

COMMON COUNCIL OF RISING SUN, INDIANA

ORDINANCE 2023-- 14

ORDINANCE AMENDING SECTION 50.01 AND 50.02 OF THE CITY OF RISING SUN CODE OF ORDINANCES

WHEREAS, the City of Rising Sun, Indiana (“Rising Sun”) owns and operates a municipal electric utility for the purpose of providing and distributing electrical energy in said City and surrounding areas; and,

WHEREAS, Rising Sun has caused a financial and cost-of-service study (“Rate Study”) of the City’s municipal electric utility to be made by Peters Franklin, LTD., Greenwood, Indiana; and

WHEREAS, the Rate Study indicates that the current electrical rates and charges are not adequate to meet the reasonable requirements of the utility and that the electric rates and charges should be altered pursuant to the findings of said studies; and

WHEREAS, the Common Council of the City of Rising Sun has heretofore found that the existing rates and charges for the use of and services rendered by the municipal electric utility of said City are not adequate and are not based on the actual cost of providing said services to the various customer classes, and that as a result thereof, it is necessary that said rates be altered in order to enable the City to properly operate this municipal electric utility, provide for depreciation thereof, finance necessary extensions, betterments, and improvements to the system, and that the existing rates and charges should be altered.

WHEREAS, the Rising Sun City Council has now determined, based upon the Rate Study and the above considerations that the proposed rates and charges as set forth in the amendments below are reasonable and just rates to provide for the continued operation of said electric utility and are based upon the costs of providing services to the customers of the electric utility; and

WHEREAS, Rising Sun Municipal Utilities has withdrawn from Indiana Utility Regulatory Commission (the “Commission”) jurisdiction pursuant to Indiana Code § 8-1.5-3-9; and

WHEREAS, on March 16th, 2022, Indiana Governor Eric Holcomb signed House Enrolled Act No. 1002 into law, which among other things, repeals the Indiana Utility Receipts Tax (“IURT”), currently codified in Ind. Code 6-2.3, with effective date of July 1, 2022; and

WHEREAS, House Enrolled Act No. 1002 requires the City to adjust its utility rates and charges to reflect the repeal of the IURT.

Corrected.

WHEREAS, the electric rates shall be calculated to remove the amount of the IURT that each existing rate or charge was designed to recover base on IURT rate in effect at the time the rate or charge was calculated.

WHEREAS, as of July 1st, 2022 the Rising Sun Municipal Utilities did remove the IURT and provided notice to affected customers in each of its next two (2) regular billing cycles that the adjustment in rates or charges reflects the repeal of the utility receipts tax.

WHEREAS, the Rising Sun City Council finds that the rates and charges set forth herein should be adopted as provided herein.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Common Council of the City of Rising Sun, Indiana that 1.) Retroactive to July 1st, 2022, and as previously implemented, the electric rates charged by the Rising Sun Municipal Utilities hereby reflects the repeal of the IURT; and 2.) the Code of Ordinances for the City of Rising Sun, Indiana, is hereby amended to read as follows:

§ 50.01 NON-RECURRING CHARGES.

(A) *Temporary users.* Electric furnished to temporary users such as contractors, fairs, carnivals, bazaars, circuses, or flea markets and the like, shall be charged on the basis of kilowatt hour rates hereinbefore established and approved by the IURC and in keeping with the policies in place as approved by the Board of Public Works and the Utilities' Superintendent.

(B) *Collection of deferred payment charges - residential.* All bills for electric services not paid within 15 days from the due date thereof, as stated on such bills, shall be subject to a penalty or deferred payment charge in the amount of ten percent on the first \$3 and three percent on the excess over \$3.

(C) *Deferred payment charges:* 10% of first \$3, 3% of excess.

(D) *Service call charges.*

During working hours (Mon-Fri)	\$10
After working hours (Mon-Fri)	25
Saturday	25
Sunday and Holidays	30

(E) *Insufficient check charge.*

Bad check charge \$30

(For check returned by bank)

(F) *Reconnect fee.*

During business hours \$ 50

After business hours \$ 100

(G) *Security deposit.*

Security deposit fee \$175

(H) *Pole setting fee.*

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WHEREAS, as of July 1st, 2022 the Rising Sun Municipal Utilities did remove the IURT and provided notice to affected customers in each of its next two (2) regular billing cycles that the adjustment in rates or charges reflects the repeal of the utility receipts tax.

WHEREAS, the Rising Sun City Council finds that the rates and charges set forth herein should be adopted as provided herein.

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§ 50.01 NON-RECURRING CHARGES.

(A) *Temporary users.* Electric furnished to temporary users such as contractors, fairs, carnivals, bazaars, circuses, or flea markets and the like, shall be charged on the basis of kilowatt hour rates hereinbefore established and approved by the IURC and in keeping with the policies in place as approved by the Board of Public Works and the Utilities' Superintendent.

(B) *Collection of deferred payment charges - residential.* All bills for electric services not paid within 15 days from the due date thereof, as stated on such bills, shall be subject to a penalty or deferred payment charge in the amount of ten percent on the first \$3 and three percent on the excess over \$3.

(C) *Deferred payment charges:* 10% of first \$3, 3% of excess.

(D) *Service call charges.*

During working hours (Mon-Fri) \$10

(E) *Insufficient check charge.*

Bad check charge \$30

(For check returned by bank)

(F) *Reconnect fee.*

During business hours \$50

After business hours \$100

(G) *Security deposit.*

Security deposit fee \$175

(H) *Pole setting fee.*

Pole setting fee \$100

§ 50.02 RATES.

(A) The electric rates and charges shall consist of a base service charge plus a usage rate which is based on the quantity of electric used on or in the property or premises subject to such rates and charges as the same may be measured by the electric meter there in use, except as otherwise provided in this section. Electric rates, based upon the amount of electric used, shall be as follows:

(1) *Residential service**:

Base charge, per month	\$9.46
Usage charge	
First 200 KWH per month - per KWH	\$0.1392
Next 1800 KWH per month - per KWH	\$0.1001
Over 2000 KWH per month - per KWH	\$0.1076

(2) *General power service**:

Single phase	
Base charge, per month - single phase	\$18.93
Three phase	
Base charge, per month - three phase	\$37.86

Usage charge - single and three phase	
Plus, minimum usage charge per month (rate per HP)	
Connected power load under 5 HP	\$2.23
Connected power load in excess of 5 HP	\$1.11

First 500 KWH per month - per KWH	\$0.1480
Next 4,500 KWH per month - per KWH	\$0.1266
Over 5,000 KWH per month - per KWH	\$0.1076

(3) *Security lighting service (per month):*

Wattage rated mercury vapor lamps	
175 watt lamps and over, per lamp	\$9.78
250 watt lamps and over, per lamp	\$9.78
LED lamps, per lamp	\$9.78

(4) *Public street lighting service (per month):*

Wattage rated incandescent lamps	
250 watt lamps and over, per lamp	\$9.78
175 watt lamps and over, per lamp	\$9.78
LED lamps, per lamp	\$9.78

* Base rates approved _____, subject to the energy cost adjustment tracking factor (ECA); see Appendix A in division (B) below (ECA tracking factor) will be revised every quarter, based upon actual changes in wholesale power costs from IMPA.

(B) *Appendix A:*

(1) The energy cost adjustment tracking factor (ECA) rider shall be expressed in cents per KWH and is to be occasioned by changes in the city's cost of purchased power. The current ECA amounts to 0.021271 per KWH sold. Based upon IMPA's wholesale power rates effective January 1, 2023. The base cost of power shall be used as the basis for determining changes in the ECA tracking factor.

(2) The ECA rate adjustment applicable to the above listed rate schedules shall be \$0.000000 per KWH used per month, based upon the base cost of power noted above. The ECA will be amended quarterly to reflect the actual costs of purchasing power from IMPA.

This Ordinance shall be in full force and effect from and after 7 day of Dec, 2023.

ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THIS THE 7 DAY OF DECEMBER, 2023.

“NAY”

Julia Bunger Jimenez

Lisa Hewitt-Williams

Don Thomason

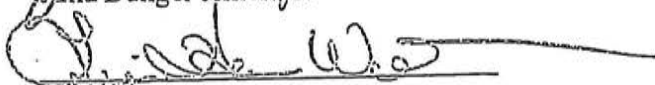
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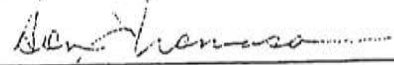
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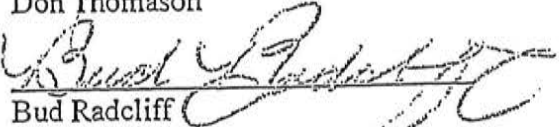
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