

ORIGINAL

Commissioner	Yes	No	Not Participating
Zay	√		
Deig	√		
Swinger			√
Veleta	√		
Ziegner	√		

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**JOINT PETITION OF THE BOARD OF DIRECTORS)
FOR UTILITIES OF THE DEPARTMENT OF)
PUBLIC UTILITIES FOR THE CITY OF)
INDIANAPOLIS, AS TRUSTEE IN FURTHERANCE)
OF THE WATER TRUST, D/B/A CITIZENS WATER,)
CWR WHITESTOWN, LLC AND THE TOWN OF)
WHITESTOWN, INDIANA, FOR APPROVAL OF)
THE ACQUISITION OF WHITESTOWN’S WATER)
UTILITY ASSETS BY CWR WHITESTOWN, LLC,)
FOR THE EXCLUSIVE USE AND BENEFIT OF)
CITIZENS WATER, AND FOR RELATED)
APPROVALS PURSUANT TO IND. CODE §§ 8-1-30.3-)
5(D) AND 8-1.5-2-6.1)**

CAUSE NO. 46303

APPROVED: MAY 06 2026

NUNC PRO TUNC ORDER OF THE COMMISSION

Presiding Officers:

David E. Veleta, Commissioner

Kristin E. Kresge, Administrative Law Judge

On March 31, 2026, the Indiana Utility Regulatory Commission (“Commission”) issued its Order in this Cause (“Final Order”). On April 9, 2026, the Board of Directors for Utilities of the Department of Public Utilities for the City of Indianapolis, as Trustee in Furtherance of the Water Trust, d/b/a Citizens Water (“Citizens Water”) filed an Unopposed Motion for Nunc Pro Tunc Order. Citizens Water requests that the Commission reconsider and clarify language in the Final Order.

Ind. Code § 8-1.5-2-7 provides that a certificate of public convenience and necessity (“CPCN”) is not required as a condition precedent to owning, leasing, acquisition, construction, or operation of a utility by a municipality. Ind. Code § 8-1.5-2-1 provides that this chapter applies to all municipalities except consolidated cities. Since Citizens Water serves a consolidated city, Ind. Code ch. 8-1.5-2, including the exception to acquiring a CPCN, does not apply. Further, Ind. Code ch. 8-1-11.1 does not provide Citizens Water with an exception to the requirement of acquiring a CPCN.

The Commission changes sentence 3 in Section 6.H of the final order to:

Since Citizens Water operates under a consolidated city, which is not subject to Ind. Code ch. 8-1.5-2, it is not exempt from obtaining a CPCN.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY

COMMISSION that:

1. Sentence 3 in Section 6.H is replaced by the above sentence.
2. This Order shall be effective on and after the date of its approval.

ZAY, DEIG, VELETA, AND ZIEGNER CONCUR; SWINGER NOT PARTICIPATING:

APPROVED: MAY 06 2026

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

**Dana Kosco
Secretary of the Commission**