

ORIGINAL

**GENERAL ADMINISTRATIVE ORDER
OF THE INDIANA UTILITY REGULATORY COMMISSION
2012 -2**

WHEREAS, on March 19, 2012, the Governor signed into law House Enrolled Act No. 1126, which added Indiana Code § 8-1.5-3-8.3 effective March 19, 2012, and

WHEREAS, Indiana Code § 8-1.5-3-8.3(c) provides that a municipality may petition the Indiana Utility Regulatory Commission to approve a percentage difference between utility rates and charges that had been established for property within and property outside the corporate boundaries of a municipality under the following circumstances:

- The municipal legislative body adopted an ordinance under section 8.1 or under Indiana Code § 36-9-23-26 that was in effect on March 31, 2012; and
- The above ordinance imposed utility rates and charges on users of the works for service to property located outside the municipal corporate boundaries that exceed by more than fifteen percent (15%) but not by more than fifty percent (50%) the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality; and
- The municipality must file such petition no later than September 30, 2012, and must set forth certain specific information regarding the utility, the ordinance and the relief requested; and

WHEREAS, on May 2, 2012, the Indiana Utility Regulatory Commission adopted under General Administrative Order 2012-1 the Petition for Approval of Rate and Charge Difference Between Property Within and Property Outside the Corporate Boundaries as the recommended form and manner in which to file a petition under Indiana Code § 8-1.5-3-8.3(c); and

WHEREAS, the Indiana Utility Regulatory Commission hereby now delegates to the Director of the Water and Wastewater Division such authority as necessary to review the petition to determine whether it satisfies the requirements of Indiana Code § 8-1.5-3-8.3(c), and upon such finding, to approve the petition including the percentage difference between rates and charges, or in the alternative, upon finding that the petition does not satisfy the statutory requirements, to disapprove the petition; and

WHEREAS, the Indiana Utility Regulatory Commission herein finds that further instructions for the filing of the petition and for notice and hearing are as follows:

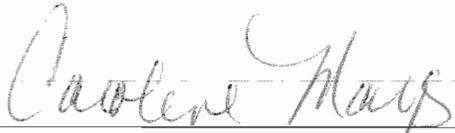
- A. The petition shall be submitted to the attention of the Director of Water and Wastewater Division.
- B. The Commission will post a copy of the petition on its website for ten (10) days in order to provide notice to any affected parties.
- C. Any party wishing to object to the petition must do so in writing within ten (10) days of its posting. Should any party file an objection to the petition within ten (10) days of its posting, the matter shall be docketed for an evidentiary hearing before the Commission.
- D. If no objection is filed, the Division Director shall issue a letter approving or disapproving the petition.
- E. Any party may appeal the Division Director's decision to the full Commission. Such appeal shall be filed in writing within ten (10) days of the decision, at which time the cause shall be docketed for an evidentiary hearing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that General Administrative Order 2012-1 and its attached form is hereby revoked, that the authority to review and either approve or disapprove the petition is delegated to the Director of the Water and Wastewater Division, and that the instructions for the revised Petition for Approval of Rate and Charge Difference Between Property Within and Property Outside the Corporate Boundaries, as attached to this General Administrative Order, are adopted by this Commission as the recommended form and manner in which to file a petition under Indiana Code § 8-1.5-3-8.3(c).

ABSENT
James D. Atterholt, Chairman


Kari A. E. Bennett, Commissioner


Larry S. Landis, Commissioner


Carolene Mays, Commissioner


David E. Ziegner, Commissioner

I hereby certify that the above is a true and correct copy of the order as approved.


Shala M. Coe, Acting Secretary to the Commission

Date JUN 14 2012

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 _____ {MUNICIPALITY}

Pursuant to Indiana Code § 8-1.5-3-8.3(c), _____, {Municipality} 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 _____ {Municipality}. In support of its request, _____ states:

1. The ordinance setting rates and charges for property within and property outside the municipality’s corporate boundaries took effect on (date) _____
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 _____
 - 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 _____
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.
6. _____ is counsel of record for Petitioners in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioners.

Respectfully submitted,

Attorney for Petitioners

Verification

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

Signed _____ {Representative of Municipality}

Date _____

Attorney Contact Information