ORDINANCE NO. 2024- 10
AN ORDINANCE AMENDING RATES AND CHARGES
FOR THE USE OF AND SERVICES RENDERED BY
THE MUNICIPAL ELECTRIC UTILITY
OF THE TOWN OF EDINBURGH, INDIANA
FOR SERVICE CONNECTION FEE

WHEREAS, pursuant to Indiana law, IC 8-1.5-3-8, the Edinburgh Electric Department serves as the managing body for the municipally owned electric utility for the Town of Edinburgh and the Edinburgh Town Council ("Council") serves as the legislative body;

WHEREAS, the Town of Edinburgh is not subject the jurisdiction of the Indiana Utility Regulatory Commission and, therefore, all electric rates and charges are subject to the control and/or approval of the Council;

WHEREAS, Indiana law requires all municipally owned utilities to establish rates and charges sufficient to produce revenue for all reasonable and necessary costs of operation and maintenance, working capital, depreciation, capital improvements, debt service on bonds and debt service reserve requirements associated with the utility;

WHEREAS, Indiana law allows that municipal utility rates and charges may also include a reasonable rate of return upon the utility plant, at the discretion of Council, as well as "payments in lieu of taxes", also at the discretion of the Council;

WHEREAS, the rates and charges have been amended from time to time as reflected in; Ordinance No. 2009-7; Ordinance No. 2010-2; Ordinance No. 2011-3, Ordinance 2012-5 Ordinance 2019-9; Ordinance 2024-2 and Ordinance 2024- 6;

WHEREAS, in those cases in which its electric utility customers request a new electrical connection, such connection requires additional work beyond installation of secondary cabling (duplex, triplex or quadruplex)("New Connection");

WHEREAS, the present language of said ordinances and the schedule of rates and charges does not provide a charge for the installation of the New Connection and the Town Council desires to establish the charge for the New Connection for its municipally owned electric utility as set forth below;

WHEREAS, the Council finds that the establishment of the charge for the New Connection contained herein is reasonable, equitable, and based upon the cost of the installation of the New Connection to its electric utility customers;

NOW, THEREFORE, be it ordained by Council of the Town of Edinburgh, Indiana, that the charge for the rates and charges for the Town of Edinburgh's municipally owned electric utility be amended as follows:

SECTION 1. MODIFICATION OF RATES AND CHARGES

a. The Council modifies the rates and charges of its electric utility services by establishing a charge for a New Connection determined as follows ("Service Connection Fee"):

i. Upon a customer's request for a New Connection, the Superintendent of the Edinburgh Electric Department ("Superintendent") shall determine the amount of the Service Connection Fee based on the following factors:
    1. Any pole(s) required to be installed (including lift poles for secondary cabling installation);
    2. Materials related to extending/modifying existing infrastructure of the utility;
    3. The costs of the work of any contractor required;
    4. Any boring required;
    5. Any final grading or site reconstruction (asphalt, concrete, grass, etc.);
    6. Legal, survey or any other fees related to any required easements.

b. Upon the execution of an agreement by utility customer and payment of the Service Connection Fee, the Superintendent shall proceed with the installation of the New Connection.

c. The Service Connection Fee applies to any New Connection regardless of the Rate Tariff that controls.

SECTION 2. REMAINING RATES AND CHARGES

a. All rates and charges not amended herein shall not be repealed or changed as a result of this Ordinance.

SECTION 3. CONFLICTS

a. Any portion of the other Ordinances in conflict with a provision in this Ordinance is hereby superseded to the extent inconsistent herewith. The provisions, rates, and charges of this Ordinance are severable. In the event any one or more of the provisions contained in this Ordinance should be invalid or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and/or the prior Ordinances of the Town, shall not in any way be affected or impaired and shall remain in full force and effect. Furthermore, to the extent a rate, charge or provision in this Ordinance is declared invalid, the higher of the valid charge or the original charge or fee previously established by the Town shall be effective and/or retroactive as though unaltered. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

SECTION 4. PUBLIC BENEFIT

a. The Council finds that revising the Rate Study as provided herein and adopting the new rates and charges will be in the best interest of the Town and for the benefit of the public and residents of the Town and that the new rates and charges for the Town of Edinburgh municipally owned electric utility include sufficient revenues to provide a reasonable rate of return upon its utility plant.

SECTION 5. EFFECTIVE DATE

a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law and that the amended rates and charges are to be implemented effective as of the date of this Ordinance and beginning on a date as soon thereafter as possible.

ADOPTED this 13 **day of** June **2024.**

Edinburgh Town Council

M. Ryan Piercefield, President

Miriam Rooks, Vice President

Michael Bryant

Debbie Buck

Sherri Sweet

ATTEST:

Rhonda Barrett, Clerk Treasurer