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INDIANA UTILITY  
REGULATORY COMMISSION

STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION

PETITION FOR APPROVAL OF RATE )  
AND CHARGE DIFFERENCE BETWEEN )  
PROPERTY WITHIN AND PROPERTY )  
OUTSIDE THE CORPORATE BOUNDARIES )  
OF THE TOWN OF SPEEDWAY )

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, Town of Speedway, Indiana, ("Petitioner") 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 Petitioner. 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 October 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 \_\_\_\_\_
- 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 fifty percent (50%).

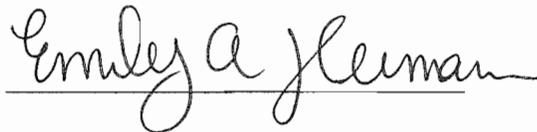
5. The percentage difference in number 4 above does not vary based on the amount of consumption.

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. While Petitioner believes that it is covered by the grandfathering provision for rates that were the subject of an objecting petition and which were sustained on appeal from final judgment, Petitioner is submitting this petition in an abundance of caution. Petitioner's 50% out-of-town surcharge was affirmed by the Indiana Supreme Court; however, Petitioner has increased its rates in across-the-board fashion following the Indiana Supreme Court decision.

7. Nicholas K. Kile and Emily A. Heimann are counsel of record for Petitioner in this matter and are duly authorized to accept service of papers in this Cause on behalf of Petitioner.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Emily A. Heimann". The signature is written in black ink and is positioned above a horizontal line.

Nicholas K. Kile (Atty. No. 15203-53)  
Emily A. Heimann (Atty. No. 28597-49)  
Barnes & Thornburg LLP  
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[emily.heimann@btlaw.com](mailto:emily.heimann@btlaw.com)

VERIFICATION

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

  
Emily A. Hermann  
Barnes & Thornburg LLP

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that two copies of the foregoing Petition have been served via hand-delivery to the Indiana Office of Utility Consumer Counselor, PNC Center, 115 West Washington Street, Suite 1500 South, Indianapolis, Indiana 46204 this 5th day of September, 2012.

  
\_\_\_\_\_  
Emily A. Heimann

## Exhibit A

### ORDINANCE NO. 1169

#### AN ORDINANCE TO AMEND THE SEWER RATES AND CHARGES FOR THE TOWN OF SPEEDWAY, INDIANA

WHEREAS, the Town of Speedway, Indiana (the "Town"), has heretofore constructed and has in operation sewage works pursuant to IC 36-9-23 et seq. for the purpose of collecting and disposing in a sanitary manner of sewage of the residents and other nonresident users of the sewer utility of the Town; and

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

WHEREAS, the Town has employed Crowe Horwath 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 dated June 4, 2010 (the "Rate Report") which concludes that existing rates and charges are insufficient to pay all the legal and necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, and interest charges on bonds or other obligations; and

WHEREAS, pursuant to Ind. Code § 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, Ind. Code § 36-9-23-25, authorizes this Council to adopt by ordinance a just and equitable schedule of fees for sewer services rendered by the Town's sewage works; and

WHEREAS, Ind. Code § 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, the Clerk-Treasurer of the Town has given notice of the public hearing on proposed rates as provided for in the Act; and

WHEREAS, the public hearings were held before this Council on July 26, 2010 and August 16, 2010, at which time testimony from interested persons was received, after introduction of this ordinance and as provided for in the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SPEEDWAY, 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 necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, and interest charges on bonds or other obligations.

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

Section 3. Section 13.04.040 of the Speedway Municipal Code is hereby amended as follows:

“13.04.040 Water usage schedule. The water usage schedule, on which the amount of the sewage rates and charges shall be determined, shall be as follows:

(1) ALL USERS:

<u>Consumption</u>	<u>Per Month</u> <u>(per 1,000 Gallons)</u>
First 25,000	\$4.86
Next 75,000	4.75
Next 250,000	4.29
Next 500,000	3.98
All Over 850,000	3.80

The minimum charge for any user shall be based upon meter sizes, as follows:

<u>Meter Size Charges</u>	<u>Rate per Month</u>
5/8 inch water meter	\$ 21.41
3/4 inch water meter	42.80
1 inch water meter	63.83
1 1/2 inch water meter	102.77
2 inch water meter	154.52
3 inch water meter	300.11
4 inch water meter	429.07
6 inch water meter	729.47
8 inch water meter	1,287.80

<u>Excess Strength Surcharge</u>	<u>Rate per Pound</u>
BOD	\$0.25
Total Oil and Grease	0.25
Suspended Solids	0.25

Rate per Month

<u>Unmetered Users</u>	\$23.58
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<u>Two or More Businesses or Dwellings on a Single Meter</u>	<u>Rate per Month</u>
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Additional Charge for Each Unit Served through a Single Water Meter	\$4.86
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For service rendered by the sewage treatment works to lots, parcels of real estate or buildings located outside the limits of the Town of Speedway, the rates and charges, including minimum charge, shall be One Hundred and Fifty Percent (150%) of the above listed rates and charges.

Section 4. Section 13.04.160 of the Speedway Municipal Code is hereby deleted and replaced as follows:

“13.04.160 Effective date of revised rates and charges. The rates and charges as revised and fixed by the ordinance codified herein shall become effective for services rendered prior to and billed on and after the passage and effective date of this Ordinance or as provided in the Ordinance.”

Section 5. The rates and charges set forth herein shall be effective for services rendered prior to and billed on and after October 1, 2010.

Adopted this 23<sup>rd</sup> day of August, 2010.

TOWN COUNCIL OF THE TOWN OF  
SPEEDWAY, INDIANA

  
\_\_\_\_\_  
William Suffel, President

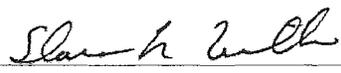
\_\_\_\_\_  
Jeff S. Hartman, Vice President

  
\_\_\_\_\_  
Lucinda Hillmer, Member

\_\_\_\_\_  
Gary L. Raikes, Member

  
\_\_\_\_\_  
Eileen Fisher, Member

ATTEST:

  
\_\_\_\_\_  
Sharon L. Zishka, Clerk-Treasurer