laboratories and Astbury Environmental Engineering, Inc., and currently maintains an ownership interest and advisory role in both companies. ESG Laboratories provides complete environmental analytical laboratory services. Astbury Environmental Engineering, Inc. provides a complete engineering service for environmental compliance, including site assessment, underground storage tank management, solid and hazardous waste management, remedial investigations, systems design, and industrial hygiene.

Daniel Astbury also described his prospective involvement with JLB. On January 1, 2010, Thomas Astbury, also of AWT, acquired 100% of the stock of JLB. Upon conclusion of the IURC's review of that stock transaction, Thomas Astbury plans to transfer 47.5% of the JLB stock to Daniel Astbury. Mr. Astbury described the activities and duties in which he will engage on behalf of JLB. As a shareholder of JLB, Daniel Astbury will participate in the management of the entire operation. He will be especially involved in operation, maintenance, and upgrading the wastewater treatment plant. Daniel Astbury will also be involved in the business side of the operation, including billing, accounts payable, and accounting. His duties will include oversight of certified operators, routine sample collecting and reporting, maintenance, and plant upgrades. Daniel Astbury will also be involved in all communication with the Indiana Department of Environmental Management ("IDEM").

Daniel Astbury described how his training and experience would qualify him to manage the operations of JLB. Daniel Astbury explained that he has specific expertise in the management and operation of wastewater facilities, especially small plants such as JLB. He is generally recognized as an expert in the field of optimizing operation of packaged wastewater treatment plants to achieve and maintain compliance. His many years of business experience includes forming new companies and managing them for profit and growth. Daniel Astbury has never been associated with a company that failed or declared bankruptcy, and has a well-earned reputation for making timely payments of all obligations.

Daniel Astbury described his financial resources available to provide equity financing for JLB. Daniel Astbury stated he is fortunate to have significant financial resources at his disposal and is willing to apply those resources, if necessary, to the financing of JLB. In support of this statement, Daniel Astbury submitted a confidential financial statement to the Commission.

(3) **Tyler Rump.** With respect to his financial and technical ability to manage JLB, Tyler Rump testified as follows. He holds a Bachelors Degree in Chemistry with postgraduate work in business management, and an Indiana Certification to Operate Class I Wastewater Treatment facilities. He is employed by AWT as a Field Specialist and Project Manager.

Mr. Rump also described his involvement with JLB. Mr. Rump plans to purchase 5% of the outstanding stock in JLB from Thomas Astbury upon the conclusion of the Commission review in this Cause. Mr. Rump will be a certified operator of JLB and manage the day-to-day operations of the utility. His duties will include utility maintenance, upkeep, and general operation of the plant, and maintaining compliance with the requirements of IDEM. Mr. Rump explained that his work experience at AWT and his formal education in chemistry give him a sound academic and thorough working knowledge of wastewater systems. Further, Mr. Rump pointed out that he has obtained a license to operate Class I Wastewater Treatment facilities from IDEM. He further notes the plant operations and maintenance will also be overseen by AWT management and other operators employed by AWT.

Finally, Mr. Rump described the financial resources available to him to provide equity financing for JLB. Mr. Rump stated that he is very much capable of funding his portion of the planned facility upgrades, customer connections, and operation and maintenance expenses of JLB, if necessary.

**B. OUCC's Evidence.** The OUCC offered the testimony of Harold L. Rees, Senior Utility Analyst. Mr. Rees participated in a site tour of the utility's operating area and treatment plant conducted by Thomas Astbury on September 30, 2010. He described Thomas Astbury's acquisition of the JLB stock, JLB's customers and service area, and JLB's proposed allocation of revenue requirements. Mr. Rees described the recent improvements to the JLB treatment plant. Mr. Rees stated the utility can now provide adequate treatment service to its customers meeting IDEM standards and furnish a treatment capacity of 20,000 gallons per day. Mr. Rees testified that the collection system appears to be in reasonably good condition with limited storm water infiltration and there have not been any sanitary sewer overflows since Mr. Astbury acquired the JLB stock.

Mr. Rees testified that he believes Thomas Astbury's acquisition of JLB and its action to provide service to Eagletown Estates is in the public interest. Mr. Rees explained that following the death of the previous owner, developer, and operator of JLB, Jack L. Beery, a few years ago, it was apparent the treatment plant had begun to deteriorate and needed repairs and upgrades. In addition, the Eagletown Estates wastewater treatment plant was experiencing significant and prolonged violations of its NPDES permit. Mr. Rees believes that through the purchase of the JLB stock, Mr. Astbury is providing, and will continue to provide, the necessary wastewater utility service needed by the current customers of JLB and the new customers in Eagletown Estates.

Mr. Rees summarized the OUCC's positions, testifying that although JLB did not specifically request Commission approval of the stock purchase, he and the OUCC believe it is in the public interest that Thomas Astbury has purchased the stock of JLB. Mr. Rees also

believes the transfer of a portion of the stock from Thomas Astbury to Daniel Astbury and Tyler Rump is in the public interest. The OUCC believes that Thomas Astbury, Daniel Astbury, and Tyler Rump, collectively, have the managerial, technical, and financial capability to own and operate JLB. Additionally, the OUCC believes that customers are receiving, and will continue to receive, better service than from the prior owner of the utility.

### **C. Commission Discussion and Findings.**

**(1) Stock Transaction.** The Commission has statutory authority to review and consider the effects of a change in control or management of a public utility as the result of a stock transaction. The Commission has broad authority pursuant to Ind. Code § 8-1-2-58 to investigate the activities of public utilities. Further, the Commission has specific statutory authority to review and investigate the activities of public utility management pursuant to Ind. Code § 8-1-2-48. The Commission can require public utilities to report when a majority of their stock is transferred. Upon receiving a report of a transfer of a majority interest in ownership of public utility stock, the Commission may make such inquiry as it deems appropriate. If the results of that inquiry raise concerns regarding the new management of the public utility, the Commission may initiate an investigation.

Although Thomas Astbury asked only that we review and acknowledge his acquisition of the JLB stock and his proposed subsequent transfer of a portion of that stock to Daniel Astbury and Tyler Rump, the Astburys and Mr. Rump submitted evidence in response to the Commission's Docket Entry to demonstrate their managerial, financial, and technical capability to run JLB, including descriptions of their extensive, collective experience, the expertise of AWT, and the personal financial statements of Daniel and Thomas Astbury. Therefore, based upon the evidence of record, we agree with the OUCC that Thomas Astbury, Daniel Astbury, and Tyler Rump have the managerial, financial, and technical ability to own and operate JLB.

Based on the evidence of record and the foregoing findings, the Commission finds that Thomas Astbury's acquisition of the JLB stock should be acknowledged and the records of the Commission should reflect his ownership thereof. The Commission further finds that the proposed transfer of a portion of the JLB stock to Daniel Astbury and Tyler Rump should be acknowledged, and when Thomas Astbury notifies the Commission that the stock has been transferred to Daniel Astbury and Tyler Rump, the records of the Commission should reflect their ownership of the JLB stock. We further find the ownership of the JLB stock by Thomas Astbury, Daniel Astbury, and Tyler Rump, to be in the public interest.

**(2) Affiliated Contract.** Thomas Astbury indicated JLB would contract with AWT for Certified Operator services under the supervision of Tyler Rump and that Thomas and Daniel Astbury would also provide some services to JLB in their capacity as employees/representatives of AWT. This creates an affiliated contract under Ind. Code § 8-1-2-49. JLB filed with the Commission a copy of the affiliated contract on May 19, 2010. In response to a request from the Commission, JLB also submitted, as a confidential filing, a similar contract for services between AWT and another small sewer utility. Based upon our review of the AWT contracts and a comparison of the contract fees, we discern no need for further

investigation of the affiliated contract at this time. JLB shall continue to file any amendments to the affiliated contract or other new affiliated contracts with the Commission for review.

##### **5. JLB's Proposed Accounting Allocation.**

**A. JLB's Evidence.** With respect to JLB's service territory, Thomas Astbury testified as follows. On March 10, 2008, JLB's entire service territory and easements were annexed by the City of Westfield, Indiana. Westfield is not currently providing sewer service in the area and has not sought to acquire JLB's plant or system. Eagletown Estates, a 38 lot mobile home park with an on-site sewage treatment facility, lies adjacent to JLB's sewer plant. Eagletown Estates lies outside of JLB's original CTA and within the Westfield corporation limits. In addition, Thomas Astbury testified that the eastern portion of JLB's original CTA covers a proposed commercial and residential development which is due to be constructed over the next few years. This area is also within the Westfield corporation limits.

Thomas Astbury described the needs of JLB's customers and the public near JLB's CTA. The area in and around JLB's original CTA has historically had septic systems, which are prone to failure and have constrained area land use. Although potential customers outside of JLB's original CTA area are within the city limits of Westfield, they do not have access to Westfield municipal sewer services. Some of these customers have failing septic systems, which negatively impact property values, aesthetics, and public health. In addition, Eagletown Estates, which is located outside of JLB's original CTA but within the City of Westfield, has an on-site sewage treatment system that has a history of permit violations with IDEM. An environmental advocacy group has challenged the renewal of Eagletown Estates' NPDES permit, as evidenced by a letter attached to Thomas Astbury's testimony. As a result, Eagletown Estates requested to connect to JLB's system.

Thomas Astbury testified that connection of Eagletown Estates to JLB's sewer system will help to alleviate these problems. JLB's facility is not under any current enforcement action from IDEM and has been able to meet its permitted effluent limits. Facility improvements and repairs should ensure continued compliance. In addition, Thomas Astbury testified that IDEM is very supportive of the connection of Eagletown Estates to the JLB system. Thomas Astbury explained that all collection system easements necessary to connect Eagletown Estates to JLB's sewer treatment facility have been obtained. Since the facility improvements and upgrades have been substantially completed at JLB's sewer treatment facility, JLB has been able to successfully implement the planned connection to the Eagletown Estates sanitary collection system. IDEM will oversee the closure of the Eagletown Estates on site sanitary treatment system. Mr. Astbury explained that because Eagletown Estates is located in incorporated Westfield and outside of JLB's original CTA, Eagletown Estates sought and obtained approval from Westfield to connect the Eagletown Estates sanitary system to JLB. A letter from the director of the Westfield Public Works, attached as an exhibit to Thomas Astbury's testimony, indicates the City is not aware of any local requirements that would prevent Eagletown Estates from connecting to JLB. However, in his Supplemental Testimony, Thomas Astbury indicated JLB has not directly corresponded with Westfield regarding whether Westfield intends to exert jurisdiction over the rates, service area, or quality of service in any of the JLB service area.

Thomas Astbury also explained the change in utility accounting procedures for which JLB seeks Commission approval. Since JLB is now providing service in its original CTA area and in Eagletown Estates, JLB proposes to change its regulatory accounting procedures to allocate its revenue requirements between its original CTA area and Eagletown Estates. Mr. Astbury testified JLB would have preferred to perform the allocation based on flow data. Treatment plants are normally built based on the anticipated flow from all of the customers being served. Based on these flows, the plant could be allocated between the original CTA area and Eagletown Estates. However, the current configuration does not allow for a flow-based allocation because the customers are on well water and no consumption data is available. The current customers are being charged a monthly flat rate for wastewater service.

Therefore, JLB proposes to allocate the revenue requirements to each area based upon customer count. Currently, the original CTA area has one residence, 20 units in a mobile home park, two multifamily units (with eight total units), and a tavern, for a total of 30 customers. In Eagletown Estates, there are 38 mobile homes in the mobile home park. Combining both areas, there are 68 potential customers. Since the original CTA area has 30 customers, this area would be allocated 44.1% of the revenue requirements. Eagletown Estates would be allocated 55.9% of the revenue requirements. Thomas Astbury testified that absent any flow data, allocation of the revenue requirements by customer count is reasonable.

**B. OUCC's Evidence.** OUCC's Witness Rees supported JLB's proposed allocation of revenue requirements between the IURC jurisdiction and the Westfield jurisdiction. Mr. Rees also supported JLB's proposed methodology which bases the allocation on customer count. However, Mr. Rees adjusted the customer count slightly and arrived at an allocation of 45.6% for the original CTA area and a 54.4% allocation for Eagletown Estates.

**C. Commission Findings.** Although JLB provided testimony supporting the method of its allocation of revenues between the original CTA area and Eagletown Estates, it did not provide any evidence explaining why such an allocation is necessary. JLB's proposal to allocate its revenues between its original CTA area and Eagletown Estates appears to be premised upon an assumption that the Commission would not have jurisdiction over JLB's rates and charges in Eagletown Estates. As such, the proposal merits a discussion of the extent of the Commission's authority over JLB.

The Commission granted JLB's original CTA on April 19, 1995. At the time the CTA was granted, JLB served a rural area close to Westfield's corporate boundaries. Ind. Code § 8-1-2-89(i), which was enacted to encourage the installation of sewage treatment utilities in rural areas, protects a public utility's investment in a rural sewage system from condemnation in the event the area served is later annexed by any municipality. This protection lasts for a period of twelve years from the date the CTA is granted. In this case, the statutory protection of JLB's CTA expired in 2007. In 2008, Westfield annexed an area that included JLB's entire service area; however, Westfield has not attempted to condemn or acquire JLB's sewage system. In addition, although Ind. Code § 36-9-2-16 gives Westfield the power to regulate JLB's sewage system, no evidence was submitted in this Cause to indicate Westfield has chosen to do so. Therefore, JLB has the right to continue to provide sewer service within its original CTA area pursuant to an indeterminate permit, see Ind. Code §§ 8-1-2-92 and 8-1-2-93, and the

Commission retains jurisdiction over JLB's rates and charges, see Ind. Code §§ 8-1-2-4 and 8-1-2-42.

JLB is correct that the Commission does not have statutory authority to grant JLB a new CTA or to extend JLB's current CTA to include the newly served area. *See Town of Merrillville v. Lincoln Gardens Utils. Co.*, 351 N.E.2d 914, 917 (Ind. Ct. App. 1976). However, that is not to say that the Commission lacks any authority to regulate JLB within Eagletown Estates. Pursuant to Ind. Code § 36-9-2-16, Westfield has the power to regulate JLB's provision of sewer service, including its rates, in the newly served area; however no evidence was presented to indicate Westfield has chosen to do so. In light of this, JLB is essentially seeking to extend its indeterminate permit to provide sewer service to Eagletown Estates.

In the past, when evaluating a request for an indeterminate permit, the Commission has looked to the criteria in the CTA statute, Ind. Code § 8-1-2-89. *W. Boggs Sewer Dist., Inc.*, Cause No. 42156, 2003 Ind. PUC LEXIS 172, at \*56 (IURC Aug. 18, 2003). JLB provided sufficient evidence to support a finding that public convenience and necessity require the rendering of sewer service in Eagletown Estates. The mobile home park currently has a failing sewage system with a history of IDEM permit violations. JLB's treatment system is nearby and able to accept the additional inflow from Eagletown Estates. In addition, Thomas and Daniel Astbury and Tyler Rump have sufficiently demonstrated their financial, managerial, and technical abilities to render service to Eagletown Estates. Therefore, we find that JLB should be allowed to render sewer service to Eagletown Estates subject to the terms of Ind. Code §§ 8-1-2-92 and 8-1-2-93.

In the absence of evidence that Westfield is regulating JLB's provision of sewer service in Eagletown Estates, the Commission retains its authority to regulate JLB's rates and charges pursuant to Ind. Code §§ 8-1-2-4 and 8-1-2-42. More specifically, the Commission has authority to prescribe uniform rates for customers of the same utility within a single municipality or rural territory. Ind. Code § 8-1-2-4. As a result, we see no regulatory reason for the proposed allocation of revenues between the original CTA area and Eagletown Estates. Therefore, we deny JLB's proposed allocation of its revenue requirements.

**6. Confidential Treatment.** On December 9, 2010, JLB filed a Verified Application for Confidential Treatment of Certain Information Pursuant to 170 IAC 1-1.1-4, which the Commission granted in its December 21, 2010 Docket Entry in this Cause. JLB's motion was supported by an affidavit showing documents to be submitted to the Commission contained trade secrets and private financial information within the scope of Ind. Code § 5-14-3-4(a)(4) and (5) and Ind. Code § 24-2-3-2. We find the submitted information is confidential pursuant to Ind. Code § 5-14-3-4 and Ind. Code § 24-2-3-2, is exempt from public access and disclosure by Indiana law, and shall be held confidential and protected from public access and disclosure by the Commission.

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

1. Thomas Astbury's acquisition of JLB's stock is acknowledged by the Commission and the records of the Commission shall reflect his ownership of the JLB stock.
2. Thomas Astbury's proposed transfer of a portion of the JLB stock to Daniel Astbury and Tyler Rump is acknowledged by the Commission. JLB shall notify the Commission when the stock transfer has occurred, and the records of the Commission shall reflect the additional owners of the JLB stock at that time.
3. Thomas Astbury, Daniel Astbury, and Tyler Rump are authorized to own, control, operate and manage JLB consistent with the finding in 4.C(1) above.
4. JLB has satisfied the terms of Ind. Code §§ 8-1-2-92 and 8-1-2-93 and is authorized to provide sewer service to Eagletown Estates.
5. JLB's proposal to implement accounting procedures to allocate its revenue requirements between the IURC jurisdiction and the Westfield jurisdiction and JLB's proposed allocation methodology are denied consistent with the finding in 5.C above.
6. The confidential filings submitted under seal in this Cause pursuant to a motion for confidential treatment is determined to be confidential trade secret information and private financial information as defined in Ind. Code § 24-2-3-2 and therefore exempt from public access and disclosure pursuant to Ind. Code § 5-14-3-4 and § 8-1-2-29.
7. This Order shall be effective on and after the date of its approval.

**ATTERHOLT, BENNETT, MAYS AND ZIEGNER CONCUR; LANDIS ABSENT:**

**APPROVED: MAY 18 2011**

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

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