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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 CITY OF DECATUR, INDIANA CAUSE NO.

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 on June 3, 2008.
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 XX
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 was generally calculated to be fifty percent (50%). 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 50%.
5. The Administration and Common Council of the City have been developing a new schedule of rates and charges that will be required to pay for certain improvements to the Decatur Municipal Sewage Works' plant and equipment as part of an agreement with the Indiana Department of Environmental Management (IDEM). The fifty percent (50%) additional charge will be restated in the Proposed Ordinance that will be presented to the Common Council on October 2, 2012 so that it is clear that the 50% additional charge to property located outside the corporate boundaries of the City is across the board regardless of the amount of consumption. A copy of the City's new Ordinance will be provided to the

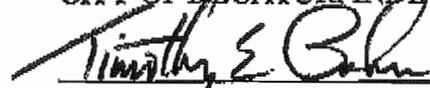
Commission after passage by the Common Council on First Reading which is expected on October 2, 2012.

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 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

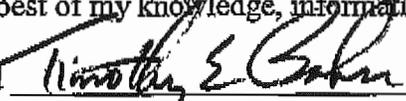


Timothy E. Baker
Attorney for Petitioner

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
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. 2008-4

**AN ORDINANCE AMENDING ORDINANCE NO. 1995-8 AND
ORDINANCE NO. 2004-6 OF THE CITY OF DECATUR, INDIANA**

WHEREAS, the City of Decatur, Indiana, has heretofore constructed and has in operation a sewage works for the purpose of collecting sewage and waste and conveying the same away from the premises where produced and disposing of the same in a sanitary manner, and the City proposes to construct certain improvements thereto to be financed by the issuance of sewage works revenue bonds; and

WHEREAS, the Common Council has received a study of the rates and charges of the sewage works prepared by UMBAUGH, Certified Public Accountants, LLP, to determine if a rate increase is necessary; and

WHEREAS, the Common Council believes, based on the UMBAUGH rate study, that it is necessary to amend the schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, to provide funds for necessary replacements and improvements to the sewage works, to provide adequate money for working capital, and to pay the principal and interest on the outstanding and proposed revenue bonds in accordance with the applicable bond ordinances; and

WHEREAS, the Common Council finds that the rates and charges set forth herein are reasonable and just and are based upon the cost of providing service to the customers of the sewage works and should be adopted; and

WHEREAS, Indiana Code 36-9-23-1, et seq., requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by Ordinance, finally adopted after due notice and public hearing; and,

WHEREAS, on June 3, 2008, the Common Council held a public hearing after due notice, at which users of the sewage works, owners of property served or to be served by the works, and other interested persons were heard concerning the proposed fees set forth below;

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

Section 1. Section 2.7 of Ordinance No. 1995-8 and 2004-6 shall be amended as follows:

2.7 Procedure When Single Meter Serves More Than One Dwelling Unit

In the event two or more dwelling units such as trailers, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into City's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto in the amount of Five Dollars and Forty-Six Cents

(\$5.46) per month for each dwelling unit over one (1) served through the single water meter if the property of the user is situated within the corporate limits of the City, and Eight Dollars and Twenty-Five Cents (\$8.25) per month for each dwelling unit over one (1) served by such meter if the property of the user is situated outside the corporate limits of the City. In the case of trailer parks the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or other living space or spaces in which cooking facilities are provided.

Section 2. Section 2.9 of Ordinance No. 1995-8 and 2004-6 shall be amended as follows:

2.9 Swimming Pool Charge

The owner of any residential swimming pool shall pay to the City in addition to other charges provided herein, the sum of Four Dollars and Thirty Cents (\$4.30) per 100 cubic feet of water capacity of the pool per annum provided that, if the pool is filled with water that has been measured by a water meter that is acceptable to the City, payment shall not be applicable. Such payment shall be billed by the City in June of each year, and shall be collected as other sewage service charges are collected.

Section 3. Section 2.15 of Ordinance No. 1995-8 and 2004-6 shall be amended as follows:

2.15 Rates of Surcharge

The rates of surcharge, in addition to volumetric charges shall be as follows:

- | | | |
|----|---|---------------|
| a. | for biochemical oxygen demand (BOD) in excess of 230 milligrams per liter | 24¢ per pound |
| b. | for chemical oxygen demand (COD) where (BOD) cannot be determined in excess of 460 milligrams per liter | 24¢ per pound |
| c. | for suspended solids in excess of 250 milligrams per liter | 31¢ per pound |

Section 4. Section 2.16.1 of Ordinance No. 1995-8 and 2004-6 shall be amended as follows:

2.16.1 Sewage Charges

For the use and the service rendered by the Decatur Sewage Works, sewage charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

<u>Users Inside City Limits</u>	<u>User Charge Per 100 Cubic Feet</u>	<u>Debt Service Charge Per 100 Cubic Feet</u>	<u>Total Sewage Charge Per 100 Cubic Feet</u>
Consumption per month:			
First 360 cubic feet	\$ 4.61	\$.85	\$ 5.46
Next 900 cubic feet	2.42	2.36	4.78
Next 1,000 cubic feet	2.36	1.95	4.31
Next 2,000 cubic feet	2.29	1.46	3.75
Next 16,000 cubic feet	2.22	1.02	3.24
Next 20,000 cubic feet	2.13	.51	2.64
Over 40,260 cubic feet	2.08	.07	2.15
Minimum charge	16.63	3.06	19.69

<u>Users Outside City Limits</u>	<u>User Charge Per 100 Cubic Feet</u>	<u>Debt Service Charge Per 100 Cubic Feet</u>	<u>Total Sewage Charge Per 100 Cubic Feet</u>
Consumption per month:			
First 360 cubic feet	\$ 4.97	\$ 3.28	\$ 8.25
Next 900 cubic feet	2.73	4.44	7.17
Next 1,000 cubic feet	2.63	3.82	6.45
Next 2,000 cubic feet	2.53	3.11	5.64
Next 16,000 cubic feet	2.42	2.42	4.84
Next 20,000 cubic feet	2.32	1.69	4.01
Over 40,260 cubic feet	2.22	1.02	3.24
Minimum charge	17.93	11.85	29.78

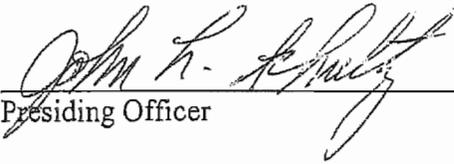
The flat monthly sewage charge for any residential user who is not a metered water user shall be:

	<u>User Charge</u>	<u>Debt Service Charge</u>	<u>Total Sewage Charge</u>
Inside City Limits	\$ 34.10	\$ 20.00	\$ 54.10
Outside City Limits	37.63	43.72	81.35

Section 5. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this Ordinance.

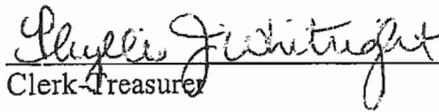
Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Passed and adopted by the Common Council of the City of Decatur on the 3rd day of June, 2008, at 7:45 o'clock p.m.



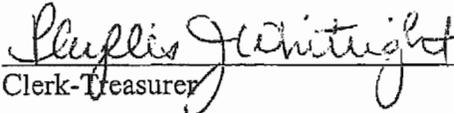
Presiding Officer

ATTEST:



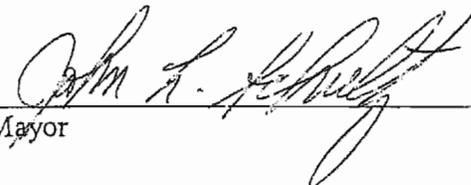
Clerk-Treasurer

Presented by me to the Mayor of the City of Decatur on the 3rd day of June, 2008 at 7:45 o'clock p.m.



Clerk-Treasurer

Approved by me this 3rd day of June, 2008, at 7:45 o'clock p.m.

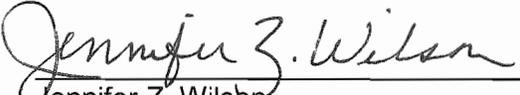


Mayor

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, State of Indiana
Johnson County
Commission # 621605
My Commission Expires
October 13, 2018


Vickie Lynn Ross, Notary Public