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APW

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE INDIANA)
UTILITY REGULATORY COMMISSION'S)
INVESTIGATION INTO THE OPERATION)
OF THIENEMAN ENVIRONMENTAL, LLC)
AND WHETHER ITS CERTIFICATE OF)
TERRITORIAL AUTHORITY SHOULD BE)
REVOKED)

CAUSE NO. 44489

APPROVED:

JUL 23 2014

ORDER OF THE COMMISSION

Presiding Officers:

Carol A. Stephan, Commission Chair
David E. Veleta, Administrative Law Judge

On May 21, 2014, the Indiana Utility Regulatory Commission ("Commission") initiated this investigation into the operation of Thieneman Environmental, LLC ("Thieneman") and its provision of sewage service to determine whether Thieneman's Certificate of Territorial Authority ("CTA") should be revoked.

Pursuant to notice duly published as required by law, proof of which was incorporated into the record by reference and placed in the official files of the Commission, a Preliminary Hearing and Prehearing Conference was held in this Cause on June 18, 2014 at 10:00 a.m. in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Counsel for the Indiana Office of Utility Consumer Counselor ("OUCC") appeared. No counsel or representative of Thieneman appeared.

Based upon the applicable law and evidence presented, the Commission finds:

- Statutory Notice and Commission Jurisdiction.** Notice of the hearing in this Cause was given and published by the Commission as required by law. Notice of this investigation was also provided to Thieneman.

Thieneman is an investor owned for-profit limited liability company that proposed to own and operate a private sewer system in a rural area of Floyd County, Indiana. Thieneman is a "public utility" as defined in Ind. Code § 8-1-2-1. Pursuant to Ind. Code § 8-1-2-58, investigations into any matter relating to a public utility may be summarily made, with or without notice. If the Commission becomes satisfied that sufficient grounds exist to warrant a hearing pertinent to the matters investigated, Ind. Code § 8-1-2-59 requires that the public utility involved be furnished a statement notifying it of the matters under investigation. In addition, Ind. Code § 8-1-2-89(k) specifically authorizes the Commission to revoke a CTA, after notice of hearing and hearing, for the failure of the CTA holder to furnish reasonably adequate sewage disposal service within its defined service areas. Accordingly, the Commission has jurisdiction over Thieneman and the subject matter of this investigation.

2. **Commission Discussion and Findings.** As set forth in the Commission's Order initiating this investigation, since the issuance of the Commission's Order in Cause No. 42670, Thieneman has failed to submit copies of the approvals required by the Indiana Department of Environmental Management ("IDEM") and the Indiana Department of Natural Resources. Further, based upon information received by Commission staff from IDEM, it appears that Thieneman was originally issued a National Pollutant Discharge Elimination System ("NPDES") permit on July 29, 2011, but that the NPDES permit was subsequently transferred (effective May 1, 2013), along with the utility's assets, to the Town of Greenville, Indiana.

Therefore, the Commission determined it appropriate to commence this investigation into Thieneman's operation and provision of sewage services to determine whether Thieneman's CTA should be revoked. The Commission's investigation order further advised Thieneman that failure to appear at the scheduled Preliminary Hearing and Prehearing Conference, or to otherwise notify the Commission of its intent to participate in this investigation would result in the revocation of Thieneman's CTA.

Thieneman neither appeared at the Preliminary Hearing and Prehearing Conference nor notified the Commission of its intent to participate in this investigation. At the hearing, the OUCC also informed the Commission that it had not had any communications with Thieneman. Therefore, the Commission finds that Thieneman has failed to demonstrate that it is furnishing reasonably adequate sewage disposal service within its approved service area and Thieneman's CTA shall be revoked.

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

1. Thieneman's CTA to provide sewage services in a rural area in Floyd County, Indiana is revoked.
2. This Order shall be effective on and after the date of its approval.

STEPHAN, MAYS, WEBER, AND ZIEGNER CONCUR:

APPROVED: JUL 23 2014

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


Brenda A. Howe
Secretary to the Commission