

MANITOBA) Order No. 177/09
)
THE PUBLIC UTILITIES BOARD ACT) December 30, 2009

BEFORE: Graham Lane, CA, Chairman
Susan Proven, P.H.Ec., Member
Monica Girouard, C.G.A., Member

THE TOWN OF MORRIS
DISCONTINUANCE OF BULK WATER STAND PIPE

Summary

By this Order, the Public Utilities Board (Board) approves a request from the Town of Morris (Town) to shut down its bulk water stand pipe (located on Station Street), effective December 31, 2009.

Application

In a letter dated October 15, 2009, the Town requested approval from the Board to shut down the above referenced water stand pipe. The Town included with its application a copy of By-law 10/09, which was given first reading on September 24, 2009.

The proposed by-law removed the bulk water rate, which had previously been set by Board Order 37/06.

The Town advised:

"In 2008 the Town ... sold (the) Public Works Building located on Station Street where the bulk water stand pipe is currently situated. The purchasers granted the Town ... time to re-locate (sic) the bulk water stand pipe. The Town ... was in the process of re-locating (sic) the stand pipe to its new location ... but costs of the project (do not) justify the usage ... The Town ... then decided the...stand pipe was a service not often used (with) most (customers) ... connected to the pipe line ..."

The Town also advised that the clientele of the most frequent user, JB Trucking (JB), do not need the

services, as most of JB's clients reside in the rural municipality surrounding the Town, and that municipality has bulk water stations that are easily accessible.

The Town further noted that there are no users within its boundaries that are not connected to the Town's water and sewer service.

The Town advised that the first consideration of shutting down this stand pipe occurred in 2007, although, at that time, Town Council decided not to proceed with the discontinuance after discussions with the owner of JB.

Subsequently, JB advised the Council (in August 2009) that the firm would no longer use the stand pipe as most of the firm's clients are connected to the PVWC system (Pembina Valley Water Cooperative).

The Town advised that it had again provided notice, in 2009, of its intentions to shut down the bulk water stand pipe, and that no concerns were expressed. The Town reported that its notice was posted on its website as well as published in the November 28th, 2009 edition of the local newspaper

The Town advised that revenues from the bulk sales have declined over the years (from \$11,160 in 2006 to \$3,521, as of November 2009). The Town also advised that shutting down the bulk station will not have a significant impact on its utility.

Board Findings

The Board will approve the Town's application, and agrees with the Town that there will be a minimal impact to the financial position of the Town's utility.

The Board notes that notice of the approaching shutdown was provided in 2007 and again in 2009. As only one party expressed concern which was subsequently withdrawn, the Board accepts that adequate opportunity has been provided for customers objecting to the closure to come forward.

On another note, The Board notes that the Town's disconnection of service clause no longer represents the Board's requirements for reasonable notice to be given, and that the current version also lacks an indication of customers' rights to appeal Town utility disconnection decisions to the Board, and directs that the clause be amended to comply with Board requirements.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with section 36 of the Board's Rules of Practice and Procedure (Rules). The Board's Rules may be viewed on the Board's website, www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. By-law No. 10/09 BE AND IS HEREBY approved, as submitted excepting for a required amendment prior to second reading to the Disconnection clause in Schedule "A", which is to read:

"The Public Utilities Board has approved the Conditions Precedent to be followed by the municipality with respect to the disconnection of service for non-payment including, such matters, as notice and the right to appeal such action to the Public Utilities Board. A copy of the Conditions Precedent is available for inspection at the Municipality's office."

2. The Town of Morris file with the Public Utilities Board a copy of By-law 10/09 after having received third and final reading.

Fees payable upon this Order - \$250.00.

PUBLIC UTILITIES BOARD

"GRAHAM LANE, CA"

Chairman

"K. SHIELDS" _____
Acting Secretary

Certified a true copy of Order
No.177/09 issued by The Public
Utilities Board

Acting Secretary