

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN RE: THE MATTER OF JLB DEVELOPMENT, INC.'S )  
REPORT OF UTILITY STOCK TRANSACTION, ) CAUSE NO. 43916  
STATEMENT OF PROPOSED UTILITY STOCK )  
TRANSACTION, AND REQUEST FOR APPROVAL OF ) APPROVED:  
UTILITY ACCOUNTING PROCEDURES ) JUN 29 2011

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

On June 7, 2011, the City of Westfield ("Westfield") filed a Petition to Intervene and Request for Rehearing, Reconsideration and/or Clarification ("Motion"). The Motion seeks clarification of the Commission's May 18, 2011 Order in this Cause. Specifically, Westfield seeks to protect its authority to regulate JLB Development Inc. ("JLB"), which is located within Westfield's corporate boundaries.

Having reviewed the Motion, the Commission DENIES the Motion. As discussed below, the Commission's May 18, 2011 Order in this Cause does not infringe upon Westfield's authority to regulate JLB.

The Commission's Order explicitly states that the Commission has no authority to grant JLB an extension of its CTA because the area in question, and indeed JLB's entire service area, is located within Westfield's corporate boundaries. Therefore the Commission indicated that JLB could only provide service pursuant to an indeterminate permit subject to the terms of Ind. Code §§ 8-1-2-92 and 8-1-2-93, which allow Westfield to purchase or condemn JLB at any time.

Similarly, the Commission acknowledged Westfield's statutory right to regulate JLB's provision of sewer service pursuant to Ind. Code § 36-9-2-16. The Commission indicated that it retains jurisdiction over JLB's rates and charges pursuant to Ind. Code §§ 8-1-2-4 and 8-1-2-42, but only in the absence of Westfield's exercise of its own jurisdiction. The intention of the Commission's Order is to ensure JLB does not operate without oversight. Westfield has the right to regulate JLB's provision of service, including JLB's rates and charges, and should it exercise that right, then regulation by the Commission would be unnecessary.

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

APPROVED: JUN 29 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