

M A N I T O B A ) Order No. 151/12  
 )  
THE PUBLIC UTILITIES BOARD ACT ) November 19, 2012

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

**RURAL MUNICIPALITY OF WHITEWATER  
ELGIN WATER AND SEWER UTILITY  
ORDER VARYING BOARD ORDER NO. 38/12  
ACTUAL DEFICITS FOR 2010 AND 2011**

**WHEREAS** the Public Utilities Board issued Order No. 151/08 on November 7, 2008 requiring all water and/or sewer utilities to report an actual year-end deficit to the Board if the utility:

1. had not received prior approval for the deficit from the Board and such deficit either exceeds \$10,000 or represents 5% of the utility's operating budget; or
2. had received prior approval for the deficit from the Board and the actual deficit:
  - a. exceeds the previously approved amount by either \$10,000 or 5% of the utility's operating budget; or
  - b. is caused as a result that differs from that upon which said approval was granted;

**AND WHEREAS** the Rural Municipality of Whitewater (RM) - Elgin Water and Sewer Utility (Utility) incurred an operating deficit at the end of the 2010 operating year of \$27,724 when calculated for regulatory purposes, approved in Board Order No. 38/12 to be collected through anticipated future surpluses;

**AND WHEREAS** the Utility has requested that Board Order No. 38/12 be varied to allow for recovery of the 2010 deficit of \$27,724 through a tax levy against the taxpayers of the LID of Elgin over the next five (5) years;

**AND WHEREAS** the Utility incurred an operating deficit at the end of the 2011 operating year of \$32,788 when calculated for regulatory purposes;

**AND WHEREAS** the Utility has requested that the Board allow for recovery of the 2011 deficit through an annual tax levy against the taxpayers of the LID of Elgin over the next five (5) years;

**AND WHEREAS** the said cause of the deficits is due to unforeseen capital expenditures;

**AND WHEREAS** interim rates for the Utility were last set in January 2011 by Board Order No. 11/11, with deficits continuing in 2011 and the RM has indicated a rate study and application will be submitted in 2013.

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](http://www.pub.gov.mb.ca).

**IT IS THEREFORE ORDERED THAT:**

1. The Rural Municipality of Whitewater's request to vary Board Order No. 38/12 to allow the method of recovery for the actual 2010 operating deficit of \$27,724 through a tax levy against the taxpayers of the LID of Elgin over the next five (5) years is HEREBY APPROVED;

2. The actual 2011 operating deficit, when calculated for regulatory purposes, of \$32,788 incurred in the Rural Municipality of Whitewater - Elgin Water and Sewer Utility, for the purposes set out herein, is HEREBY APPROVED to be recovered through a tax levy against the taxpayers of the LID of Elgin over the next five (5) years.
3. The Rural Municipality of Whitewater - Elgin Water and Sewer Utility file a rate application with the Board by June 30, 2013;
4. The Rural Municipality of Whitewater - Elgin Water and Sewer Utility provide notification of the approved tax levy to all taxpayers no later than the next billing cycle.

Fees payable upon this Order - \$150.00

THE PUBLIC UTILITIES BOARD

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

"JENNIFER DUBOIS, CMA"  
Acting Secretary

Certified a true copy of Order No.  
151/12 issued by The Public  
Utilities Board

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Acting Secretary