
In the
Supreme Court of the United States
October Term, 1978

No. 81, Original

COMMONWEALTH OF KENTUCKY,

Plaintiff,

vs.

STATE OF INDIANA AND
THEODORE L. SENDAK,
ATTORNEY GENERAL OF INDIANA,

Defendants,

REPORT OF SPECIAL MASTER

ROBERT VAN PELT,
Senior U.S. District Judge
Lincoln, Nebraska
Special Master

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I. INTRODUCTION

This original action involves a determination of the boundary between the Commonwealth of Kentucky and the State of Indiana. Jurisdiction is invoked under Article III, Section 2, clause 2 of the Constitution of the United States. Indiana admits this Court's jurisdiction. Your Special Master is of the opinion, and reports, that this Court has jurisdiction.

Heretofore there was referred to the Special Master a motion of the Public Service Company of Indiana, Inc. for leave to intervene. Your Special Master recommended that the motion for leave to intervene should be denied but that permission be granted the Public Service Company to file briefs *amicus curiae*. No exceptions were taken to this report. A helpful *amicus* brief has been filed and considered in preparing this report.

In the previous report reference was made to the stipulation signed in July, 1979 by all of the parties, including the Public Service Company. The original stipulation is on file with the Clerk of this Court, having been filed when the report on the Motion to Intervene was submitted.

Your Special Master, who is also Special Master in No. 27, Original, *Ohio v. Kentucky*,¹ calls attention to paragraphs 3, 4, 5, 6 and 12 of the stipulation, above mentioned, believing that these paragraphs frame the issues to be covered by this report.

3. In his report filed on January 3, 1979 in the United States Supreme Court, the Special Master

¹ Your Special Master was appointed the Special Master in No. 27, Original, succeeding Judge Phillip Forman, now deceased.

