

LAW OFFICES OF

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RECEIVED
SEP 28 2012
INDIANA UTILITY
REGULATORY COMMISSION

ROBERT S. WAGONER 1910 - 1987
DONALD D. WAGONER 1934 - 1966

September 25, 2012

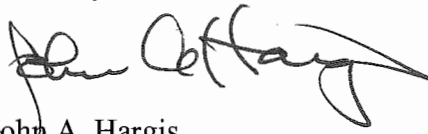
Mr. E. Curtis Gassert
Director of Water and Wastewater Division
Indiana Utility Regulatory Commission
101 W. Washington Street
Suite 1500 East
Indianapolis, Indiana 46204-3419

Re: Troy (Indiana) Municipality Utilities – Outside User Rate Petition

Dear Mr. Gassert:

On behalf of the Town of Troy, Indiana, please find enclosed the Petition for Approval of Rate and Charge Difference Between Property Within and Property Outside the Corporate Boundaries of Troy. If at anytime you have any questions or need additional information, please feel free to contact me as the Troy Town Attorney.

Sincerely,



John A. Hargis

JAH/km
Enclosures

cc: Betty Linne, Clerk-Treasurer
Theodore J. Sommer, CPA

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION FOR APPROVAL OF RATE)	
AND CHARGE DIFFERENCE BETWEEN)	CAUSE NO.
PROPERTY WITHIN AND PROPERTY)	
OUTSIDE THE CORPORATE BOUNDARIES)	
OF TROY)	

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, Town of Troy, 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 Town of Troy. 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 14, 2011.
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 20.5% / 28.1%.
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 statues, to be

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 A. Hargis, Wagoner, Ayer, Hargis & Rudisill, LLP, Atty # 7464-74 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, City of Rockport requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of City of Rockport and for other just and reasonable relief.

Respectfully Submitted,


Attorney for Petitioners

Verification

I, Susie Roberts, affirm under penalties for perjury that the foregoing representations are trust to the best of my knowledge, information, and belief.

Signed Elizabeth L. Rouse Clerk-Treasurer

Date: September 25, 2012.

John A. Hargis, #7464-74
Wagoner, Ayer, Hargis & Rudisill, LLP
104 S. Third Street
P.O. Box 166
Rockport, Indiana 47635
(812) 649-9114 (phone)
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ORDINANCE NO. 9-01-2011**ORDINANCE APPROVING, ADOPTING AND
AUTHORIZING AN INCREASE IN THE RATES
AND CHARGES OF THE TROY WATER DEPARTMENT**

WHEREAS, the Utility Service Board of the Troy Water Department of the Town of Troy, Indiana, Has, prior to the consideration of this Ordinance, passed and adopted a Resolution, No. _____. Entitled "Resolution of the Utility Service Board of the Troy Water Department of the Town of Troy, Indiana."

WHEREAS, two (2) originals of the Resolution, together with two (2) copies of the exhibits thereto, Have been delivered to the Town Council of the Town of Troy, Indiana, for examination and action by the Town Council; and

WHEREAS, the Town Council of the Town of Troy, Indiana, after study and being duly advised finds that it should pass and adopt this Ordinance Approving, Adopting and Authorizing an Increase in the Rates and Charges of the Troy Water Department based solely upon the difference between the costs by the Department and the rates and charges of its customers for such services; and


WHEREAS, the Troy Water Department has an inadequate amount of monies and is currently unable financially to support the fair share of its obligations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROY, INDIANA, as follows:

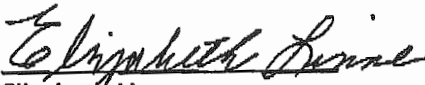
1. The Town Council hereby approves, adopt and authorize in all aspects an increase in the rates and charges of the Troy Water Department based upon the costs of the Department in supplying the water to its customers.
2. The Utility Service Board of the Troy Water Department of the Town of Troy, Indiana, be and hereby is authorized to take whatever action it deems necessary to accomplish the stated purpose of Section 1 of this Ordinance.
3. The Clerk-Treasurer of the Town of Troy, Indiana, hereby is directed to file two (2) copies of the Resolution in the Office of the Clerk of the legislative body of the Town of Troy, Indiana, for public inspection as required by Indiana Code.
4. The Utility Service Board of the Troy Water Department of the Town of Troy, Indiana, be and hereby is authorized to take any and all such other actions, including, but not limited to, the filing of a verified statement in support of such change, seeking an increase of its rates and charges; publication of legal notice; issuance of a press release in regard to an increase in water rates for the Town of Troy, Indiana, and any and all action necessary or pertinent to obtain the aforesated rate increase.

PASSED AND ADOPTED by the Town Council of the Town of Troy, Indiana, this 17th day
Of September, 2011, by a vote of 3 ayes and 0 nays

TOWN COUNCIL OF THE
TOWN OF TROY, INDIANA

By: 
Gary Palmer
President, Troy Town Council

ATTEST:


Elizabeth Linne
Clerk Treasurer

RESOLUTION NO. 8-01-2011

RESOLUTION OF THE UTILITY
SERVICE BOARD OF THE TROY WATER
DEPARTMENT OF THE TOWN OF TROY, INDIANA

WHEREAS, the Utility Service Board of the Troy Water Department of the Town of Troy, Indiana, deems it necessary to increase its rates and charges on water supplied to its customers; and

WHEREAS, The Utility Service Board of the Troy Water Department of the Town of Troy, Indiana, feels that damage or injury will result to the Troy Water Department if an increase in its rates and charges for water supplied to its customers is not pursued; and

WHEREAS, the Troy Water Department, based upon its present rates and charges, and its expenses for the supply of said water to its customers, is operating in a deficit and not in accordance with its costs.

NOW, THEREFORE, be it resolved by the Board as follows:

1. The Utility Service Board recommends to the Town of Trustees of the Town of Troy, Indiana, an increase in its schedule of rates for water sold based upon the deficit difference between the costs to the Troy Water Department of such water and the rates and charges for such water to its customers.
2. A proposed form of Ordinance and exhibits attached thereto should be submitted to the Town Trustees of the Town of Troy, Indiana, for its consideration, passage and approval authorizing an increase in the Department's schedule of rates and charges for water sold.
3. The Utility Service Board is hereby authorized to take any and all other actions, including, but not limited to, publication of legal notice; issuance of a press release in regard to an increase in water rates for the Town of Troy, Indiana; and any and all other action or actions necessary or pertinent to obtain the aforesaid rate increase.

PASSED AND ADOPTED this 16 day of Aug, 2011

UTILITY SERVICE BOARD OF THE
TROY WATER DEPARTMENT OF THE
TOWN OF TROY, INDIANA

Roger Fella
Member

Mark Connor
Member

Bob Strick
Member

Francis Kleeman
Member

Geoff Jewings
Member

Attention: Joy

Nov. 10th - goes into effect

New Water Rates

11/10/11

TROY (INDIANA) MUNICIPAL WATER UTILITY

330 Harrison Street
Troy, Indiana

SCHEDULE OF WATER RATES AND CHARGES

APPROVED 9-14-2011

(A) METERED RATES PER MONTH

For the use of and the service rendered by waterworks system of the Town of Troy, the following rates and charges based on the use of water supplied by said waterworks system.

Monthly Water Usage:

Monthly Water Per 1000 Gallons

	Non Ridge Road Customers	Ridge Road Customers	
\$30.36 First 12,000 Gallons	\$ (2.53)	3.06	Plus Service Charge \$3.94
Over 12,000 Gallons	\$ (1.85)	2.37	Plus Service Charge \$3.94

(B) SERVICE CHARGE PER MONTH

Each user shall pay a monthly billing and meter service charge in accordance with the following applicable size of meter installed.

Size of Meter	Monthly Service Charge (all customers)
5/8 inch meter	\$ 3.94
1 inch meter	\$ 5.52
1 1/2 inch meter	\$ 7.10
2 inch meter	\$ 11.43
3 inch meter	\$ 43.34
4 inch meter	\$ 55.16
6 inch meter	\$ 82.74
8 inch meter	\$ 114.25