

Original

FILED

JUN 19 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 OUTSIDE THE)
CORPORATE BOUNDARIES OF THE)
TOWN OF FORTVILLE.)

CAUSE NO. ' ,

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, Town of Fortville, 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 Town of Fortville. 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 17, 2011.
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 50%.
5. Attached as "Exhibit B" is a chart illustrating the various consumption levels in 1,000 gallon increments with the corresponding percent surcharge.
6. Petitioner considers Indiana Code § 8-1.5-3-8.3(c), among other statutes, to be applicable to the relief requested by this Petition.
7. Alex C. Intermill 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.

WHEREFORE the Town of Fortville 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 Town of Fortville and for other just and reasonable relief.

Respectfully submitted,



Alex C. Intermill
Attorney for Petitioners

Verification

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

Signed: Marcie Stafford
Marcie Stafford
Clerk-Treasurer

Date: June 4, 2012

Attorney Contact Information:
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ORDINANCE NO. 2011 *9A*

AN ORDINANCE AMENDING AND RESTATING THE SCHEDULE
OF CHARGES FOR THE USE AND SERVICES
RENDERED BY THE SEWAGE WORKS OF
THE TOWN OF FORTVILLE

WHEREAS, the Town of Fortville, Indiana ("Town") currently owns and operates a municipal sewage works pursuant to IC 36-9-23;

WHEREAS, Section 9.1(a) of Article 2, Chapter 9, of the Fortville Town Code fixed and established sewer deposits, capacity fees, monthly sewer charges, and reconnection fees to be collected by the Town from the owners of property served by the Town's municipal sewage works;

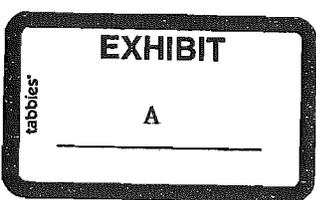
WHEREAS, the Town Council of the Town has previously adopted Ordinance No. 2011-8A, dated August 15, 2011 ("Ordinance"), amending the sewage rates and charges for the use and services rendered by the sewage works system of the Town;

WHEREAS, the Town Council finds that the rates and charges established by the Ordinance are insufficient to enable the Town to properly operate its sewage works plant, service its bonds, and finance additions and improvements to its sewage works system; and

WHEREAS, the Town Council of the Town finds that certain rates and charges contained in the Ordinance should be increased;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORTVILLE, INDIANA, THAT:

Section 1. (a) Section 9.1 of Article 2, Chapter 9, of the Fortville Town Code is hereby amended and restated as follows:



<u>Monthly Base Facility Charge</u> <i>Meter Size</i>	<u>PHASE I</u> <u>Effective Upon Passage</u>		<u>PHASE II</u> <u>Effective 07-01-2012</u>		<u>PHASE III</u> <u>Effective 07-01-2013</u>	
	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
5/8 inch meter	\$18.56	\$27.84	\$21.06	\$31.59	\$25.06	\$37.59
3/4 inch meter	18.56	27.84	21.06	31.59	25.06	37.59
1 inch meter	46.40	69.60	52.65	78.98	62.65	93.98
1 ¼ inch meter	74.24	111.36	84.24	126.36	100.24	150.36
1 ½ inch meter	107.65	161.47	122.15	183.22	145.35	218.02
2 inch meter	185.60	278.40	210.60	315.90	250.60	375.90
3 inch meter	426.88	640.32	484.38	726.57	576.38	864.57
4 inch meter	742.40	1,113.60	842.40	1,263.60	1,002.40	1,503.60
6 inch meter	1,688.96	2,533.44	1,916.46	2,874.69	2,280.46	3,420.69

<u>Flow Rate Charge (For Phases I – III)</u>	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
Per 1,000 Gallons From 0 to 50,000 Gallons	\$6.19	\$9.29
Per 1,000 Gallons Over 50,000 Gallons	\$3.90	\$5.85

Metered users which currently have their water service shut off or the premises have been vacated will be billed the monthly base charge in accordance with the meter size.

Section 2. Unmetered Users

Users connected to the Town's municipal sewage works but not connected to the Town's municipal waterworks are classified as unmetered users and will be billed the following monthly sewage charges:

<u>Monthly Base Charge</u>	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
<u>PHASE I</u>		
Per month per equivalent Dwelling Unit (EDU)	\$74.29	\$111.45

PHASE II

Per month per equivalent Dwelling Unit (EDU)	\$76.79	\$115.20
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PHASE III

Per month per equivalent Dwelling Unit (EDU)	\$80.79	\$121.20
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[1 EDU = 9,000 GALLONS]

Unmetered users whose property is vacant will be billed the monthly base charge for a 5/8 inch meter as shown in Section 1.

UNMETERED USER'S -- EDU FACTORS

	<u># OF EDU'S</u>
<u>Residence</u>	
Single Family Per Unit	1
Apartment Per Unit	1
<u>Home Office or Shop</u>	1.5
<u>Commercial/Professional/Industrial/Governmental Offices</u>	
1 st 3 Employees	1
Each Additional Employee	.25
<u>Gasoline Service Station</u>	
Without Car Wash	1.5
With Car Wash	2.5
<u>Car Wash</u>	
Per Bay	2.5
<u>Restaurant</u>	

1 st 3 Employees	1
Each Additional Employee	.66

Beauty or Barber Shop

1 st 3 Employees	1
Each Additional Employee	.25

Institutional

Schools-Per Student	.06
Churches/Lodges-Per 200 Members	1.5

Section 3. Other Fees and Charges

- a. The sewer deposit to be paid by new users is hereby established at \$100.00.
- b. Property owners and renters are eligible for refund of their deposit after payment of their final bill for wastewater service.
- c. The reconnect fee to be paid by users seeking to reconnect to the sewage works is hereby established at \$30.00.

d. Excessive Strength Surcharge Rates
(Phases I -- III)

	Charge Per Pound Inside Corporate Limits	Charge Per Pound Outside Corporate limits
BOD: in excess of 200 mg/l	\$0.36	\$0.54
SS: in excess of 200 mg/l	\$0.27	\$0.41
NH3: in excess of 20 mg/l	\$0.55	\$0.83

e. Capacity Fees

	<u>One-Time Charge</u>	
	Inside Corporate Limits	Outside Corporate Limits
Per EDU	\$ 1,700.00	\$ 2,550.00

One EDU is equivalent to the estimated average daily sewage flow for a standard single family residence served by a 5/8-3/4 inch meter connection to the Town's municipal sewage

works. For purposes of determining the estimated EDU for all users connected to the Town's waterworks, the following table based upon meter size shall apply:

<u>Meter Size</u>	<u>EDU's</u>
5/8 inch meter	1.0
3/4 inch meter	1.0
1 inch meter	2.5
1 1/4 inch meter	4.0
1 1/2 inch meter	5.8
2 inch meter	10.0
3 inch meter	23.0
4 inch meter	40.0
6 inch meter	91.0

For connections to the sewage works that will be unmetered for which accurate meter readings will not be available, the capacity charge for making the connection to the sewage works shall be determined by the Town.

If an existing user of the municipal sewage works changes its use resulting in a different amount of EDUs attributable to such existing user, the existing user shall pay a capacity charge equal to the difference between a capacity charge based on the existing user's classification of EDU usage and a capacity charge based upon the new classification of EDU usage.

Section 4. The rates and charges set forth in this ordinance shall be implemented in three phases designated as "Phase I," "Phase II" and "Phase III," respectively. Phase I, Phase II and Phase III rates and charges will become effective upon the occurrence of the following events: Phase I rates and charges shall become effective upon passage of this ordinance. Phase II rates and charges shall become effective July, 2012. Phase III rates and charges shall become effective July, 2013.

Section 5. All ordinances and provisions of ordinances, including the provisions of the Ordinance, in conflict with the provisions of this ordinance are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after its passage and due publication.

Section 7. Introduced and filed on the 19th day of September, 2011. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 5 in favor and 0 opposed pursuant to Ind. Code § 36-5-2-9.8.

Duly ordained and passed the 17 day of October 2011 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Sarah Brown

Sarah Brown

Janet Manship

Janet Manship

Bill Hiday

Bill Hiday

Jeff Ratliff

Jeff Ratliff

Ron Stafford

Ron Stafford

ATTEST:

Boyd Mitchell
Clerk-Treasurer

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Metered Users

Phases I-III Flow Rate Charge	Inside Corporate Limits	Outside Corporate Limits
Per 1000 Gallons from 0 to 50,000 Gallons	\$6.19	\$9.29
Per 1,000 Gallons over 50,000 Gallons	\$3.90	\$5.85

Unmetered Users

Monthly Charge	Base	Inside Corporate Limits	Outside Corporate Limits
Phase I Effective 10/17/2011			
Per month per Equivalent Dwelling Unit (EDU)		\$74.29	\$111.45
Phase II Effective 7/1/2012			
Per month per Equivalent Dwelling Unit (EDU)		\$76.79	\$115.20
Phase III Effective 7/1/2013			
Per month per Equivalent Dwelling Unit (EDU)		\$80.79	\$121.20

*1 EDU = 9,000 Gallons

