

Town of North Liberty
Office of Clerk-Treasurer
300 S. Main Street
P.O. Box 515
North Liberty, IN 46554
574-656-4447

RECEIVED
SEP 12 2012
INDIANA UTILITY
REGULATORY COMMISSION

September 7, 2012

Indiana Utility Regulatory Commission
PNC Center
101 West Washington Street
Suite 1500 E
Indianapolis, IN 46204

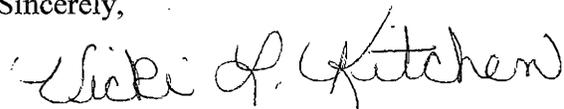
Re: Rate Petition

Dear Indiana Regulatory Commission:

Please find enclosed an executed petition for Approval of Rate and Charge Difference Between Property within and Property Outside the Corporate Boundaries of the Town of North Liberty, Indiana pursuant to Indiana Code 8-1.5-3-8.3 (c).

Should you have any questions, please feel free to call the number listed.

Sincerely,



Vicki L. Kitchen
Clerk-Treasurer

Enclosure (1)

CC: Attorney Peddycord
Attorney Stephenson

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

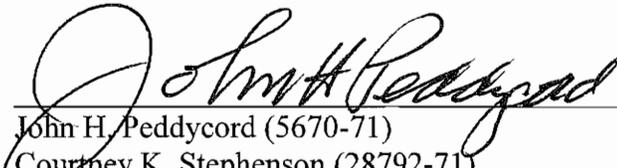
**PETITION FOR APPROVAL OF RATE)
AND CHARGE DIFFERENCE BETWEEN)
PROPERTY WITHIN AND PROPERTY) CAUSE NO.
OUTSIDE THE CORPORATE BOUNDARIES)
OF THE TOWN OF NORTH LIBERTY,)
INDIANA)**

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, the Town of North Liberty, 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 the Town of North Liberty. 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 November 4, 2009.
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 _____
 - 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 fifty percent (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. John H. Peddycord and Courtney K. Stephenson of the law firm May Oberfell Lorber are counsel of record for Petitioner in this matter and are duly authorized to accept service of papers in this cause on behalf of Petitioner.

WHEREFORE the Town of North Liberty 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 North Liberty and for other just and reasonable relief.

Respectfully submitted,



John H. Peddycord (5670-71)
Courtney K. Stephenson (28792-71)
Attorney for Petitioner

MAY • OBERFELL • LORBER
4100 Edison Lakes Parkway, Suite 100
Mishawaka, IN 46545
Phone: (574) 243-4100
Fax: (574) 232-9789

Verification

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

Signed Vicki Kitchen

Title Clerk-Treasurer

Date 9/5/2012

**Town of North Liberty
Office of the Clerk-Treasurer
300 South Main Street
P O Box 515
North Liberty, IN 46554
(574)656-4447**

RECEIVED
SEP 19 2012
INDIANA UTILITY
REGULATORY COMMISSION

September 13, 2012

IURC
PNC Center
101 W. Washington Street
Suite 1500 E
Indianapolis, IN 46204

RE: Petition of Approval for Outside the Corporate Limits

Please find enclosed a **revised** Petition for Approval of Rate and Charge for the Town of North Liberty. The first submitted petition did not have Exhibit A: Ordinance No. 2009-06 enclosed.

Sincerely,



Vicki L. Kitchen
Clerk-Treasurer

CC: Attorney Peddycord
Attorney Stephenson

Enclosure Petition and Ordinance

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

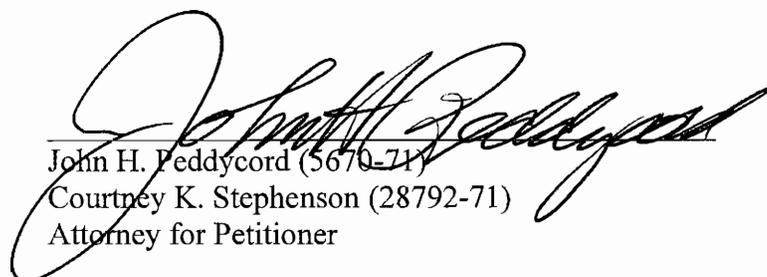
PETITION FOR APPROVAL OF RATE)
AND CHARGE DIFFERENCE BETWEEN)
PROPERTY WITHIN AND PROPERTY) CAUSE NO.
OUTSIDE THE CORPORATE BOUNDARIES)
OF THE TOWN OF NORTH LIBERTY,)
INDIANA)

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, the Town of North Liberty, 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 the Town of North Liberty. 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 November 4, 2009.
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 _____
 - 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 fifty percent (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. John H. Peddycord and Courtney K. Stephenson of the law firm May Oberfell Lorber are counsel of record for Petitioner in this matter and are duly authorized to accept service of papers in this cause on behalf of Petitioner.

WHEREFORE the Town of North Liberty 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 North Liberty and for other just and reasonable relief.

Respectfully submitted,



John H. Peddycord (5670-71)
Courtney K. Stephenson (28792-71)
Attorney for Petitioner

MAY • OBERFELL • LORBER
4100 Edison Lakes Parkway, Suite 100
Mishawaka, IN 46545
Phone: (574) 243-4100
Fax: (574) 232-9789

Verification

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

Signed Vicki Kitchen

Title Clerk-Treasurer

Date Sept 13, 2012

ORDINANCE NO. 2009-06

**AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR
THE USE OF AND SERVICES RENDERED BY THE SEWER
UTILITY OF THE TOWN OF NORTH LIBERTY, INDIANA**

WHEREAS, the Town Council of the Town of North Liberty owns and operates a wastewater system for said Town for the purpose of providing safe and sanitary treatment of sanitary waste water for the inhabitants and businesses of the Town and properly protecting the health, well being and property of said Town and its inhabitants; and

WHEREAS, the existing rates and charges for said sewer utility were adopted in July of 2006 pursuant to Ordinance No. 2006-04; and

WHEREAS, the cost of operating and maintaining said sewer utility has increased substantially since July of 2006; and

WHEREAS, the Town has also determined that its rates and charges should provide sufficient revenues to provide for a reasonable return on its sewer utility plant and distribution system; and

WHEREAS, the Town Council now finds, based on a rate study performed by its rate consultant, H.J. Umbaugh & Associates of Plymouth, Indiana, that the existing rates and charges for the use of and services rendered by the sewer utility of said Town are too low and are insufficient to enable the Town to properly operate and maintain the sewer utility plant, provide for depreciation, for debt service, all as provided for by I.C. 36-9-23-25, and that the existing rates and charges should be increased.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of North Liberty, St. Joseph County, Indiana, that:

Section 1. Title 5, Article 3, Chapter 1 of the North Liberty Town Code is hereby amended by amending Section 1 thereof to read as follows:

Section 1. For the use of and the service rendered by said 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, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- A. Except as herein otherwise provided, 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 is measured by the water meter there in use.
- B. The rates and charges for sewer service for all customers shall be added on a unit volume charged based on the quantity formula as follows:

$$\text{UNIT VOLUME CHARGE} = \frac{\text{Total Annual Treatment Costs}}{\text{Total Annual Volume in Thousands of Gallons}}$$

Phase I – Effective January 1, 2010

METERED CUSTOMERS

The Unit volume charge of \$7.80 per 1,000 gallons of sewage to be uniformly applied to all users is hereby adopted. The volume of sewage shall be based on the water meter readings where available, or the estimated water consumption.

Metered Customers:

Per 1,000 gallons \$ 7.80

Minimum Charges:

Water Meter Size

| | |
|------------|----------|
| 5/8 - 3/4" | \$ 23.45 |
| 1" | 60.55 |
| 1 1/4" | 93.15 |
| 1 1/2" | 139.65 |
| 2" | 232.65 |
| 3" | 465.50 |
| 4" | 930.75 |
| 6" | 1,861.30 |

UNMETERED CUSTOMERS

A flat rate for residential sewage service, where the user is not a metered water user, shall be \$43.10 per month for users within the Town limits, and \$64.70 per month for users outside of the Town limits.

In addition to the volume charge, the surcharge for the concentrations of BOD and suspended solids in excess of 200 mg/l and 240 mg/l in the sewage contributed by any user, shall be assessed. The surcharge represents the additional cost to the Town of North Liberty for treating the sewage from the specific user and is based on the following formula:

$$\text{Surcharge} = b_0 (BOD_5 - b_u) - s_0 (SS - s_a) \times 8.34 \times V_f$$

b_0 = Average unit cost of treatment, chargeable to BOD, dollars/pound = \$.64 per pound of BOD

BOD_5 The concentration of BOD_5 in the waste water from a specified user, mg/l.

b_u = Maximum concentration of BOD_5 in mg/liter which can be discharged into the Town's collection system without a surcharge = 200 mg/l

- S_o = Average unit cost of treatment (including sludge treatment) chargeable to suspended solids, dollars/lb = \$.46 per pound of suspended solids.
- SS = The concentration of suspended solids in the waste water from a specific user, mg/l
- S_n Maximum concentration of suspended solids in mg/l which can be discharged into the Town's collection system without a surcharge = 240 mg/l
- V_1 = Volume in a million gallons.

(The unit volume charge and the surcharges for the excess BOD and suspended solids are based on the engineer's estimates in accordance with the engineering report prepared by H.J. Umbaugh & Associates.)

Billing for sewage charges shall be based upon quarterly or monthly meter readings. In the event quarterly meter readings are used, the first two months' billings of each quarter will be estimated and adjusted to actual usage in the third month.

Monthly Surcharges:

| | |
|--|-----------|
| Suspended solids in excess of 240 mg/l | \$.46/lb |
| BOD in excess of 200 mg/l | \$.64/lb |

Phase II – Effective January 1, 2012

METERED CUSTOMERS

The Unit volume charge of \$8.35 per 1,000 gallons of sewage to be uniformly applied to all users is hereby adopted. The volume of sewage shall be based on the water meter readings where available, or the estimated water consumption.

Metered Customers:

| | |
|-------------------|---------|
| Per 1,000 gallons | \$ 8.35 |
|-------------------|---------|

Minimum Charges:

Water Meter Size

| | |
|------------|----------|
| 5/8 - 3/4" | \$ 25.10 |
| 1" | 64.80 |
| 1 1/4" | 99.65 |
| 1 1/2" | 149.45 |
| 2" | 248.95 |
| 3" | 498.10 |
| 4" | 995.90 |
| 6" | 1,991.60 |

UNMETERED CUSTOMERS

A flat rate for residential sewage service, where the user is not a metered water user, shall be \$46.10 per month for users within the Town limits and \$69.25 per month for users outside of the Town limits.

In addition to the volume charge, the surcharge for the concentrations of BOD and suspended solids in excess of 200 mg/l and 240 mg/l in the sewage contributed by any user, shall be assessed. The surcharge represents the additional cost to the Town of North Liberty for treating the sewage from the specific user and is based on the following formula:

$$\text{Surcharge} = b_0 (\text{BOD}_5 - b_0) + s_0 (\text{SS} - s_0) \times 8.34 \times V_1$$

b_0 = Average unit cost of treatment, chargeable to BOD, dollars/pound = \$.68 per pound of BOD

BOD_5 = The concentration of BOD_5 in the waste water from a specified user, mg/l.

b_a = Maximum concentration of BOD_5 in mg/liter which can be discharged into the Town's collection system without a surcharge = 200 mg/l

s_0 = Average unit cost of treatment (including sludge treatment) chargeable to suspended solids, dollars/lb = \$.49 per pound of suspended solids.

SS = The concentration of suspended solids in the waste water from a specific user, mg/l

s_a = Maximum concentration of suspended solids in mg/l which can be discharged into the Town's collection system without a surcharge = 240 mg/l

V_1 = Volume in a million gallons.

(The unit volume charge and the surcharges for the excess BOD and suspended solids are based on the engineer's estimates in accordance with the engineering report prepared by H.J. Umbaugh & Associates.)

Billing for sewage charges shall be based upon quarterly or monthly meter readings. In the event quarterly meter readings are used, the first two months' billings of each quarter will be estimated and adjusted to actual usage in the third month.

Monthly Surcharges:

| | |
|--|----------|
| Suspended solids in excess of 240 mg/l | \$.49/lb |
| BOD in excess of 200 mg/l | \$.68/lb |

NON-RECURRING CHARGES

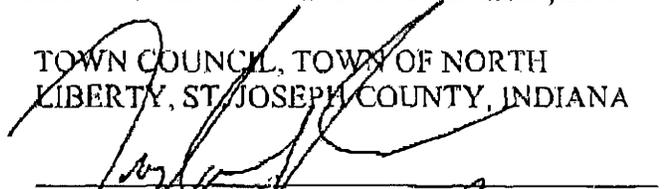
| <u>Description of Charge</u> | <u>Charge</u> |
|--|--|
| Connections (tap-ins) | <p>A connection charge in the amount of \$670.00 as capital cost recovery for recapture of part of the capital cost associated with the construction of the existing sanitary sewers, lift stations, and wastewater treatment plant facilities shall be collected for each dwelling unit, commercial user or industrial user prior to and for each connection to the sanitary sewer system.</p> <p>Construction and maintenance of the building sewer from and including the connection to the public sewer located within the public right-of-way and on the customer's property shall be the sole responsibility and expense of the customer and said construction shall comply with the <i>Standard Specifications of the Town of North Liberty</i> as adopted and amended by its Town Council.</p> |
| Bad Check Charge | Twenty Dollars (\$20.00) plus any bank charges. |
| Late Payment Charge | Ten Percent (10%) of charge. |
| Service Call | Forty Dollars (\$40) per hour per man plus materials during business hours; Seventy Dollars (\$70.00) per hour per man plus materials during non-business hours. Backhoe shall be charged at One Hundred Dollars (\$100.00) per hour. |
| Minimum Payment | Still due and payable whenever service has been temporarily disconnected for benefit of the customer. |
| Single Service Stop Multiple Meters | When more than one (1) meter is served by a single service stop, the owner of such property shall be responsible for any delinquencies because of non-payment of a tenant. |
| Rental Property | All final billings to tenant not paid within thirty (30) days will be billed to the landlord. If not paid within a reasonable time, amounts past due will be filed with the County for collection with the property taxes as allowed by law. |

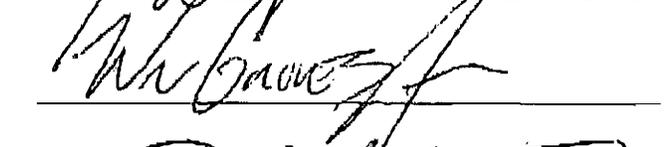
Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing schedule of sewer rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Town Council of the Town of North Liberty, and until such time as the order of said Town Council approving said new rates and charges shall direct.

Section 3. This ordinance shall be in full force and effect from and after its adoption by the Town Council, its publication as provided by law, and filing of a copy of the same in the office of the Clerk/Treasurer.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NORTH LIBERTY, COUNTY OF ST. JOSEPH, INDIANA THIS 4th DAY OF NOVEMBER, 2009.

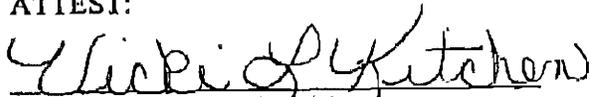
TOWN COUNCIL, TOWN OF NORTH LIBERTY, ST. JOSEPH COUNTY, INDIANA







ATTEST:



Vicki L. Kitchen, Clerk/Treasurer