

Order No. 36/16

**ORDER VARYING BOARD ORDER NO. 7/16
FOR
TOWN OF LAC DU BONNET
WATER and WASTEWATER UTILITY
FINAL WATER AND WASTEWATER RATES**

March 16, 2016

**BEFORE: Susan Proven, P.H.Ec., Acting Chair
The Hon. Anita Neville, P.C., B.A. (Hons.), Member**

Summary:

The Town of Lac du Bonnet (Town) requested that the Public Utilities Board (Board) review and vary Board Order No. 7/16. The Town requested that the effective date be reconsidered and that Tanco customers be charged based on water consumption volumes that are provided by Manitoba Conservation, rather than a flat rate of 53 m³. The Board was also asked to consider the addition of minimum quarterly rates for 6" and 10" lines for the years 2016 to 2019 and that the pail fill rate be removed.

After review, the Board varies Board Order No. 7/16 as follows:

- The effective date for rates is to be amended to reflect the following:
 - April 1st for 2016;
 - January 1, for 2017, 2018 and 2019;
- Rates for 6" and 10" lines for the years 2016 to 2019 will be added;
- Pail fill rate will be removed, as it is no longer offered;
- Due to rounding inconsistencies, Minimum Quarterly Rates varied slightly.

The request to change the consumption charge for the Tanco Crescent wastewater consumers is denied.

Revised Minimum Quarterly Rates for April 1, 2016

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included m³</u>	<u>Customer Service Charge</u>	<u>Commodity Charges</u>		<u>Total Quarterly Minimum</u>
				<u>Water</u>	<u>Sewer</u>	
5/8"	1	14	\$24.55	\$27.44	\$19.32	\$71.31
3/4"	2	28	\$24.55	\$54.88	\$38.64	\$118.07
1"	4	56	\$24.55	\$109.76	\$77.28	\$211.59
1 ½"	10	140	\$24.55	\$274.40	\$193.20	\$492.15
2"	25	350	\$24.55	\$686.00	\$483.00	\$1,193.55
6"	170	2,380	\$24.55	\$4,664.80	\$3,284.40	\$7,973.75
10"	610	8,540	\$24.55	\$16,738.40	\$11,785.20	\$28,548.15

Revised Minimum Quarterly Rates for **January 1, 2017**

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included m³</u>	<u>Customer Service Charge</u>	<u>Commodity Charges</u>		<u>Total Quarterly Minimum</u>
				<u>Water</u>	<u>Sewer</u>	
5/8"	1	14	\$25.29	\$28.28	\$19.88	\$73.45
3/4"	2	28	\$25.29	\$56.56	\$39.76	\$121.61
1"	4	56	\$25.29	\$113.12	\$79.52	\$217.93
1 ½"	10	140	\$25.29	\$282.80	\$198.80	\$506.89
2"	25	350	\$25.29	\$707.00	\$497.00	\$1,229.29
6"	170	2,380	\$25.29	\$4,807.60	\$3,379.60	\$8,212.49
10"	610	8,540	\$25.29	\$17,250.80	\$12,126.80	\$29,402.89

Revised Minimum Quarterly Rates for **January 1, 2018**

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included m³</u>	<u>Customer Service Charge</u>	<u>Commodity Charges</u>		<u>Total Quarterly Minimum</u>
				<u>Water</u>	<u>Sewer</u>	
5/8"	1	14	\$26.05	\$29.12	\$20.44	\$75.61
3/4"	2	28	\$26.05	\$58.24	\$40.88	\$125.17
1"	4	56	\$26.05	\$116.48	\$81.76	\$224.29
1 ½"	10	140	\$26.05	\$291.20	\$204.40	\$521.65
2"	25	350	\$26.05	\$728.00	\$511.00	\$1,265.05
6"	170	2,380	\$26.05	\$4,950.40	\$3,474.80	\$8,451.25
10"	610	8,540	\$26.05	\$17,763.20	\$12,468.40	\$30,257.65

Revised Minimum Quarterly Rates for **January 1, 2019**

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included m³</u>	<u>Customer Service Charge</u>	<u>Commodity Charges</u>		<u>Total Quarterly Minimum</u>
				<u>Water</u>	<u>Sewer</u>	
5/8"	1	14	\$26.83	\$29.96	\$21.14	\$77.93
3/4"	2	28	\$26.83	\$59.92	\$42.28	\$129.03
1"	4	56	\$26.83	\$119.84	\$84.56	\$231.23
1 ½"	10	140	\$26.83	\$299.60	\$211.40	\$537.83
2"	25	350	\$26.83	\$749.00	\$528.50	\$1,304.33
6"	170	2,380	\$26.83	\$5,093.20	\$3,593.80	\$8,713.83
10"	610	8,540	\$26.83	\$18,275.60	\$12,895.40	\$31,197.83

Background:

On January 14, 2016 the Board issued Order No. 7/16 confirming final water and wastewater rates for 2016, 2017, 2018 and 2019 effective March 1 in each year for the Town of Lac du Bonnet utility. Included in the rate approval was the rate for a pail fill and meter sizes up to 2".

Request to Review and Vary:

The Town submitted a request on February 17, 2016 to amend Board Order No. 7/16.

The Town requested the following in Council Resolution No. 31/16:

- Tanco customers are only charged 53 cubic meters and the Town would like the ability to charge based on water consumption volumes that are provided by Manitoba Conservation;
- The date that rates become effective of March 1st of each year, be changed to January 1st for each year;
- To add rates for 6" and 10" lines for the years 2016 to 2019;
- To take out the pail fill rate as it is no longer offered.

In its covering letter to the Board, the Town advised that at the Council Meeting on February 11, 2016, Resolution No. 31/16 was passed to appeal the most recent Board Order No. 7/16. The basis for the appeal was to have the rates become effective January 1st of each year to coincide with the quarterly billing dates. The Town also requested the addition of rates for 6" and 10" lines as they are required and the removal of the pail fill rate as it is no longer offered.

Board Findings:

After considering the information filed and Board Order 7/16, the Board concludes that the Order is to be varied as follows:

- Effective to be amended to reflect the following change:
 - April 1st for 2016;
 - January 1, for 2017, 2018 and 2019.
- Add rates for 6" and 10" lines for the years 2016 to 2019;
- Pail fill rate be removed, as it is no longer offered;
- Due to rounding inconsistencies, Minimum Quarterly Rates varied slightly.

The Town stated that Tanco customers are charged a flat 53 cubic meters and the Town would like the ability to charge based on water consumption volumes that are provided by Manitoba Conservation. This request to change the consumption charge for the Tanco Crescent wastewater consumers is denied. The Board suggests the Town consult with the Tanco ratepayers and revise the existing agreement prior to seeking Board approval for this change.

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 HEREBY ORDERED THAT:

1. Schedule "A" of the Public Utilities Board Order No.7/16 BE AND IS HEREBY VARIED as follows:

Effective to be amended to reflect the following change:

- o April 1st for 2016;
- o January 1, for 2017, 2018 and 2019.

Add rates for 6" and 10" lines for the years 2016 to 2019;

Pail fill be removed, as it is no longer offered.

2. The request to change the consumption charge for the Tanco Crescent wastewater consumers is HEREBY DENIED.
3. The Town of Lac du Bonnet revise the water and wastewater by-law to reflect the changes in this Order, and file a copy with the Public Utilities Board once it has received third and final reading.

Fees payable upon this Order – \$150.00

THE PUBLIC UTILITIES BOARD

"SUSAN PROVEN, P.H.Ec."

Acting Chair

"JENNIFER DUBOIS, CPA, CMA"

Acting Secretary

Certified a true copy of Order No. 36/16
issued by The Public Utilities Board

Acting Secretary

SCHEDULE "A"
TOWN OF LAC DU BONNET
WATER AND SEWER RATES

April 1, 2016

1.0--SCHEDULE OF QUARTERLY RATES

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

Commodity Rates	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
Domestic per m ³	\$1.96	\$1.38	\$3.34
Truck fill per m ³	\$3.74		

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

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included m³</u>	<u>Customer Service Charge</u>	<u>Commodity Charges</u>		<u>Total Quarterly Minimum</u>
				<u>Water</u>	<u>Sewer</u>	
5/8"	1	14	\$24.55	\$27.44	\$19.32	\$71.31
3/4"	2	28	\$24.55	\$54.88	\$38.64	\$118.07
1"	4	56	\$24.55	\$109.76	\$77.28	\$211.59
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2"	25	350	\$24.55	\$686.00	\$483.00	\$1,193.55
6"	170	2,380	\$24.55	\$4,664.80	\$3,284.40	\$7,973.75
10"	610	8,540	\$24.55	\$16,738.40	\$11,785.20	\$28,548.15

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): Total Quarterly Minimum charges will be based on the average residential water consumption of 53 m³ plus the service charge; however, the water charge will be excluded.

d) Tanco Only Customers (unmetered) The annual commodity charge, based on the average quarterly residential water consumption of 53 m³, plus the service charge (which shall be charged 1 time only), shall be \$24.55 + (53 m³ X 4 X \$1.38)

January 1, 2017**1.0--SCHEDULE OF QUARTERLY RATES**A schedule of rates per cubic meter (m³) per quarter

Commodity Rates	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
Domestic per m ³	\$2.02	\$1.42	\$3.44
Truck fill per m ³	\$3.85		

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a) Water & Sewer Customers

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included m³</u>	<u>Customer Service Charge</u>	<u>Commodity Charges</u>		<u>Total Quarterly Minimum</u>
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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): Total Quarterly Minimum charges will be based on the average residential water consumption of 53 m³ plus the service charge; however, the water charge will be excluded.d) Tanco Only Customers (unmetered) The annual commodity charge, based on the average quarterly residential water consumption of 53 m³, plus the service charge (which shall be charged 1 time only), shall be \$25.29 + (53 m³ X 4 X \$1.42)

January 1, 2018**1.0--SCHEDULE OF QUARTERLY RATES**A schedule of rates per cubic meter (m³) per quarter

Commodity Rates	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
Domestic per m ³	\$2.08	\$1.46	\$3.54
Truck fill per m ³	\$3.97		

2.0 --MINIMUM QUARTERLY CHARGES

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a) Water & Sewer Customers

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included m³</u>	<u>Customer Service Charge</u>	<u>Commodity Charges</u>		<u>Total Quarterly Minimum</u>
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c) Sewer Only Customers (unmetered): Total Quarterly Minimum charges will be based on the average residential water consumption of 53 m³ plus the service charge; however, the water charge will be excluded.

d) Tanco Only Customers (unmetered) The annual commodity charge, based on the average quarterly residential water consumption of 53 m³, plus the service charge (which shall be charged 1 time only), shall be $\$26.05 + (53 \text{ m}^3 \times 4 \times \$1.46)$

January 1, 2019**1.0--SCHEDULE OF QUARTERLY RATES**A schedule of rates per cubic meter (m³) per quarter

Commodity Rates	<u>Water</u>	<u>Sewer</u>	<u>Water & Sewer</u>
Domestic per m ³	\$2.14	\$1.51	\$3.65
Truck fill per m ³	\$4.09		

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

<u>Meter Size</u>	<u>Group Capacity Ratio</u>	<u>Water Included m³</u>	<u>Customer Service Charge</u>	<u>Commodity Charges</u>		<u>Total Quarterly Minimum</u>
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2"	25	350	\$26.83	\$749.00	\$528.50	\$1,304.33
6"	170	2,380	\$26.83	\$5,093.20	\$3,593.80	\$8,713.83
10"	610	8,540	\$26.83	\$18,275.60	\$12,895.40	\$31,197.83

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c) Sewer Only Customers (unmetered): Total Quarterly Minimum charges will be based on the average residential water consumption of 53 m³ plus the service charge; however, the water charge will be excluded.d) Tanco Only Customers (unmetered) The annual commodity charge, based on the average quarterly residential water consumption of 53 m³, plus the service charge (which shall be charged 1 time only), shall be \$26.83 + (53 m³ X 4 X \$1.51)

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 (\$150.00) 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 include that the consumer shall pay;
 - i) An 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) A surcharge to cover all tax amounts for utility purposes, which they would be required to pay if located in the Town from the date of connection.
- 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 the following rates shall be charged for treated water received from the truck fill system:

	<u>Truck fill</u>
2014	\$3.50/ m ³
2015	\$3.50/ m ³
2016	\$3.74/ m ³
2017	\$3.85/ m ³
2018	\$3.97/ m ³
2019	\$4.09/ m ³

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.

Schedule “B”

The general law of the jurisdiction of the Public Utilities Board (Board), in respect of water and sewer utilities, can be found in the following sections of the *The Public Utilities Board Act*, and the Act is available in its entirety on the Board’s website at www.pub.mb.ca.

General supervision over utilities

74(1) The board has a general supervision over all public utilities and the owners thereof subject to the legislative authority of the Legislature, and may make such orders regarding equipment, appliances, safety devices, extension of works or systems, reporting, and other matters, as are necessary for the safety or convenience of the public or for the proper carrying out of any contract, charter, or franchise involving the use of public property or rights.

Investigation of excess charges

64(1) Where

(a) it is made to appear to the board, upon the complaint of an owner of a public utility, or of any municipality or person having an interest, present or contingent, in the matter in respect of which the complaint is made, that there is reason to believe that the tolls or charges demanded by any owner of a public utility exceed what is just and reasonable, having regard to the nature and quality of the service rendered or of the commodity supplied; or

(b) requested to do so by the minister; or

(c) in the opinion of the board it is expedient to do so, on its own initiative; the board may proceed to hold such investigation as it sees fit into all matters relating to the nature and quality of the service or the commodity in question, or to the performance of the service and the tolls or charges demanded therefor.

Order on investigation

64(2) Upon completion of an investigation made under subsection (1), the board may make such order respecting the improvement of the service or commodity and as to the tolls or charges demanded, as seems to it to be just and reasonable, and may disallow or change, as it thinks reasonable, any such tolls or charges as, in its opinion, are excessive, unjust, or unreasonable or unjustly discriminate between different persons or different municipalities, but subject, however, to such of the provisions of any contract existing between the owner and a municipality at the time the complaint is made as the board considers fair and reasonable.

Orders as to utilities

77 The board may, by order in writing after notice to, and hearing of, the parties interested,

(a) fix just and reasonable individual rates, joint rates, tolls, charges, or schedules thereof, as well as commutation, mileage, and other special rates that shall be imposed, observed, and followed thereafter, by any owner of a public utility wherever the board determines that any existing individual rate, joint rate, roll, charge or schedule thereof or commutation, mileage, or other special rate is unjust, unreasonable, insufficient, or unjustly discriminatory or preferential;

(b) fix just and reasonable standards, classifications, regulations, practices, measurements, or service to be furnished, imposed, observed, and followed thereafter by any such owner;

Changes in rates to be approved by board

84(1) No change in any existing individual rates, joint rates, tolls, charges, or schedules thereof or any commutation, mileage, or other special rates shall be made by any owner of a public utility, nor shall any new schedule of any such rates, tolls, or charges be established until the changed rates or new rates are approved by the board, when they shall come into force on a date to be fixed by the board; and the board may, either upon written complaint or upon its own initiative, hear and determine whether the proposed increases, changes, or alterations are just and reasonable.

Onus

84(2) The burden of proof to show that any such increases, changes, or alterations are just and reasonable is upon the owner seeking to make the increases, changes, or alterations.