



STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION

IN RE:) CAUSE NO.
)
DUKE ENERGY INDIANA, LLC) DHS-1813-FPBSC-012
)
)
)

NON-FINAL ORDER OF DISMISSAL

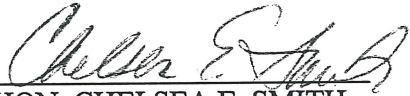
On January 22, 2019, the parties submitted the attached request for dismissal. Accordingly, the Administrative Law Judge now enters this Non-Final Order of Dismissal.

The ultimate authority in this matter is the Fire Prevention and Building Safety Commission. Indiana Code § 4-21.5-3-29(d) requires any party seeking to preserve an objection to this order for judicial review to file a written objection that:

- 1. identifies the basis of the objection with reasonable particularity; and
- 2. is filed with the Commission within fifteen days (or any longer period set by statute) after this order is served.

In the absence of an objection from a party or notice from the Commission of its intent to review any issue related to this order, the Commission shall affirm this order in accordance with Ind. Code § 4-21.5-3-29(c). This order will be considered by the Commission on February 5, 2019 at 9:00 a.m. (EST), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.

Date: January 22, 2019


HON. CHELSEA E. SMITH
Administrative Law Judge
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Rm E208
Indianapolis, IN 46204
Telephone: (317) 234-8917
E-mail: chesmith2@dhs.in.gov

Smith, Chelsea

From: Adrian Halverstadt <alh@dhrqlaw.com>
Sent: Tuesday, January 22, 2019 11:16 AM
To: Smith, Chelsea
Cc: Moss, Steven J
Subject: RE: DHS-1813-FPBSC-012 :: Respondent's Updated Telephone Number

Follow Up Flag: Follow up
Flag Status: Flagged

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Yes, please.

Best regards,
Adrian

ADRIAN L. HALVERSTADT III | Attorney at Law | T: 260.366.4022 | F: 260.359.1000 | E: alh@dhrqlaw.com
DeLANEY HARTBURG ROTH & GARROTT LLP | www.DHRGLaw.com | 533 WARREN STREET | P.O. BOX 269 | HUNTINGTON, IN 46750

From: Smith, Chelsea <CheSmith2@dhs.IN.gov>
Sent: Tuesday, January 22, 2019 11:16 AM
To: Adrian Halverstadt <alh@dhrqlaw.com>
Cc: Moss, Steven J <Steven.Moss@duke-energy.com>
Subject: RE: DHS-1813-FPBSC-012 :: Respondent's Updated Telephone Number

Good morning,

Thank you for letting me know that you have reached an informal resolution. Would you like for your email to serve as a joint request for dismissal of the appeal?

Best regards,

Chelsea E. Smith | Administrative Law Judge
Indiana Department of Homeland Security
302 West Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 234-8917
Email: Chesmith2@dhs.in.gov
Web: www.in.gov/dhs

From: Adrian Halverstadt [<mailto:alh@dhrqlaw.com>]
Sent: Monday, January 21, 2019 4:33 PM
To: Smith, Chelsea <CheSmith2@dhs.IN.gov>
Cc: Moss, Steven J <Steven.Moss@duke-energy.com>
Subject: RE: DHS-1813-FPBSC-012 :: Respondent's Updated Telephone Number

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Judge Smith,

Mr. Moss may have already advised but I am writing to confirm that the parties have completed a settlement on mutually agreed upon terms. No further action is necessary for DHS-1813-FPBSC-012.

Best regards,
Adrian

ADRIAN L. HALVERSTADT III | Attorney at Law | T: 260.366.4022 | F: 260.359.1000 | E: alh@dhrqlaw.com
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From: Smith, Chelsea <CheSmith2@dhs.IN.gov>
Sent: Tuesday, September 11, 2018 8:43 AM
To: Adrian Halverstadt <alh@dhrqlaw.com>
Cc: Moss, Steven J <Steven.Moss@duke-energy.com>
Subject: RE: DHS-1813-FPBSC-012 :: Respondent's Updated Telephone Number

Thank you for providing that information, Mr. Halverstadt. I will update your contact information accordingly.

Chelsea E. Smith | Administrative Law Judge
Indiana Department of Homeland Security
302 West Washington Street, Room E-208
Indianapolis, IN 46204
Tel: (317) 234-8917
Email: Chesmith2@dhs.in.gov
Web: www.in.gov/dhs

From: Adrian Halverstadt [<mailto:alh@dhrqlaw.com>]
Sent: Monday, September 10, 2018 5:03 PM
To: Smith, Chelsea <CheSmith2@dhs.IN.gov>
Cc: Moss, Steven J <Steven.Moss@duke-energy.com>
Subject: DHS-1813-FPBSC-012 :: Respondent's Updated Telephone Number

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Judge Smith,

I am in receipt of your scheduling order dated September 7, 2018, and am writing to provide accurate contact numbers. My direct dial number is 260.366.4022 (preferred)
My Assistant, Janice Bir, can be reached at 260.366.4025
My firm's general number is 260.356.4100

I will adjust my schedule so that I am available for the telephone conference on September 19 at 1:00 p.m.

Best regards,
Adrian

ADRIAN L. HALVERSTADT III | Attorney at Law | T: 260.366.4022 | F: 260.359.1000 | E: alh@dhrglaw.com
DeLANEY HARTBURG ROTH & GARROTT LLP | www.DHRGLaw.com | 533 WARREN STREET | P.O. BOX 269 | HUNTINGTON, IN 46750

A copy of the foregoing was served by U.S. Postal Service upon the following parties and attorneys of record:

Steven J. Moss
Attorney for Petitioner
Duke Energy Business Services LLC
1000 East Main Street
Plainfield, IN 46168

Adrian L. Halverstadt III
Attorney for Respondent
DeLaney Hartburg Roth & Garrott LLP
533 Warren Street
Huntington, IN 46750

and personally served on the following attorney of record:

Justin K. Guedel
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Room E208
Indianapolis, IN 46204
(317) 234-9515
jguedel@dhs.in.gov