



GREG GOODNIGHT, MAYOR
City Hall - 100 South Union Street
Kokomo, Indiana 46901
mayor@cityofkokomo.org
(765) 456-7444

June 20, 2012

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JUN 21 2012

INDIANA UTILITY
REGULATORY COMMISSION

Ms. Dana Lynn
IURC Water and Wastewater Division
101 West Washington Street
Suite 1500 East
Indianapolis, IN 46204

Dear Ms. Lynn:

Enclosed, please find the General Administrative Order of the Indiana Regulatory Commission, pursuant to IC 8-1.5-3-8.3. Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Allison Stipes".

Allison Stipes
City Of Kokomo
City Attorney's Office

Contact information:

Allison Stipes
City Attorney's Office
100 S. Union Street
Kokomo IN, 46901
Office: 765.456.7417
Fax: 765.456.7571
Email: astipes@cityofkokomo.org

Lawrence McCormack, Corporation Counsel, 100 S. Union, Kokomo, IN 46901
(765)456-7440 Email: lmcormack@cityofkokomo.org

ORIGINAL

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JUN 21 2012

GENERAL ADMINISTRATIVE ORDER
OF THE INDIANA UTILITY REGULATORY COMMISSION
2012 -1

INDIANA UTILITY
REGULATORY COMMISSION

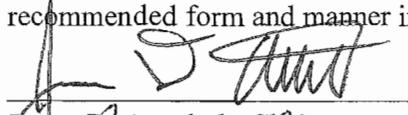
WHEREAS, on March 19, 2012, the Governor signed into law House Enrolled Act No. 1126, which added Indiana Code § 8-1.5-3-8.3 effective March 19, 2012; and

WHEREAS, Indiana Code § 8-1.5-3-8.3(c) provides that a municipality may petition the Indiana Utility Regulatory Commission to approve a percentage difference between utility rates and charges that had been established for property within and property outside the corporate boundaries of a municipality under the following circumstances:

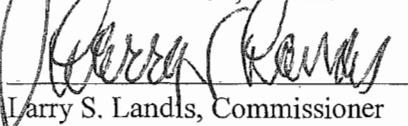
- The municipal legislative body adopted an ordinance under section 8.1 or under Indiana Code § 36-9-23-26 that was in effect on March 31, 2012; and
- The above ordinance imposed utility rates and charges on users of the works for service to property located outside the municipal corporate boundaries that exceed by more than fifteen percent (15%) but not by more than fifty percent (50%) the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality; and
- The municipality must file such petition no later than September 30, 2012, and must set forth certain specific information regarding the utility, the ordinance and the relief requested; and

WHEREAS, the Indiana Utility Regulatory Commission herein finds that the attached recommended format for filing the petition would provide assistance to the municipality in meeting the September 30, 2012 deadline;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Petition for Approval of Rate and Charge Difference Between Property Within and Property Outside the Corporate Boundaries, which is attached to this General Administrative Order as Attachment A, is adopted by this Commission as the recommended form and manner in which to file a petition under Indiana Code § 8-1.5-3-8.3(c).



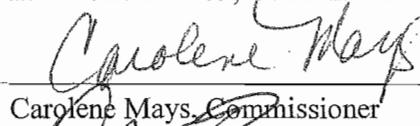
James D. Atterholt, Chairman



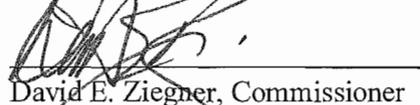
Larry S. Landis, Commissioner

ABSENT

Kari A. E. Bennett, Commissioner

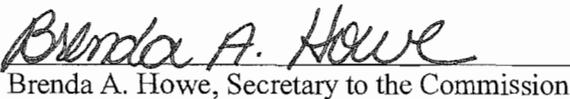


Carolene Mays, Commissioner



David E. Ziegner, Commissioner

I hereby certify that the above is a true and correct copy of the order as approved.



Brenda A. Howe, Secretary to the Commission

Date: MAY 02 2012

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 CITY OF)
KOKOMO)

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, City of Kokomo ("City"), 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 City of Kokomo. 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 September 26, 2005.
2. Attached as "Exhibit A" is a copy of the Ordinance.
3. The works that is the subject of the Ordinance is a 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 is not 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. Lawrence McCormack 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 City requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of Kokomo and for other just and reasonable relief.

Respectfully submitted,

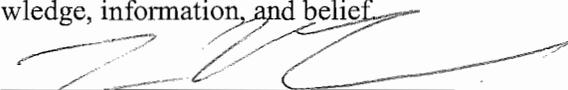


Lawrence McCormack #28674-49
Corporation Counsel
City of Kokomo
100 S. Union St.
Kokomo, IN 46901

Verification

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

Signed



Date

6/19/12

Attorney Contact Information

Lawrence McCormack, Corporation Counsel
100 S. Union, Kokomo, IN 46901
(765) 456-7440
Email: lmccormack@cityofkokomo.org

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INDIANA UTILITY
REGULATORY COMMISSION

Exhibit A

ORDINANCE NO. 6397

AN ORDINANCE ENTITLED "SANITARY SEWERAGE
SERVICE RATE ORDINANCE AMENDING ORDINANCE
NO. 6115"

WHEREAS, the Common Council of the City of Kokomo, Indiana ("City"), has heretofore, pursuant to its Ordinance No. 6115 adopted on April 26 1999, fixed and approved a schedule of rates and charges to be collected from all users of the sanitary waste treatment system owned and operated by the City, a schedule of tap fees to be collected from all users tapping into the sanitary system of the City and a schedule of fees and charges for other activities; and

WHEREAS, those sections of Ordinance No. 6115 fixing rates and charges, tap fees and other fees and charges are now set out at Sections 50.31, 52.077 and 52.079 of the City Code of the City; and

WHEREAS, the Common Council of the City has caused certain studies to be made of the financial condition of its sanitary system which have found that said schedule of rates and charges, including the tap fees, are now unreasonable, discriminatory, and insufficient and that other related provisions of the City Code should be amended; and

WHEREAS, the Common Council of the City finds that a new and increased schedule of rates and charges, a new and increased schedule of tap fees, and new other fees and charges should be collected from all users of the City's sanitary system and those tapping into the system and that related amendments to the City Code should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, AS FOLLOWS:

SECTION I.

REPEAL OF PREVIOUS PROVISION

That portion of Section 50.31(B) of the City Code of the City of Kokomo setting forth the schedule of rates and charges, as amended in Section II below, is hereby repealed.

SECTION II.

AMENDMENT AND RESTATEMENT OF SECTIONS OF 50.31(B) REGARDING
IMPOSITION OF SEWERAGE SERVICE RATES

Pursuant to the provisions of Section 50.31(A), the following schedule of rates and charges is hereby imposed and substituted for the portion of Section 50.31(B) repealed in Section I hereof.

DOMESTIC CLASS USERS

		<u>Monthly Rate</u>
<u>Flow Charge (per 1,000 gallons)</u>		\$ 5.99
<u>Minimum Monthly Charges</u>	<u>Minimum Gallons Allowed</u>	
5/8 inch meter	2,000	\$11.98
3/4 inch meter	2,000	11.98
1 inch meter	4,535	27.16
1-1/2 inch meter	9,072	54.34
2 inch meter	16,068	96.25
<u>Unmetered Users</u>		
Single-family residential dwelling		\$36.01
<u>Excessive Strength Surcharge</u>		\$0.369
<u>Rate per Pound in Excess</u>		
Suspended solids in excess of 250 milligrams per liter, per lb.		
Carbonaceous biochemical oxygen demand (five day) in excess of 200 milligrams per liter, per lb.		0.423
Chemical oxygen demand (COD) in excess of 500 milligrams per liter, per lb.		0.933
Ammonia-nitrogen (NH ₃ -N) in excess of 20 milligrams per liter, per lb.		0.562

<u>Tax Equalization Charge</u>	25%
Excess percentage of charges by application of tariffs	

INDUSTRIAL CLASS USERS

<u>Flow Charge (per 1,000 gallons)</u>	\$ 3.36
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Minimum Monthly Charges

5/8 inch meter	\$11.98
3/4 inch meter	11.98
1 inch meter	27.16
1-1/2 inch meter	54.34
2 inch meter	96.25

Monthly Rate

Excessive Strength Surcharge

<u>Rate per Pound in Excess</u>	\$0.369
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Suspended solids in excess of 250 milligrams per liter, per lb.

Carbonaceous biochemical oxygen demand (five day) in excess of 200 milligrams per liter, per lb.	0.423
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Chemical oxygen demand (COD) in excess of 500 milligrams per liter, per lb.	0.933
---	-------

Ammonia-nitrogen (NH ₃ -N) in excess of 20 milligrams per liter, per lb.	0.562
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Tax Equalization Charge

Excess percentage of charges by application of tariffs	25%
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<u>Industrial Surveillance Charge</u>	\$105.52
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SECTION III.

AMENDMENT AND RESTATEMENT OF SECTION 52.077 OF CITY CODE

§ 52.077 FEES AND CHARGES FOR ALL OTHER ACTIVITIES.

Fees and charges for all other activities which may include but are not limited to noncompliance monitoring and inspection, review of construction plans, annual publication of

violators, filing appeals, and private priority pollutant analysis shall be billed directly to the involved industry or industries as set out in the following table of charges.

<u>Charge Area</u>	<u>Rate</u>
Superintendent	Prevailing hourly wage plus benefits
Utility Director	Prevailing hourly wage plus benefits
Corporate Counsel	Prevailing hourly wage plus benefits
Pretreatment Level Maker	Prevailing hourly wage plus benefits
Technician	Prevailing hourly wage plus benefits
Clerical	Prevailing hourly wage plus benefits
Other Legal	At cost
Private analysis	At cost + 10%

SECTION IV.

AMENDMENT AND RESTATEMENT OF SECTION 52.079 OF CITY CODE
52.079 TAP FEES

In the event that a sewer connection or any connection is made, after the passage of this ordinance, from any lot, parcel of real estate, or building or improvement of any kind, located within the corporate limits of the City of Kokomo, Indiana, or outside such corporate limits, that connects with or uses the wastewater system of the City of Kokomo, by or through any part of the wastewater system of such City, or that in any way directly or indirectly use or is served by such system, an initial connection charge, unless otherwise provided by written contract as provided by law, in the amount of One Thousand Five Hundred Dollars (\$1,500.00) shall be levied against said lot or parcel of real estate for each one (1) family residential improvement thereon; such charges or surcharges shall hereinafter be referred to as "TAP FEES."

- (A) Schedule of TAP FEES. The following tap fees shall be levied against lots or parcels of real estate upon which are located improvements other than one family residential improvements and connections which are connected to or use the wastewater system of the City of Kokomo, either directly or indirectly.

TYPE OF IMPROVEMENT

TAP FEE LEVIED

Apartment buildings

\$1,500.00 for each apartment.

Motels and Hotels

\$1,500.00 for each building, plus \$350.00 for each room facility located therein, which contains fixtures contributing flow to the wastewater system of such City.

Automatic laundry and dry cleaning establishments

\$1,500.00 for the first fixture, contributing flow to the wastewater system of such City, plus \$350.00 for each such additional fixture.

Business and commercial establishments, churches, lodges, clubs and associations

\$1,500.00 the first fixture contributing flow to the wastewater system of such City, plus \$350.00 for each such additional fixture.

Industrial Establishments

\$1,500.00 for the first fixture in each building contributing flow to the wastewater system of such City, plus \$350.00 for each such additional fixture; provided, however, in the event a lot, parcel of real estate or building within or without the corporate limits of said City, discharges sewage in the form of industrial waste either directly or indirectly into said City's sanitary sewage system in quantities making it not practical to attempt to measure such waste by meter, and the Board of Public Works and Safety shall so find, then and in that event, the Board of Public Works and Safety of the City of Kokomo, Indiana, shall have the right to measure and determine the quantity of such waste in such reasonable manner as it may find practicable in light of the conditions and attendant circumstances of the case in order to determine a proper and reasonable "TAP FEE" to be charged such industry and shall collect the same.

Tap fees are to be paid at the office of the Controller of said City and the City Engineer shall not issue a permit to make such connection to said wastewater system until presented with a receipt from said Controller showing that tap fees have been paid.

SECTION V.

REPEAL OF CONFLICTING PROVISIONS

Except as amended and restated in this ordinance, all other provisions of the City Code of Kokomo, Indiana, shall continue in full force and effect. Any provisions in conflict with this ordinance are repealed.

SECTION VI.

SEVERABILITY

If any provision of this ordinance is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this ordinance is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

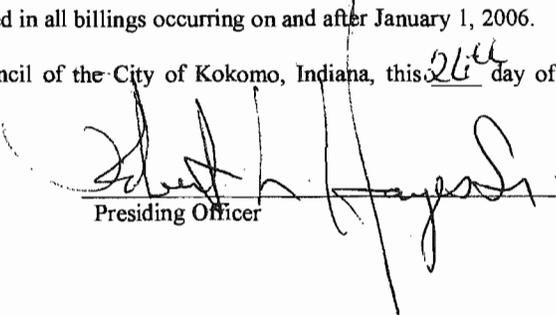
SECTION VII.

EFFECTIVE DATE

Once passed by the Common Council and signed by the Mayor, this ordinance shall be in full force and effect and shall be reflected in all billings occurring on and after January 1, 2006.

PASSED by the Common Council of the City of Kokomo, Indiana, this 26th day of

September, 2005.


Presiding Officer

ATTEST:

Merida Citt
Clerk

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, for signature, this 26th
day of September, 2005.

Merida Citt
Clerk

APPROVED by me this 27 day of September 2005.

Matt G. Mills
Mayor, City of Kokomo, Indiana

NOTICE OF A HEARING ON
PROPOSED RATES AND CHARGES

Property owners, ratepayers and other interested parties served or to be served by the sewage works of the City of Kokomo ("City"), are hereby notified that Ordinance No. 6397, establishing rates and charges for services to be rendered by the sewage works, was introduced at a meeting of the Common Council held on August 29, 2005. At a meeting of the Common Council to be held at 7:00 p.m., on September 12, 2005, in the Council Chambers at the City Hall, there will be a public hearing on the matter of the rates and charges, and consideration of adoption of Ordinance No. 6397 which provides in part as follows:

DOMESTIC CLASS USERS

		<u>Monthly Rate</u>
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<u>Excessive Strength Surcharge</u>		\$0.369
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Ammonia-nitrogen (NH ₃ -N) in excess of 20 milligrams per liter, per lb.		0.562
<u>Tax Equalization Charge</u>		
Excess percentage of charges by application of tariffs		25%

Apartment buildings	\$1,500.00 for each apartment.
Motels and Hotels	\$1,500.00 for each building, plus \$350.00 for each room facility located therein, which contains fixtures contributing flow to the wastewater system of such City.
Automatic laundry and dry cleaning establishments	\$1,500.00 for the first fixture, contributing flow to the wastewater system of such City, plus \$350.00 for each such additional fixture.
Business and commercial establishments, churches, lodges, clubs and associations	\$1,500.00 the first fixture contributing flow to the wastewater system of such City, plus \$350.00 for each such additional fixture.
Industrial Establishments	\$1,500.00 for the first fixture in each building contributing flow to the wastewater system of such City, plus \$350.00 for each such additional fixture; provided, however, in the event a lot, parcel of real estate or building within or without the corporate limits of said City, discharges sewage in the form of industrial waste either directly or indirectly into said City's sanitary sewage system in quantities making it not practical to attempt to measure such waste by meter, and the Board of Public Works and Safety shall so find, then and in that event, the Board of Public Works and Safety of the City of Kokomo, Indiana, shall have the right to measure and determine the quantity of such waste in such reasonable manner as it may find practicable in light of the conditions and attendant circumstances of the case in order to determine a proper and reasonable "TAP FEE" to be charged such industry and shall collect the same.

At such hearing and prior to final adoption of said ordinance all interested parties may appear and be heard. A copy of Ordinance No. 6397 may be examined at the office of the Clerk.

Dated this 30th day of August, 2005.

/s/Brenda Ott, Clerk

INDUSTRIAL CLASS USERS

Monthly Rate

Flow Charge (per 1,000 gallons) \$ 3.36

Minimum Monthly Charges

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Rate per Pound in Excess

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Ammonia-nitrogen (NH₃-N) in excess of 20 milligrams per liter, per lb. 0.562

Tax Equalization Charge

Excess percentage of charges by application of tariffs 25%

Industrial Surveillance Charge

\$105.52

OTHER CHARGES

Rate

Superintendent	Prevailing hourly wage plus benefits
Utility Director	Prevailing hourly wage plus benefits
Corporate Counsel	Prevailing hourly wage plus benefits
Pretreatment Level Maker	Prevailing hourly wage plus benefits
Technician	Prevailing hourly wage plus benefits
Clerical	Prevailing hourly wage plus benefits
Other Legal	At cost
Private analysis	At cost + 10%

TAP FEES.

TYPE OF IMPROVEMENT

TAP FEE LEVIED