

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

**PETITION OF MARYSVILLE-OTISCO-
NABB WATER CORPORATION:**) Cause No. 45955
)
)
(1) FOR AUTHORITY AND APPROVAL TO)
INCREASE RATES AND CHARGES FOR)
WATER SERVICE, INCLUDING APPROVAL)
OF NEW SCHEDULE(S) OF RATES AND)
CHARGES FOR WATER SERVICES)
)
(2) FOR AUTHORITY AND APPROVAL TO)
ISSUE BONDS, NOTES, OR OTHER)
OBLIGATIONS OF INDEBTEDNESS)

VERIFIED PETITION

Petitioner, Marysville-Otisco-Nabb Water Corporation (“Petitioner”) respectfully petitions and seeks approval and authorization from the Indiana Utility Regulatory Commission (the “Commission”) to increase Petitioner’s rates and charges for water service, to create a new schedule of rates and charges, and to issue bonds, notes, or other obligations of indebtedness. In support of this Verified Petition, Petitioner states as follows:

1. Petitioner is a not-for-profit water utility that owns and operates a waterworks utility, which provides water sales and service to customers in and around the unincorporated communities of Marysville, Otisco, and Nabb, which are located in Clark County and Scott County, Indiana. Petitioner, a “not-for-profit utility” for purposes of Indiana Code § 8-1-2-125(a), engages in business solely within the State of Indiana, and is subject to the jurisdiction of the Commission to the extent provided by Indiana Code § 8-1, *et seq.*, as amended and other laws.

2. Petitioner operates, manages, and controls plants, property, pipelines, equipment, and facilities that are used in the procurement, treatment, distribution, and sale of water to service

residential, commercial, and other consumers in and around the unincorporated communities of Marysville, Otisco, and Nabb. Petitioner's waterworks is operated and maintained to provide adequate, dependable, and efficient water sales and service to its customers.

3. Petitioner must make necessary additions, extensions, replacements, and improvements to its waterworks system to meet demand and customer expectations. Petitioner proposes to obtain necessary funds for these from revenues and from the issuance of bonds, notes, or other obligations of indebtedness ("Obligations"). The principal and interest of the Obligations will be payable solely from the future revenues of the waterworks.

4. After the issuance of the Obligations and Petitioner's necessary additions, extensions, replacements, and improvements, the existing rates and charges for water service will not produce sufficient revenue to pay: maintenance costs; operating charges; upkeep; repairs; depreciation; other necessary expenses incidental to the operation of the waterworks; legal expenses; and principal of and interest on the Obligations; provide a sinking fund for the liquidation of Obligations; provide adequate money for working capital; provide adequate money for making extensions and replacements to the extent not provided for through depreciation; and provide reasonable return from the waterworks. Therefore, the existing rates and charges will be insufficient and unlawful.

5. It is necessary to increase the present rates and charges in order to provide sufficient funds to meet the financial requirements of Petitioner's waterworks; to maintain the waterworks' property in a sound physical and financial condition; and to meet all environmental and other water services requirements to enable Petitioner to continue rendering adequate and efficient service.

6. The extensions, replacements, and improvements for which authority to issue the Obligations is sought, are reasonably necessary for Petitioner to provide adequate and efficient

water service to its customers. The Obligations which Petitioner seeks authority to issue are a reasonable method of financing such extensions, replacements, and improvements. The new schedule of rates and charges will represent rates and charges which are lawful, nondiscriminatory, reasonable, and just. Therefore, the issuance of the proposed Obligations and the establishment of the new schedule of rates and charges should be approved by the Commission.

7. Petitioner's test year for purposes of determining Petitioner's actual and pro forma operating revenues, expenses, and revenue requirements under present and proposed rates is the twelve (12) months that ended on December 31, 2022, but Petitioner also makes accounting adjustments for changes that are fixed, known, and measurable through December 31, 2023.

8. Indiana Code §§ 8-1-2-78, 8-1-2-79, 8-1-2-80, 8-1-2-83, 8-1-4-1, 8-1-2-4, 8-1-2-38, 8-1-2-42, 8-1-2-61, 8-1-2-68, and 8-1-2-125, among others, are applicable to the Commission's jurisdiction and the subject matters of this proceeding.

9. The attorneys authorized to represent Petitioner in this proceeding, and who are authorized to receive service on behalf of Petitioner are:

Darren A. Craig- #25534-49 (dcraig@fbtlaw.com)
Beau F. Zoeller- #30928-22 (bfzoeller@fbtlaw.com)
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10. Pursuant to 170 IAC 1-1.1-15, Petitioner requests that a date be promptly fixed for a preliminary hearing in this proceeding.

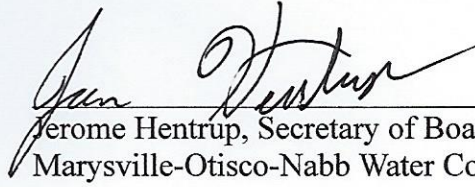
WHEREFORE, Petitioner respectfully requests that the Commission promptly conduct a preliminary hearing; take such other actions as it deems appropriate; and therefore issue a final

order authorizing Petitioner to increase its rates and charges for water services, approve new schedule(s) of water rates and charges, and authorize and approve the issuance of bonds, notes, or other obligations of indebtedness. Petitioner also respectfully requests that the Commission take any other actions and enter any other orders that are appropriate and proper.

By: /s/ Darren A. Craig
Darren A. Craig- #25534-49 (dcraig@fbtlaw.com)
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Counsel for Petitioner Marysville-Otisco-Nabb Water Corporation

VERIFICATION

I, Jerome Hentrup, am the Secretary of the Board of Directors for the Marysville-Otisco-Nabb Water Corporation. I have read and assisted in the preparation of the foregoing Verified Petition and affirm under the penalties of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.



Jerome Hentrup, Secretary of Board of Directors
Marysville-Otisco-Nabb Water Corporation

Date: September 27, 2023

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been electronically served upon the following via e-mail, the agreed method of service for this proceeding, on September 29, 2023:

Indiana Office of the Utility Consumer Counselor
115 West Washington Street, Suite 1500 South
Indianapolis, IN 46204

/s/ Darren A. Craig _____
Darren A. Craig