

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

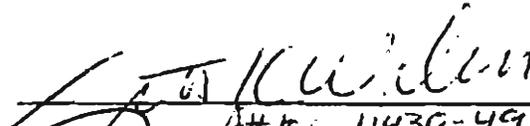
**PETITION FOR APPROVAL OF RATE )  
AND CHARGE DIFFERENCE BETWEEN )  
PROPERTY WITHIN AND PROPERTY ) CAUSE NO.  
OUTSIDE THE CORPORATE BOUNDARIES )  
OF VEEDERSBURG MUNICIPAL WATER AND WASTEWATER UTILITIES**

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, Veedersburg Municipal Water and Wastewater Utilities, 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 Veedersburg Municipal Water and Wastewater Utilities. 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 July 1, 2007.
2. Attached as "Exhibit A" is a copy of the Ordinance.
3. The works that is subject of the Ordinance is a:
  - 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 See Appendix B.
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. Stuart K. Weliever 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.

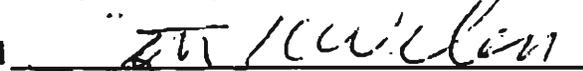
**WHEREFORE** Veedersburg Municipal Water and Wastewater Utilities requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of Veedersburg Municipal Water and Wastewater Utilities } and for other just and reasonable relief.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Petitioners  
HH&W 11430-49

**Verification**

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

Signed 

Date 8/29/12

**Attorney Contact Information**  
Stuart K. Weliever  
Henthorn, Harris & Weliever, P.C. (HH&W)  
122 E. Main St.  
Crawfordsville, IN 47933  
(765) 362-4440

**ORDINANCE NO. 9-05****AN ORDINANCE AMENDING ORDINANCE NO. 96-9  
OF THE SEWAGE WORKS OF THE  
TOWN OF VEEDERSBURG, INDIANA,  
AS FROM TIME TO TIME AMENDED**

WHEREAS, the Town of Veedersburg, 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 Town proposes to construct certain improvements thereto to be financed by the issuance of sewage works revenue bonds; and

WHEREAS, the Town Council believes 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 proposed revenue bonds in accordance with the applicable bond ordinances; and

WHEREAS, IC 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 September 13, 2005, the Town 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 TOWN COUNCIL OF THE TOWN OF VEEDERSBURG, INDIANA, THAT:

Section 1. Ordinance No. 96-9, as heretofore amended, shall be further amended as follows:

The water usage schedule on which the amount of said sewage rates and charges shall be determined shall be as follows:

**INSIDE CORPORATE LIMITS**

Metered Consumption: (Per 1,000 gals.)

		<u>Interim Rates Effective upon passage</u>	<u>Final Rates Effective July 1, 2007</u>
First	2,000 Gallons	\$ 9.86	\$ 12.25
Next	5,000 Gallons	6.27	7.79
Next	8,000 Gallons	5.33	6.63
Next	20,000 Gallons	4.41	5.48
Next	65,000 Gallons	3.48	4.33
Next	100,000 Gallons	2.55	3.17
Next	200,000 Gallons	1.62	2.02

**OUTSIDE CORPORATE LIMITS**

Metered Consumption: (Per 1,000 gals.)

		<u>Interim Rates Effective upon passage</u>	<u>Final Rates Effective July 1, 2007</u>
First	2,000 Gallons	\$ 13.45	\$ 16.71
Next	5,000 Gallons	9.39	11.66
Next	8,000 Gallons	8.01	9.95
Next	20,000 Gallons	6.60	8.20
Next	65,000 Gallons	5.21	6.48
Next	100,000 Gallons	3.84	4.77
Next	200,000 Gallons	2.43	3.02

The minimum charge for any user, where the user is a metered water customer, shall be as follows:

	<u>Interim Rates Effective upon passage</u>	<u>Final Rates Effective July 1, 2007</u>
<b>INSIDE CORPORATE LIMITS</b>		
Monthly Minimum Charge:	\$ 19.72	\$ 24.50
<b>OUTSIDE CORPORATE LIMITS</b>		
Monthly Minimum Charge:	\$ 26.90	\$ 33.42

**OUTSIDE CORPORATE LIMITS  
SPECIAL MONTHLY FIXED CHARGES:**

Interim Rates  
Effective upon  
passage

Master Guard  
Krupp Gerlach

\$ 3,750.00  
625.00

**TAP FEES:**

3/4 inch meter or larger

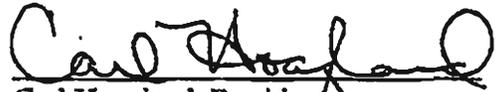
Cost, but not less than \$ 750.00

**BAD CHECK CHARGE**

\$ 20.00

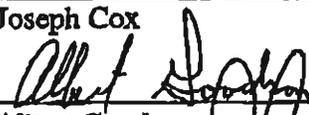
Section 2. This ordinance shall be in full force and effect from and after its passage, signing by the Town Council and legal publication as provided by law.

Passed and adopted by vote of the Town Council of the Town of Veedersburg on the 13<sup>th</sup> day of September, 2005.

  
\_\_\_\_\_  
Carl Hoagland, President

  
\_\_\_\_\_  
Richard Burton

\_\_\_\_\_  
Joseph Cox

  
\_\_\_\_\_  
Albert Goodson

  
\_\_\_\_\_  
Bryan Lanham

Attest:

  
\_\_\_\_\_  
Laura Bennett, Clerk-Treasurer  
Town of Veedersburg, Indiana

**ORDINANCE NO. 10-05**

**AN ORDINANCE AMENDING ORDINANCE NO. 7-99 ESTABLISHING RATES AND CHARGES FOR THE USE OF AND SERVICE RENDERED BY THE WATERWORKS SYSTEM OF THE TOWN OF VEEDERSBURG, AND PROVIDING REGULATIONS GOVERNING SUCH SERVICE AND USE, PROVIDING PENALTIES FOR VIOLATIONS, ESTABLISHING AN EFFECTIVE DATE OF THE ORDINANCE AND REPEALING ALL ORDINANCES IN CONFLICT HEREIN.**

Be it ordained by the Town Council of the Town of Veedersburg, Indiana:

**SECTION ONE: SCHEDULE OF RATES:**

That the following rates and charges based on the water supplied by said waterworks system is hereby established.

- (A) All water users residing within the corporate limits of said town shall pay the following rates:

**INSIDE CORPORATE LIMITS**

<u>Metered Consumption: (Per 1,000 gals.)</u>		<u>Interim Rates Effective upon passage</u>	<u>Final Rates Effective July 1, 2007</u>
First	15,000 Gallons	\$ 3.03	\$ 3.71
Next	20,000 Gallons	2.45	3.00
Next	65,000 Gallons	1.65	2.02
Over	100,000 Gallons	0.97	1.19

<b>INSIDE CORPORATE LIMITS</b>		<u>Interim Rates Effective upon passage</u>	<u>Final Rates Effective July 1, 2007</u>
Monthly Service Charge:		\$ 5.88	\$ 7.20
Unmetered Rates:		\$ 11.94	\$ 14.62

Residential customers without meters will be charged for 2,000 gallons.

**Application of Rates and Charges**

The monthly service charge shall be applied to all customer accounts regardless of usage. The metered rates shall be applied to all usage of customers. The sum of the monthly service charge and the metered usage charge shall represent the monthly charge to customers for water service prior to the application of taxes and penalties.

- (B) All water users outside the corporate limits of said town shall pay the following rates:

**OUTSIDE CORPORATE LIMITS**

<u>Metered Consumption: (Per 1,000 gals.)</u>		<u>Interim Rates Effective upon passage</u>	<u>Final Rates Effective July 1, 2007</u>
First	15,000 Gallons	\$ 4.15	\$ 5.09
Next	20,000 Gallons	3.42	4.19
Next	65,000 Gallons	2.30	2.81
Over	100,000 Gallons	1.37	1.67

<b>OUTSIDE CORPORATE LIMITS</b>		<u>Interim Rates Effective upon passage</u>	<u>Final Rates Effective July 1, 2007</u>
Monthly Service Charge:		\$ 8.84	\$ 10.82
Unmetered Rates:		\$ 17.14	\$ 21.00

Residential customers without meters will be charged for 2,000 gallons.

Application of Rates and Charges

The monthly service charge shall be applied to all customer accounts regardless of usage. The metered rates shall be applied to all usage of customers. The sum of the monthly service charge and the metered usage charge shall represent the monthly charge to customers for water service prior to the application of taxes and penalties.

(C) The following users will pay special monthly fixed charges in the amounts noted:

Masterguard	\$ 2,752.00
Krupp Gerlach	\$ 459.00

(D) Water service furnished to temporary users shall be charged on the basis of the above gallonage rate.

- (1) If temporary use will be for one week or less, said user shall make a deposit of sufficient amount to pay any charges for the amount of water that is estimated to be required by such temporary user.
- (2) Where such temporary use will be for more than one week, a deposit equal to the amount of water estimated to be used the first week of such temporary use will be made. Thereafter a deposit will be made in advance for the amount of water estimated to be used for each week.

(E) Water supplied for railroad or other special users may be charged on such terms as shall be fixed by special contracts approved by the Town Council of the Town of Veedersburg. In cases where water is furnished under a special contract, the

Clerk-Treasurer shall collect the charges in accordance with the provisions of such contract.

- (F) For water users not already connected to said waterworks system, a tapping fee shall be charged for connecting the user to the waterworks system. Such charge shall include payment of the labor and materials necessary to install a meter-yoke, a meter-box, stop-cock, waste-cock, tap to water main, all pipes necessary to connect the tap to the meter and furnishing and installing the water meter. The following tapping fee, based on the size of the pipes tapped into said waterworks system, shall be charged:

3/4 inch tap or larger

Actual cost, but not less than \$ 750.00

Said charges shall be paid by the water user before the water service shall be turned on. Application must be made in writing for water taps. The user will be required to furnish his own materials, install his own service pipe and make his connection at the meter.

- (G) On property where there is already a connection made to the waterworks system, all new water users shall make a One Hundred Dollar (\$100.00) meter deposit upon application for water service; however, if the user can establish their credit worthiness, the deposit may be waived. Upon discontinuation of water service, said sum will be refunded provided that no amounts are owing to said Town. If there are any bills or damages owing, said deposit will be applied to said bills for damages and any excess will be refunded to the user. If for any reason water service cannot be furnished to said user, the deposit will be refunded.

A twenty-five (\$25.00) service charge will be paid by all water users for turning on the water of the users who are already connected to said waterworks system, said amount to be paid prior to the commencement of water service.

## SECTION TWO: METERING OF SERVICE AND BILLS THEREFOR

- (A) All users, both inside and outside the corporate limits of said Town shall be governed by the following subsections:
- (1) All service shall be metered, except as may be provided for by contract with the Town Council. The size of the meter to be used shall be determined by an employee of the waterworks system.
  - (2) In the event any meter shall become inoperative and fail to register the quantity of water passing through said meter, the water user shall be charged at the rate of his average consumption registered by the meter before said meter become inoperative.
  - (3) All charges made against water users shall be billed monthly and said bills shall be due and payable on the first day of the month, following the month when said charges were incurred by the water user. Said bill will be delinquent on the 16<sup>th</sup> day of said month. There shall be added to all

delinquent bills a charge of ten percent (10%) of the face amount of said bill.

- (4) In the event the full amount of the bill, plus the additional charges are not paid on or before 30 days following the date of said bill, service to water users so in default shall be discontinued after 5 day written notice. All charges owing plus a twenty-five dollar (\$25.00) service charge must be paid in advance before services will be continued to said user.
- (B) All water users or other persons are strictly prohibited from furnishing water to other premises or dwelling units, or allowing the same to be drawn from their fixtures or pipes. Each separate premise or dwelling unit must be provided with a separate stop-cock and a separate water meter, and each shall be a separate service. In no case will a service pipe be allowed to run across tracts or lots, or from one lot or tract to another, but each house, premise or unit serviced shall be served by a separate tap taken directly from the main water line serving the same, regardless of whether or not said units are located in the same building, or whether or not said dwelling units are located on one lot or one tract, or whether or not said dwelling units are owned by the same owner or by different owners, except as provided in the following subsection.
- (C) Exception – The above provision of this section shall not apply to water users under the following circumstances only:
- (1) Owners, leasers, operators or landlords of hotels, motels, apartment houses, duplexes or licensed mobile home parks, in which the owner, leaser, operator or landlord furnishes water to his tenant or occupant and includes water service in his rent or other charge to such tenant or occupant, may do so without separate service tap or meter. The owner, leasor, landlord or operator of such hotel, motel, apartment house, duplex or Mobile Home Park shall be the sole customer of the waterworks system, and shall pay the entire charge. Otherwise, they will be subject to the same rules and regulations as any other user.
- (2) Upon application of the water user, an employee of the waterworks system shall immediately determine what users are entitled to the benefits of the above exception. Said water users may appeal the decision of said employee directly to the Town Council of the Town of Veedersburg.

### SECTION THREE: RESTRICTIONS AND REQUIREMENTS

- (A) All service pipes must have stop-cock and waste-cock placed between the curb and the premises in order that the water may be shut off and the pipes drained.
- (B) No water user or any other person except employees of the waterworks system or a person authorized in writing by the Town of Veedersburg will have the authority to turn the water on or off at the curb-cock or to tap or attempt to tap any water main.

- (C) Any changes made in the location of the curb-box or appliances used in connection therewith, when said changes are made at the request of the water user for his convenience, will be made at the expense of the property owner or water user. Charges for said work will be paid on or before the due date on the monthly water bill for the month following that in which the work is completed.
- (D) No person shall take water from any fire hydrant except for fire purposes or as otherwise authorized in writing by the Town Council.
- (E) No person shall improperly use or permit the improper use of water or cause the waste of the water resources of said Town, intentionally or unintentionally through the use of defective or imperfect fixtures or in any other manner.
- (F) In cases where service is connected directly to boilers or other hot water fixtures that are likely to cause back water pressure, a check valve must be installed on the service pipe to prevent injury to the meters, and all damages caused to meters by back pressure shall be paid for by the user when such damages occur.
- (G) Where meters are set in basements, cellars or lawns, the water user shall be required to keep the surroundings of the meter clean with an easy access to the meter and will protect the same from freezing or injury.
- (H) All meters, meter-boxes, valves, valve-boxes, and all pipes, taps, connections, fixtures and equipment that may be necessary to set the meter properly to avoid freezing, to make all water used to pass through the meter, and to avoid danger to anyone, shall be placed at a location and in a manner which shall be approved in advance by an employee of the waterworks system, and none of such things shall be changed, covered up, tampered with or in any manner interfered with by anyone other than an employee of the waterworks or a person authorized by an employee of said Town.
- (I) If at anytime it is found that any of such equipment, appliances or fixtures above mentioned in this section shall be changed or shall become or be in such condition that it is dangerous to anyone, or cannot be used, repaired, replaced or serviced by the system efficiently, the waterworks system shall make such changes as will correct the same and the actual expense thereof shall be paid by the water user, with such expense added to the regular bill,

#### SECTION FOUR: PENALTIES

- (A) If any water user or owner of property shall fail to pay the charges as herein provided, or shall fail to comply with any of the requirements of this ordinance as to the use of stop-cocks, waste-cocks, or separate service taps at the water mains, or shall do any act of omission or commission which will interfere with proper registering of the water meters or interfere or tamper with the water meter, meter-box, meter-seals, yokes, valves or curb-stops, or any service or appliance of the waterworks system used for controlling, regulating or measuring the water, or shall improperly use or waste said water or shall fail to apply for and obtain a permit for service in case there is a change of user, or shall defraud or attempt to

defraud the waterworks system in any manner or violate any other provisions of this Ordinance, water service shall be discontinued after giving the water user notice as provided in this ordinance.

SECTION FIVE: NOTICE

In case of violation of any of the provisions of this ordinance, the water service shall not be discontinued except on written notice of at least five (5) days, mailed to such water user at their address as shown on the records of the waterworks system, or personally delivered to the user or a member of his household, advising him as to his violation of the ordinance and the procedure he may take to correct said violations and avoid discontinuance of water service; provided that where fraudulent use of water is detected, or where the system's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the premises of the water user, service may be shut off without said notice.

SECTION SIX: EFFECTIVE DATE OF ORDINANCE

It is herein provided that this ordinance shall become effective on the 13th day of September, 2005.

SECTION SEVEN: REPEAL OF PRIOR ORDINANCES

All ordinances or part of ordinances in conflict with this ordinance are hereby repealed the effective date of this ordinance..

Adopted this 13th day of September, 2005.

Carl Hoagland  
Carl Hoagland, President  
Richard Burton  
Richard Burton

\_\_\_\_\_  
Joseph Cox  
Albert Goodson  
Albert Goodson  
Bryan Lanham  
Bryan Lanham

Attest:

Laura Bennett  
Laura Bennett, Clerk-Treasurer  
Town of Veedersburg, Indiana

## Veedersburg

Consumption (gal)	Water (based on 5/8" meter)				Sewer (based on 5/8" meter)			
	<u>Inside</u>	<u>Outside</u>	<u>Variance</u>	<u>% of variance</u>	<u>Inside</u>	<u>Outside</u>	<u>Variance</u>	<u>% of variance</u>
1,000	\$ 10.91	\$ 15.91	\$ 5.00	45.83%	\$ 24.50	\$ 33.42	\$ 8.92	36.41%
2,000	14.62	21.00	6.38	43.64%	24.50	33.42	8.92	36.41%
3,000	18.33	26.09	7.76	42.33%	32.29	45.08	12.79	39.61%
4,000	22.04	31.18	9.14	41.47%	40.08	56.74	16.66	41.57%
5,000	25.75	36.27	10.52	40.85%	47.87	68.40	20.53	42.89%
6,000	29.46	41.36	11.90	40.39%	55.66	80.06	24.40	43.84%
7,000	33.17	46.45	13.28	40.04%	63.45	91.72	28.27	44.55%
8,000	36.88	51.54	14.66	39.75%	70.08	101.67	31.59	45.08%
9,000	40.59	56.63	16.04	39.52%	76.71	111.62	34.91	45.51%
10,000	44.30	61.72	17.42	39.32%	83.34	121.57	38.23	45.87%