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September 21, 2012

Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500E
Indianapolis, Indiana 46204-3407

RECEIVED
SEP 25 2012
INDIANA UTILITY
REGULATORY COMMISSION

RE: Town of South Whitley Sewer Rate Waiver

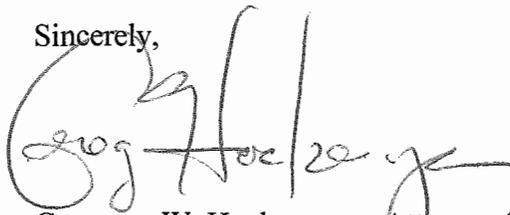
Dear Sir or Madam:

Enclosed please find a petition submitted on behalf of the Town of South Whitley Waste Water Utility seeking IURC approval of a rate differential under the Town's General Ordinance 86-2-1 passed by the South Whitley Town Council on February 25, 1986. Because that ordinance provided for a standard percentage deviation applicable to all future rates, the petition also includes information regarding the most recent metered and flat fee rates applicable to the South Whitley Waste Water Utility.

Your courtesy in accepting the enclosed petition for review under Indiana Code § 8-1.5-3-8.3(c) would be greatly appreciated. Should you have any questions or concerns regarding the petition, please feel free to contact me.

Failing to hear from you otherwise, I will look forward to your acknowledgment of the receipt and review of the enclosures and, hopefully, approval of same pending timely remonstrance as provided.

Sincerely,



Greggory W. Hockemeyer, Attorney for Town of South Whitley Waste Water Utility
Myers Hockemeyer & McNaghy, LLP

enclosure

GWH/lj

K:\Client Files\Town of South Whitley\IURC\Letter to IURC 092112.wpd

cc Bob Gould, South Whitley Clerk-Treasurer

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 TOWN OF SOUTH WHITLEY FOR)
ITS WASTEWATER UTILITY)

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, South Whitley Wastewater Utility, 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 Town of South Whitley, Indiana. In support of its Petition, Petitioner states:

1. The ordinance setting distinct sanitary sewer rates and charges for property within and property outside the municipality’s corporate boundaries took effect on March 1, 1986.
2. In part, the current Town of South Whitley Code provides:

§ 52.71 RATES BASED ON QUANTITY OF WATER USED.

(A) For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the Town's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewer system of the town.

(B) These rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows. Except as herein otherwise provided, sewage rates and charges shall be based upon the quantity of water used on or in the property or premises subject to the rates and charges as measured by the water meter there in use. The metered water usage shall be determined from the meter reading of the town's waterworks.

- (1) Sewage service rates, based upon the amount of water used shall be as follows:

Quantity of Water Used	Rate Per 1,000 Gallons
Per Month	
First 2,000 gallons	\$14.66
Next 8,000 gallons	\$12.23
Next 25,000 gallons	\$9.87
Next 65,000 gallons	\$8.17
Over 100,000 gallons	\$6.80

(2) The minimum charge for sewage service where the user is a metered water consumer shall be based upon the meter size as follows:

Water Meter Size (Inches)	Monthly Charge
5/8 — 3/4	\$ 29.31
1	\$46.82
1-1/4	\$69.92
1-1/2	\$93.04
2	\$174.46
3	\$348.72
4	\$581.10
6	\$1,162.19

(3) A flat rate for residential sewage service, where the user is not a metered water user, shall be \$59.89 per month. (Rate increases are effective with the January 1, 2012 billing.) (Ord. 11-11-02, passed 11-22-2011).

...

§ 52.74 RATES FOR USERS LOCATED OUTSIDE CORPORATION LIMITS.

Charges to users outside the corporation limits of the town will be billed at 150% of the rates and charges to users within the corporation limits. (Ord. 86-2-1, passed 2-25-86).

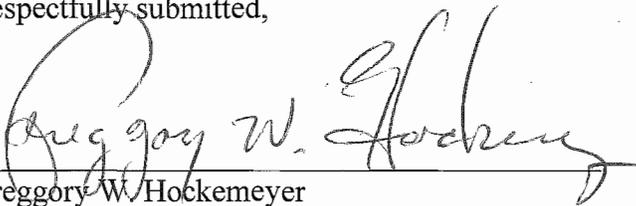
Attached as "Exhibit A" is a copy of the most recent Wastewater Rate Ordinance adopted, the provisions of which are incorporated above.

3. The works that is subject of the Ordinance is a:
 - 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 50%.
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. Gregory W. Hockemeyer 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 The South Whitley Wastewater Utility 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 Town of South Whitley and for other just and reasonable relief.

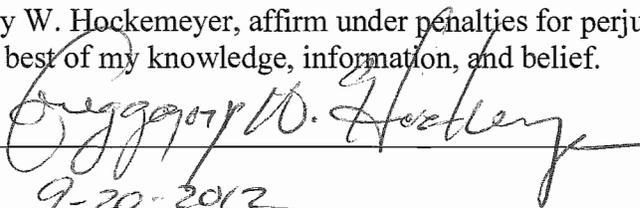
Respectfully submitted,


Gregory W. Hockemeyer
Attorney for Petitioners

Verification

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

Signed



Date

9-20-2012

Attorney Contact Information

Gregory W. Hockemeyer
Myers Hockemeyer & McNagny, LLP
116 North Chauncey Street
P.O. Box 89
Columbia City, IN 46725
(260) 248-2224

Exhibit A

ORDINANCE NO. 11-11-02

Sewage

An ordinance amending the Town of South Whitley Ordinance, Chapter 52, Section 52.71 increasing the sewage service rates to finance installation of improvements mandated as part of the Combined Sewer Overflow plan approved by the State of Indiana.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE INCORPORATED TOWN OF SOUTH WHITLEY, INDIANA THAT:

SECTION 1. Town of South Whitley General Ordinance, Chapter 52, §71(B) is amended as follows;

- i. § 52.71, sub-part "B(1)" is hereby amended as follows:
 - (1) Sewage service rates, based upon the amount of water used, shall be as follows:

<u>Quantity of Water Used Per Month</u>	<u>Rate Per 1,000 Gallons</u>
First 2,000 gallons	\$14.66
Next 8,000 gallons	12.23
Next 25,000 gallons	9.87
Next 65,000 gallons	8.17
Over 100,000 gallons	6.80

- ii. § 52.71, sub-part "B(2)" is hereby amended as follows:
 - (2) The minimum charge for sewage service where the user is a metered water consumer shall be based upon the meter size as follows:

<u>Water Meter Size (Inches)</u>	<u>Monthly Charge</u>
5/8 - 3/4 meter	\$ 29.31
1 meter	46.82
1-1/4 meter	69.92
1-1/2 meter	93.04
2 meter	174.46
3 meter	348.72
4 meter	581.10
6 meter	1,162.19

iii. § 52.71, sub-part "B(1)" is hereby amended as follows:

- (3) A flat rate for residential sewage service, where the user is not a metered water user, shall be \$59.89 per month. (Rate increases are effective with the January 1, 2012 billing.)

SECTION 2. This Ordinance shall be effective upon its passage and publication in a newspaper of general circulation as provided by law. The new rate increases shall be implemented effective on the January 1, 2012 billing.

PASSED FOLLOWING NOTICE AND HEARING BY THE TOWN COUNCIL OF THE TOWN OF SOUTH WHITLEY, INDIANA, THIS 22ND DAY OF NOVEMBER, 2011.

SOUTH WHITLEY TOWN COUNCIL

Joyce Warner

Jan R. Ehrhart

ATTEST:

Mitchel J. Winger
Mitchel J. Winger, Clerk-Treasurer