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September 4, 2012

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SEP 06 2012

INDIANA UTILITY  
REGULATORY COMMISSION

Mr. E. Curtis Gassert  
Director Water/Wastewater Division  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, Indiana 46204-3419

RE: Woodburn (Indiana) Municipal Water Utility – Outside User Rate Petition

Dear Mr. Gassert:

On behalf of the City of Woodburn, please find the Petition for Approval of Rate and Charge Difference Between Property Within and Property Outside the Corporate Boundaries of the City. If at any time you have any questions or need additional information, please feel free to contact myself or Mr. Patrick Proctor, City Attorney.

Very truly yours,

UMBAUGH

Jeffrey P. Rowe

JPR/jf

Enclosure: Petition

cc: Ms. Holly Sarrazine, Clerk-Treasurer  
Mr. Patrick Proctor, Eilbacher Fletcher, LLP

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

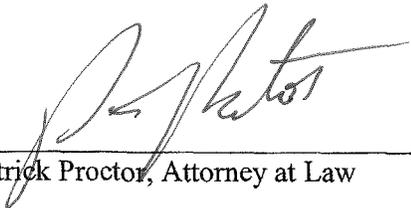
PETITION OF THE CITY OF WOODBURN )  
FOR APPROVAL OF RATE AND CHARGE )  
DIFFERENCE BETWEEN PROPERTY ) CAUSE NO. \_\_\_\_\_  
WITHIN AND PROPERTY OUTSIDE THE )  
CORPORATE BOUNDARIES OF WOODBURN )

Pursuant to Indiana Code §8-1.5-3-8.3(c), Petitioner, the City of Woodburn, Indiana (“Woodburn”), by counsel, respectfully petitions the Indiana Utility Regulatory Commission (“Commission”) for approval of the rate and charge difference between property within and property outside the corporate boundaries of the City of Woodburn. In support of its Petition, Petitioner states:

1. The ordinance setting rates and charges for property within and property outside the municipality’s corporate boundaries took effect on December 7, 2009 for the Municipal Water Utility.
2. Attached as “Exhibit A” is a copy of the ordinance.
3. The works that are the subject of the ordinances are (select one):
  - a. Water utility works  X
  - b. Wastewater utility works \_\_\_\_\_
  - c. Both water and wastewater utility works \_\_\_\_\_
4. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is approximately 25%. The percentage difference varies slightly based upon the amount of consumption.

5. If the percentage difference in #4 above varies based upon the amount of consumption, please provide a charge illustrating the various consumption levels in 1,000 gallon increments with the corresponding surcharge and attach to this Petition. See "Exhibit B."
  
6. Patrick Proctor, Attorney at Law, 803 South Calhoun Street, Suite 400, Fort Wayne, Indiana, 46802, is counsel of record for Petitioner in this matter and is duly authorized to accept service of papers in this cause on behalf of the Petitioner.

WHEREFORE, The City of Woodburn, Indiana, requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of the City of Woodburn and for other just and reasonable relief.

  
\_\_\_\_\_  
Patrick Proctor, Attorney at Law

**Verification**

I, Holly Sarrazine, Clerk-Treasurer, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed:   
\_\_\_\_\_  
Holly Sarrazine, Clerk-Treasurer

Date: 8-27-2012

Patrick Proctor, Attorney at Law  
Eilbacher Fletcher, LLP  
803 South Calhoun Street, Suite 400  
Fort Wayne, Indiana 46802  
Phone: 260-425-9777  
Email: [proctor@eflawyers.com](mailto:proctor@eflawyers.com)

**WOODBURN (INDIANA) MUNICIPAL WATER UTILITY**

**EXHIBIT A**

ORDINANCE NO. G-09-1188

**AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF AND SERVICE RENDERED BY THE CITY OF WOODBURN WATERWORKS UTILITY**

WHEREAS, the members of the Common Council of the City of Woodburn, Indiana, operating a municipally-owned water utility; and

WHEREAS, upon due recommendation after investigation, it is found that it is necessary to establish a new schedule of rates and charges for the services to be rendered by the Woodburn Waterworks Utility, which rates and charges must be sufficient to enable the City to properly operate the waterworks system, provide for depreciation, and to provide for and finance any construction of said system;

**NOW, THEREFORE, BE IT ORDAINED BY THE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA, ACTING AS SAID COUNCIL AND THE WOODBURN WATERWORKS DEPARTMENT, THAT:**

**Section 1.** The rates and charges contained in this Ordinance are reasonable, just, and necessary for furnishing reasonable adequate services and facilities sufficient to maintain the Woodburn Waterworks Utility in a condition to render adequate and efficient service.

**Section 2.** There are hereby established for the use of and the service rendered by the waterworks system of the City of Woodburn, the following rates and charges:

A. **METERED SALES**, based upon the amount of water supplied during each month billing period:

	<u>Rate Per Month Per 1000 Gallons</u>	
	<u>Inside City</u>	<u>Outside City</u>
First 2,000 gallons per month	\$7.04	\$8.69
Next 6,000 gallons per month	6.16	7.81
Next 12,000 gallons per month	5.28	6.60
Next 30,000 gallons per month	4.40	5.39
All over 50,000 gallons per month	3.30	4.07

B. **MINIMUM CHARGES.** Each user shall pay a minimum charge in accordance with the size of meter installed, for which the user will be entitled to the quantity of water set forth in the metered schedule of rates.

	<u>Per Month</u>	
	<u>Inside City</u>	<u>Outside City</u>
5/8 inch & 3/4 inch meter	\$14.08	\$17.38
1 inch meter	24.28	30.31
1 – 1/2 inch meter	45.77	57.56
2 inch meter	74.91	94.07
3 inch meter	161.26	200.84
4 inch meter	271.26	335.80
6 inch meter	589.89	728.78

C. **NON-METERED SALES.** For users of the waterworks of which the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate or charge provided in this Ordinance, the owner or other interested party shall, at his expense, install and maintain meters, approved and acceptable to the City. Alternatively, if the owner does not install a meter, the City may bill the user a flat monthly rate based on 8,000 gallons of water per month in accordance with the following:

	<u>Per Month</u>	
	<u>Inside City</u>	<u>Outside City</u>
	\$51.04	\$64.24

D. **FIRE PROTECTION**

Private Fire Hydrant Rental (Annual charge): \$171.60

Public Fire Protection Surcharge (To be billed only to customers inside the City).

	<u>Per Month</u>
<u>Public Fire Protection Surcharge</u>	
3/4 inch meter & 5/8 inch meter	\$1.71
1 inch meter	2.95
1-1/2 inch meter	5.56
2 inch meter	9.10
3 inch meter	19.58
4 inch meter	32.94
6 inch meter	71.64

E. SPRINKLER SYSTEM CONNECTIONS

	<u>Inside City</u>	<u>Annual</u>	<u>Outside City</u>
6 inch connection	\$564.69		\$705.87
8 inch connection	821.32		1026.63

Section 3. All parts of previous Ordinances in conflict herewith are hereby repealed.

This Ordinance adopted upon recommendation and approval by the Common Council of the City of Woodburn.

Duly passed and adopted this 7 day of December, 2009.

  
\_\_\_\_\_  
Presiding Officer

  
\_\_\_\_\_  
Clerk-Treasurer

**WOODBURN (INDIANA) MUNICIPAL WATER UTILITY**

**EXHIBIT B**

**WOODBURN (INDIANA) MUNICIPAL WATER UTILITY**

**COMPARISON OF INSIDE AND OUTSIDE USER RATES**

<u>Consumption</u>	<u>Inside User (1)</u>	<u>Outside User (1)</u>	<u>Surcharge</u>	<u>% Surcharge</u>
0 gallons	\$14.08	\$17.38	\$3.30	23.44%
1,000 gallons	14.08	17.38	3.30	23.44%
2,000 gallons	14.08	17.38	3.30	23.44%
3,000 gallons	20.24	25.19	4.95	24.46%
4,000 gallons	26.40	33.00	6.60	25.00%
5,000 gallons	32.56	40.81	8.25	25.34%
6,000 gallons	38.72	48.62	9.90	25.57%
7,000 gallons	44.88	56.43	11.55	25.74%
8,000 gallons	51.04	64.24	13.20	25.86%
9,000 gallons	56.32	70.84	14.52	25.78%
10,000 gallons	61.60	77.44	15.84	25.71%

(1) Assumes 5/8 inch meter.