

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF )  
KINGSBURY UTILITY CORPORATION, A FOR- )  
PROFIT WATER AND WASTEWATER INDIANA )  
CORPORATION FOR AUTHORITY TO )  
ESTABLISH CERTAIN NON-RECURRING )  
CHARGES; SYSTEM DEVELOPMENT )  
CHARGES; TO ISSUE LONG-TERM DEBT; )  
APPROVAL OF NEW RULES AND )  
REGULATIONS; AND FOR APPROVAL OF A )  
CHANGE IN ITS RATES AND CHARGES )  
THROUGH A TWO-PHASE PROCEEDING )

CAUSE NO. 44327

APPROVED: NOV 06 2013

ORDER OF THE COMMISSION ON RECONSIDERATION

Presiding Officers:  
Carolene Mays, Commissioner  
David E. Veleta, Administrative Law Judge

On September 11, 2013, the Indiana Utility Regulatory Commission ("Commission") issued an Order ("Phase 1 Order") in this Cause. On September 30, 2013, Kingsbury Utility Corporation ("KUC"), filed a Request for Reconsideration and Clarification ("Petition for Reconsideration") pursuant to 170 IAC 1-1.1-22(e).

1. **Commission Jurisdiction.** The bases for our jurisdiction over the parties and subject matter of this proceeding are set forth in our September 11, 2013 Phase 1 Order, which bases are hereby incorporated into this Order on Reconsideration. The Commission has jurisdiction over the parties to, and the subject matter of, this proceeding.

2. **Background.** The Commission's Phase 1 Order addressed conflicts between language included in KUC's proposed rules 68 and 83 and the Commission's own rules. KUC's proposed rule 68 states:

For extension of Mains in undeveloped areas of the Company's service territory, the Company shall adhere to and follow the Commission rules for the Extension of Water mains as provided in 170 IAC 6-1.5 et seq., as may be amended from time to time. *To the extent there are more specific definitional terms used in these rules, these more specific definitional terms shall apply.*

KUC's proposed rule 83 states:

For extension of Main Sewers in undeveloped areas of the Company's service territory, the Company shall adhere to and follow the Commission rules for the Extension of Sewer Mains as provided in 170

IAC 8.5-4 et seq., as may be amended from time to time. *To the extent there are more specific definitional terms under these rules, these more specific definitional terms shall apply.*

On July 17, 2013, the Commission held a technical conference with KUC, the Commission's Consumer Affairs Division ("CAD"), and the Indiana Office of Utility Consumer Counselor in order to address concerns with KUC's proposed water and sewer rules. As a result, KUC agreed to submit updated water and sewer rules as late filed exhibits, which would eliminate or clarify the rules that had been identified by the CAD as being confusing or problematic. However, after reviewing KUC's late filed exhibits, the Commission did not approve KUC's proposed water and sewer rules.

3. **Petition for Reconsideration.** The Petition for Reconsideration asked the Commission to issue an order finding KUC's water and sewer rules to be reasonable given the issues that are unique to KUC, or in the alternative, clarify that its determination was to strike only the definitional sentences from the KUC's Water Rule 68 and Sewer Rule 83. Thus, approving the remainder of KUC's water and sewer rules.

Having reviewed the Petition for Reconsideration, the Commission declines to reconsider its decision in the Phase 1 Order, as KUC's Water Rule 68 and Sewer Rule 83 include language which could result in or cause a conflict with the Commission's rules. However, because we agree that striking the definitional sentences identified above by italics addresses the Commission's concern in its Phase I Order, we hereby approve KUC's water and sewer rules subject to this modification.

**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. KUC's Petition for Reconsideration is hereby denied.
2. The Commission hereby approves KUC's water and sewer rules subject to the above described modifications.
3. This Order shall be effective on and after the date of its approval.

**ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:**

**APPROVED: NOV 06 2013**

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



**Brenda A. Howe  
Secretary to the Commission**