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ATTORNEYS AT LAW

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August 28, 2012

RECEIVED

AUG 29 2012

INDIANA UTILITY
REGULATORY COMMISSION

Mr. E. Curtis Gassert
Director of the Water/Wastewater Division
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500E
Indianapolis, IN 44204

VIA CERTIFIED MAIL

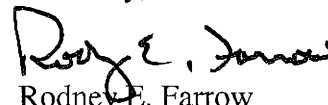
Re: City of Seymour's Petition for Approval of Rate and Charge Differential

Dear Mr. Gassert:

Enclosed are two copies (with exhibits) of the City of Seymour's Petition for Approval of Rate and Charge Differentials for filing on behalf of the city's municipal sanitation utility.

Please contact me if you need any additional information.

Sincerely,


Rodney E. Farrow
City Attorney

REF:cr
enclosures

Rodney E. Farrow
Travis J. Thompson

STATE OF INDIANA
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 SEYMOUR)

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, the City of Seymour, Indiana, 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 of Seymour, Indiana. 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 April 14, 2001. The ordinance was amended on July 23, 2001, August 27, 2001 and September 22, 2008.

2. Attached as "Exhibit A" is a copy of the original Ordinance. The amending Ordinances are attached as "Exhibit B," "Exhibit C," and "Exhibit D."

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%).

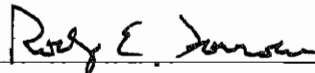
5. The percentage difference in paragraph number 4 does not vary based on the amount of consumption.

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.

7. Rodney E. Farrow 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 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.

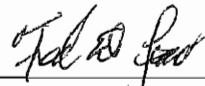
Respectfully submitted,



Rodney E. Farrow, #6785-36-
FARROW & THOMPSON, P.C.
Attorney for Petitioner
113 East Second Street
P. O. Box 644
Seymour, Indiana 47274
Telephone: (812) 522-6949
farrow@farrowthompson.com

VERIFICATION

I, Fred D Lewis, Clerk-Treasurer of the City of Seymour, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief this 27 day of August, 2012.



Fred D Lewis, Clerk-Treasurer

ORDINANCE NO. 13
COUNCIL BILL 22

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND
CHARGES TO BE COLLECTED BY THE CITY OF SEYMOUR, INDIANA, FROM
OWNERS OF PROPERTY SERVED BY THE SEWAGE TREATMENT WORKS
OF THE CITY OF SEYMOUR, INDIANA

WHEREAS, the City of Seymour, Indiana ("City") has heretofore constructed and has in operation a sewage treatment facility for the purpose of collecting and disposing in a sanitary manner the sewage works of the City; and

WHEREAS, the Common Council desires to construct additions and improvements to its sewage works and issue sewage works revenue bonds in order to better service the property owners served by the sewage treatment works of the City; and

WHEREAS, IC 36-9-23 provides that a municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works; and

WHEREAS, the Common Council finds that, based upon the advice of its financial advisor, the existing rates and charges are insufficient to enable the City to properly operate and maintain its sewage treatment works facility, pay debt service on its bonds, and fund additions and improvements to the system; and

WHEREAS, the existing rates and charges of the sewage works of the City are set forth in the City Code of the City ("City Code"); and

WHEREAS, the Common Council finds that it is necessary to amend the rates and charges of the sewage works of the City set forth in Sections 9-69, 9-78, 9-79, 9-80 and 9-81 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SEYMOUR, INDIANA:

Section 1. Section 9-69(a) of the City Code shall be amended as follows:

"The Seymour Municipal Sanitation Utility shall collect sewage charges from each residential, commercial, industrial, or other user connected to the City of Seymour sewer system. These fees shall be for the collection of sanitary sewage, commercial or industrial wastes, water or other liquids discharged directly or indirectly into the sewer system operated by the Seymour Municipal Sanitation Utility. The following rate tables shall apply:

EXHIBIT A

A. MONTHLY BASE CHARGE:

<u>Meter Size</u>	Monthly Base Charge	Monthly Base Charge
	<u>Users Within City of Seymour Corporate Limits</u>	<u>Users Outside City of Seymour Corporate Limits</u>
5/8 inch meter	\$ 5.14	\$ 7.71
1 inch meter	13.16	19.74
1 1/2 inch meter	29.61	44.42
2 inch meter	52.63	78.95
3 inch meter	<u>118.43</u>	177.65
4 inch meter	210.53	315.80
6 inch meter	473.70	710.55

B. TRASH PICK UP CHARGE:

	Monthly Charge
	<u>Users Within City of Seymour Corporate Limits</u>
Trash Pick Up	\$ 3.00

Section 2. Section 9-69 of the City Code shall be amended to provide for the following metered rates for any metered user:

<u>Location of User</u>	<u>Rate Per 100 Cubic Feet</u>
Within City of Seymour Corporate Limits	\$ 4.19
Outside City of Seymour Corporate Limits	\$ 6.29

Section 3. Section 9-69(c) of the City Code shall be amended to provide for the following monthly sewer charge for any user not a metered user:

<u>Location of User</u>	<u>Monthly Rate</u>
Within City of Seymour Corporate Limits	\$38.66
Outside City of Seymour Corporate Limits	\$57.99

Section 4. Section 9-78 of the City Code shall be amended to provide for the following liability for surcharge:

Each industrial or non-industrial user who discharges wastes into the sewerage system shall be subject to a surcharge, in addition to the regular sewer charges, based on the biochemical oxygen demand, phosphorus, ammonia and suspended solids content of the wastes, if these wastes have a concentration greater than the following:

- (a) A biochemical oxygen demand of two hundred milligrams (200 mg) per liter.
- (b) A phosphorus content of five milligrams (5 mg) per liter.
- (c) An ammonia content of twelve milligrams (12 mg) per liter.
- (d) A suspended solids content of two hundred and fifty milligrams (250 mg) per liter.

Section 5. Section 9-79 of the City Code shall be amended to provide for the following computation of surcharge:

"The surcharge shall be determined as follows: the excess pounds of BOD, phosphorus, ammonia and suspended solids will each be computed by first multiplying the customer's billing sewage volume measured in units of one hundred (100) cubic feet for the current billing period by the factor of 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD, phosphorus, ammonia and suspended solids respectively in the customer's sewage, and (b) the allowed concentrations set out in Sec. 9-78. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Sec. 9-80."

Section 6. Section 9-80 of the City Code shall be amended to provide for the following rates for surcharge:

The rate of surcharge for each of the aforementioned constituents shall be as follows:

	<u>Within City of Seymour Corporate Limits</u>	<u>Outside City of Seymour Corporate Limits</u>
For biochem. oxy. demand	\$.24 per pound	\$.36 per pound
For phosphorus	.24 per pound	.36 per pound
For ammonia	.24 per pound	.36 per pound
For suspended solids	.24 per pound	.36 per pound

Section 7. Section 9-81 of the City Code shall be amended to provide for the following revision of rates of surcharge:

"Prior to May 1 of each year, the Clerk-Treasurer shall submit to the Board of Public Works and Safety a comparison of the calculated unit costs for removing BOD, phosphorus, ammonia and suspended solids from the Wastewater Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed by the Common Council."

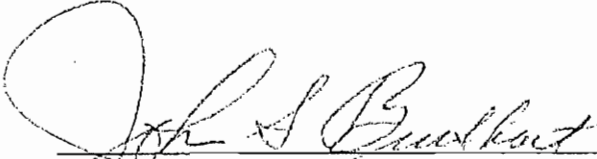
Section 8. All provisions of the City Code not amended by this ordinance shall remain in full force and effect.

Section 9. The rates and charges as herein set forth shall become effective upon passage and adoption of this ordinance, for billings for sewage service issued during the next billing cycle following the passage and adoption of this ordinance and thereafter.

Section 10. All ordinances and provisions of the City Code, or any parts thereof, previously enacted which are in conflict with the provisions of this ordinance are hereby specifically repealed.

Section 11. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

ADOPTED by the Common Council and APPROVED by me, as Mayor, this 14th day of April, 2001, at 9:00 p.m.


 John S. Burkhart, Mayor
 City of Seymour, Indiana

ATTEST:

Fred D. Lewis

Fred D. Lewis, Clerk-Treasurer
City of Seymour, Indiana

Passed First Reading: April 23, 2001

Passed Second Reading: May 14, 2001

	First	Second
	Y N	Y N (5-2)
Lloyd Hudson	<u>Y</u>	<u>Y</u>
Woodrow DeZam, Jr.	<u>Y</u>	<u>Y</u>
Mary L. Voss	<u>Y</u>	<u>Y</u>
Dexter Steele	<u>Y</u>	<u>N</u>
Jeff Joray	<u>Y</u>	<u>Y</u>
James Rebber	<u>Y</u>	<u>N</u>
Michael Jordan	<u>Y</u>	<u>Y</u>

Presented by me to the Mayor of the City of Seymour on the 17th day of May, 2001, at the hour of 9:00 : P.m.

Fred D. Lewis
Fred D. Lewis, Clerk-Treasurer
Fred D. Lewis

ORDINANCE NO. 18

COUNCIL BILL NO. 32

(2001)

"AN ORDINANCE AMENDING SECTION 9-72 OF THE
CITY CODE OF THE CITY OF SEYMOUR, INDIANA."

WHEREAS, the City of Seymour, Indiana ("City") has heretofore amended the rates and charges of the sewage works of the City set forth in Sections 9-69, 9-78, 9-79, 9-80 and 9-81 of the City Code; and

WHEREAS, IC 36-9-23 provides that a municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works; and

WHEREAS, the existing rates and charges of the sewage works of the City are set forth in the City Code of the City ("City Code"); and

WHEREAS, the Common Council finds that it is necessary to amend the rates and charges of the sewage works of the City set forth in Sections 9-72 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SEYMOUR, INDIANA:

Section 1. Section 9-72(a) of the City Code shall be amended as follows:

In the event that a residential unit not on a meter shall be occupied by only one (1) resident, and that resident certifies to the Clerk-Treasurer's office that (s)he is the only resident, then that customer will be charged \$21.90 per month.

Section 2. Section 9-72(b) and 9-72(c) are hereby repealed and of no further force and effect.

Section 3. Section 9-72(e) of the City Code shall be amended as follows:

Monthly averaging will be amended to provide that the months of February, March and April will be used as a test against the months of **May**, June, July, August, and **September**.

Section 4. All provisions of the City Code not amended by this ordinance shall remain in full force and effect.


EXHIBIT B

Section 5. The rates and charges as herein set forth shall become effective upon passage and adoption of this ordinance, for billings for sewage service issued during the next billing cycle following the passage and adoption of this ordinance and thereafter.

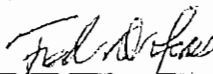
Section 6. All ordinances and provisions of the City Code, or any parts thereof, previously enacted which are in conflict with the provisions of this ordinance are hereby specifically repealed.

Section 7. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

ADOPTED by the Common Council and APPROVED by me, as Mayor, this 23rd day of July, 2001, at 7:34 p.m.


John S. Burkhart, Mayor
City of Seymour, Indiana

ATTEST:


Fred D. Lewis, Clerk-Treasurer
City of Seymour, Indiana

Passed First Reading: 7/9/01

Passed Second Reading: 7/23/01

	First	Second
	Y N	Y N
Lloyd Hudson	<u>Y</u>	<u>Y</u>
Woodrow DeZarn, Jr.	<u>Y</u>	<u>Y</u>
Mary L. Voss	<u>Y</u>	<u>Present</u>
Dexter Steele	<u>absent</u>	<u>_____</u>
Jeff Joray	<u>Y</u>	<u>_____</u>
James Rebber	<u>Y</u>	<u>_____</u>
Michael Jordan	<u>Y</u>	<u>_____</u>

ORDINANCE NO. 22
COUNCIL BILL 36

AN ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF SEYMOUR, INDIANA, FROM OWNERS OF PROPERTY SERVED BY THE SEWAGE TREATMENT WORKS OF THE CITY OF SEYMOUR, INDIANA AS SET FORTH IN ORDINANCE 13 (2001)

WHEREAS, the City of Seymour, Indiana ("City") has heretofore a new rate schedule for the payment of bonds issued to construct additions and improvements to its sewage works in order to better service the property owners served by the sewage treatment works of the City; and

WHEREAS, IC 36-9-23 provides that a municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works; and

WHEREAS, the existing rates and charges of the sewage works of the City are set forth in the City Code of the City ("City Code") as amended by Ordinance 13 (2001); and

WHEREAS, the Common Council finds that it is necessary to amend the rates and charges of the sewage works of the City set forth in Sections 9-69 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SEYMOUR, INDIANA:

Section 1. Section 9-69(a) of the City Code shall be amended as follows: the addition of charges for 8" meters.

A. MONTHLY BASE CHARGE:

<u>Meter Size</u>	<u>Monthly Base Charge</u>	<u>Monthly Base Charge</u>
	<u>Users Within City of Seymour Corporate Limits</u>	<u>Users Outside City of Seymour Corporate Limits</u>
8 inch meter	\$561.43	\$842.14

Section 2. All provisions of the City Code not amended by this ordinance shall remain in full force and effect.

Section 3. The rates and charges as herein set forth shall become effective upon passage and adoption of this ordinance, for billings for sewage service issued during the next billing cycle following the passage and adoption of this ordinance and thereafter.

Section 4. All ordinances and provisions of the City Code, or any parts thereof, previously enacted which are in conflict with the provisions of this ordinance are hereby specifically repealed.

EXHIBIT C

Section 5. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

ADOPTED by the Common Council and APPROVED by me, as Mayor, this 32nd day of August, 2001, at 7:10 p.m.

John S. Burkhart
John S. Burkhart, Mayor
City of Seymour, Indiana

ATTEST:

Fred D. Lewis
Fred D. Lewis, Clerk-Treasurer
City of Seymour, Indiana

Passed First Reading: August 13, 2001

Passed Second Reading: August 27, 2001

	First	Second
	Y N	Y N
Lloyd Hudson	<u>ABSENT</u>	<u>Y</u>
Woodrow DeZarn, Jr.	<u>Y</u>	<u>Y</u>
Mary L. Voss	<u>Y</u>	<u>Y</u>
Dexter Steele	<u>Y</u>	<u>Y</u>
Jeff Joray	<u>Y</u>	<u>Y</u>
James Rebber	<u>Y</u>	<u>Y</u>
Michael Jordan	<u>Y</u>	<u>Y</u>

**ORDINANCE NO. 22
COUNCIL BILL NO. 40**

(2008)

*AN ORDINANCE TO CORRECT CODIFICATION ERROR
CONCERNING SEWER RATES*

WHEREAS, In 2001, by and through Ordinance 13, Council Bill 22, the City Council established new rates and charges for users of the City of Seymour's sewage works; and

WHEREAS, In the process of adoption of the aforesaid Ordinance 13, and incorporation of the various provisions of the Ordinance into the Code of City Ordinances, §50.201 concerning rates charged to mobile home parks of 50 or more units, should have been removed from the Code.

WHEREAS, That as a result of a scrivener's error, §50.201 of the City Code is inconsistent with the intent of the rate study results that preceded the adoption of Ordinance 13 in 2001. §50.201 is also inconsistent with §50.199.

**NOW, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF SEYMOUR, INDIANA:**

Section 1: Title V, Chapter 50, of the Code of Ordinances of the City is hereby amended by deletion of §50.201, to wit:

~~§ 50.201 MOBILE HOME PARK OF 50 OR MORE UNITS.~~

~~(A) An owner or operator of a mobile home park, containing 50 or more units, which has heretofore, at its own expense, installed a private sewer system, servicing the mobile home park, shall:~~

~~(1) In the event the private sewer system includes one or more lift stations, installed, maintained, and operated by the owner or operator of the mobile home park, be granted a credit~~

EXHIBIT D

~~per occupied unit, as set forth in Appendix B, Table E, of this chapter, against the total monthly sewer bill levied against the mobile home park; and~~

~~(2) In the event the private sewer system does not include a lift station, then the owner or operator of the mobile home park be granted a credit per occupied unit, as set forth in Appendix B, Table E, of this chapter, against the total monthly sewer bill levied against the mobile home park~~

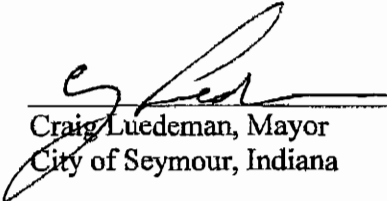
~~(B) Further provided that in each instance aforementioned, the owner or operator continues to maintain and operate the private sewer system, without any cost to the city or the municipal sanitation utility.~~

~~(1987 Code, § 9-71) (Ord. passed 6-26-2000)~~

Section 2. All prior ordinances or parts thereof inconsistent with any provision of this ordinance are hereby repealed.

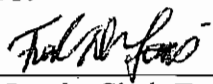
Section 3: This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and recording, all as by law provided.

ADOPTED by the Common Council and APPROVED by me, as Mayor, this 22 day of September, 2008, at 7:10 p.m.



Craig Luedeman, Mayor
City of Seymour, Indiana

ATTEST:



Fred D Lewis, Clerk-Treasurer
City of Seymour, Indiana

Passed First Reading: _____

9/8/08

Passed Second Reading: _____

9/22/2008

Ordinance 22 (2008)

	First	Second
	Y N	Y N
Andrew Hagedorn	<u>Y</u>	<u>Y</u>
Lloyd Hudson	<u>Y</u>	<u>Y</u>
Michael Jordan	<u>Y</u>	<u>Y</u>
James Lucas	<u>Y</u>	<u>Y</u>
James Rebber	<u>Y</u>	<u>Y</u>
John J. Reinhart	<u>Y</u>	<u>Y</u>
Dexter Steele	<u>Y</u>	<u>Y</u>