

STATE OF INDIANA)
)
COUNTY OF MARION)

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF THE PETITION OF)
THE BOARD OF TRUSTEES OF THE ALLEN)
COUNTY REGIONAL WATER AND SEWER)
DISTRICT, ALLEN COUNTY, INDIANA, TO)
MODIFY ITS PLAN)

CAUSE NO. _____

**PETITION OF THE ALLEN COUNTY REGIONAL
WATER AND SEWER DISTRICT
TO MODIFY ITS PLAN**

Comes now the Allen County Regional Water and Sewer District (“District”), by its Board of Trustees (“Board”), and files its Petition to Modify its Plan (“Petition”) to facilitate a restatement of its purpose. In support of its Petition, the District offers the following:

1. On July 5, 1979, the Stream Pollution Control Board of the State of Indiana (currently the Indiana Department of Environmental Management (“IDEM”)) entered a final order (“Final Order”) creating the District and delineating the District’s territory (“District’s Territory”).
2. On February 17, 1993, IDEM issued an Order Granting Modification of Allen County Regional Sewer District. The February 17, 1993 Order: (i) changed the name of the District from the “Allen County Regional Sewer District” to the “Allen County Regional Water and Sewer District”; and (ii) expanded the purpose of the District to include the control and regulation of water systems within the District.
3. On May 4, 2022, the District executed a Utility System Asset Acquisition Agreement (“Acquisition Agreement”) with the City of Fort Wayne, Indiana (“City”). The

Acquisition Agreement, a copy of which is attached as Exhibit A, provides, among other things, that the City will own, operate, and assume all responsibility for the District's assets and providing service to all current customers of the District in and around the District. The vast majority of the District's customers will, in turn, experience a decrease in their monthly user bill for 2022 from \$121.75 to \$80.12 per month.

4. In the Acquisition Agreement (i.e. Exhibit A), the District and City specifically recognize that in order to maintain rates and charges at the lowest possible level for the customers in and around the District's service territory, the City should be granted, through an Interlocal Agreement, the right to exercise the District's rights within the District's Territory and serve subject to applicable law on this issue.

5. Accordingly, the Board respectfully requests that IDEM issue an Order: (i) confirming that the District has the power and authority to regulate, control, and provide sewer and water service inside and outside of the District's Territory; and (ii) the District's Territory will no longer be automatically changed to exclude those areas sought to prospectively be served by the City or any other entity. (See, e.g., Exhibit A, Acquisition Agreement, Section 5.2(A), p. 13). With respect to its service territory, the Board requests that the District's Territory continue to consist of all of Allen County, Indiana, except for these areas lawfully being serviced by other utilities at the time of the filing of this Petition.

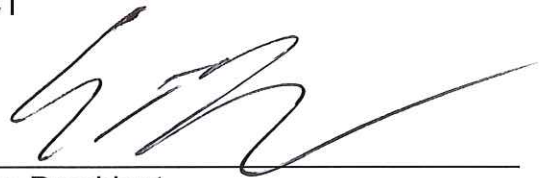
6. The District requests that IDEM issue an order granting the relief requested herein and recognize that such order will only be in full force and effect at and upon the closing contemplated in the Acquisition Agreement. If closing of the contemplated transaction does not occur on or before June 22, 2022, this Petition and

any accompanying order shall become null and void unless the City agrees to an extension.

WHEREFORE, the District respectfully requests that the Indiana Department of Environmental Management perform all necessary procedures to approve this Petition to: (i) continue to authorize the District to regulate, control, and provide sewer and water service inside and outside of its territory as authorized in Indiana Code § 13-26-1-1(1)-(2); (ii) the District's boundaries will include all of Allen County, Indiana, except for those areas lawfully being serviced by other utilities at the time of the filing of this Petition; and (iii) the District's boundaries will no longer be automatically changed to exclude those areas to be served by another entity, including the City, after the date of this Petition.


Respectfully submitted,

BOARD OF TRUSTEES OF THE ALLEN
COUNTY REGIONAL WATER AND SEWER
DISTRICT



Rick Zehr, President

ATTEST:



Justin Brugger, Secretary-Treasurer

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Exhibit A