

RECEIVED

AUG 15 2012

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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 CHESTERFIELD, INDIANA.

Pursuant to Indiana Code § 8-1.5-3-8.3(c), the Town of Chesterfield, by counsel, requests 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 Town of Chesterfield.

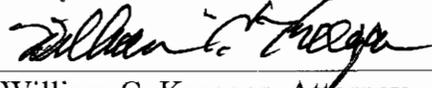
In support of its request, Petitioner states:

1. The ordinances setting rates and charges for property within and property outside the municipality's corporate boundaries took effect on August 3, 2009, September 14, 2009 and May 29, 2011, respectfully.
2. Attached as "Exhibit A and Exhibit B" are copies of the Sewage Rate Ordinances applicable to commercial and residential users.
3. Attached as "Exhibit C" is a copy of the Sewer Rate Ordinance which will go into effect later this year when the new wastewater treatment plant is completed.
4. The works that is the subject of the Ordinance is a (select one):
 - a. water utility works _____
 - b. wastewater utility works XX
 - c. both water and wastewater utility works _____
5. 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 currently 200% for commercial users and a monthly flat rate of \$94.72 for residential users. The new ordinance which takes effect later this year provides a percentage difference of 125% for all users.

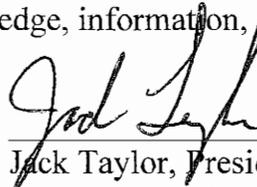
6. If the percentage difference in #5 above varies based upon the amount of consumption, please provide a chart illustrating the various consumption levels in 1,000 gallon increments with the corresponding percent surcharge and attach to this Petition.
7. William C. Kreegar is counsel of record for Petitioner in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioner.

Respectfully submitted,



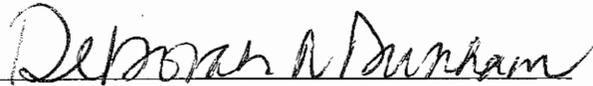
William C. Kreegar, Attorney
for the Town of Chesterfield, Indiana

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



Jack Taylor, President of Town Council
of the Town of Chesterfield, Indiana

ATTEST:



DEBORAH DUNHAM, Clerk-Treasurer
of the Town of Chesterfield, Indiana

WILLIAM C. KREEGAR
Town Attorney
1424 East 8th Street
Anderson, Indiana 46012
Telephone: (765) 644-9983

"EXHIBIT A"

ORDINANCE NO. 2009-05

AN ORDINANCE AMENDING THE ESTABLISHED RATES AND CHARGES FOR THE USE OF THE SEWAGE SYSTEM AND RELATED SERVICES OF THE TOWN OF CHESTERFIELD.

WHEREAS, the Town of Chesterfield has heretofore constructed and has in operation a sewer system for the purpose of collecting and disposing in a sanitary manner of sewage of the Town; and

WHEREAS, the Town has retained the firm of Umbaugh Certified Public Accounts, LLC, Indianapolis, Indiana to conduct a rate study, and that said study concluded that the current revenues are insufficient to meet the financial requirements of the sewer utility and pay for improvements to the system as required by law; and

WHEREAS, the existing sewage rates need to be increased to provide sufficient revenue to pay all of the necessary expenses incidental to the operation of such utility including maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide a sinking fund for the liquidation of bonds or other evidences of indebtedness and reserves against default in the payment of interest and principal of bonds, to provide adequate funds to be used as working capital, as well as funds for making improvements, additions, extensions, and replacements, and to produce an income sufficient to maintain the sewage works in a sound physical and financial condition to render adequate and efficient service; and

WHEREAS, it is deemed advisable to establish new rates and charges as set out below, which are reasonable and just charges for services, and that said rates and charges be finally adopted after due notice and public hearing as required by law; now therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHESTERFIELD, INDIANA:

SECTION 1. For the use of and service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary sewerage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary

sewerage system of the Town of Chesterfield, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided. Water meters will be read monthly and sewage service bills shall be rendered monthly.

(b) The water usage schedule on which the amount of said sewage rates and charges shall be determined shall be implemented in three phases as follows:

<u>Monthly Metered Rates</u>	<u>Rates Per 1,000 Gallons</u>
First 3,000 gallons	\$16.32
Next 7,000 gallons	13.81
Next 20,000 gallons	11.84
Next 70,000 gallons	9.88
Over 100,000 gallons	7.41

Minimum charges for sewage service based upon water meter size are as follows:

<u>Minimum Monthly Charges</u>	
<u>Meter Size:</u>	<u>Monthly Charge</u>
5/8 – 3/4 inch meter	\$ 48.96
1 inch meter	69.12
1 ¼ inch meter	138.24
1 ½ inch meter	207.26
2 inch meter	276.28
3 inch meter	552.77
4 inch meter	1,037.22
6 inch meter	2,076.70
Unmetered Residential Users	98.74

Connection Fee - \$750.00

(Plus actual costs in excess of minimum).

(c) A flat rate for residential sewage service, where the user is not a metered water user shall be \$98.74 per month.

(d) Multiple users such as trailer courts, apartments, housekeeping rooms, doubles, and duplexes served by one water meter shall pay a monthly minimum of not less than the number of dwelling units times the minimum monthly charge for a 5/8" - 3/4" meter.

(e) Such rates and charges shall be prepared and billed by the Town of Chesterfield, and shall be collected in the manner provided by law and ordinance. The first billing may be for a period of more or less than one full month in order to make the monthly collection period correspond with the water meter readings of the Town, depending upon the date on which the rates established by this ordinance become effective.

(f) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owners, but such billings shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(g) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.

(h) A user who uses in excess of 10,000 gallons per month and diverts unpolluted water away from the sanitary system may install measuring devices for determination of sewage discharge and will not be charged for unpolluted water diverted from the sanitary system.

(i) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the summer months of May, June, July, August and September, the billing for sewage services for the residential and/or domestic users for said months shall be based upon the water usage for the previous months of November, December, January, February and March, if such usage is lower than the summer months. This provision shall not apply in instances of new construction, change of ownership, vacancies or other situations where water usage during said winter months is not representative of non-sprinkling use during the said summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used

for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case, the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(j) Charges to users outside the corporation limits of the Town will be billed at 200% of the rates and charges to users within the corporation limits.

(k) All bills for sewer service not paid by the end of the month when billed shall be subject to a deferred payment charge of 10% of the amount owed. Further, a fee of \$25.00 shall be assessed on all checks returned for "non-sufficient funds".

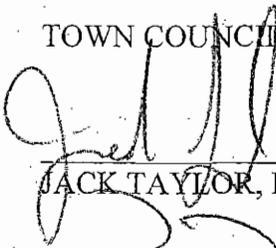
SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that any existing ordinance of the Town of Chesterfield providing for definitions and fixing rates for municipal sewer service and miscellaneous charges associated therewith not in conflict with this Ordinance shall remain in full force and effect including any rules and regulations therein approved.

SECTION 3. The sections and subdivisions of this ordinance shall be deemed to be separate and several and if any part thereof shall be declared to be invalid, the same shall not affect any other portion.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Chesterfield.

PASSED AND ADOPTED by the Town Council of the Town of Chesterfield, Indiana, this 3 day of August 2009.

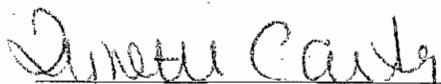
TOWN COUNCIL



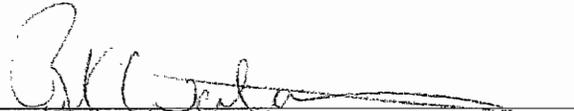
JACK TAYLOR, President



RON BRANHAM, Member

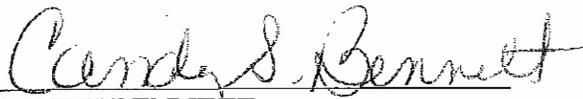


LYNETTE CARTER, Member


RICK WALDRON, Member


KAREN WILSON, Member

ATTEST:


CANDY BENNETT,
Clerk-Treasurer

Prepared by:

WILLIAM C. KREGAR
Town Attorney

"EXHIBIT B"

ORDINANCE NO. 2009-07

AN ORDINANCE AMENDING ORDINANCE NO. 2009-05 CONCERNING THE RATES AND CHARGES FOR THE USE OF THE SEWAGE SYSTEM AND RELATED SERVICES OF THE TOWN OF CHESTERFIELD.

WHEREAS, the Town of Chesterfield has heretofore constructed and has in operation a sewer system for the purpose of collecting and disposing in a sanitary manner of sewage of the Town; and

WHEREAS, the Town has previously set the rates and charges for users of the sewage system in Ordinance No. 2009-05; and

WHEREAS, there is a need to amend said Ordinance for residential users who reside outside the corporate limits of the Town of Chesterfield; now therefore

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHESTERFIELD, INDIANA:

SECTION 1. That the Town shall charge a sewer rate to residential customers who reside outside the corporate limits of the Town for un-metered service a flat rate of \$97.92 per month.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that any existing ordinance of the Town of Chesterfield providing for definitions and fixing rates for municipal sewer service and miscellaneous charges associated therewith not in conflict with this Ordinance shall remain in full force and effect including any rules and regulations therein approved.

SECTION 3. The sections and subdivisions of this ordinance shall be deemed to be separate and several and if any part thereof shall be declared to be invalid, the same shall not affect any other portion.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Chesterfield.

PASSED AND ADOPTED by the Town Council of the Town of Chesterfield,
Indiana, this 14th day of September 2009.

TOWN COUNCIL



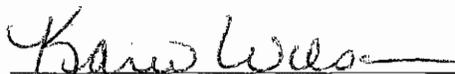
JACK TAYLOR, President



RON BRANHAM, Member

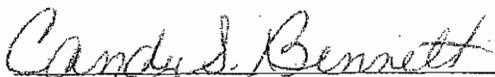
LYNETTE CARTER, Member

RICK WALDRON, Member



KAREN WILSON, Member

ATTEST:



CANDY BENNETT,

Clerk-Treasurer

Prepared by:

WILLIAM C. KREEGAR

Town Attorney

"EXHIBIT C"

ORDINANCE NO. 2011-05

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE OF THE SEWAGE SYSTEM AND RELATED SERVICES OF THE TOWN OF CHESTERFIELD, INDIANA.

WHEREAS, the Town of Chesterfield, Indiana has heretofore constructed and has in operation a sewer system for the purpose of collecting and disposing in a sanitary manner of sewage of the Town; and

WHEREAS, the Town of Chesterfield, Indiana has determined that it is in the best interests of the citizens of the Town of Chesterfield, to construct a new wastewater treatment facility ("Project"); and

WHEREAS, the Town of Chesterfield, Indiana has sought financial assistance from the Indiana Finance Authority through the Wastewater Resolving Loan Program (Wastewater SRF Program) to obtain grants and issue bonds for this Project; and

WHEREAS, the Town of Chesterfield, Indiana has retained the firm of Umbaugh Certified Public Accounts, LLC, Indianapolis, Indiana to conduct a rate study, and that said study concluded that the current rates would be reduced and still meet the financial requirements of the sewer utility and pay for the construction of the Project; and

WHEREAS, the existing sewage rates can be reduced to provide sufficient revenue to pay all of the necessary expenses incidental to the operation of such utility including maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide a sinking fund for the liquidation of bonds or other evidences of indebtedness and reserves against default in the payment of interest and principal of bonds, to provide adequate funds to be used as working capital, as well as funds for making improvements, additions, extensions, and replacements, and to produce an income sufficient to maintain the sewage works in a sound physical and financial condition to render adequate and efficient service; and

WHEREAS, it is deemed advisable to establish new rates and charges as set out below, which are reasonable and just charges for services, and that said rates and charges be finally adopted after due notice and public hearing as required by law; now therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHESTERFIELD, INDIANA:

SECTION 1. For the use of and service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary sewerage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town of Chesterfield, which rates and charges shall become effective upon completion of the Project and shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided. Water meters will be read monthly and sewage service bills shall be rendered monthly.

(b) The water usage schedule on which the amount of said sewage rates and charges shall be determined shall be implemented in three phases as follows:

<u>Monthly Metered Rates</u>	<u>Rates Per 1,000 Gallons</u>
First 3,000 gallons	\$16.75
Next 7,000 gallons	14.80
Over 10,000 gallons	13.30

Minimum charges for sewage service based upon water meter size are as follows:

Minimum Monthly Charges

<u>Meter Size:</u>	<u>Monthly Charge</u>
5/8 – 3/4 inch meter	\$ 50.25
1 inch meter	71.86
1 ¼ inch meter	145.93
1 ½ inch meter	223.08
2 inch meter	300.62
3 inch meter	649.16
4 inch meter	1,301.31
6 inch meter	3,150.34

Unmetered Residential Users

103.59

Connection Fee - \$750.00

(Plus actual costs in excess of minimum).

(c) Multiple users such as trailer courts, apartments, housekeeping rooms, doubles, and duplexes served by one 5/8" - 3/4" meter shall pay a monthly minimum of not less than the number of dwelling units times the minimum monthly charge. Multiple users such as trailer courts, apartments, housekeeping rooms, doubles, and duplexes served by one meter larger than a 5/8" - 3/4" meter shall pay one monthly minimum charge based on the size of the meter installed.

(d) Such rates and charges shall be prepared and billed by the Town of Chesterfield, and shall be collected in the manner provided by law and ordinance. The first billing may be for a period of more or less than one full month in order to make the monthly collection period correspond with the water meter readings of the Town, depending upon the date on which the rates established by this ordinance become effective.

(e) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owners, but such billings shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(f) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.

(g) A user who uses in excess of 10,000 gallons per month and diverts unpolluted water away from the sanitary system may install measuring devices for determination of sewage discharge and will not be charged for unpolluted water diverted from the sanitary system.

(h) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the summer months of May, June, July, August and

September, the billing for sewage services for the residential and/or domestic users for said months shall be based upon the water usage for the previous months of November, December, January, February and March, if such usage is lower than the summer months. This provision shall not apply in instances of new construction, change of ownership, vacancies or other situations where water usage during said winter months is not representative of non-sprinkling use during the said summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case, the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(i) Charges to users outside the corporation limits of the Town will be billed at 125% of the rates and charges to users within the corporation limits.

(i) All bills for sewer service not paid by the end of the month when billed shall be subject to a deferred payment charge of 10% of the amount owed. Further, a fee of \$25.00 shall be assessed on all checks returned for "non-sufficient funds".

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that any existing ordinance of the Town of Chesterfield providing for definitions and fixing rates for municipal sewer service and miscellaneous charges associated therewith not in conflict with this ordinance shall remain in full force and effect including any rules and regulations therein approved. The existing rates and charges shall remain in effect until completion of the Project. The reduced rates and charges approved herein shall become effective upon completion of the Project.

SECTION 3. The sections and subdivisions of this ordinance shall be deemed to be separate and several and if any part thereof shall be declared to be invalid, the same shall not affect any other portion.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Chesterfield, Indiana.

PASSED AND ADOPTED by the Town Council of the Town of Chesterfield, Indiana, this

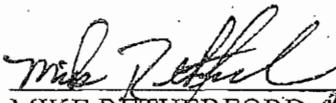
29 day of May, 2011

TOWN COUNCIL



RON BRANHAM, President

LYNETTE CARTER, Member



MIKE RETHERFORD, Member



JACK TAYLOR, Member



KAREN WILSON, Member

ATTEST:



CANDY BENNETT,
Clerk-Treasurer

Prepared by:

WILLIAM C. KREGAR
Town Attorney