

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

ATTORNEYS AT LAW

20 N. W. FIRST STREET · P. O. BOX 916
EVANSVILLE, INDIANA 47706-0916

TELEPHONE (812) 424-7575
FACSIMILE (812) 421-5089
WEBSITE WWW.ZSWS.COM

TED C. ZIEMER, JR.
ROBERT F. STAYMAN
STEPHAN E. WEITZEL
PATRICK A. SHOULDERS (1)
DAVID V. MILLER
WM. MICHAEL SCHIFF (1)
MARCO L. DELUCIO
STEVEN K. HAHN
JAMES P. CASEY
TIMOTHY J. HUBERT
MARY LEE SCHIFF (2)
DAVID A. GUERRETTAZ

ROBERT L. BURKART
SARAH LINK HARDY (3)
DIRCK H. STAHL
KEITH W. VONDERAHE
NICK J. CIRIGNANO
ALLYSON R. BREEDEN
JEAN M. BLANTON (4)
JENNIFER A. ELSTON (1)
CLAY W. HAVILL
OSMAN I. MUFTI (5)
RHETT D. GONTERMAN

September 11, 2012

(1) ALSO ADMITTED IN KENTUCKY
(2) ALSO ADMITTED IN OHIO
(3) ALSO ADMITTED IN GEORGIA
(4) ALSO ADMITTED IN ILLINOIS
(5) ALSO ADMITTED IN WASHINGTON, D.C.

Via Federal Express

Indiana Utility Regulatory Commission
Director of the Water and Wastewater Division
101 W. Washington Street
Suite 1500 E.
Indianapolis, IN 46204

RECEIVED
SEP 12 2012
INDIANA UTILITY
REGULATORY COMMISSION

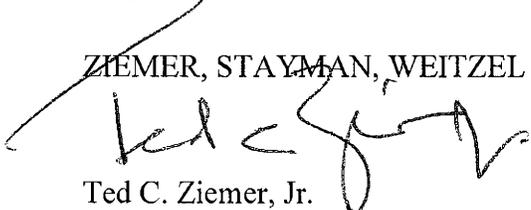
Director of the Water and Wastewater Division:

Enclosed please find an original and one copy of the Petition of the City of Evansville, acting by and through its Water and Sewer Utility, for Approval of Rate and Charge Difference between Property Within and Property Outside the Corporate Boundaries of Evansville (the "Petition"). Please return a file-marked copy of the Petition in the enclosed self-addressed stamped envelope. If you have any questions, please feel free to contact me.

Thank you in advance for your help and consideration.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP


Ted C. Ziemer, Jr.

tziemer@zsws.com

TCZ/klm

Enclosures

cc: Mr. Allen Mounts

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

RECEIVED
SEP 12 2012
INDIANA UTILITY
REGULATORY COMMISSION

**PETITION OF THE CITY OF EVANSVILLE, ACTING BY AND
THROUGH ITS WATER AND SEWER UTILITY, FOR APPROVAL
OF RATE AND CHARGE DIFFERENCE BETWEEN PROPERTY
WITHIN AND PROPERTY OUTSIDE THE CORPORATE
BOUNDARIES OF EVANSVILLE**

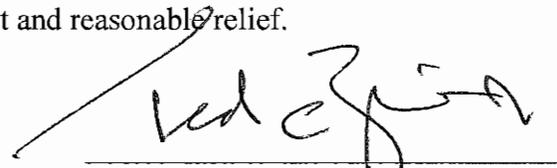
Pursuant to Indiana Code §8-1.5-3-8.3(c), Petitioner, the City of Evansville, Indiana, acting by and through its Water and Sewer Utility, by counsel, respectfully petitions the Director of the Water and Wastewater Division of the Indiana Utility Regulatory Commission (“Commission”) to approve the rate and charge difference between property within and property outside the corporate boundaries of the City of Evansville. 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 July 12, 2010 for the Municipal Sewage Works.
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 _____
 - b. Wastewater utility works X
 - 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 35% applied to the total sewage bill.

5. The percentage difference to the total sewage bill varies based upon the amount of usage when usage is over 3 million gallons per month. Attached as Exhibit "B" is a chart illustrating the various consumption levels in 1,000 gallon increments with the corresponding surcharge.

6. Ted C. Ziemer, Jr., Attorney at Law, 20 N.W. First Street, 9th Floor, Evansville, Indiana, 47706, 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, Petitioner, The City of Evansville, Indiana, acting by and through its Water and Sewer Utility, 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 Evansville and for other just and reasonable relief.

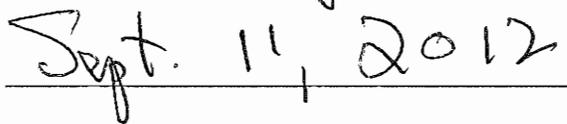


Ted C. Ziemer, Jr.

Verification

I, Ted C. Ziemer, Jr., attorney for the City of Evansville, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed: 

Date: 

Ted C. Ziemer, Jr.
Ziemer, Stayman, Weitzel & Shoulders, LLP
20 N.W. First Street, 9th Floor
Evansville, Indiana 47706
Phone: 812-424-7575
Fax: 8112-421-5089
Email: TZiemer@zsws.com

EVANSVILLE (INDIANA) MUNICIPAL SEWAGE WORKS

EXHIBIT A

INTRODUCED BY: MOSBY

COMMITTEE: FINANCE

ORDINANCE NO. F - 2010 -- 7 (Amended)

**AN ORDINANCE TO AMEND THE SEWER RATES
AND CHARGES FOR THE CITY OF EVANSVILLE,
INDIANA**

WHEREAS, the City of Evansville, Indiana (the "City"), has heretofore constructed and has in operation a sewage works pursuant to IC 36-9-23 *et seq.* For the purpose of collecting and disposing of, in a sanitary manner, the sewage of the residents and other non resident users of the sewer utility of the City; and

WHEREAS, the Common Council of the City (the "Council") has previously by ordinance established the existing schedule of user rates and charges for sewer service; and

WHEREAS, the City has employed H.J. Umbaugh & Associates, Certified Public Accountants, LLP (the "Financial Advisor") to prepare a rate report reviewing the sufficiency of such existing rates and charges; and

WHEREAS, the Financial Advisor has prepared and submitted a rate report (the "Rate Report") which concludes that existing rates and charges are insufficient to pay all the legal and other necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, and the payment of principal and interest on bonds, future bonds or other obligations; and

WHEREAS, pursuant to IC 36-9-23-26, this Council may change or adjust its existing schedule of fees by ordinance after providing notice and conducting a public hearing; and

WHEREAS, IC 36-9-23-25 authorizes this Council to adopt by ordinance a just and equitable schedule of fees for sewer services rendered by the City's sewage works; and

WHEREAS, IC 36-9-23-25 authorizes this Council to exercise reasonable discretion in adopting different schedules of fees, or making classifications in schedules of fees, based upon variations in the costs, including capital expenditures, of furnishing services to various classes of users or to various locations, or the number of users in various locations; and

WHEREAS, because of and based upon such cost increases, it is just, equitable, and reasonable to amend the existing schedules of fees herein for users of the sewer system; and

WHEREAS, the Clerk of the City has given notice of the public hearing on proposed rates as provided for in the Act; and

FILED

JUL 12 2010

Alberta Matlock
CITY CLERK

WHEREAS, the public hearing was held before this Council on the date hereof, at which time testimony from interested persons was received, after introduction of this ordinance and as provided to in the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA:

SECTION 1, The Council hereby finds and determines that, based upon the Rate Report, the existing rates and charges are insufficient to pay all the legal and other necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, and the payment of principal and interest on bonds, future bonds or other obligations.

SECTION 2. The Council finds and determines that the proposed rates and charges as set forth in the Rate Report are just and equitable and therefore should be adopted.

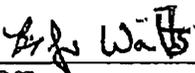
SECTION 3. The Council finds and determines that the proposed rates set forth on Exhibit A hereto should be adopted.

SECTION 4. Section 13.05.280 (C) of the Evansville Municipal Code is hereby amended to reflect the rates, charges, and effective dates adopted by this Ordinance as shown on exhibit A.

SECTION 5. This Ordinance shall be in effect on and after its date of passage. For bills rendered on and after January 1, 2011, the rate shall be as shown on Exhibit A for phase I rates and January 1, 2012 for phase II rates.

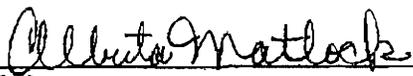
Passed and adopted by the Common Council of the City of Evansville on the 12 day of July, 2010.

COMMON COUNCIL OF THE CITY
OF EVANSVILLE, INDIANA



Presiding Officer

ATTEST:



Clerk

Presented by me to the Mayor of the City of Evansville on the 13 day of July, 2010, at 11:00 o'clock A.m.

Albina Matlock
Clerk

This ordinance approved and signed by me on the 14 day of July, 2010, at 11:30 o'clock a.m.

Anthony D. [Signature]
Mayor

Approved as to Form:

[Signature]
Corporation Counsel

EXHIBIT A

SCHEDULE OF PROPOSED RATES AND CHARGES

(Attached)

EVANSVILLE (INDIANA) MUNICIPAL SEWAGE WORKS

SUMMARY OF PRESENT AND PROPOSED RATES AND CHARGES - INSIDE CITY

INSIDE CITY	Present	Proposed Rates	
	Rates (1)	Phase I (2)	Phase II (3)
Effective Date	11/01/09	01/01/11	01/01/12
Base Charge (Per Month)			
<u>Meter Size:</u>			
5/8 inch meter	\$3.13	\$3.42	\$3.80
1 inch meter	7.98	8.70	9.66
1 1/2 inch meter	17.96	19.58	21.73
2 inch meter	31.91	34.79	38.62
3 inch meter	71.83	78.30	86.91
4 inch meter	127.71	139.21	154.52
6 inch meter	287.34	313.21	347.66
8 inch meter	510.80	556.78	618.03
10 inch meter	798.13	869.97	965.67
Volumetric Rate (Per 1,000 Gallons)			
First 50,000	\$4.82	\$5.25	\$5.83
Next 950,000	3.31	3.61	4.01
Next 2,000,000	2.78	3.03	3.36
Over 3,000,000	2.78	3.03	3.36
Governmental Users (Per 1,000 Gallons)			
First 1,000	\$7.67	\$8.36	\$9.28
All over 1,000	2.52	2.75	3.05
Property Not Using Water (Per Month)			
Any unmetered user	\$41.68	\$45.43	\$50.43

(1) Rates were approved by the Common Council on October 12, 2009 pursuant to Ordinance F-2009-12.

(2) Proposed Phase I Rates assume a 9% across-the-board increase over present rates and charges

(3) Proposed Phase II Rates assume a 11% across-the-board increase over Phase I rates and charges

(Continued on next page)

EVANSVILLE (INDIANA) MUNICIPAL SEWAGE WORKS

(Cont'd)

SUMMARY OF PRESENT AND PROPOSED RATES AND CHARGES - OUTSIDE CITY

OUTSIDE CITY	Present	<u>Proposed Rates</u>	
	<u>Rates (1)</u>	<u>Phase I (2)</u>	<u>Phase II (3)</u>
Effective Date	11/01/09	01/01/11	01/01/12
Base Charge (Per Month)			
<u>Meter Size:</u>			
5/8 inch meter	\$ 4.20	\$4.58	\$5.08
1 inch meter	10.78	11.76	13.05
1 1/2 inch meter	24.25	26.44	29.35
2 inch meter	43.09	46.97	52.14
3 inch meter	96.97	105.70	117.33
4 inch meter	172.39	187.91	208.58
6 inch meter	387.91	422.83	469.34
8 inch meter	689.60	751.67	834.35
10 inch meter	1,077.48	1,174.46	1,303.65
Volumetric Rate (Per 1,000 Gallons)			
First 50,000	\$6.51	\$7.10	\$7.88
Next 950,000	4.47	4.87	5.41
Next 2,000,000	3.76	4.10	4.55
Over 3,000,000	2.78	3.03	3.36
Governmental Users (Per 1,000 Gallons)			
First 1,000	\$10.37	\$11.30	\$12.54
All over 1,000	340	3.71	4.12
Property Not Using Water (Per Month)			
Any unmetered user	\$56.26	\$61.32	\$68.07

(1) Rates were approved by the Common Council on October 12, 2009 pursuant to Ordinance F-2009-12.

(2) Proposed Phase I Rates assume a 9% across-the-board increase over present rates and charges

(3) Proposed Phase II Rates assume a 11 % across-the-board increase over Phase I rates and charges

EVANSVILLE (INDIANA) MUNICIPAL SEWAGE WORKS

EXHIBIT B

EVANSVILLE (INDIANA) MUNICIPAL SEWAGE WORKS

COMPARISON OF INSIDE AND OUTSIDE CITY SEWAGE RATES AND CHARGES

<u>Consumption</u> (Gals.)	<u>Ref.</u>	<u>Inside City</u> <u>User</u>	<u>Outside City</u> <u>User</u>	<u>% Surcharge</u>
1,000	(1)	\$9.63	\$12.96	35%
2,000	(1)	15.46	20.84	35%
3,000	(1)	21.29	28.72	35%
4,000	(1)	27.12	36.60	35%
5,000	(1)	32.95	44.48	35%
6,000	(1)	38.78	52.36	35%
7,000	(1)	44.61	60.24	35%
8,000	(1)	50.44	68.12	35%
9,000	(1)	56.27	76.00	35%
10,000	(1)	62.10	83.88	35%
100,000	(2)	578.91	781.83	35%
1,000,000	(2)	4,187.91	5,650.83	35%
2,000,000	(2)	7,547.91	10,200.83	35%
3,000,000	(2)	10,907.91	14,750.83	35%
5,000,000	(2)	17,627.91	21,470.83	22%
10,000,000	(2)	34,427.91	38,270.83	11%
20,000,000	(2)	68,027.91	71,870.83	6%
30,000,000	(2)	101,627.91	105,470.83	4%

(1) Assumes a 5/8 inch meter.

(2) Assumes a 3 inch meter.