

MAY 17 2012
INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION FOR APPROVAL OF RATE)
AND CHARGE DIFFERENCE BETWEEN)
PROPERTY WITHIN AND PROPERTY) CAUSE NO
OUTSIDE THE CORPORATE BOUNDARIES)
OF CITY OF HUNTINGBURG, INDIANA)

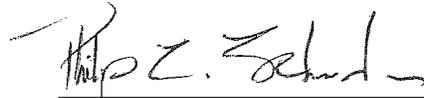
Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, City of Huntingburg, by counsel, respectfully petitions the Indiana Utility Regulatory Commission ("Commission") for approval of the rate and charge difference between property within and property outside the corporate boundaries of City of Huntingburg. 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 January 1, 2010.
2. Attached as Exhibit "A" is a copy of the Ordinance.
3. The works that is the subject of the Ordinance is a (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 25%.
5. If the percentage difference in #4 above varies based upon the amount of consumption, please provide a chart illustrating the various consumption levels in 1,000 gallon increments with the corresponding percent surcharge and attach to this Petition as Exhibit "B".

6. Petitioner considers Ind. Code § 8-1.5-3-8.3(c), among other statutes, to be applicable to the relief requested by this Petition.
7. Philip C. Schneider, 427 E. Fourth Street, P.O. Box 193, Huntingburg, Indiana 47542 is counsel of record for Petitioner in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioner.

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

Respectfully submitted,

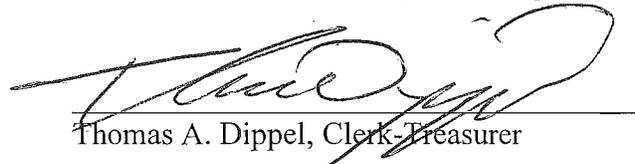


Philip C. Schneider, #196-19
Attorney for Petitioner
427 E. Fourth Street, P.O. Box 193
Huntingburg, Indiana 47542
Tel. (812) 683-3957
Email: pslawoff@psci.net

Verification

I, Thomas A. Dippel, Clerk-Treasurer of the City of Huntingburg, Indiana, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information and belief.

Dated: 5/16/12



Thomas A. Dippel, Clerk-Treasurer

Exhibit "A"

City of Huntingburg, Indiana

Ordinance No. 2009-36

Introduced 11/5/2009
Public Hearing 12/15/2009
Adoption 12/15/09

CITY OF HUNTINGBURG, INDIANA
ORDINANCE NO. 2009- 34

**AN ORDINANCE ESTABLISHING A NEW SCHEDULE
OF RATES AND CHARGES FOR USE OF ANY SERVICES
RENDERED BY THE MUNICIPAL WATERWORKS OF
THE CITY OF HUNTINGBURG, INDIANA,
AND MATTERS CONNECTED THEREWITH**

WHEREAS, based upon an accounting study performed by O. W. Krohn & Associates, LLP, certified public accountants, of Westfield, Indiana, the Common Council of the City of Huntingburg now determines that the existing rates and charges for the use of and services rendered by the municipal waterworks system of said City are too low and insufficient to enable the utility to produce revenue sufficient to maintain such utility property in a sound physical and financial condition to render adequate and efficient service; that increased revenues will improve the service rendered by said waterworks system and make the same of greater value to the City, its inhabitants and the patrons of said waterworks system, and that the existing schedule of rates and charges should be increased; and

WHEREAS, based upon the recommendation of the Utility Rate Advisory Board and the Utility Board of the City of Huntingburg, the Common Council of the City of Huntingburg now determine that the rates and charges for the use of and services rendered by the municipally owned waterworks utility should be sufficient to pay all the legal and other necessary expenses incident to the operation of the utility; to provide a sinking fund for the liquidation of existing indebtedness to provide adequate money for working capital; to provide money for making extensions, replacements and capital improvements to the utility; to provide money for the payment of taxes that may be assessed against the utility, including taxes that would otherwise be due to the City on the utility property were it privately owned; and to provide a reasonable return on the utility plant of the municipality.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Huntingburg, Indiana, as follows:

Section 1. There shall be and there are hereby established for the use of and services rendered by the waterworks system of the City of Huntingburg, the following rates and charges:

(1) Monthly Service Charge:

Each metered customer shall pay a monthly service charge in accordance with the size of the meter installed as follows:

<u>Meter Size</u>		<u>Monthly Service Charges</u>	
		<u>Effective 01/01/2010</u>	<u>Effective 01/01/2011</u>
5/8 to 3/4	Inch Meter	\$ 11.99	\$ 13.07
1	Inch Meter	23.98	26.14
1 1/2	Inch Meter	48.51	52.88
2	Inch Meter	88.84	96.84
3	Inch Meter	169.50	184.76
4	Inch Meter	484.51	528.12
6	Inch Meter	969.01	1,056.22
8	Inch Meter	1,615.38	1,760.76

(2) Metered Rates:

Each metered customer shall pay a monthly charge based upon the quantity of water supplied by the waterworks as metered in accordance with the following schedule:

<u>Metered Quantity</u>	<u>Monthly Charge Per 100 Cu. Ft.</u>	
	<u>Effective 01/01/2010</u>	<u>Effective 01/01/2011</u>
First 5,000 cubic feet	\$4.2645	\$4.6483
Next 20,000 cubic feet	4.0224	4.3844
Next 2,475,000 cubic feet	3.6187	3.9444
Over 2,500,000 cubic feet	2.4840	2.7076

(3) Service Outside City Limits:

For retail users of water located outside the corporate limits of the City of Huntingburg whose monthly usage is less than one million cubic feet per month, an additional charge in the amount of twenty-five percent (25%) of the monthly billing for the monthly service charge and the monthly metered rates computed in accordance with the foregoing schedules, shall be imposed.

(4) Public Fire Protection:

There shall be a monthly public fire protection charge for every customer situated within the corporate limits of the City based on the size of each customer service meter serving one or more structures, as follows:

<u>Meter Size</u>		<u>Effective</u> <u>01/01/2010</u>	<u>Effective</u> <u>01/01/2011</u>
5/8	Inch Meter	\$ 1.58	\$ 1.72
3/4	Inch Meter	2.23	2.43
1	Inch Meter	4.03	4.39
1 1/2	Inch Meter	8.99	9.80
2	Inch Meter	16.02	17.46
3	Inch Meter	35.97	39.21
4	Inch Meter	64.04	69.80
6	Inch Meter	143.88	156.83
8	Inch Meter	256.15	279.20

(5) Private Fire Protection Service:

For each Direct Fire Connection, defined as a direct and independent physical connection to the public water distribution system solely for the explicit purpose of providing and maintaining water for fire suppression needs in an emergency, a monthly charge based on the size of the pipe at the connection point to the distribution main and the twenty-four (24) hour proportional, unrestricted flow capacity available, according to the following schedule:

<u>Connection Size</u>	<u>Monthly Rate</u>	
	<u>Effective</u> <u>01/01/2010</u>	<u>Effective</u> <u>01/01/2011</u>
2 Inch Meter	\$ 9.81	\$ 10.69
3 Inch Meter	22.89	24.95
4 Inch Meter	42.51	46.34
6 Inch Meter	90.47	98.61
8 Inch Meter	161.32	175.84
10 Inch Meter	255.06	278.02
12 Inch Meter	365.15	398.01

(6) Water Service Connection Fees:

There shall be a charge for each meter service connection including the cost of excavation, physical connection, a maximum of fifty (50) feet of service line from the main to the meter, the meter pit, meter, cover, fittings, valves, appurtenances, tools, equipment, labor, backfill and closure in accordance with the following schedule, payable at the time of application for water service:

<u>Connection Charge</u>		<u>Effective</u> <u>01/01/2010</u>	<u>Effective</u> <u>01/01/2011</u>
5/8 to 3/4	Inch Meter	\$ 750.00	\$ 750.00
1	Inch Meter	900.00	900.00
1 1/2	Inch Meter	1,100.00	1,100.00
2	Inch Meter	1,250.00	1,250.00
3	Inch and Larger Meter	Cost	Cost

For service lines in excess of fifty (50) feet from the main to the meter, there shall be an additional charge equal to the actual cost of material, and the established rate for municipal labor and equipment usage for the installation of the service line in excess of fifty (50) feet.

Service lines of 4 inch or larger may, at the customer's request and subject to the approval of the water superintendent upon submittal of proper plans, specifications and permits that conform to local, state, and American Water Works Association rules and standards, be installed wholly or in part by an approved, licensed contractor under the water utility's inspection. If the water utility installs the connection, the service connection fee for service lines of 4 inch or larger shall be equal to the water utility's actual cost of the connection including excavation, physical connection, service line from main to meter, meter pit/valve, cover, meter, fittings, valves, appurtenances, backfill, closure, and the established rate for municipal labor and equipment usage.

(7) Reconnection Charge:

There shall be a charge for reconnection of service following its disconnection for reason of nonpayment, in the sum of Twenty-Eight Dollars (\$28.00) during usual business hours, and in the sum of Seventy-Six Dollars (\$76.00) after hours, on weekends or holidays, for each such reconnection.

There shall be a charge for reconnection of service following its disconnection at the request of a customer, in the sum of Twenty-Eight Dollars (\$28.00) during usual

business hours, and in the sum of Seventy-Six Dollars (\$76.00) after hours, on weekends or holidays, for each such reconnection.

- (8) Water furnished to temporary and/or transient users such as contractors, circuses, and other city departments, etc. shall be metered and charged on the basis of the current monthly metered rates. Any such use must be approved and inspected by the water superintendent in advance, prior to using any water. A fire hydrant meter from the water utility must be secured and used at all times while taking water. If a meter is not available, quantified "load counts" may be taken with the prior approval of the water utility. In any event, the user assumes all liability for loss, theft, damage, repair, or replacement of, or to, the meter, hydrant, or distribution system as a result of any negligent or improper operation. Except as indicated for this category, water will not be estimated.

- (9) Rates for Resale:

Water supplied for resale shall be pursuant to a written contract setting forth the terms and conditions for service. Subject to the terms of existing wholesale water purchase contracts, there shall be imposed the monthly service charges based upon the size of each meter installed, and the monthly metered rates for water supplied at each metered connection in accordance with the foregoing schedules set forth herein.

- (10) Collection or Deferred Payment Charge:

All bills for water services not paid for a period of more than fifteen (15) days following the mailing of the bill shall be a delinquent bill, and shall be subject to a collection or deferred payment charge of Ten Percent (10%) on the first Three Dollars (\$3.00) and Three Percent (3%) on the excess over Three Dollars (\$3.00).

Section 2. All ordinances and parts of ordinances in conflict herewith (Ordinance No. 2000-25) are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor; provided, however, that the schedules of rates and charges herein set out shall not become effective until the respective dates established in Section 1.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF HUNTINGBURG,
INDIANA, THIS 15 DAY OF December, 2009, BY THE FOLLOWING VOTE:

	Nay	Aye		Abstain	Absent
	—	<u>✓</u>	Glenn E. Kays	—	—
	—	—	W. Kenneth Sparrow	—	<u>✓</u>
	—	<u>✓</u>	Jean Majors	—	—
	—	<u>✓</u>	Linda S. Summers	—	—
	—	<u>✓</u>	Marvin L. Boeglin	—	—
TOTAL:		<u>4</u>			<u>1</u>

COMMON COUNCIL OF THE
CITY OF HUNTINGBURG, INDIANA

By: 
Marvin R. Belcher, Presiding Officer

ATTEST:


Thomas A. Dippel, Clerk-Treasurer

Presented by me, the undersigned Clerk-Treasurer of the City of Huntingburg, to the Mayor
of said City for his approval on the 15 day of DECEMBER, 2009.


Thomas A. Dippel, Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the 15 day of DECEMBER
2009, at 7:21 o'clock P.M.

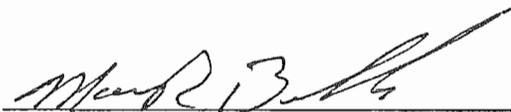

Marvin R. Belcher, Mayor

Exhibit "B", Paragraph 5
City of Huntingburg, Indiana
Consumption Levels

Exhibit "B", Paragraph 5
City of Huntingburg, Indiana
Water (based on 5/8" meter)

<u>Consumption (gal.)</u>	<u>Inside</u>	<u>Outside</u>	<u>Variance</u>	<u>% of Variance</u>
1,000	\$19.30	\$24.12	\$ 4.82	25.00%
2,000	25.48	31.85	6.37	25.00%
3,000	31.71	39.64	7.93	25.00%
4,000	37.94	47.42	9.48	25.00%
5,000	44.12	55.15	11.03	25.00%
6,000	50.35	62.94	12.59	25.00%
7,000	56.58	70.72	14.14	25.00%
8,000	62.81	78.51	15.70	25.00%
9,000	68.99	86.24	17.25	25.00%
10,000	75.22	94.02	18.80	25.00%