

M A N I T O B A) Order No. 66/13
)
THE PUBLIC UTILITIES BOARD ACT) June 7, 2013

BEFORE: Susan Proven, P.H.Ec, Acting Chair
Régis Gosselin, B.A., MBA, CGA, Chairman

TOWN OF LAC DU BONNET
INTERIM WATER AND SEWER RATES
SECOND APPLICATION TO REVIEW AND
VARY BOARD ORDER NO. 46/13

Summary:

The registered joint interveners, Messrs. Mathers and Gordon (Intervenors), along with the Town of Lac du Bonnet (Town) have requested that the Public Utilities Board (Board) revise Schedule "A" from Board Order No. 46/13 to include the following for clause 5.0, paragraph (a) iii:

"And, in addition, from the date of connection, a surcharge to cover all current and future tax amounts for utility purposes, which they would be required to pay if located in the Town."

After review, the Public Utilities Board (Board) varies Order 46/13 to amend clause 5.0, paragraph (a) as requested.

Request to Review and Vary:

On May 30, 2013, the Intervenors submitted a request that the Public Utilities Board review and vary Schedule "A", clause 5.0, paragraph (a) in Board Order No. 46/13, which had previously deleted (a) iii. The Board forwarded this request to the Town on May 30, 2013 and received a response from the Town the following day.

In its response, the Town agreed with the request and proposed the wording shown above. This was forwarded to the Intervenors, who responded May 31, 2013 acknowledging their agreement with the proposed wording.

In their communications with Board staff and written request to the Board, the Intervenors sought that the Board consider the unintentional hardship created by the Order and review and vary Schedule "A" to Board Order No. 46/13.

The Interveners requested the Board consider the following:

- 1) The exclusion of clause 5.0, paragraph (a) iii would result in loss of income to the Town, having a significant impact on the residents;
- 2) This clause had been in place for more than ten years.

Board Findings:

After considering the information filed and Board Order 46/13, the Board concludes that the Order is to be varied and the new proposed wording for clause 5, paragraph (a) iii is approved to be included in Schedule "A".

IT IS HEREBY ORDERED THAT:

Clause 5, paragraph (a) iii of Schedule "A" of the Public Utilities Board Order 46/13 BE AND IS HEREBY VARIED as follows:

And, in addition; from the date of connection, a surcharge to cover all current and future tax amounts for utility purposes, which they would be required to pay if located in the Town.

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. 66/13 issued by The
Public Utilities Board

Acting Secretary

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.

SCHEDULE "A"
TO BOARD ORDER NO. 46/13
TOWN OF LAC DU BONNET
WATER AND SEWER RATES
BY-LAW NO. 115/10

Year 2013

1.0--SCHEDULE OF QUARTERLY RATES

A schedule of rates per cubic metre (m³) per quarter

Commodity Rates	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
Domestic per m ³	\$1.58	\$0.59	\$2.17
Truck fill per m ³	\$2.17		
Pail fill per 20 L pail	\$3.19		

2.0 --MINIMUM QUARTERLY CHARGES

Notwithstanding the Commodity Rates set forth in paragraph 1.0 hereof, all customers will pay the applicable minimum charges set out below, which will include water allowances indicated:

a) Water & Sewer Customers

Meter Size (Inches)	Group Capacity Ratio	Water Included (m³)	Service Charge	Water	Sewer	Minimum Quarterly Charges
5/8"	1	14	\$35.92	\$22.12	\$8.26	\$66.30
3/4"	2	28	\$35.92	\$44.24	\$16.52	\$96.68
1"	4	56	\$35.92	\$88.48	\$33.04	\$157.44
1 1/2"	10	140	\$35.92	\$221.20	\$82.60	\$339.72
2"	25	350	\$35.92	\$553.00	\$206.50	\$795.42

b) Water Only Customers:

Total Quarterly Minimum charges will be the same as shown above for each meter size; however, the sewer commodity charge will be excluded.

c) Sewer Only Customers (unmetered):

The quarterly commodity charge, based on the average residential water consumption of 53m³, plus the service charge, shall be \$67.19.

3.0--WATER AND SEWER CONNECTIONS

- i) Each customer or developer, as the case may be, applying for a new water connection to the mainline shall be assessed a water connection inspection fee in the amount of \$750.00. The assessed amount shall be paid as a lump sum fee.
- ii) Each customer or developer, as the case may be, applying for a new sewer connection to the mainline shall be assessed a sewer connection inspection fee in the amount of \$350.00. The assessed amount shall be paid as a lump sum fee.
- iii) Each customer or developer, as the case may be, installing a new water service connection to the water mainline shall be responsible for installing and connecting the water service line to the water main and to pay all charges. Conditions on Town property to be returned to original state as before water line installations.
- iv) Each customer or developer, as the case may be, installing a new sewer service connection to the sewer mainline shall be responsible for installing and connecting the sewer service line to the sewer main and to pay all charges. Conditions on Town property to be returned to original state as before sewer line installations.
- v) Each consumer applying for water turn on or turn off of service during any quarter, shall pay the proportionate part of the current minimum quarterly charge provided that in computing same a broken half month shall be considered as a full month. In all cases any excess water used will be charged at the rates set forth under Commodity Rates.
- vi) All costs for new connections and maintenance thereafter shall be paid by the customer or developer, as the case may be, and such connections are to be approved by the Council of the Town of Lac du Bonnet.
- vii) A service charge of Twenty Five (\$25.00) Dollars shall be paid before any water is turned on, shall be the responsibility of the owner.

4.0--HYDRANT RENTALS

The annual charge for hydrant rentals shall be one hundred (\$106.00) Dollars to the Town of Lac du Bonnet.

5.0--RATES TO CUSTOMERS LOCATED OUTSIDE THE LIMITS OF THE TOWN OF LAC DU BONNET

- a) Customers located outside the Town of Lac du Bonnet shall be required to sign agreements with the Town which sets out the rights and obligations of each party. Such agreements shall provide that the consumer shall pay;
 - i) The appropriate rate as set out in paragraph 1.0 and 2.0 hereof, based on the units allotted to the services;
 - ii) All costs of constructing and maintaining all connection pipes and other items required to allow service to be used;
 - iii) And, in addition; from the date of connection, a surcharge to cover all current and future tax amounts for utility purposes, which they would be required to pay if located in the Town.
- b) The Rural Municipality of Lac du Bonnet shall pay, to cover service provided to residences on the properties in the Tanco subdivision
 - i) The Utility rates set forth in paragraph 1.0 and 2.0 hereof;
 - ii) Any additional surcharge sufficient to cover all taxes for the sewage lagoon which it would be required to pay if such residences were located in the Town.
- c) That the above levies are due and payable July 1st of the year in which they are levied.

6.0--BILLING AND PAYMENTS

- i) All accounts shall be billed after the end of each quarter. Bills will be due and payable as per due date as stated on the bills presented. A late payment penalty will apply as per due date as stated on the bills presented.

A penalty of one and one quarter percent per month of the bills shall be charged if not paid by the due date. The late payment charge will compound quarterly, and will appear on the customer's next quarterly bill if unpaid

Unpaid Accounts May be Added to Taxes on Land

ii) Pursuant to section 252 of the Municipal Act. L.R.M.1996, c. 58, the amount of all outstanding charges, including penalties, for water and sewer service are a lien and charge upon that land, and shall be collected in the same manner in which ordinary taxes on the land are collectable, and with like remedies.

iii) If any account is not paid within three (3) months after the due date, the service may be disconnected without further notice. Any service so disconnected shall not be reconnected until all arrears, penalties and a reconnection fee of fifty (\$50.00) Dollars has been paid.

7.0--COMPLAINTS AND ADJUSTMENTS

If a consumer believes that his/her meter reading is in error, he/she may present his/her claim in writing to the Corporation's Office before the bill becomes delinquent, 30 days from the billing date.

Such claim, if made after the bill has come delinquent, shall not be effective in preventing discontinuance of service. The consumer may pay such bill under protest and said payment shall not prejudice his/her claim.

8.0--METERS

i) That all water connections be metered. The meter is to be supplied by and is to remain the property of the Utility. The cost of the meter shall be paid by the customer.

Meter Repairs

ii) Where a Town of Lac du Bonnet water meter is damaged as a result of negligence of a user, such user shall pay the cost of repairing the damaged meter and the said amount will immediately become a debt due and owing to the Town of Lac du Bonnet within ten (10) days of the demand of same, the water service of the said user may be disconnected. A fee of fifty (\$50.00) Dollars shall be charged for a re-connection of the service disconnected under this paragraph.

Meter Testing

- iii) Any consumer who desires and requests that his/her water meter be tested for accuracy, shall deposit a sum of Fifty (\$50.00) Dollars with the Town of Lac du Bonnet and if the meter when tested shall be found to register in excess of the allowable limits, the deposit shall be refunded and the consumer's account adjusted for the preceding four month's use.

Meter Fees

- iv) Fees for the disconnection, removal or reconnection of water meters shall be Twenty-five (\$25.00) Dollars.

Meter Tampering

- v) Any consumer who tampers with the meter seal is to pay a meter reinstatement fee of Twenty-five (\$25.00) Dollars to have the meter resealed. The quarterly billings for the year prior to resealing of the meter will have the volumes readjusted according to the two quarters after the resealing of the meter if the volumes are greater than 10% lower than the two quarters after resealing of the meter then the difference in volume for each of the previous four quarters will be adjusted to reflect the increase and will be invoiced to the consumer. Any consumer who tampers with the meter subsequent to the first tampering will pay a fine of One Hundred and Fifty (\$150.00) Dollars for each occurrence.

Meter Circumventing

- vi) Any consumer who circumvents the water meter by installing a bypass line around the meter or by a dual line from the water main so as to illegally draw water that has not been metered shall pay a fine of \$1,000.00 plus a charge for un-metered water consumed for each occurrence. The consumer will upon discovery by the Town immediately cease the use of the bypass line and remove the bypass line within 24 hours of discovery. The Town has the right to terminate all water services to the consumer in the event of failure to eliminate the bypass and pay the fine and water charges.

9.0--BULK SALES

That a said rate of Two Dollars and Seventeen Cents (\$2.17) per m³ be charged for treated water delivered to the truck fill system and \$3.00/20 L pail (or portion thereof) be charged for treated water delivered to the pail fill system.

10.0--BILLINGS

All accounts for minimum quarterly charges for metered services as set forth in this Schedule of Quarterly rates shall be billed at the end of each quarter together with any excess charges for metered water and sewer services supplied to them at the rates and terms set out in this Schedule.

11.0--METER READINGS

Quarterly Meter Readings

- i) Except for remote meter reading, the Town will read the consumer meter quarterly for quarterly billing purposes. In the event that the consumer is not home or does not grant access, a meter reading card will be provided to the consumer for consumer self read meter reading and recording. The consumer is responsible for reading and recording the current meter reading for each quarter on the provided meter reading card and returning the card to the Town administration office. Failure to provide the current meter reading for billing purposes will result in estimated quarterly charges based on consumer average consumption for metered service being billed.

Annual Meter Reading

- ii) On an annual basis or on a schedule determined by the Town, the consumer will provide access to the Town meter reader to record the water meter reading and to inspect the meter. In the event that the consumer is not home or does not grant access, the consumer will be notified that they must arrange a time and date for an appointment with the water utility to have the meter reading recorded and inspected within 30 days of the water utility notice. Failure to arrange and provide access to the water utility within 30 days of the notice will result in a \$50.00 fine.

After a period of 60 days from the water utility notice and a failure to arrange and provide access to the water utility, the water service may be shut off. Fees for disconnection and reconnection according to section 8.0 will apply.

12.0--On Site Private Wastewater Holding and Disposal Facilities and Private Well Water Systems

- i) On site private wastewater holding and disposal facilities are not allowed in the Town.
- ii) On site private well water systems are not allowed in the Town.