

MANITOBA) Order No. 98/13
)
THE PUBLIC UTILITIES BOARD ACT) August 26, 2013

BEFORE: Susan Proven, P.H.Ec, Acting Chair
Karen Botting, B.A., B.Ed., M.Ed., Member

RURAL MUNICIPALITY OF MOUNTAIN
LUD of BIRCH RIVER
ESTABLISHING LAGOON TIPPING FEES
APPLICATION TO REVIEW AND VARY BOARD ORDER No.160/12

Summary

The Rural Municipality of Mountain (RM) has requested that the Public Utilities Board (Board) review and vary Board Order No. 160/12 to include tipping fees for the Birch River Utility (Utility) lagoon.

After review, the Board hereby varies Board Order No. 160/12 to include new lagoon tipping fees, as shown below. These fees are to be in effect November 1, 2013, to allow haulers time to adjust their rates and notify their customers.

The tipping fees are noted below:

Tipping Fees for Birch River Sewage Lagoon
\$15.00 Flat fee per load, to a maximum of 1,500 gallons (single axle)
\$30.00 Flat fee per load, to a maximum of 3,000 gallons (tandem axle)

Details of other rates may be found in the attached Schedule "A".

Background

On December 7, 2012 the Board issued Order 160/12, setting water and sewer rates effective January 1, 2013. The Order inadvertently did not include any provision for lagoon tipping fees.

Request to Review and Vary:

The RM submitted a copy of Resolution No. 83/13 dated March 13, 2013, passed by Council. This Resolution requests that the Public Utilities Board review and vary Order 160/12 to include tipping fees for the lagoon.

The RM was asked by the Board to publish a Notice to make stakeholders aware of the proposed tipping fees. A Notice was prepared April 26, 2013 and posted in accordance with Board procedures. No stakeholder responses were received.

In its covering letter to the Board, the RM advised that although the indicated rates for the tipping fees were \$18.76 (1,500 gallons) and \$37.53 (3,000 gallons), Council was applying for tipping fees to be set at \$15.00 (1,500 gallons) and \$25.00 (3,000 gallons). Council expressed concern over the impact on local stakeholders if the tipping fees were charged as calculated.

In reviewing the RM's request, it was determined that the initial projected sewer expenses of \$108,348 included expenses that didn't apply to the customers hauling into the lagoon, such as Collection System Costs. These changes reduced the expenses to \$84,391.

The following amended calculations were prepared with assistance from the RM:

Annual Gallons	
4,811,864	Birch River Utility customers
3,750,000	Wuskwi Sipihk First Nation (WSFN)
75,000	Local haulers
25,000	Cottages
<u>8,661,864</u>	
\$ 84,391	2011 projected sewer expenses
	Sum of WSFN, Local haulers and cottages gallons divided
44%	by total gallons
<u>\$ 37,510</u>	Share of 2011 projected sewer expenses
\$ 0.0097428	Per gallon charge for WSFN, Local haulers and cottages
\$ 14.61	1,500 gallons
\$ 29.23	3,000 gallons

Board Findings:

After considering the information filed and Board Order 160/12, the Board concludes that the Order is to be varied and the lagoon tipping fees are to be effective as of November 1, 2013.

The Board will vary the RM's application for the flat fee per load to a maximum of 3,000 gallons (tandem axle) from \$25 to \$30, which is the charge supported by the calculations. The RM was unable to provide sufficient rationale to support a discounted rate for a larger load.

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:

1. The lagoon tipping fees for the Birch River Utility in the Rural Municipality of Mountain, as set out in Schedule "A" to this Order, BE AND ARE HEREBY APPROVED to be effective November 1, 2013.
2. The Rural Municipality of Mountain advises the customers using the lagoon of the new tipping fees on or before September 1, 2013.

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.
98/13 issued by The Public
Utilities Board

Acting Secretary

Schedule "A"

To Board Order No. 98/13
 The Rural Municipality of Mountain
 Local Urban District of Birch River

Water Rates

By-Law No. 07/13

1. Customer Service Charge:
 The customer service charge shall be \$29.76 per quarter.
2. Commodity Rates:
 The commodity rates for all water consumption shall be \$70.92.
3. Schedule of Minimum Quarterly Charges:

	Group Capacity Customer	Customer Service Charge	Water Commodity Charge	Sewer Commodity Charge	New Quarterly Charge
Residence (Water Only)	1.0	\$29.76	\$70.92		\$100.68
Residence (Water/Sewer)	1.0	\$29.76	\$70.92	\$47.06	\$147.74
Commercial(Water Only)	2.0	\$29.76	\$141.84		\$171.60
Commercial(Water/Sewer)	2.0	\$29.76	\$141.84	\$94.12	\$265.72
Arena	3.0	\$29.76	\$212.76	\$141.18	\$383.70
School	10	\$29.76	\$709.20	\$470.60	\$1,209.56

4. Lagoon Tipping Fees
 The charge for dumping waste at the Birch River Lagoon will be set as follows:

\$15.00 per 1,500 gallon tank
 \$30.00 per 3,000 gallon tank
5. Bulk Water Sales:
 The charge for bulk water sale shall be at the rate of \$12.00 per thousand gallons of water.
6. Hydrant Rentals:
 An annual charge of One Hundred (\$100.00) per hydrant shall be made by the said utility to the Rural Municipality of

Mountain for Fire Protection services, which annual charge shall include water used.

7. Billing and Penalties:

All accounts billed to customers under Section 1 hereof shall be due and payable, thirty (30) days after billing date and shall be liable to penalty, at a rate of 1 ¼% on any outstanding balance.

8. Disconnection:

Water services may be discontinued immediately and without further notice in the event on non-payment extending to a period of 90 days from the billing date.

9. Reconnection:

A reconnection fee of \$40.00 shall be payable in addition to all arrears and penalty prior to service being provided to any consumer disconnected under Section 7 hereof.

10. Outstanding Water Bills:

Pursuant to Section 252 (2) of The Municipal Act, the amount of all outstanding charges for water service are a lien and charge upon the land services, and shall be collected in the same manner in which ordinary taxes upon the land are collectable, and with like remedies.