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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE ) CAUSE NO. 43978  
COMPLAINT OF MARCHELL )  
NORRIS AGAINST NORTHERN ) ORDER OF DISMISSAL  
INDIANA PUBLIC SERVICE )  
COMPANY ) APPROVED: MAY 31 2011

**BY THE COMMISSION:**

**Carolene Mays, Commissioner**  
**Jeffery A. Earl, Administrative Law Judge**

On December 17, 2010, Marchell Norris filed a Complaint with the Indiana Utility Regulatory Commission ("Commission") against Northern Indiana Public Service Company ("NIPSCO"). On January 19, 2011, NIPSCO filed a Motion to Dismiss, alleging that Ms. Norris was not the real party in interest because the dispute involved bills sent to MND Properties LLC ("MND"). Ms. Norris is the sole member of MND. On February 8, 2011, the Commission held an Evidentiary Hearing, at which the presiding Administrative Law Judge ("ALJ") addressed NIPSCO's Motion to Dismiss. The ALJ determined Ms. Norris was not the real party in interest in this Cause because the charges were incurred by MND and not by Ms. Norris personally. The ALJ further determined that Ms. Norris was not qualified to represent MND before the Commission because 170 IAC 1-1.1-7 requires the interests of another person or entity to be represented by an attorney. Therefore, the ALJ instructed Ms. Norris to obtain legal counsel and file an amended complaint within thirty (30) days. Ms. Norris has not taken any further action since the Evidentiary Hearing.

Pursuant to 170 IAC 1-1.1-24, the Commission may, after providing at least ten days notice of its intent, dismiss any proceeding that has been pending upon the Commission docket and is not currently set for hearing if no action has been taken by any party to the proceeding for a period of sixty days. On May 11, 2011, the Presiding Officers issued a docket entry providing notice to all parties of the Commission's intent to dismiss this Cause without prejudice unless Ms. Norris filed a status update and request for additional time or filed an amended complaint accompanied by an appearance of counsel. The Commission has not received any response from Ms. Norris, and more than ten days have passed since the May 11, 2011 Docket Entry. Therefore, this Cause is dismissed without prejudice.

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

1. The Complaint filed by Marchell Norris under Cause Number 43978 is dismissed without prejudice.

2. This Order shall be effective on and after the date of its approval.

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

**APPROVED:        MAY 31 2011**

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



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**Sandra K. Gearlds  
Acting Secretary to the Commission**