



Karla L. Atkins
Clerk-Treasurer

Town of New Harmony

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SEP 28 2012

INDIANA UTILITY
REGULATORY COMMISSION
P.O. Box 340
New Harmony, IN 47631

(812) 682-4846 * Fax (812) 682-4851

DATE: 9-28-12

TO: IURC

FAX NUMBER. 317-232-6758

ATTN: Curt Cassert

FROM: Karla Atkins

TOTAL PAGES: 10

SUBJECT: _____

COMMENTS: _____

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SEP 28 2012

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 TOWN OF NEW HARMONY

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, Town of New Harmony, Indiana, ("Petitioner") by counsel, respectfully petitions the Indiana Utility Regulatory Commission ("Commission") to approve the rate and charge difference between property within and property outside the corporate boundaries of Petitioner. In support of its request, Petitioner states:

1. The ordinance setting rates and charges for property within and property outside the municipality's corporate boundaries took effect on June 13, 2000.
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 X
 - b. wastewater utility works
 - 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 twenty-five percent (25%).
5. The percentage difference in number 4 does not vary based on the amount of consumption.
6. Nathan Maudlin is counsel of record for Petitioners in this matter and is duly authorized to accept service papers in this cause on behalf of Petitioners.

Respectfully submitted,

Nathan B. Maudlin

Nathan Maudlin, Attorney for Petitioners
Klezmer Maudlin
P.O. Box 365
New Harmony, IN 47631
Telephone: 317-569-9644
Email: nmaudlin@klezmermaudlin.com

Verification

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

Signed

Linda Warrum

Date

9-27-12

Exhibit A

ORDINANCE 2000-6

AN ORDINANCE TO PROVIDE FOR METERED WATER UTILITY SERVICE, RATES AND CHARGES AND OTHER PROVISIONS

WHEREAS, the Town of New Harmony has replaced all unmetered water lines with metered water lines; and

WHEREAS, certain provisions of the water service system have been repealed pursuant to Ordinance 2000-5; and

WHEREAS, the Town of New Harmony requires new ordinances to provide for metered water system, rates and charges and other provisions;

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Metered Water Utility System. There is established and required a uniform system of metered water lines for all residential and commercial users of the water utility system inside the town limits. The cost of the meter and installation will be the rate payers and will be done on a uniform basis to all residential and commercial users in the Town of New Harmony. Any and all residents and commercial entities desiring to be connected to the Town's water system for any use will be required to purchase a meter to be installed by the Town at the user's expense. The metered rate for such users shall be as set out in Section 4.

Section 2: Existing Multiple Units with Single Meter. In the event two or more residential lots, parcels of real estate, buildings, dwelling units such as mobile homes, apartments, or housekeeping rooms, in existence at the time of the passage of this ordinance, discharging sanitary sewage, water, or other liquids into the town'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 each such case, for billing purposes, the quantity of water used shall be indicated on one (1) water utility statement based upon the metered amount, excepting such rate shall be at a minimum of twenty dollars and eighty cents (\$20.80) per month.

All multiple units, which come into existence after the passage of this ordinance, shall be required to have installed a separate meter for each residential lot, parcel of real estate, building, dwelling units such as mobile homes, apartments or housekeeping rooms, all in accordance with this Chapter.

Section 3: (A) Flat Rate - Hotel and Motel Users. There is established a flat rate for hotel and motel users of the water utility of nine dollars and thirty-five cents (\$9.35) per month per guest room, unless the hotel or motel is metered and the actual metered rate is greater than the established flat rate for a particular month, in which event

the hotel or motel shall pay the actual metered rate for that month instead of the established flat rate. (Forty-five (45) rooms equal four hundred twenty dollars and seventy-five cents (\$420.75)).

(B) Flat Rate - Unmetered Residential users. There is established a flat rate for unmetered residential users of the water utility inside the town limits, of twenty dollars and eighty cents (\$20.80) per month. Any remaining unmetered residential users of the water utility existing at the time of the passage of this Ordinance shall continue to pay this flat rate until such time as meters are installed.

Nothing in this sub-section shall be construed as to allow those unmetered users of the water utility to remain unmetered. This sub-section shall be construed only as a means to provide water utility service and payment therefore until such time as all meters are installed and fully functioning.

Section 4: Metered Rates for Metered Users. The metered rates for metered users inside the Town limits shall be as follows, except that metered users inside the Town limits shall pay a minimum of Twenty Dollars and Eighty Cents (\$20.80) per month:

| | | |
|-------|---------------------------|--------------------------|
| First | 4,000 gallons per month | \$5.20 per 1,000 gallons |
| Next | 35,000 gallons per month | \$4.60 per 1,000 gallons |
| Next | 60,000 gallons per month | \$4.36 per 1,000 gallons |
| Next | 100,000 gallons per month | \$3.95 per 1,000 gallons |
| Over | 199,000 gallons per month | \$3.74 per 1,000 gallons |

The metered rate for metered users outside the Town limits shall be as follows, except that metered users outside the Town limits shall pay a minimum rate of Twenty-six Dollars (\$26.00) per month:

| | | |
|-------|---------------------------|--------------------------|
| First | 5,000 gallons per month | \$5.20 per 1,000 gallons |
| Next | 35,000 gallons per month | \$4.60 per 1,000 gallons |
| Next | 60,000 gallons per month | \$4.36 per 1,000 gallons |
| Next | 100,000 gallons per month | \$3.95 per 1,000 gallons |
| Over | 200,000 gallons per month | \$3.75 per 1,000 gallons |

Section 5: Billing due dates and delinquent dates - Interest on delinquent bills.

A. Effective immediately, all charges owed for water services furnished by the town of New Harmony, through its municipal water works, shall be billed as of the first day of each month, and shall be paid on or before the fifteenth day of such month, and if not paid prior to the fifteenth day of the month in which billing is made, shall be considered delinquent.

B. If the rates or charges as set forth in this chapter are not paid within the time fixed by this chapter, they shall thereupon become and are declared to be delinquent, and a penalty of ten percent of the first three dollars (\$3.00) and three percent of the balance shall attach to the charges, and the entire amount shall be paid by the consumer, or collection made by the town of New Harmony in the manner and fashion provided by law.

Section 6: Harmonie State Park Water Rates.

A. There is a category for the Harmonie State Park. The category will provide that water provided to the Harmonie State Park will be billed to the Indiana Department of Natural Resources at the rate of two dollars and sixty-five cents (\$2.65) per one thousand (1,000) gallons.

B. The rate for the Harmonie State Park was established and became effective September 1, 1998, and was for a duration of not less than three years.

Section 7: Deposit for Renters. The deposit for renters of metered water service served by the New Harmony water utility shall be one hundred dollars (\$100.00).

Section 8: New Applicants - Tap-In Charges. New applicants wishing to be connected with the New Harmony Water Works should first obtain an "application for water tap-in" from the Clerk- Treasurer's Office. The applicant should complete the application and indicate the size of service desired and note any unusual needs which might exist (higher than normal pressure or flow requirements, etc.)

The water works supervisor will then review the application and resolve any questions with the applicant or designated representative of the applicant. The supervisor will then compile an estimate of the costs of the tap-in. Two (2) copies of the estimate will then be sent to the applicant for review. If the applicant agrees and understands the costs as presented, one (1) copy should be signed and returned to the Clerk-Treasurer's Office. The remaining copy should be retained by the applicant for his records.

The following tap-in fees must be paid before any new tap-ins will be made:

| | |
|-----------------------------------|----------|
| Residential (inside Town limits) | \$300.00 |
| Residential (outside Town limits) | \$450.00 |
| Commercial | \$500.00 |

At no time should work proceed unless this fee has been paid. After the service has been established, the user will be sent a bill detailing the actual costs of the items used in installing the tap-in plus charges for labor.

Section 8.1: Construction Standards for Potable Water. New applicants wishing to be connected with the New Harmony Water Works should obtain a "Construction Standards for Potable Water" manual contemporaneous with obtaining the above required application for water tap-in. All procedures contained within said "Standards" are to be complied with by the applicant and at no time should work proceed unless compliance is met. The fee for obtaining the construction standards manual is \$25.00.

Section 9: Limitation of Users. In order to insure correct and sufficient water pressure flow to all users, the Town Council of New Harmony reserves the right to limit the number of users on water lines that presently extend, or will in the future extend, beyond the Town limits of the Town of New Harmony. Users outside the Town limits shall bear all expenses of procuring easements for water lines. The lines and the easements for said lines shall become the property of the Town of New Harmony. The maintenance and repair of said water mains and easements shall be the responsibility of the Town of New Harmony. The Town shall bear the expense of maintaining and repairing said service lines, mains, and easements up to the meter outlet. Each user shall continue to be responsible for the maintenance, repair and replacement of water lines on his or her own property beyond the meter. After all tap-in and water lines have been installed, but prior to being covered with earth, all tap-ins and water lines must be inspected and approved by the Town's water department, and no tap-ins or water lines shall be covered with earth until said inspection is completed and written approval furnished to the owner.

Each user outside the Town limits, by becoming a user of the Town's water utility, grants the water utility the right to enter on to the user's property to inspect any water lines and tap-ins thereon at all reasonable times.

Section 10: Repair or Replacement of Inoperative Meter. In the event that a metered user's meter becomes inoperative, it shall be the Town's responsibility to repair or replace the meter at its expense, as soon as possible. Notwithstanding, in order for the Town to fulfill its responsibility under this section, user shall notify the office of the Clerk-Treasurer or the water works supervisor immediately upon a meter becoming inoperative or upon suspicion that a meter is inoperative.

Section 11: Cross-Connection.

(A) **Definition:** Any physical confection or arrangement between two otherwise separate systems, one of which contains potable water from the town water system, and the other, water from a private source, water of unknown or questionable

safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(B) **Cross-Connection Prohibited:** No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Town may enter the supply or distribution system of the municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Town Water Utility and by the Environmental Management Board in accordance with Rule 320 IAC 3-9.

(C) **Inspection:** It shall be the duty of either the water utility supervisor or the County Department of Health to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and the reinspections based on potential health involved shall be as established by either entity and based upon the exigency of any known circumstances.

(D) **Entry of Premises:** Upon presentation of credentials, the representative of either the water utility system or the County Department of Health shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Town for cross-connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross-connections.

(E) **Discontinuance Of Water Service:** The Town Water Utility is authorized and directed to discontinue water service to any property wherein any connection violation of this subchapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this subchapter. If it is deemed by the Town Water Utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Town Clerk and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten (10) days of such emergency discontinuance.

(F) **Backflow Preventer Required:** All consumers using toxic or hazardous liquids, all mortuaries, wastewater treatment plants, laboratories, and all other hazardous

users shall install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

(G) Supplementing Other Legislature: This section does not supersede the State Uniform Plumbing Code or the Town of New Harmony Construction Standards for Potable Water, but is supplemental to them.

(H) Violations -Penalties.

1. Any person found to be violating any provision of this subsection shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for in paragraph (1) of this subsection shall be fined in an amount not exceeding ten dollars (\$10.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person violating any of the provisions of this section shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.

Section 12: Limits of The Responsibility of the New Harmony Water Utility.

The New Harmony Water Works shall have the responsibility of operating and maintaining all mains, service lines and curb stop valves having the following definitions:

(A) Water Main: A pipe of any size or material of construction (cast iron, steel, plastic) which transports water from a water tank or well pump to another main or to a residential industrial, commercial or municipal service line. A main may in some instances be truncated (dead ended) with a valve on the end. If another pipe (regardless of size) is connected to the valve and the line extended for the purpose of transporting water to other service lines, the extended portion of the pipe becomes a part of the main system.

(B) Tap/Service Line: A tap is defined as a valve or "T" installed in or on a water main for the purpose of supplying water to a residential, industrial or municipal users. The service line, regardless of size or length is defined as a pipe (plastic, copper, steel, etc.) connected to the tapping valve for the purpose of supplying water to a residential, industrial or municipal user.

(C) **Curb-Stop Valve:** The curb stop valve is defined as a valve suitably connected to the service line. This valve is of sufficient design to be long lived and operable only by personnel of the water department. Every residential, municipal, industrial user connected to the New Harmony water department shall have a locatable and operable curb stop valve for use by the water department personnel in cases of emergency or termination of service. The curb stop valve is the piece of equipment which separates the water department responsibility from the user's responsibility. It is the responsibility of the water department to maintain all piping and valves up to and including the curb stop valve. Maintenance of any piping or plumbing devices connected to the curb stop valve is the responsibility of the residential, industrial or municipal user. In cases where a leak is noted, the curb stop valve should be turned off. If the leak stops upon closing the curb stop valve, the leak is beyond the meter outlet and therefore the responsibility of the user. If however, the leak persists after closing the curb stop valve, the leak is between the meter and the curb stop valve and is the responsibility of the water department.

Section 13: Incorporation of Ordinance 2000-2. Upon the passage of the herein Ordinance, Ordinance 2000-2 shall be adopted and incorporated herein as if set out in full.

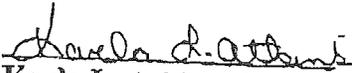
Section 14: Effective Date. This Ordinance shall become effective upon passage.

ADOPTED this 13th day of June, 2000.

TOWN COUNCIL OF TOWN OF
NEW HARMONY, INDIANA

July Dues
Don Kellner
Deanne [unclear]
[unclear]
Don [unclear]

ATTEST:


Karla L. Atkins, Clerk-Treasurer