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SEP 28 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) CAUSE NO.
 OUTSIDE THE CORPORATE BOUNDARIES)
 OF THE CITY OF DECATUR, INDIANA)

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, the City of Decatur, Indiana (the "City" or "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 the City. In support of its Petition, Petitioner states:

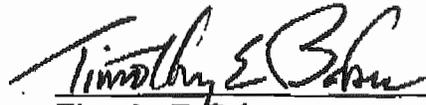
1. The Ordinance setting rates and charges for property within and property outside the municipality's corporate boundaries took effect December 15, 2009.
2. Attached as "Exhibit A" is a copy of the Ordinance.
3. The works that is the subject of the Ordinance is a (select one):
 - a. water utility works XX
 - 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 City and to property located within the corporate boundaries is generally thirty percent (30%). However, as across the board increases had been applied from time to time, rounding differences occurred that resulted in some specific rates being different than exactly 30%.
5. Attachment B demonstrates the calculated rate differences between users of the works for service to property located outside the corporate boundaries of the City of those properties located within the corporate boundaries of the City.
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. Timothy E. Baker, Atty # 2534-01, of DeVoss, Johnson, Zwick Baker & Ainsworth, a Professional Corporation, 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, the City of Decatur, Indiana, by counsel, 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 and for other just and reasonable relief.

Respectfully submitted,

CITY OF DECATUR, INDIANA

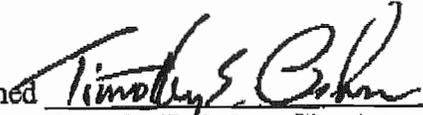


Timothy E. Baker

Attorney for Petitioner

Verification

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

Signed 

Timothy E. Baker, City Attorney
For the City of Decatur, Indiana

Date: September 27, 2012

Attorney Contact Information:

Timothy E. Baker, Atty # 2534-01
DeVoss, Johnson, Zwick, Baker & Ainsworth,
A Professional Corporation
147 S. 2nd St.
P.O. Box 30
Decatur, Indiana 46733
Phone: (260) 724-2129
Fax: (260) 724-4426
Email: tebesq@embarqmail.com

ORDINANCE NO. 2009- 13

AN ORDINANCE ESTABLISHING AMENDED RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WATERWORKS SYSTEM OF THE CITY OF DECATUR.

WHEREAS, the City of Decatur heretofore duly enacted Ordinance No. 1978-3 providing for the establishment of a schedule of rates and charges to be collected by the City of Decatur from the owners of properties served by the Waterworks of said City; and

WHEREAS, the City of Decatur has heretofore withdrawn from the jurisdiction of the Indiana Utility Regulatory Commission and is now entitled to establish its rates and charges for water services without the necessity of hearings before said Commission by Ordinance No. 1990-3; and

WHEREAS, the Common Council of the City of Decatur now finds that it is necessary for the City to amend the schedule of rates and charges as contained in Ordinance No. 2007- 3 and as contained in Ordinance No. 2009-5 in order to provide for sufficient revenue to operate and maintain the Waterworks of said City, and in order to properly operate and maintain its water utility plant, provide for depreciation, debt service outstanding, and proposed indebtedness, finance necessary extensions and improvements to the system, and to provide for a payment in lieu of taxes and a reasonable return on its utility plant, and that in order to accomplish said purposes, the existing rates and charges should be increased, now therefore:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, ADAMS COUNTY, INDIANA:

Section 1. Section 51.01 of Ordinance No. 1978-3, as originally adopted and as amended and enacted by the Common Council of the City of Decatur, shall be further amended to read and the same shall read as if originally set out therein as follows:

51.01 Water Rates.

There are established for the use of and the service rendered by the waterworks system of the City the following rates and charges, based on the use of water supplied by the waterworks system:

| | | Rates Per 100 Cu. Ft. | |
|-----|--------------------------------|-----------------------|----------|
| | | Inside | Outside* |
| (A) | <u>Metered Rates Per Month</u> | | |
| | First 360 cubic feet | \$ 3.37 | \$ 4.36 |
| | Next 900 cubic feet | 3.25 | 4.22 |
| | Next 1,000 cubic feet | 3.13 | 4.07 |
| | Next 2,000 cubic feet | 2.91 | 3.73 |
| | Next 16,000 cubic feet | 2.54 | 3.33 |
| | Next 20,000 cubic feet | 1.40 | 1.85 |
| | Next 40,260 cubic feet | 1.27 | 1.68 |

* Outside: Where hydrants are available.

(B) Minimum Charge.

(1) Each user shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates:

| <u>Size of Meter/ Per Month</u> | <u>Rates Per 100 Cu. Ft.</u> | |
|---------------------------------|------------------------------|-----------------|
| | <u>Inside</u> | <u>Outside*</u> |
| 5/8" | \$ 12.13 | \$ 15.70 |
| 3/4" | 12.13 | 15.70 |
| 1" | 13.69 | 17.72 |
| 1 1/4" | 20.94 | 27.13 |
| 1 1/2" | 31.86 | 41.31 |
| 2" | 40.31 | 52.28 |
| 3" | 54.84 | 71.18 |
| 4" | 67.74 | 87.95 |
| 6" | 105.86 | 136.90 |

* Outside: Where hydrants are available.

(2) The rates and charges for users of water outside the corporate limits of the City shall be 130% of the monthly rates and charges for all other users, provided, however, that such additional charge shall apply only if fire hydrants are maintained in the general area for furnishing fire protection to the property so served and that the City is not otherwise compensated for fire hydrant service.

(C) Fire hydrants:

(1) Non-Municipal (per annum) \$ 365.00

(2) Municipal 0.00

(3) Monthly Fire Protection (Per Equivalent User)

Each user shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to fire protection.

| <u>Size of Meter/Per Month</u> | |
|--------------------------------|---------|
| 5/8 inch | \$ 2.00 |
| 3/4 inch | 2.00 |
| 1 inch | 4.00 |
| 1 1/4 inch | 6.00 |
| 1 1/2 inch | 8.00 |
| 2 inch | 13.00 |
| 3 inch | 24.00 |
| 4 inch | 40.00 |
| 6 inch | 78.00 |

(D) Municipal drinking fountains per annum \$ 325.00

(E) Private Fire Protection

| | <u>Per Annum</u> |
|---------------------------|------------------|
| 6 inch connection | \$ 550.00 |
| 8 inch connection | 1,005.00 |
| 10 inch & over connection | 1,520.00 |

(F) Temporary users. Water furnished to temporary users, such as contractors, circuses, etc., shall be charged on the basis of the metered rates hereinabove set forth as estimated and established by the Superintendent.

(G) Tap charge.

(1) A tap charge shall be collected from each customer prior to connection to the water system, in an amount sufficient to reimburse the City for the labor and material necessary for tapping the main and installation of service from the main to the curb stop and the cost of furnishing and installing a suitable water meter.

(2) The charge for a tap shall be a minimum of \$500.00 for all meter sizes. The charge for installations larger than 5/8 inch to 3/4 inch shall be the labor and material costs incurred, with minimums for the tapping machine as follows:

| | |
|----------------|----------|
| Up to 4 - inch | \$260.00 |
| 4 - inch | 300.00 |
| 6 - inch | 400.00 |
| 8 - inch | 450.00 |
| 10 - inch | 500.00 |
| 12 - inch | 540.00 |

(H) Minimum charges for miscellaneous billing.

| | | |
|--------------------------------------|-------|----------|
| (1) Turn-on connection charge | ----- | \$ 20.00 |
| (2) Service call charge | ----- | 15.00 |
| (3) Hydrant connection charge | ----- | 70.00 |
| (4) Insufficient fund/personal check | ----- | 20.00 |
| (5) Meter test: | | |
| Minimum for all meter sizes | ----- | 20.00 |

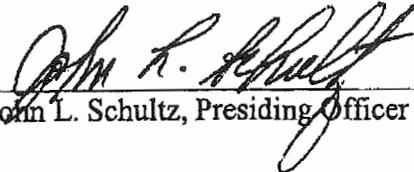
(I) Monthly rates for resale of water.

| | <u>Gallons</u> | <u>Rates per 1,000 gallons</u> |
|------------------------|----------------|--------------------------------|
| First | 750,000 | \$.53 |
| Next | 1,250,000 | .48 |
| Next | 2,000,000 | .41 |
| Next | 6,000,000 | .38 |
| Over | 10,000,000 | .32 |
| Minimum monthly charge | | \$ 392.70 |

Section 2. All sections of Ordinances No. 1978-3 and No. 1994-11 and No. 2007-3 and 2009-5 not inconsistent herewith are hereby ratified, confirmed, and approved. All sections of said Ordinances, which are inconsistent herewith, are hereby superseded and amended as set forth herein.

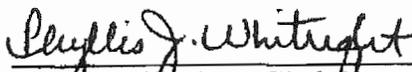
Section 3. This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Common Council of the City of Decatur, Adams County, Indiana, on the 15th day of December, 2009.



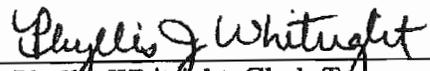
John L. Schultz, Presiding Officer

ATTEST:



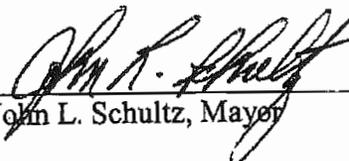
Phyllis Whitright, Clerk-Treasurer

The foregoing Ordinance No. 2009- 13 passed by the Common Council of the City of Decatur, Indiana, on the 15th day of December, 2009, is now and on this same day presented to the Mayor of the City of Decatur, Indiana, at 7:35 o'clock P.M.



Phyllis Whitright, Clerk-Treasurer

The foregoing Ordinance No. 2009- 13 passed by the Common Council of the City of Decatur, Indiana, is now approved by me as Mayor of the City of Decatur, Indiana, on this 15th day of December, 2009, at 7:35 o'clock P.M.



John L. Schultz, Mayor

I, Phyllis Whitright, Clerk-Treasurer of the City of Decatur, Indiana, do hereby certify that the above and foregoing is a full, true, correct, and complete copy of Ordinance No. 2009- 13 passed by the Common Council of the City of Decatur, Indiana, on this 15th day of December, 2009, and that said Ordinance was duly approved and signed by the Mayor of the City of Decatur,

Indiana, on this 15th day of December, 2009, and remains on file and of record in my office as such Clerk-Treasurer.

WITNESS my hand and the official seal of the City of Decatur, Indiana, this 15th day of December, 2009.

(SEAL)



Phyllis J. Whitright
Phyllis Whitright, Clerk-Treasurer

DECATUR MUNICIPAL WATER UTILITY
Decatur, Indiana

Calculation of Specific Rate Differential by Consumption Block or Meter Size

Metered Rates Per Month (Per Hundred Cubic Feet)

| <u>Consumption Per Month</u> | | | <u>Inside City</u> | <u>Outside City</u> | <u>Outside</u> |
|------------------------------|--------|------------|--------------------|---------------------|-------------------|
| | | | <u>Customer</u> | <u>Customer *</u> | <u>Difference</u> |
| First | 360 | Cubic Feet | \$ 3.37 | \$ 4.36 | 29.38% |
| Next | 900 | Cubic Feet | 3.25 | 4.22 | 29.85% |
| Next | 1,000 | Cubic Feet | 3.13 | 4.07 | 30.03% |
| Next | 2,000 | Cubic Feet | 2.91 | 3.73 | 28.18% |
| Next | 16,000 | Cubic Feet | 2.54 | 3.33 | 31.10% |
| Next | 20,000 | Cubic Feet | 1.40 | 1.85 | 32.14% |
| Over | 40,260 | Cubic Feet | 1.27 | 1.68 | 32.28% |

Minimum Charge Per Month

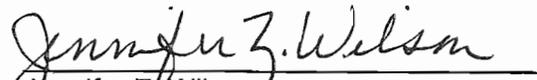
| <u>Size of Meter</u> | | <u>Inside City</u> | <u>Outside City</u> | <u>Outside</u> |
|----------------------|------------|--------------------|---------------------|-------------------|
| | | <u>Customer</u> | <u>Customer *</u> | <u>Difference</u> |
| 5/8 | Inch Meter | \$ 12.13 | \$ 15.70 | 29.43% |
| 3/4 | Inch Meter | 12.13 | 15.70 | 29.43% |
| 1 | Inch Meter | 13.69 | 17.72 | 29.44% |
| 1 1/4 | Inch Meter | 20.94 | 27.13 | 29.56% |
| 1 1/2 | Inch Meter | 31.86 | 41.31 | 29.66% |
| 2 | Inch Meter | 40.31 | 52.28 | 29.69% |
| 3 | Inch Meter | 54.84 | 71.18 | 29.80% |
| 4 | Inch Meter | 67.74 | 87.95 | 29.83% |
| 6 | Inch Meter | 105.86 | 136.90 | 29.32% |

* The rates and charges for users of water outside the corporate limits of the City of Decatur ("City") shall be one hundred and thirty percent (130%) of the monthly rates and charges for all other users, provided, however that such additional charge shall apply only if fire hydrants are maintained in the general area for furnishing fire protection to the property so serviced and that the City is not otherwise compensated for fire hydrant service.

AFFIDAVIT OF SERVICE

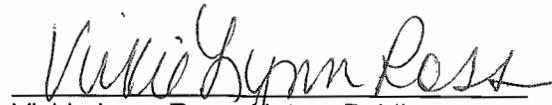
The undersigned hereby certifies that a copy of the foregoing was served this 28th day of September 2012, by hand delivery to the following:

Office of the Utility Consumer Counselor
PNC Center
115 West Washington Street
Suite 1500 South
Indianapolis, Indiana 46204
infomgt@oucc.in.gov



Jennifer Z. Wilson

In Witness Whereof, I hereunto set my hand and official seal. My Commission expires the 13th of October, 2018.



Vickie Lynn Ross, Notary Public



VICKIE LYNN ROSS
Notary Public, State of Indiana
Johnson County
Commission # 621605
My Commission Expires
October 13, 2018.