



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

FILED

DEC 05 2003

**PETITION OF THE MUNICIPAL)
WATER UTILITY OF THE TOWN OF)
FAIRVIEW PARK, LOCATED IN)
VERMILLION COUNTY, INDIANA,)
FOR A CHANGE IN RATES**

INDIANA UTILITY
REGULATORY COMMISSION
CAUSE NO. 42474-U

You are hereby notified that on this date the Indiana Utility Regulatory Commission (“Commission”) makes the following Entry in this Cause:

On June 30, 2003, the Municipal Water Utility of the Town of Fairview Park (“Petitioner”) filed an Application with the Commission for a rate change that would increase its customers’ rates by 78.32% above current rates. Petitioner’s Application was filed pursuant to the Commission’s rules for Small Utility Filings found in the Indiana Administrative Code (“IAC”) at 170 IAC 14-1. Commission rule 170 IAC 14-1 allows small utility rate change requests to be decided without a formal public hearing. The expenses associated with a formal public hearing, such as legal fees, can impose a financial hardship on small utilities.

Between August 15 and August 21, 2003, the Commission received ten letters from ratepayers who notified the Commission of their objection to Petitioner’s proposed rate increase and requested a public hearing. 170 IAC 14-1-5 states that the Commission may, upon request by ten or more individuals, conduct a formal public hearing on a small utility’s request for a rate change.

On October 23, 2003, as required by 170 IAC 14-1-4, the Indiana Office of Utility Consumer Counselor (“OUCC”) filed a Report in regard to the proposed rate change that recommended the Commission approve a rate increase of 16.17% above current rates.

On November 7, 2003, pursuant to 170 IAC 14-1-4, Petitioner filed a Response to the OUCC’s Report that adjusted its proposed rate increase from 78.32% to 68% above current rates.

Pursuant to Indiana Code (“IC”) 8-1-1.1-5.1(e), the OUCC, in all proceedings before the Commission, has charge of the interests of a utility’s ratepayers. Given that certain individual ratepayers expressly objected to Petitioner’s original rate increase proposal, and that the OUCC has taken a position on behalf of ratepayers that supports a

16.17% rate increase, it needs to be determined whether any of the individuals who sent letters of objection to the Commission finds the OUCC's position to be representative of their interests. If any of these individuals finds the position taken by the OUCC in its Report to be in line with their interests, the Commission could, without a formal public hearing, make a decision on Petitioner's Application by evaluating the information found in the Application, the OUCC's Report, and the Petitioner's Response. Therefore, the OUCC should contact the objecting ratepayers and determine whether the position taken by the OUCC in this proceeding is consistent with their interests. The OUCC should file a report with the Commission within thirty (30) days of this Entry that states whether the individuals who sent letters of objection to the Commission find the position taken by the OUCC in its Report to be consistent with their interests. The OUCC has been provided copies of the ten ratepayer letters received by the Commission.

In an effort to provide the objecting ratepayers, as well as any other affected ratepayer, with as much public information as possible regarding the positions of the Petitioner and the OUCC in this Cause, the Commission will send to the **Clinton Public Library, 313 South 4th Street, Clinton, IN 47842**, to be available for public inspection, copies of: 1) the Petitioner's Application for a rate increase; 2) the OUCC's Report regarding Petitioner's Application; and 3) the Petitioner's Response to the OUCC's Report.

IT IS SO ORDERED.

William A. Divine
William G. Divine, Administrative Law Judge

December 5, 2003
Date

Nancy E. Manley
Nancy E. Manley, Secretary to the Commission