

RECEIVED

AUG 14 2012

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 GREENDALE |) | |

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, City of Greendale, Indiana, ("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 Petitioner. 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 December 10, 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 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%).

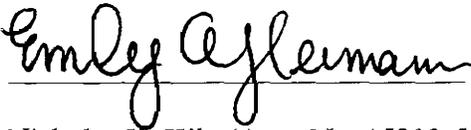
5. The percentage difference in number 4 above does not vary based on the amount of consumption.

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. Nicholas K. Kile and Emily A. Heimann are counsel of record for Petitioner in this matter and are 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,



Nicholas K. Kile (Atty. No. 15203-53)
Emily A. Heimann (Atty. No. 28597-49)
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone (Mr. Kile): (317) 231-7768
Telephone (Ms. Heimann): (317) 261-7934
Facsimile No.: (317) 231-7433
Email: nicholas.kile@btlaw.com
emily.heimann@btlaw.com

VERIFICATION

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

A handwritten signature in black ink, appearing to read "Emily A. Heimann". The signature is written in a cursive style with a horizontal line underneath the name.

Emily A. Heimann
Barnes & Thornburg LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that two copies of the foregoing Petition have been served via hand-delivery to the Indiana Office of Utility Consumer Counselor, PNC Center, 115 West Washington Street, Suite 1500 South, Indianapolis, Indiana 46204 this 14th day of August, 2012.



Emily A. Heimann

EXHIBIT A

**§ 53.36 RATES BASED ON VOLUMETRIC WATER USAGE;
MINIMUM CHARGE.**

(A) Rates and charges shall be collected for the use of and services rendered by the municipal sewage works from the owners of each lot, parcel of land, or building that is connected with and uses the works by or through any part of the sewerage system of the city, or otherwise discharges sanitary sewage, industrial waste, water, or other liquids, either directly or indirectly, into the sanitary sewerage system of the city. Rates and charges shall be in an amount determinable as follows.

(1) Sewage rates and charges shall be based on the quantity of water used on or in the property or premises as measured by the water meter there in use, except as otherwise provided in this chapter. Sewage service rates for all users within the city, out of the city but in the state, and out of the state shall be as follows:

| Quantity of Water Used per Month | <i>City Rate per 1,000 Gallons</i> | Out of City, but in State, Rate per 1,000 Gallons | Out of State Rate per 1,000 Gallons |
|----------------------------------|------------------------------------|---|-------------------------------------|
| First 2,000 gallons | \$4.37 | \$6.56 | \$8.20 |
| Next 8,000 gallons | \$3.15 | \$4.73 | \$5.91 |
| Quantity of Water Used per Month | <i>City Rate per 1,000 Gallons</i> | Out of City, but in State, Rate per 1,000 Gallons | Out of State Rate per 1,000 Gallons |
| Next 10,000 gallons | \$2.92 | \$4.38 | \$5.48 |
| Over 20,000 gallons | \$2.18 | \$3.27 | \$4.09 |

(2) However, the minimum charge for sewage treatment service for any user, whether a metered water consumer, a flat rate consumer, or not a water customer, shall be not less than \$8.74 per month for all users within the city, not less than \$13.12 for all users out of the city but in the state, and not less than \$16.40 for all users out of the state.

(3) For those users whose wastewater has a greater strength of toxicity than normal domestic sewage, a surcharge in addition to the normal user charge, will be collected. Any wastewater that has a biochemical oxygen demand (hereinafter "B.O.D.") or suspended solids (hereinafter "SS") over 250 milligrams per liter (hereinafter "mg/l") is considered excessive. Any wastewater with a pH below 5.5 standard units (hereinafter "SU") and above 9.5 SU is considered toxic.

(a) 1. The following surcharge rates shall apply to each user inside the city that has received permission from the municipal sewage works to contribute excessive strength sewage:

| Wastewater | <i>Surcharge Rate</i> |
|------------|-----------------------|
| B.O.D. | \$0.25 per pound |
| SS | \$0.10 per pound |
| pH | \$685.00 per day |

2. The surcharge rates for all users out of the city but in the state that have received permission from the municipal sewage works to contribute excessive strength sewage shall be 150% of the above charges. The surcharge rate for all users out of the state that have received permission from the municipal sewage works to contribute excessive strength sewage shall be 125% of the surcharge rate for all users out of the city but in the state.

(b) 1. The excessive strength surcharge will be based on the following formula, with the total applied to the monthly bill of the affected user:

$$A(C-250) + B(D-250) \times .00834 \times E - \text{Surcharge Payment (\$/month)}$$

2. Where formula components are as follows:

- a. A = Surcharge rate for B.O.D., in \$/pound;
- b. B = Surcharge rate of SS, in \$/pound;
- c. C = User's average B.O.D. concentration in mg/l;
- d. D = User's average SS concentration in mg/l; and
- e. E = User's monthly flow to sewage works per 1,000 gallons.

(c) No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged into the sewage works contain less than 250 mg/l of B.O.D. or less than 250 mg/l of SS.

(d) A toxicity surcharge will be based on a flat fee of \$500 per day for each daily pH violation for all users within the city, 150% of the amount for all users out of the city but in the state, and 125% of the amount for all users out of the city but in the state for all users out of the state. Discharge flow with a pH below 5.5 SU and above 9.5 SU is considered a violation.

1. The toxicity surcharge shall be based on the following formula, with the total applied to the monthly bill of the affected user:

$F \times G$ - Surcharge Payment (\$/month)

2. Where formula components are as follows:

a. F = Number of days of pH violation; and

b. G = Surcharge rate of pH violation.

(4) The municipal sewage works shall maintain financial records to accurately account for expenditures for operation and maintenance of the sewer system, including normal replacement costs. The municipal sewage works shall review not less than annually the sewage works, debt service obligations, and sewer service charges to accomplish the following:

(a) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the sewage system and to meet debt service requirements;

(b) Maintain an equitable distribution of operation and maintenance costs among users of the treatment system;

(c) Adjust billings to reflect charges such as, but not limited to, administrative costs of monitoring flow and laboratory cost for analysis; and

(d) Adjust billings to reflect costs of equipment or facilities required to correct ordinance violations. These costs may be billed to parties responsible for the violations in a lump sum or assessed as a monthly surcharge.

(B) The quantity of water obtained from sources other than the water utility serving the city and discharged into the public sanitary sewerage system may be determined by the city in the manner as the proper officers of the city shall elect, and the sewage services may be billed at the above rates. In the event a lot, parcel of land, or building discharging sanitary sewage, industrial waste, water, or other liquids either directly or indirectly into the city's sanitary sewerage system is a user of water supplied by the water utility serving the city, and in addition uses water obtained from another source, or is not a user of water supplied by the water utility serving the city, and the water used thereon or therein is not measured by a meter or is measured by a meter unacceptable to the city, then the amount of water used shall be otherwise measured or determined by the city in order to ascertain the rates of charge; or the owner or other interested party, at his or her expense, may install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for determination of the sewage discharge.

(1985 Code, § 6-8-2) (Ord. 2-1962, passed 2-26-1962; Ord. 1-1992, passed - -1992; Ord. 1994-4, passed 3-28-1994; Ord. 1997-12, passed - -1997; Ord. 2000-12, passed 11-8-2000; Ord. 2003-12, passed 12-29-2003; Ord. 2008-5, passed 12-10-2008)