

M A N I T O B A) Order No. 144/12
)
THE PUBLIC UTILITIES BOARD ACT) October 29, 2012

BEFORE: Susan Proven, P.H.Ec., Acting Chair
Marilyn Kapitany, B.Sc. (Hons), M.Sc., Member

ORDER VARYING BOARD ORDER No. 125/12
FOR
RURAL MUNICIPALITY OF VICTORIA BEACH
ALBERT BEACH UTILITY SYSTEM
REVISED WATER RATES - 2012, 2013 and 2014

Summary:

The Rural Municipality of Victoria Beach (RM) has requested that the Public Utilities Board (Board) reconsider the effective date of revised rates established by Board Order 125/12, which revised rates for the Rural Municipality of Victoria Beach Albert Beach Utility.

After review, the Public Utilities Board (Board) varies Order 125/12 to amend the effective date of the revised rates to 2012, 2013 and 2014.

Background:

On September 28, 2012 the Board issued Order 125/12 setting revised rates effective for 2013. The RM billed for 2012 at the revised rates prior to the issuance of Board Order 125/12.

Request to Review and Vary:

The RM submitted a request on October 15, 2012 to amend Board Order No. 125/12 to include the 2012 billing year.

In its covering letter to the Board, the RM sought that the Board consider the unintentional hardship created by the Order and review and vary the effective date of the revised rates as set in Board Order 125/12.

The RM requested the Board consider the following:

- 1) the 2012 billing had already been issued prior to Order No. 125/12 being received on September 28, 2012; and
- 2) the RM billed the revised rate for 2012 with the intention of ensuring that no deficits would be incurred in this year, a 2012 Compliance Plan was included to show the significant costs to maintain compliance in 2012 for the Albert Beach Utility; and
- 3) the RM states that customers were aware of the increase and that approval was pending.

Board Findings:

After considering the information filed and Board Order 125/12, the Board concludes that the Order is to be varied and the revised rates approved by Board Order 125/12 be effective for 2012, 2013 and 2014.

The Board reminds the RM that the billing of rates with "pending" approval from the Board is not an acceptable practice. The RM is advised to bill rates only once they have received Board Approval and third and final reading by their Council.

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 at www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

Clause 1 of Public Utilities Board Order 125/12 BE AND IS HEREBY
VARIED as follows:

1. The Rural Municipality of Victoria Beach By-law 1541, as set out in Schedule "A" to this Order, BE AND IS HEREBY APPROVED with the revised water rates to be effective for 2012, 2013 and 2014.

THE PUBLIC UTILITIES BOARD

"SUSAN PROVEN, P.H.Ec."
Acting Chair

"JENNIFER DUBOIS, CMA"
Acting Secretary

Certified a true copy of
Order No. 144/12 issued by

Acting Secretary