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SEP 28 2012

INDIANA UTILITY
REGULATORY COMMISSION

ROBERT S. WAGONER 1910 - 1987
DONALD D. WAGONER 1934 - 1966

September 25, 2012
Via Certified Mail

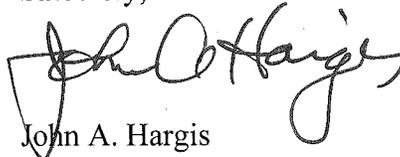
Mr. E. Curtis Gassert
Director of Water and Wastewater Division
Indiana Utility Regulatory Commission
101 W. Washington Street
Suite 1500 East
Indianapolis, Indiana 46204-3419

Re: City of Rockport (Indiana) Municipality Utilities – Outside User Rate
Petition

Dear Mr. Gassert:

On behalf of the City of Rockport, Indiana, please find enclosed the Petition for Approval of Rate and Charge Difference Between Property Within and Property Outside the Corporate Boundaries of Rockport. If at anytime you have any questions or need additional information, please feel free to contact me as the City of Rockport Attorney.

Sincerely,


John A. Hargis

JAH/km
Enclosures

cc: Susie Roberts, Clerk-Treasurer

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION FOR APPROVAL OF RATE)
AND CHARGE DIFFERENCE BETWEEN) CAUSE NO.
PROPERTY WITHIN AND PROPERTY)
OUTSIDE THE CORPORATE BOUNDARIES)
OF ROCKPORT)

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, City of Rockport, 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 City of Rockport. In support of its Petition, Petitioner states:

1. The ordinances setting rates and charges for property within and property outside the municipality’s corporate boundaries took effect on 6/6/2000-water / 9/11/2001-wastewater.
2. Attached as “Exhibit A” and “Exhibit B” are copies of the Ordinances.
3. The works that are the subject of the ordinances is a (select one):
 - a. water utility works _____
 - b. wastewater utility works _____
 - c. both water and wastewater utility works X
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 26.2% - water; 22.4% - wastewater.
5. If the percentage difference in #4 above varies based upon the amount of

consumption, please provide a chart illustrating the various consumption levels in 1,000 gallon increments with the corresponding percent surcharge and attach to this Petition.

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. John A. Hargis, Wagoner, Ayer, Hargis & Rudisill, LLP, Atty # 7464-74 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, City of Rockport requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of City of Rockport and for other just and reasonable relief.

Respectfully Submitted,


Attorney for Petitioners

Verification

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

Signed Susie Roberts Clerk-Treasurer

Date: September 25, 2012.

John A. Hargis, #7464-74
Wagoner, Ayer, Hargis & Rudisill, LLP
104 S. Third Street
P.O. Box 166
Rockport, Indiana 47635
(812) 649-9114 (phone)
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ORDINANCE NO. 2000-4

AN ORDINANCE ESTABLISHING RATES AND CHARGES
FOR THE USE AND SERVICES RENDERED BY THE
WATERWORKS OF THE CITY OF ROCKPORT

WHEREAS, the Common Council of the City of Rockport ("City") has previously established water rates and charges for the use and services rendered by the waterworks of the City; and

WHEREAS, the Common Council finds that the current rates and charges established by the City are insufficient to enable the City to properly operate its waterworks plant, provide for depreciation, service its bonds, and finance additions and improvements to its waterworks system; and

WHEREAS, the City has caused a rate study to be completed by the firm of H.J. Umbaugh & Associates, Indianapolis, Indiana, and based upon such rate study, the Common Council of the City finds that the current water rates and charges should be increased;

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

Section 1. There shall be and are hereby established for the use of and the service rendered by the waterworks system of the City, the following rates and charges, based on the use of water supplied by said waterworks:

<u>Metered Consumption Per Month</u>	<u>Monthly Rate Per 1,000 Gallons</u>
First 500,000 gallons	\$4.48
Over 500,000 gallons	2.67

Users located outside the corporate boundaries of the City shall pay, in addition to the above

metered rates, a monthly variable rate surcharge of \$1.44 per 1,000 gallons.

<u>Service Charge</u>	<u>Per Month</u>
5/8 inch meter* - Inside City	\$ 11.00
5/8 inch meter* - Outside City	13.88
3/4 inch meter	11.65
1 inch meter	14.50
1 1/4 inch meter	20.25
1 1/2 inch meter	28.15
2 inch meter	62.90
3 inch meter	92.60
4 inch meter	135.10
6 inch meter	195.65
8 inch meter	405.30
10 inch meter	477.20

* Includes 2,000 gallons for 5/8 inch meter only.

<u>Public Fire Protection Service Charge - Hydrant</u>	<u>Per Month</u>
5/8 inch	\$ 2.39
3/4 inch	2.63
1 inch	3.35
1 1/2 inch	4.30
2 inch	6.93
3 inch ✓	26.34
4 inch	33.52

<u>Private Fire Protection Service Charge - per connection ^{Sprinkler}</u>	<u>Per Month</u>
3 inch	\$ 9.92
4 inch	15.89
6 inch ✓	23.89
8 inch	39.80
10 inch	69.77
12 inch	99.62

Section 2. In addition to all existing rates and charges of the waterworks, all users connecting to the waterworks after the date of adoption of this ordinance shall be assessed on a monthly basis an availability surcharge of \$1.20 per 1,000 gallons, with a minimum usage of 3,000

gallons per month per each meter.

Section 3. All water rates and charges in conflict herewith are hereby repealed; however, except for the availability surcharge in Section 2 of this ordinance which shall be effective after the date of adoption of this ordinance, the current schedule of water rates and charges in conflict herewith shall remain in full force and effect until December 1, 2001, at which time the current schedule of water rates and charges in conflict herewith shall be deemed repealed and the revised schedule of water rates and charges adopted by this ordinance shall immediately take effect.

Section 4. This ordinance shall be in full force and effect from and after its passage and after its execution by the Mayor.

Passed and adopted by the Common Council of the City of Rockport on the 6th day of June, 2000.

COMMON COUNCIL

Joseph H. Greene
Presiding Officer

ATTEST:

Bob Parker
Clerk-Treasurer

Presented by me to the Mayor of the City of Rockport on the 6th day of June, 2000, at the hour of 7:18 p.m.

Bob Parker
Clerk-Treasurer

This ordinance approved and signed by me, the Mayor of the City of Rockport, on the 6th day of June, 2000, at the hour of 7:19 p.m.

Joseph H. Greene
Mayor

9/11/2001

ORDINANCE NO. 2001-6

AN ORDINANCE AMENDING THE SCHEDULE
OF SEWER RATES AND CHARGES TO BE COLLECTED
BY THE CITY OF ROCKPORT FROM THE OWNERS
OF PROPERTY SERVED BY THE SEWAGE WORKS OF THE CITY

WHEREAS, the City of Rockport, 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 sewage 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 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

WHEREAS, the existing sewage rates and charges are set forth in Ordinance No. 1993-3, adopted on June 3, 1993, as amended by Ordinance No. 2000-2, adopted on June 6, 2000, and the Common Council finds that it is necessary to amend such Ordinance No. 1993-3 and repeal the rates and charges set forth in Ordinance No. 2000-2 to the extent they conflict with the rates and charges set forth herein;

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

Section 1. Section 1 of Ordinance 1993-3 is hereby amended and restated as follows:

For the use of and services rendered by the sewage works, rates and charges shall be collected from the owner of each and every lot, parcel of real estate or building that is connected with the City's sanitary sewage system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the City, including users outside the corporate limits, which rates and charges are payable as hereinafter provided and shall be in an amount determinable as follows:

A. The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same may be measured by the water meter there in use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used, shall be as follows:

<u>Metered Consumption</u>	<u>Monthly Rate Per 1,000 Gallons</u>
First 5,000 gallons	\$6.78
Next 10,000 gallons	5.30
Over 15,000 gallons	4.18

Users located outside the corporate boundaries of the City shall pay, in addition to the above metered rates, a monthly variable rate surcharge of \$1.52 per 1,000 gallons.

B. The minimum charge for sewage treatment service for any user, whether a metered water consumer, a flat rate water consumer, or not a water consumer, shall be as follows:

<u>Minimum Charge (3,000 Gallons Allowed)</u>	<u>Per Month</u>
Inside City	\$20.34
Outside City	24.90

C. For the services rendered to the City, said City shall be subject to the same rates and charges as hereinbefore provided or to charges and rates established in harmony therewith.

Section 2. All provisions of Ordinance Nos. 1993-3 and 2000-2 not amended by this Ordinance shall remain in full force and effect.

Section 3. Section 1 of Ordinance No. 1993-3 shall remain in full force and effect until December 1, 2001, at which time the current Section 1 of Ordinance No. 1993-3 shall be deemed repealed and the amendment thereof adopted by this ordinance shall immediately take effect.

Section 4. This ordinance shall be in full force and effect from and after its passage and after its execution by the Mayor.

Passed and adopted by the Common Council of the City of Rockport this 11th day of Sept, 2001.

COMMON COUNCIL

Joseph L. Greene
Presiding Officer

Attest:

Bob Packer
Clerk-Treasurer

Presented by me to the Mayor of the City of Rockport this 11th day of Sept, 2001 at 4:30 p.m.

Bob Packer
Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Rockport, this ____ day of SEPT, 2001 at 4:30 m.

Joseph L. Greene
Mayor