

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

JUL 7 4 30 PM '99

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Public Service Commission TITLE NUMBER: 150
RULE TYPE: Legislative; CITE AUTHORITY W.Va. Code §§24-1-1, 24-1-7, 24-2-1, 24-2-2, 24-2-5, 24-2-7, 24-2-8, 24-2-9, 24-3-2, 24-3-5, 16-13A-2, 16-13A-9, & 8-18-23
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Rules and Regulations for the Government of Sewer Utilities

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 7, 1999 AT 4:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Sandra Squire, Executive Secretary
Public Service Commission
P. O. Box 812
Charleston, WV 25323

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Charlotte L. Lane

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

12.00



Public Service Commission

Richard E. Hitt, General Counsel

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0317
FAX: (304) 340-0372

July 7, 1999

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0771

Re: PSC Rulemaking Series 5 (Sewer),
Series 7 (Water), Series 2 (Tariffs)

Dear Judy:

Enclosed for filing please find proposed rulemakings dealing with the referenced series. For each rulemaking, there is included a fiscal note, a summary of the proposed rule, a statement of circumstances which require the proposed rule, and a notice of comment period on a proposed rule Form No. 2.

As we discussed on the telephone, existing Series 10 is proposed to be eliminated and the surviving sections of Series 10 will be moved into Series 2. This is explained in Section 1 of the proposed Series 2 rules. In addition, Series 17 will be eliminated and the surviving sections will be moved into Series 5 and 7, which is discussed in proposed Sections 1 of each of those rulemakings.

If there are any questions or problems with these rulemakings, please let me know as soon as possible.

Sincerely,

Richard E. Hitt
General Counsel

REH/cbd
Enclosures
rickmisc/cooper21.wpd

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 7th day of July, 1999.

GENERAL ORDER NO. 186.12

In the matter of a rulemaking to amend the Commission's Rules and Regulations for the Government of Sewer Utilities.

COMMISSION ORDER

By this Order the Commission promulgates proposed amendments to its Rules and Regulations for the Government of Sewer Utilities, 150 CSR 5, and the forms attached thereto. As amended, the title of these rules is Rules for the Government of Sewer Utilities. Proposed amendments are indicated by strike-throughs and underscoring.

ORDER

IT IS THEREFORE ORDERED that the changes indicated on the attached Rules for the Government of Sewer Utilities are hereby promulgated as Commission proposed legislative rules.

IT IS FURTHER ORDERED that the Commission's Executive Secretary shall give notice of these proposed rules to all sewer utilities in the State, and Commission Staff, by service of a copy of this order upon them.

IT IS FURTHER ORDERED that the Executive Secretary shall cause a copy of the notice attached hereto as Appendix A to be published once in a newspaper, duly qualified by the Secretary of State, published and of general circulation in each of the following cities: Beckley, Bluefield, Charleston, Clarksburg, Elkins, Fairmont, Grafton, Huntington, Keyser, Lewisburg, Logan, Martinsburg, Morgantown, Moundsville, Parkersburg, Point Pleasant, Weirton, Welch, Wheeling, and Williamson.

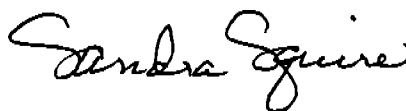
IT IS FURTHER ORDERED that the Executive Secretary shall file a copy of these rules and the requisite forms with the Office of the Secretary of State.

IT IS FURTHER ORDERED that a comment period shall be provided with respect to the proposed rules identified in this Order and comments shall be filed with the Commission's Executive Secretary by September 7, 1999, by 4:00 p.m. Any interested party who files comments shall set forth specific comments concerning the proposed rules. Any party seeking a hearing on the proposed rules shall make a specific written request before the close of the comment period and shall explicitly state the grounds upon which the request is made.

IT IS FURTHER ORDERED that the Executive Secretary shall provide copies of these proposed rules to interested parties who address inquiries to Sandra Squire, Executive Secretary, Public Service Commission of West Virginia, Post Office Box 812, Charleston, West Virginia 25323.

JML/seg
go18612c.wpd

A True Copy, Teste:



Sandra Squire
Executive Secretary

FISCAL NOTE

**P.S.C.
Series 5**

In the matter of a rulemaking to amend the Commission's Rules and Regulations for the Government of Sewer Utilities, 150 CSR 5.

I. OBJECTIVES OF THE RULE

The purpose of this rulemaking is to substantially revise the Commission's Sewer Rules. Furthermore, this rulemaking eliminates the Commission's current Rules and Regulations for the Government of Public Service Districts, 150 CSR 17, and incorporates portions of those rules within the Sewer Rules. Portions of Series 17 will be incorporated into the Commission's revised Rules for the Government of Water Utilities, 150 CSR 7, by separate proceeding.

II. COST OF IMPLEMENTING THE PROPOSED RULE

There will be no significant implementation cost relating to this rulemaking for the State of West Virginia. The Commission does not anticipate additional costs to be incurred as a result of the rulemaking.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OR REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either house of the Legislature.)

This rulemaking will have no effect on the costs or revenues of state government.


IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

This rulemaking will have no significant economic impact on the state or its residents.

DATE: 7-7-99

AGENCY: Public Service
Commission

**SIGNATURE OF
AUTHORIZED REPRESENTATIVE**


Charlotte R. Lane, Chairman
Public Service Commission

NOTICE OF RULEMAKING

GENERAL ORDER NO. 186.12

In the matter of a rulemaking to amend the
Commission's Rules and Regulations for the
Government of Sewer Utilities.

By Order issued July 7, 1999, the Public Service Commission of West Virginia commenced a rulemaking to amend its Rules and Regulations for the Government of Sewer Utilities, and issued proposed rules. The rulemaking substantially revises the Sewer Rules, eliminates the Commission's current Rules and Regulations for the Government of Public Service Districts, 150 CSR 17, and incorporates portions of those rules within the Sewer Rules. Portions of Series 17 will also be incorporated in the Commission's revised Rules for the Government of Water Utilities, 150 CSR 5, by separate proceeding. Any interested person or corporation may obtain a copy of the proposed Sewer Rules by addressing a request to Sandra Squire, Executive Secretary, Public Service Commission of West Virginia, P.O. Box 812, Charleston, WV 25323. Any interested person or corporation may file specific comments on the proposed rules by September 7, 1999, by 4:00 p.m., with the Executive Secretary. Any party seeking a hearing on the proposed rules shall make a specific written request by the same date, and explicitly state the grounds upon which the request for a hearing is made.

SUMMARY OF PROPOSED RULE

The Commission is proposing to substantially revise its Rules and Regulations for the Government of Sewer Utilities, 150 CSR 5. The proposed revisions include, but are not limited to, the addition of rules governing moratoria on new connections, the addition of rules particular to public service districts, changes in customer deposit requirements, and changes to the rules governing extensions of service. By this rulemaking the Commission eliminates its current Rules and Regulations for the Government of Public Service Districts, 150 CSR 17, and incorporates portions of those rules within the Sewer Rules. Portions of Series 17 will be incorporated into the Commission's revised Rules for the Government of Water Utilities, 150 CSR 7, by separate proceeding.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE PROPOSED RULE

The Sewer Rules have not been revised since 1996. Numerous changes in public utility practices and developments since that time make substantive revisions and updates appropriate. In addition, the Commission proposes to eliminate its current Rules and Regulations for the Government of Public Service Districts, 50 CSR 17, and incorporate portions of those rules within the Sewer Rules. Portions of Series 17 will be incorporated into the Commission's revised Rules for the Government of Water Utilities, 150 CSR 7, by separate proceeding.

~~5b-final~~
1/3/96

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 5
RULES AND REGULATIONS FOR
THE GOVERNMENT OF
SEWER UTILITIES

§150-5-1. General.

1.1. Scope -- These rules govern the operation and service of sewer utilities subject to the jurisdiction of the Public Service Commission pursuant to West Virginia Code §24-2-1.

1.2. Authority -- West Virginia Code §24-1-1, §24-1-7, §24-2-1, §24-2-2, ~~§24-2-5, §24-2-7, §24-2-8, §24-2-9, §24-3-2, §24-3-5, §16-13A-2, §16-13A-9, and §8-18-23.~~

1.3. Filing Date -- ~~November 3, 1995~~

1.4. Effective Date -- ~~January 2, 1996~~

1.5. ~~Authorization of rules.~~ General.

1.5.1. This rulemaking eliminates the Commission's current Rules and Regulations for the Government of Public Service Districts, 50 CSR 17, and incorporates portions of those rules within these Sewer Rules. Portions of Series 17 will be incorporated into the Commission's Rules and Regulations for the Government of Water Utilities, 150 CSR 7, by separate proceeding.

1.5.2. These rules are intended to insure adequate service to the public, to provide standards for uniform and fair charges and requirements by the utilities and their customers, and to establish the rights and responsibilities of both ~~the utilities~~ and ~~the customers~~.

~~1.5.2.~~ 1.5.3. The adoption of these rules and regulations in no way precludes the Public Service Commission from altering or amending them in whole or in part, or from requiring any other or additional service, equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any utility.

~~1.5.3.~~ 1.5.4. These rules will not relieve in any way a utility from any of its duties under the laws of this State.

1.6. Application of rules.

1.6.1. These rules apply to all sewerage public utilities as defined in Rule 1.7.

1.6.2. If hardship results from the application of any Sewer Rule herein prescribed, or if unusual difficulty is involved in immediately complying with any rule, application may be made to the Commission for the modification of ~~the particular~~ the rule or for temporary or permanent exemption from its provisions. No Provided, that no application for such modification or exemption will be considered by the Commission unless there is submitted therewith a full and complete justification for such action.

1.7. Definitions.

1.7.1. "Commission" -- Whenever in these rules and regulations the words "Commission" or "Public Service Commission" appear, such word, or words, shall, unless a different intent clearly appears from the context, be taken to mean the Public Service Commission of West Virginia.

1.7.2. A "Governmental Unit" -- Is any municipality or other political subdivision or agency of the State of West Virginia or the Federal Government.

1.7.3. A "Customer" -- Is any person, firm, corporation, or governmental unit, public service district, or other entity served by the utility, including any person, firm, corporation, governmental unit, public service district, or other entity who purchases a utility's products for resale.

1.7.4. An "Applicant" -- Is any person, firm, corporation, or governmental unit ~~who~~ that has made an application for sewer service.

1.7.5. "Sewer Main" -- Means sewer pipe owned, operated, or maintained by the utility ~~which is~~ used for the purpose of collectioning of sewage and from which service connections ~~with~~ for customers are taken.

1.7.6. "Utility Service Pipe" -- Shall be that portion of the service pipe between the sewer main and the property line, right-of-way or easement line, installed at the cost and expense of the utility.

1.7.7. "Customer's Service Pipe" -- Shall be that portion of the service pipe from the end of the utility's service pipe to the structure or premises, installed at the cost and expense of the customer.

1.7.8. A "Temporary Service Connection" -- Is one which is installed for temporary use: Provided, that the customer's premises is located on a lot having a curb line abutting on that part of a street or public right-of-way in which there is located a sewer main of the utility extending for the total frontage of the lot on said street or right-of-way, unless otherwise agreed to by the utility.

1.7.9. "Public Utility" -- Except where a different meaning clearly appears from the context, the word, or words, "Utility" or "Public Utility" when used in these rules and regulations shall mean and include any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, engaged in the business of collecting, transporting, and treating sewage.

1.7.10. "Service Connection" -- The term "Service Connection" shall be defined to mean the utility's pipe and appurtenances which connect any sewer main in a public right-of-way, street, alley, or private right-of-way with the inlet connection of a customer's service line at the property line.

1.7.11. "Delinquent Bill" -- shall be any bill rendered that has not been paid within 10 days of its due date.

1.7.12. "Bill due date" -- shall be no sooner than the 20th day following the billing date and such date must be stated on the face of the bill.

1.7.13. "Moratorium" -- a condition imposed on a utility by the Commission prohibiting service connections and/or reactivation of service for an entire system, or a portion thereof.

§150-5-2. Records, reports and other information to be supplied to the Commission.

2.1. Records and reports.

2.1.1. Preservation of records -- All records required by these rules shall be preserved by the utility in the manner prescribed by the Commission. in accordance with General Order No. 117 C of the Public Service Commission of West Virginia, issued September 25, 1972, and entitled "In the Matter of Regulations to Govern the Preservation of Records" to the extent that such order applies to sewerage facilities.

2.1.2. Location of records.

a. Such records should be kept at the office or offices of the utility in West Virginia and shall be available during ~~the~~ regular business hours for examination by the Commission or its duly authorized representative.

b. If kept outside the State, they shall be brought to the utility's office in West Virginia upon request of the Commission, or the utility may be required to pay the reasonable traveling expenses of ~~such~~ Commission employees assigned to ~~the work when it is necessary to~~ examine the records.

2.1.3. Reports to the Commission -- ~~Each Upon Commission request, a utility shall furnish and report to the Commission, when called upon to do so by the Commission, any other and further information in its or their possession respecting rates or practices in conducting its or their service, which may from time to time be required by this Commission, and without formal order of the Commission requiring the release of such authorizing such request for said information.~~

2.2. Filing of rate schedules.

2.2.1. Filing required -- All schedules, rules, regulations, special contracts and other charges for the collection, transportation, and treatment of sewage, shall be filed by each utility in the office of the Executive Secretary of the Commission before they become effective.

2.2.2. Manner of filing -- Tariffs containing all the rates, rules and regulations of each utility shall be filed in the manner prescribed by the Commission in "Rules and Regulations for the Government ~~of the Construction and Filing of Tariffs" of Public Utilities and Common Carriers by Motor Vehicle~~", effective July 31, 1983, and any as amendments ded or modification sed thereafter made by the Commission.

2.2.3. Forms for filing -- The Commission will, upon application request, furnish proper blanks forms to be used for the filing of tariffs and any changes thereof and additions thereto.

2.2.4. Utility's special rules.

a. A utility desiring to establish any rule(s), ~~or requirements~~ supplementing the rules of the Commission shall first make application to the Commission for authority ~~for such to establish such a rule(s), or rules,~~ clearly stating in its application the reasons for ~~such establishment~~ the rule(s).

b. On and after ninety (90) days from the effective date of these ~~rRules and regulations~~, any utility's special rules and regulations now on file with the Commission which conflict with these rules, will become null and void, unless they have been ratified and approved by the Commission.

2.2.5. Exemption -- A customer who has complied with the rules of the Commission shall not be denied service for failure to comply with the rules of the utility notwithstanding that the utility's rules have been approved by the Commission.

2.2.6. Municipal rates -- Rates for municipal sewer and combined water and sewer utilities shall be adopted in accordance with Tariff Rule 44.

2.3. Financial and statistical report.

2.3.1. Each utility shall file annually a financial and statistical report upon forms to be furnished by the Commission, or in lieu thereof, upon forms approved by the Commission.

a. ~~Said The~~ report shall be based upon the accounts set up in conformity with ~~the Commission's order and rules as set out in~~ Rule 2.4.

b. ~~This The~~ report shall be filed on or before each March 31st for utilities using a calendar year, and on or before each September 30th for utilities using a fiscal year, or at such date as the Commission may direct. of the year succeeding the year covered by the report.

c. ~~For Upon~~ written request and for good cause shown, the Commission ~~will grant may approve or disapprove,~~ through its Executive Secretary, a reasonable extension of time to file the financial and statistical report. upon application therefor, in writing, to the Secretary. Such application is to be made before the expiration of the time for the filing of ~~such the~~ report.

~~2.3.2. Exception~~ ~~Municipally or governmentally owned sewerage utilities having a fiscal year ending June 30th, shall file their annual financial and statistical reports on or before September 30th of the succeeding fiscal year covered by the report.~~

2.4. Uniform system of accounts.

All sewerage utilities shall maintain their accounts and

records in compliance with are required to keep their accounts and records in conformity with the Uniform System of Accounts as promulgated in 1958 by the National Association of Regulatory Utility Commissioners for Class A and B sewer utilities and Class C and D sewer utilities. for Sewer Utilities.

Observance of the system of accounts applicable to the utility by appropriate class is obligatory upon all persons having direct charge of the books and accounts of the utility. For the purpose of securing uniformity in the applications of this system, all questions of doubtful interpretation of accounting rules are to be submitted to the Commission for consideration and decision.

The classification of sewer utilities for purposes of keeping accounts in accordance with the Uniform System of Accounts shall be as follows:

Classification	Revenue Level
A	\$800,000 or more
B	\$400,000 - \$799,999
C	\$100,000 - \$399,999
D	less than \$ 99,999 <u>100,000</u>

2.5. Maps and records.

2.5.1. Each utility shall keep on file all available maps, plans, and records showing the entire layout of every pumping station, treatment plant, transmission and collection line, customer's service, and other facilities used in the collection and treatment of sewage.

2.5.2. In the case of new construction or property acquired ~~by~~ from others, the addition to such maps and records should be made by the end of the next calendar year, following the year in which the construction is done ~~on~~ or property acquired. All drawings shall be made to a uniform scale.

2.5.3. In general, where present ~~plans~~ maps of existing facilities are not entirely up-to-date, special surveys to locate any plant or facilities will not be required immediately, but maps must be updated as prescribed by the Commission.

2.6. Management audits.

2.6.1. Scope -- To establish a procedure for examination of management practices and policies to determine

whether the ~~entity~~ utility being audited is operating with efficiency and utilizing sound management practices. The purpose of a management audit is to disclose operating areas that are efficient or inefficient, to identify areas for improvement, and to form recommendations for changes. The results of a management audit and the response of the utility to the recommendations and implementation plans developed pursuant to a management audit may be a factor in determining just and reasonable rates, as set out herein.

2.6.2. Types of management audits -- The following types of management audits, which vary in scope, may be directed and utilized by the Commission:

a. Comprehensive -- An investigation characterized by an extensive, detailed analysis of a utility's management and operations.

b. Reconnaissance -- A broad review, similar in scope to a comprehensive audit, but in less detail. The objective of this type of audit is to identify specific areas for more intensive investigation based upon the magnitude of the problem identified or the potential benefits to be derived.

c. Focused -- An in-depth investigation of one or several specific areas of a utility's management and operations.

2.6.3. Frequency -- The Commission shall order a management audit of any utility under its jurisdiction whenever the Commission deems it necessary to investigate the operational efficiency of the utility. Such factors as the cost of the management audit and the potential benefits of such audit may be taken into consideration. The Commission may accept or request a management audit performed under the rules of another jurisdiction in satisfaction of this rule when that audit is of the scope contemplated by the Commission, conforms to the standards herein set forth and covers the utility's service functions in its West Virginia jurisdiction.

2.6.4. Conduct and control --

a. The Commission may choose to have the audit performed by its staff or contracted to a qualified outside auditing firm. In the latter case, the Commission may supervise the selection process. If the management audit is to be conducted by an auditing firm, the Commission's order initiating the audit shall include provision for the development of the request for proposal (RFP), the consultant selection process and

staff's assistance and supervision during the audit.

b. The Commission may impose eligibility restrictions upon contractors relating to past, current, and post-audit relationships with the utility.

c. The utility is expected to cooperate to the fullest extent with the performer of a Commission ordered management audit. A responsible employee shall be appointed by the utility as its management audit coordinator, who shall be responsible to assist in the efficient performance of the management audit.

2.6.5. Costs -- It shall be the responsibility of the audited utility to pay for a contracted audit. The Commission shall include the reasonable cost of conducting the contracted management audit in the cost of service of the utility. The Commission may allow such costs to be recovered in the utility's next general rate case following completion of the audit, or the Commission may order such costs to be amortized over a reasonable period of years, considering the impact of these costs on both the utility and its customers.

2.6.6. Implementation of recommendations --

a. Draft report.

A. Upon completion of the audit a draft report shall be submitted to the utility for comments.

B. The auditor and Company representatives shall conduct a draft review meeting subsequent to the distribution of the draft review report.

b. Final report.

A. A final report shall be submitted to the Commission no later than thirty (30) days after the submission of the draft report to the utility.

B. Within thirty (30) days of the final submission of the management audit report, the utility shall file a document detailing its position on each audit recommendation. This document must state which recommendations are acceptable to the utility and the nature of the utility's disagreement with any recommendations.

c. The Commission may, after hearing, issue an order prescribing the recommendations which should be adopted by

the utility.

d. The utility shall file detailed implementation plans for the Commission's review and approval within the time specified in the Commission's order prescribing which recommendations the utility should adopt. The utility shall not deviate from an approved implementation plan without prior notice to the Commission which specifically states the utility's reasons for departing from the approved plan.

e. At the direction of the Commission, a follow-up audit may be performed to review the progress of the utility in implementing the approved plans and the results of previously performed management audits.

f. A management audit report and implementation plan adopted pursuant thereto and any follow-up audit may be used by parties in a general rate case subsequent to the management audit. Such audits and implementation plans may be a factor in the determination of just and reasonable rates if introduced as an exhibit and subjected to normal due process procedures.

g. The Commission may grant an extension of the time limits established in this section upon a showing of good cause for such extension.

§150-5-3. Meter requirements.

3.1. Scope.

In general, sewer service charges shall be based upon the volume of water delivered to the customer's property. This volume is measured by the water meter serving the premises. In cases where a significant volume of the water delivered to the premises is not returned to the sanitary sewer system or water from another source is discharged to the sanitary sewer system the customer may request, or the utility may require, special flow measuring devices to properly measure the volume of waste water entering the sanitary sewer system. Such special flow measuring devices shall be furnished, installed, and maintained by and at the expense of the customer with the approval of the utility. In some situations suitable formulae may be used to determine waste water flow in lieu of special metering devices. Such formulae shall be approved by both the customer and the utility and subject to the approval of the ~~West Virginia Public Service~~ Commission.

§150-5-4. Customer relations.

4.1. Customer information.

4.1.1. Rates available -- A utility shall, when application is first made for sewer service, furnish to the applicant, upon request, information regarding the schedule of rates which will be applicable to his requirements. Information as to service -- Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that customers may secure safe and efficient service.

a. Explanation of meter readings -- Each utility shall adopt some means of informing its customers as to the method of reading meters, either by printed description on its bills, or by a notice to the effect that the method will be explained at the office of the utility upon request.

b. Explanation of rates -- It shall be the duty of the utility to explain to the customer at the beginning of service, or whenever the customer shall request the utility to do so, the utility's rates applicable to the type of service furnished to the customer and all other classes of customers, and to assist him in obtaining the best rate for his service requirements. The responsibility for the selection, however, must rest with the applicant. In the event that the customer's use of service changes such that a rate schedule other than the one initially selected becomes favorable, the responsibility for requesting a change in rate schedule, consistent with the provisions of the service agreement, shall rest with the customer. The utility shall, on its periodic statements, annually inform its customers that, if they so request, it shall supply them with a copy of the utility's rate or rates applicable to the type of service to be furnished to all classes of customers with a concise written explanation of the rates, and an identification of any classes of customer for whom rates are not summarized.

4.1.2. Posting of law, rates, rules and regulations, and collection agents --

a. Every utility shall provide in its business office, near the cashier's window, where it may be available to the public, the following:

A. A copy of the rates, rules and regulations of the utility, and of forms of contracts and applications applicable to the territory served from that office;

B. A copy of the Public Service Commission Law of this State; and

C. A copy of these rules ~~and regulations~~.

b. A suitable placard in large type shall be ~~conspicuously posted in the utility's business office placed near the cashier's window~~ giving information to customers that a copy of the law, the rules ~~and regulations~~ of the ~~Public Service~~ Commission, and the schedules of rates are available for their inspection.

c. Once a year, each utility shall publicize to its customers its collection agents to whom customers may deliver payment of sewer bills.

4.1.3. Application for sewer service --

a. All customers desiring sewer service must make written application at the office of the utility on printed forms provided therefor. The utility may require the applicant to provide identification at the time of application for service. All users of service from a sewer public service district shall be required to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he shall state the name and address of the owner or owners of the premises to be served by the district.

b. Any change in the identity of the contracting customer at a premises will require a new application for sewer service, and the utility may, after reasonable notice, discontinue ~~seer sewer~~ service until such new application has been made and accepted, but the former customer shall remain liable for sewer service furnished to said premises until he has given notice in writing to the utility to discontinue sewer service.

c. In the event that a publicly or privately owned water utility, city, incorporated town, other municipal corporation or other public service district, owns and operates water facilities within the same service territory as the public service district providing sewer service to the area, then the sewer public service district shall provide the customer with a proper receipt in accordance with Rule 4.2.1.~~de~~ of these rules and shall instruct the customer to present said receipt to the water utility when application for water service is made.

4.1.4. Public service district's notice of availability of sewer service and billing after notice --

a. Notice by publication - When sewer service is

made available by a public service district to customers in an area which has not previously been served by the district, the district shall publish a notice in a newspaper of general circulation in the area affected once a week for two consecutive weeks, with the second notice being published at least thirty (30) days prior to the date that the district intends to begin billing for services. The notice shall state, at a minimum, the following information: (1) that sewer services are available; (2) the date that the district will begin billing for services as authorized by West Virginia Code §16-13A-9 and Rule 4.3. of the Commission's Rules and Regulations for the Government of Sewer Utilities; (3) the district's rates; (4) that West Virginia Code §16-13A-9 authorizes the district to petition the circuit court to compel connection to the sewer system and; (5) the location and telephone number of the district's business office.

b. Publication is not required when service is extended to a single customer at the customer's request.

c. Personal notice - In addition to notice by publication, when sewer service is made available to customers in an area which has not previously been served by the district, the district shall provide notice with at least the information as described in section a. above, to all potential new customers by certified mail, return receipt requested, by personal service with signed and dated receipt, or by posting a notice on the premises. If the premises to be served is not inhabited by the owner, notice shall be given to the owner by certified mail, return receipt requested, in addition to giving notice to the customer inhabiting the premises. In the event that the district is not able to effect personal notice after a good faith effort, or if the district believes that the requirements of this section create an undue hardship on the district, the district may petition the Commission for a waiver of the requirements of personal notice provided in this section.

d. Customers of public service sewer districts who are not connected to the sewer system after appropriate notice has been given of availability of service pursuant to West Virginia Code §16-13A-9 and Rule 4.1.4.c. shall be billed the minimum bill or customer charge for service according to the district's tariff. A district that does not have a minimum bill or customer charge provision in its tariff may bill an unconnected customer on the basis of the lesser of metered water usage or 2,000 gallons of water usage until a tariff proceeding for a minimum bill is filed and approved by the Commission.

4.2. Customer deposits.

4.2.1. Security deposits --

a. Security deposits for utilities other than public service districts -- A utility other than a public service district, may require the applicant or customer to make a deposit as a guarantee of the payment for sewer service. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for residential service and one sixth (1/6) for all other service to secure the utility from loss. The utility shall not be bound to supply sewer service until the above condition is fulfilled. After the customer has paid for service for ~~twelve (12)~~ six (6) consecutive months, the utility shall promptly and automatically refund the deposit in its principal amount, plus accrued interest. Calculation of the above ~~twelve (12)~~ six (6) month period shall commence from the first regular payment or following the payment of a past due bill or bills. ~~Interest at the rate as calculated in accordance with 4.2.1.c. below, shall be paid from the date of deposit until refund date.~~ The utility shall have a reasonable time, not to exceed thirty (30) days, to ascertain that the obligations of the customer have been fully performed before being required to return any deposit in the case where there has not been an automatic refund.

b. Security deposits for public service districts -- All new applicants for residential or commercial sewer service from a public service district shall deposit the greater of one-twelfth (1/12) of the annual estimated charge for residential service, or one-sixth (1/6) of the annual estimated charge for commercial service, or fifty dollars, to secure the payment of service rates and charges. New applicants for service from a combined water and sewer district shall make a deposit or supply a guarantee, as provided for by these Rules, for each service to be rendered. ~~All new applicants for service, other than residential service, from a public service district shall deposit the greater of one-sixth (1/6) of the annual estimated charge for service other than residential service or fifty dollars to secure the payment of service rates and charges.~~ The district shall not be bound to supply sewer service until this condition is fulfilled. In any case where a deposit is forfeited to pay service rates and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit, as described above, has been remitted to the district. After the customer has timely paid bills for ~~twelve (12)~~ six (6) consecutive months, the utility shall promptly and automatically refund the deposit in its principal amount, plus interest as calculated in accordance with 4.2.1.d. below.

Calculation of the above ~~twelve (12)~~ six (6) month period shall commence from the first regular payment or following the payment of a past due bill or bills. All customer security deposits shall be placed in an ~~interest bearing~~ account at a local federally insured financial institution. ~~Accrued interest shall be paid to the customer at the time of refund of the security deposit.~~ The district shall have a reasonable time, not to exceed thirty (30) days, to read and remove meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit in the case where there has not been an automatic refund.

~~A customer of a public service district who requests service at another location within the service area of the same district, and who has made timely payment of bills for the previous twelve month period, shall not be considered a new applicant for service. The preceding sentence shall not apply to multiple service locations. Multiple service locations shall require multiple deposits.~~

c. A current customer of a public service district who requests service at another location within the jurisdiction of the district and who has made timely payment of bills for the previous six (6) months and, who otherwise would not be required to pay a deposit as a condition of service at the new location, is not required to pay a deposit for service at the new location as that customer is not a new applicant for service under West Virginia Code §16-13A-9. The preceding sentence shall not apply to multiple service locations. Multiple service locations shall require multiple deposits. In the event the customer of record has died, or has become incapable of being responsible for water service, that individual's spouse may become the customer of record without being required to complete a new application for water service, or paying a new deposit.

~~c. The interest rate to be paid by all sewer utilities other than public service districts shall be determined as follows: the rate which utilities shall be required to pay shall be the average of the one year United States Treasury Bill rates for October, November and December of the preceding calendar year. By January 15 of each year, Staff of the Commission shall make the necessary calculations and file with the Commission its calculations. The Commission will issue an order setting the rate to be paid by the utilities until the next annual Commission order. The simple interest shall be paid at the rate of discontinuance of service or at the end of the deposit period.~~

~~d. The interest rate to be paid by public~~

~~service districts shall be determined as follows: the Staff of the Commission shall determine a rate which a typical small investor could receive at federally insured banks in West Virginia in the last quarter of each calendar year. The Staff shall by January 15 of each year report to the Commission its rate with supporting information. The Commission will issue an order setting the rate to be paid until the next annual Commission order. The simple interest shall be paid at the date of discontinuance of service or at the end of the deposit period.~~

e.d. Record of deposit -- Each utility holding a cash deposit shall keep a record showing: (i) ~~t~~the name and current address of each depositor; (ii) the amount and date of the deposit; and (iii) each transaction concerning the deposit.

f.e. The receipt -- Concurrently with receiving a cash deposit, the utility shall deliver to the applicant for service, or customer, a receipt showing: (i) ~~t~~the date thereof; (ii) the name of the applicant or customer and the address of the premises served or to be served; (iii) the service furnished or to be furnished; and (iv) the amount of the deposit ~~and the fact that interest will be paid at a Commission determined rate.~~ Each utility shall provide automatic means to refund the deposit of a customer, when so entitled, if the original receipt cannot be produced. A receipt or proof of payment will not be necessary under the provisions for an automatic refund.

g.f. Unclaimed deposits -- Should a utility have retained, through no fault of its own, deposits made by customers whose service has been discontinued, it shall, on or before the first day of March, in each year, publish a list of such depositors in a newspaper of general circulation in the county(ies) in which it operates ~~and in which the deposits were made,~~ showing as of the thirty-first day of December immediately preceding, the amount of each such deposit, ~~together with the interest due thereon,~~ and notifying depositors listed therein that their deposits, ~~together with accrued interest,~~ are being held to their credit and will be returned upon request. ~~The utility will not be liable for any interest on such deposits after publication of such lists.~~ Deposits remaining in the hands of the utility upon the completion of the above procedure shall be considered as derelict property and shall escheat to the State of West Virginia under the provisions of the Code of West Virginia, Chapter 34, Article 2.

h.g. Provided, ~~however,~~ that this rule shall not affect residential customer security deposits required by a utility prior to the passage of West Virginia Code §24-3-8 on March 12, 1983.

~~i.h.~~ Upon proper showing by complaint or otherwise, the Commission may require any utility to segregate ~~the~~ customer deposits into a special ~~interest-bearing~~ account at a federally insured institution.

~~j.i.~~ All utilities that collect security deposits must do so in a ~~uniform and~~ non-discriminatory manner.

j. All new applicants for service from a combined water and sewer public service district shall make a deposit, or supply a guarantee, in the amount set forth in Rule 4.2.1.b. for each of the services to be rendered, or fifty dollars (\$50.00) for each service, whichever is greater.

4.2.2. Guaranty agreement --

a. A utility may accept, in lieu of the cash deposit, a guaranty agreement signed by a financially responsible guarantor, whereby payment of a specified sum, not exceeding the cash deposit aforesaid, is guaranteed. The guarantor shall receive copies of disconnection notices sent to the customer whose account has been guaranteed: ~~Provided, however,~~ that the limitations herein fixed upon the terms of a guaranty agreement shall not apply to industrial customers.

b. Guaranty agreements shall terminate after the customer has satisfactorily paid bills for service for ~~twelve six~~ (6) consecutive months, or when a customer gives notice to the utility of the discontinuance of service at the location covered by the guaranty agreement, or three months after discontinuance of service where no notice was given, or at the guarantor's request upon thirty (30) days' written notice to the utility. In any case, after the automatic termination of a ~~security guaranty~~ agreement, where experience indicates that a cash deposit or a new guaranty agreement is reasonably necessary to secure the utility from loss, a cash deposit or a new guaranty agreement may be required upon written notice to the customer.

c. Application in cash to receiver or trustee -- The aforesaid provisions shall apply in the case of a receiver or trustee, operating a business under court order ~~a business~~ requiring that requires utility service.

4.3. Billing information.

4.3.1. All bills for sewerage service shall state whether the charge is based upon quantities of water consumed at the premises, flat rate or other charge. All bills shall state "this utility is regulated by the Public Service Commission of

West Virginia" and "Rates available upon request".

4.3.2. Bills shall be rendered periodically, and if based upon metered water consumption they shall show the readings of the water meter at the beginning and end of the period for which the bill is rendered, the date of the water meter readings, the number of cubic feet or gallons of water supplied, and the authorized rate. If the utility must, for any reason, render an estimated bill, the bill shall be clearly marked as an estimated bill.

4.3.3. Opening and closing bills, monthly or quarterly, for sewer service rendered for periods of five (5) days more, or five (5) days less than the normal billing period, will be computed in accordance with the rate applicable to that service, by the amount of sewer blocks, and the minimum charge as set forth in that rate will be prorated on the basis of the number of days in the period in question, to the total number of days in the normal period.

4.3.4. Utilities desiring to adopt mechanical billing of such nature as to render compliance with all the terms of ~~paragraph b~~ Rule 4.3.3., impractical, may make application to the Commission for relief from part of these terms. After consideration of the reasons given when asking for relief, the Commission may allow the omission of part of these requirements.

4.3.5. On all bills which include charges for any other items other than a definite authorized sewer charges rate, the other factors used in computing the bill shall be clearly stated so that the amount may be readily verified from the information appearing upon the bill.

4.3.6. ~~Each bill shall bear upon its face the latest date upon which it may be paid without penalty. On all accounts not paid in full within twenty (20) days of the billing date, a penalty of ten (10%) percent may be added to the net amount shown. This provision must be included in the utility's tariff filed with the Commission. Each bill shall bear on its face the latest date upon which it may be paid without penalty, and such date must be at least twenty (20) days from the date the bill is mailed. On all current usage billings not paid in full by the due date, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.~~

a. When a utility receives a customer payment at a time when both a delinquent bill and a current bill are

outstanding, the utility will apply the payment first to the current bill, and apply any leftover amounts to the delinquency. Provided, that this rule shall not apply to payments from customers whose delinquencies have been addressed in a deferred payment plan.

4.3.7. Leaks on the customer's side of the meter --

a. Each utility shall develop and implement a written policy concerning the adjustment of customer bills where they are based upon metered water consumption or are actually metered sewer lines, and the bill reflects unusual water usage which can be attributed to leakage on the customer's service beyond the meter connection or meter box. ~~side of the meter.~~ Leaking commodes, dripping faucets, malfunctioning appliances and similar situations shall not constitute leaks which entitle the customer to a recalculated bill. The policy shall be maintained in the utility's office for inspection by the public and shall be applied in a ~~uniform,~~ non-discriminatory manner to all customers.

b. The policy shall provide for a recalculated bill to reflect the utility's incremental cost of treating or purchasing the treatment of the sewage for all amounts above the customer's historic usage. Historical usage shall be defined as the usage of the corresponding month of the preceding year. If using the corresponding month from the preceding year would result in an unreasonable calculation, adjustments may be made. If such adjustments are made, the utility should advise its customer that disputes regarding such adjustments may be taken to the Commission in the form of a formal complaint. Any amounts which the customer can prove did not enter the sanitary sewer system shall be credited at full tariff rates.

c. As an alternative to using the incremental cost of treating the sewage the utility may, at its option, use an adjustment which allows it to recover the Commission's estimate of "typical incremental cost" per thousand gallons of sewage on usage above the historic usage. The Commission shall from time to time establish its estimate of "typical incremental cost" by order.

d. However, in future rate cases the utility's incremental cost of treatment shall be determined and the rate placed in an appropriate tariff as the leak adjustment rate. After a rate has been determined in a rate case, the utility shall not have the option to use the Commission's estimate of "typical incremental cost" found in 4.3.7.c.

4.4. Customer discontinuance of service.

Any customer desiring service to be discontinued shall give at least twenty-four (24) hours' notice thereof to the utility, unless a longer or shorter period shall be incorporated in any standard or special contract mutually agreed upon. Until the utility shall have such notice, the customer may be held responsible for all service rendered.

4.5. Utility discontinuance of service.

4.5.1. Consideration of health and sanitation require that sewer service should not be discontinued because of non-payment of service charges unless the utility has first acquired the approval of the ~~Public Service~~ Commission. The sewer utility shall make use of such legal remedies as may be available for the collection of delinquent accounts prior to application to the ~~Public Service~~ Commission for other relief.

4.5.2. Notice of discontinuance --

a. In the case of a sewer utility requesting termination of water service for non-payment of sewer service, the sewer utility shall provide the customer written notice that bills are delinquent, which notice shall complying with Sewer Form 14-S, attached to these rules, ten (10) days before the effective termination that the sewer utility will request termination of water service by the water utility pursuant to West Virginia Code §16-13A-9, if payment is not made in full or a payment schedule is not established as provided by Rule 4.5.3.b. The written notice must be sent first class mail, address correction requested. This notice shall contain a provision notifying the customer that in the event water is terminated, the customer will be responsible for and required to pay the fees charged to the sewer utility by the water utility. The written notice shall become void if the utility service has not been discontinued within thirty (30) days of the date indicated on the notice for termination.

b. A sewer utility requesting termination of water service for non-payment of sewer bills shall provide the water utility with a copy of the notice provided to the customer as provided required by Rule 4.5.2.a.

c. A sewer utility will provide the water utility with a written request for termination of water service for non-payment at least twenty-four (24) hours before the end of the 5-day notice period to the customer.

d. All terminations of water service for non-payment of sewer bills shall be done in compliance with the

restrictions set forth in Rule 4.8 of the Commission's Rules and Regulations for the Government of Water Utilities.

e. Public service districts shall give notice to the property owner within sixty (60) days after a bill for service has become delinquent, by United States Certified Mail, return receipt requested. Such notice need only be given once per delinquency. Each successive delinquency shall require separate notification as described above. Such notification shall be sufficient if it contains the following: the name and address of the billing public service district; the address of the property where the delinquency has accrued; that the notification was being made pursuant to Rule 4.5.2.e. of the Commission's Rules and Regulations for the Government of Sewer Utilities and West Virginia Code §16-13A-9; the amount owing under the present delinquency; the amount owing under prior delinquencies, if any; that non-payment of the delinquency could result in a lien upon the property where the delinquency accrued; that the property owner may require the public service district to discontinue service to the property; and, that the amount of present billing charges are subject to the accrual of continued billings.

f. A public service district shall discontinue service upon written request of the owner of the premises served when any charges for service to the premises remain unpaid by the users for a period of sixty (60) days after such charges become due and payable.

4.5.3. Discontinuance of water service for non-payment of sewer bills --

a. Inter-utility agreements --

A. In the event that any public or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separately either water facilities or sewer facilities, and the district owns and operates the other kind of facilities, either water or sewer, then the district and such publicly or privately owned utility, city, incorporated town or other municipal corporation or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the non-payment of sewer service fees and charges; provided that proper notice is given and procedures are followed as set forth in Rule 4.5.2.a. through 4.5.2.ef. of these rules.

B. Municipal sewer -- When any municipality

owns, maintains, operates or provides sewer facilities to its residents and customers and does not own, maintain, operate or provide water facilities to them, ~~when the same~~ and water service is provided by any other publicly or privately owned utility, municipality or public service district, the municipality providing sewer facilities may require the provider of water facilities to discontinue water service to any of its users who are delinquent in the payment of sewer service rates and charges to the municipality. The provider of water facilities is empowered and authorized hereby to discontinue water service upon demand of the municipality for this purpose; however, prior to discontinuance of any water service, the municipality shall contract with the provider of water facilities which contract shall provide that the municipality shall reimburse the provider of water facilities for all costs and expenses incurred in both the termination of water service to the delinquent user of sewer facilities and the subsequent resumption of water service to such user. The contract shall provide for reasonable methods and assurances so that the provider of water facilities will be protected and held harmless from claims and damages when water service is discontinued in error ~~on or~~ in violation of the rights of the ~~user~~ customer through the fault of the municipality providing sewer facilities and making the demand for discontinuance of water service to the customer. ~~user of such sewer facilities.~~

C. The inter-utility agreement should contain specific provisions regarding responsibilities of notice of termination, ~~termination~~, reconnection and provisions for fair and reasonable compensation.

D. Any inter-utility agreement entered into by a public service district pursuant to Rule 4.5.3.a. shall be submitted to the ~~Public Service~~ Commission for approval prior to any termination of water service for non-payment of sewer bills under such inter-utility agreements.

E. A water utility that has terminated or reconnected service for non-payment of sewer bills may charge the sewer utility a fee pursuant to Rule 4.5.3.a. of these rules. The sewer utility may include this charge in the billing to the delinquent customer, provided that such charge is included in the sewer utility's approved tariff.

b. A sewer customer who has been notified that water service is to be terminated for non-payment of sewer bills shall be given the opportunity to enter into a deferred payment agreement: Provided, that such customer has demonstrated an ability to pay but only in installments. The customer shall be

informed at the time a disconnect notice is issued of the option for a reasonable payment plan. The terms of such deferred payment agreement shall be set forth as follows:

A. The details of the deferred payment agreement are to be negotiated between the utility and the customer and may consider several factors, including, but not limited to the following: Amount of the bill delinquency; ability of the customer to pay; payment history; time the debt delinquency has been outstanding; reasons why the debt delinquency has been outstanding; and any other relevant factors; provided that the agreement requires payment of the current bills plus a specific amount per month on the arrearage delinquent amount.

B. Once a deferred payment agreement has been established, if the customer's financial conditions significantly change and the existing payment works a hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 4.5.3.b.A. stated above. However, during the renegotiation period the customer must timely pay the current bills and make some payment on the arrearage delinquent amount.

C. The deferred payment agreement shall include language informing the customer of the right to appeal the reasonableness of the proposed payments to the Public Service Commission.

D. During such appeal, service may not be terminated, provided, ~~however,~~ that ~~the~~ current bills plus any delinquent amount not in dispute ~~on the arrearage~~ must be paid by the customer in order to protect his rights under this rule.

E. If deferred payment is not received, or the payment is made with a check subsequently returned by the bank for insufficient funds, the utility may terminate service only after it has mailed written notice, by first class mail, to the customer at least five (5) calendar days, excluding postal holidays, prior to notifying the water utility to terminate service: Provided, that at the option of the utility, either personal contact or telephone contact may be substituted for contact by first class mail. If the customer ~~makes~~ pays the delinquent payment amount within that notice period, service shall not be terminated.

~~F. Utilities shall be allowed to collect a carrying charge at an annual interest rate of 6% on any outstanding balance subject to a deferred payment agreement;~~

~~Provided, however That any utility which charges interest on unpaid balances pursuant to its tariff shall be precluded from charging additional interest pursuant to this rule.~~

c. Notice -- In the event that the user is not the property owner, public service districts must provide notice of delinquencies to the property owner as provided by Rule ~~4.5.2.e. 7.1. of the Rules and Regulations for the Government of Public Service Districts.~~

4.6. Refusal to serve applicants.

4.6.1. Non-compliance with rules and regulations -- Any utility may decline to serve an applicant until he has complied with State ~~and municipal~~ regulations governing sewer service. ~~and the approved rules and regulations of the utility.~~

4.6.2. Applicant's facilities inadequate -- The utility may refuse to serve an applicant if the applicant's installation of sewer piping is hazardous or of such character that satisfactory service cannot be given.

4.6.3. A bill which has been found to be contractually uncollectible by a court or could reasonably be found to be uncollectible by reason of an applicable statute of limitations shall not be used by a utility to deny or discontinue service.

~~4.6.3.4.~~ Applicant's recourse -- In the event that the utility shall refuse to serve an applicant under the provisions of this rule, or any other rule incorporated herein, the utility shall inform the applicant of the basis of its refusal, and the applicant may apply to the ~~Public Service~~ Commission for a ruling thereon. The refusal must be in writing with a copy sent to the ~~Public Service~~ Commission.

4.7. Access to property.

4.7.1. The utility shall, at all reasonable times, have access to service connections and other property owned by it on a customer's premises for purpose of inspection, maintenance and operation.

4.7.2. Every employee, whose duties require him to enter a the customer's premises, shall wear a distinguishing uniform or other insignia identifying him as an employee of the utility.

4.8. Service interruptions.

4.8.1. Records of interruptions -- Each utility shall keep a record of all interruptions of service upon its entire system or major divisions thereof, including a statement of time, duration and cause of ~~such the~~ interruptions.

4.8.2. Notice required -- The ~~Bureau of Public State Department of Health, the Public Service~~ Commission and every customer affected shall be notified in advance of any contemplated work which will result in interruption of service for any duration that may cause a health hazard, but such notice shall not be required in case of interruption due to accident, the elements, public enemies, strikes or order of court which are beyond the control of the utility.

4.9 Moratoriums

4.9.1. Conditions -- The Commission may impose a moratorium on the system, either entire or apportioned, whenever sufficient evidence exists that the existing facilities are operating in excess of design capacity, that the system capacity necessary for future demand does not exist, or when an increase in customers will result in the degradation of service to existing customers.

4.9.2. Petition by Utility -- A Utility shall petition the Commission in writing for the imposition of a moratorium. A petition should include evidence of the existence of conditions outlined in 4.9.1 and state the utility's plan to remediate those conditions.

4.9.3. Public Notification of Petition -- A utility petitioning for a moratorium shall notify the public that such request is being made, through a Class II legal advertisement in the form of Sewer Form No. 2 attached to these Rules, published no later than fifteen (15) calendar days from the date such request is made to the Commission. The notification shall clearly state which areas of the utility's system are affected, and that interested parties may submit comments to the Commission for consideration.

4.9.4. Exemptions -- Any prospective customer or group of prospective customers may apply to the Commission for an exemption from an existing moratorium. Such requests shall be made in writing by the prospective customer(s) to the Commission, and shall include justification for the proposed exemption.

4.9.5. Refusal of Service -- A utility may not deny service to a prospective customer on grounds of a moratorium until the Commission has imposed a moratorium. Any utility

denying service to a prospective customer or group of customers due to a moratorium shall notify, in writing, all applicants for service of their right to file with the Commission a request for exemption from the moratorium.

4.9.6. Improvements to System -- A utility upon which a moratorium is imposed shall continue to seek improvements to its system necessary to lift the moratorium. The Commission may, at its discretion, require the utility to submit reports outlining all progress made toward system improvements.

4.9.4.10. Complaints.

4.9.1.4.10.1. Investigation of complaints -- Each utility shall make a full and prompt investigation of all complaints made to it by its customers, either directly or through the Commission.

4.9.2.4.10.2. Record of complaints -- The utility shall keep a record of all complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof.

4.9.3.4.10.3. Disposition of records -- Records of complaints shall not be destroyed until a summary has been prepared for permanent record, showing the character of complaints made, the number of each type received in each month, and the disposition of the complaints.

4.10.4.11. Disputed bills.

In the event of a dispute between the customer and the utility respecting any bill, the utility shall make forthwith such investigation as shall be required by the particular case, and report the result thereof to the customer. In the event that the complaint is not adjusted, the utility shall notify the customer that he may file a formal complaint with ~~has the privilege of appeal to the Public Service Commission.~~

§150-5-5. Engineering requirements.

5.1. Adequacy of facilities.

5.1.1. The collecting system of every sewerage utility shall be designed, constructed, maintained and operated ~~so as to be able~~ to receive and transport the sewage from its customers' outlets to its treatment plant without delay.

5.1.2. Where the terrain is such that pumping or lift stations must be provided, such facilities must have the approval of the ~~State Department of~~ Bureau of Public Health and the Division of Environmental Protection and be operated under the rules of the ~~Bureau of Public State Bureau of Public Health and the Division of Environmental Protection.~~

5.1.3. When a new sewerage utility proposes to construct and operate a sewer service business, its entire plant layout shall be approved by the ~~Bureau of Public State Department of Health and the Water Resources Division of the Department of Natural Resources.~~ Division of Environmental Protection.

5.1.4. Construction and maintenance of plant -- Each utility shall at all times construct and maintain its entire plant and system in such condition that it will furnish safe, adequate and continuous service.

5.1.5. Inspection of plant -- Each utility shall inspect its plant and facilities in such manner and with such frequency as ~~may be~~ is necessary to insure a reasonably complete knowledge as to their conditions and adequacy at all times. Such inspections must comply with the legally applicable requirements of the Minimum Federal Safety Standards (Federal Occupational Health and Safety Administration) and the Bureau of Public Health and the Division of Environmental Protection. ~~State Department of Health.~~

5.1.6. Records of conditions -- Records necessary for the proper maintenance of the system and in accordance with the ~~State Department of Health~~ Bureau of Public Health and the Division of Environmental Protection and the Minimum Federal Safety Standards shall be kept of the conditions found. In special cases, a more complete record may be specified by the Commission.

5.1.7. Records of operation -- Each utility shall keep a record of the operation of its plant, which, so far as practical, shall show such sufficient details of plant operation as ~~may be~~ is necessary to substantially reproduce its daily operations. The records shall also be maintained in accordance with the requirements of the Minimum Safety Standards and the ~~State Department of Health.~~ Bureau of Public Health and the Division of Environmental Protection.

5.1.8. Report to Commission -- Each utility shall, upon request of the Commission, file with the Commission a statement regarding the condition and adequacy of its plant, equipment, and facilities, and of its operations and service in

such form as the Commission may require.

5.2. Service lines.

5.2.1. The utility shall install and maintain that portion of a customer's service line from the main to the boundary line of the easement, public road, street or right-of-way under which said main may be located.

5.2.2. The customer shall install and maintain that portion of the service line from the end of the utility's portion into the premises served.

5.2.3. The utility shall determine the location of that portion of the service line installed and maintained by it.

5.2.4. The portion of the service line installed and maintained by the customer shall conform to all reasonable rules and regulations of the utility.

5.2.5. Availability defined -- Sewer service will be deemed available to a customer when a main is installed and maintained by the utility in such location and at such distance from the user's premises as may be provided by city ordinance or by the rules of the utility: Provided, ~~however,~~ that service shall not be deemed to be available unless the sewage will flow by gravity or be transported by such other methods approved by the Bureau of Public Health including, but not limited to, vacuum and pressure systems, approved under West Virginia Code §16-1-9, from the discharge point of the customer's premises into the utility's facilities.

5.3. Extension of system.

5.3.1. A sewer utility, whether municipally or privately owned, is under a public service obligation to extend its plant and facilities to serve new customers within its service area who may apply for service.

5.3.2. Extensions shall be made in all cases in which the public convenience and necessity require the service, construction problems are not unusual or burdensome, and the extensions appear to be economically feasible.

5.3.3. For any proposed extension of mains, a reasonable relationship should exist between the per customer investment for serving new customers and the per customer investment for serving old customers.

5.3.4. Extension for general sewer service --

a. The utility will, upon written request for service by a prospective customer or group of prospective customers located in the same neighborhood, determine the necessary size of main lines required to give service and make an estimate of the cost of providing the proposed extension requested service including pipe, valves, manholes, fittings, all other necessary materials, and all other costs, such as incremental labor, permits, and related costs, if applicable. The written estimate shall be provided to the customer no more than forty-five (45) days from the receipt by the utility of the written request for service. The written estimate shall include an estimated construction start date and an estimated time of construction. If the prospective customer believes that any part of the estimate is unreasonable, the customer is free to pursue an informal request for assistance from the Commission staff or to file a formal complaint with the Commission. Further, the utility shall provide a copy of ~~the main~~ this extension rule to the prospective customer(s) and obtain a written acknowledgment ~~from the customer~~ that a copy of the rule has been furnished to the customer(s). The utility shall keep a written record of ~~the customer's~~ this acknowledgment for at least six (6) years. The length of the extension required shall be that length required to extend from the new proposed service area to the nearest main point of connection to the utility system having sufficient excess capacity to provide service at maximum demand.

b. Where the cost of the extension does not exceed ~~three and one half (3-1/2)~~ seven and one half (7.5) times the estimated normal annual revenue from prospective customers whose service lines will immediately be connected directly to the extension and from whom the utility has received applications for service upon forms provided by the utility for this purpose, the utility will install, at its own cost and expense, the necessary extension: Provided, that the patronage or demand will be of such permanency as to warrant the capital expenditure involved. For purposes of this rule, net revenue shall be gross revenue minus any revenue based taxes and the excess usage leak adjustment rate approved for the utility.

Normal annual revenue shall be based on ~~one hundred fifty (150)~~ 5,000 gallons of water usage per month (assuming sewer charges are based on metered water service) per residential unit or ~~latest edition of American Water Works Association estimates and consumption for various units.~~ For non-residential units, annual revenue shall be based on typical consumption for comparable units published by the American Water Works Association.

5.3.5. Extensions subject to customer cost participation --

If the estimated cost of the proposed extension required in order to furnish general sewer service exceeds ~~three and one half (3 1/2)~~ seven and one half (7.5) times the utility's estimate of immediate normal annual revenue as determined by 5.3.4.b., such extension shall be made if the applicant or the applicant's authorized agent contracts for such extension and deposits in advance with the utility the estimated cost of the extension over and above the free extension limit. The utility shall not pay nor be liable for any interest on ~~the such~~ cash deposits ~~associated with line extensions~~. The utility shall make the extension after receiving the cash deposit. The utility shall, for each bona fide new customer who later directly connects to the extension between its original beginning and original terminus within a period of ten (10) years from the making of such extension, refund to the original depositor(s), an amount equal to ~~three and one half (3 1/2)~~ seven and one half (7.5) times the estimated gross net annual revenue, ~~exclusive of taxes, surcharges, or other similar charges~~, of the new customer, but in no event shall the aggregate refund made to the depositors exceed the original deposit. Provided, ~~however~~, that public service districts and municipal sewer utilities may elect to refund the estimated amount over a period of seven and one half (7.5) years making payments no less frequently than every six (6) months.

5.3.6. Alternate Depositor-Financed Extension Plan

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a. Qualifying utilities

The above requirements notwithstanding, the utility may decline to finance the free extension portion of a requested extension if it can demonstrate that it has no prospect of any reasonable internal or external financing including through commercial loans, grants or through an installment arrangement with an entity installing the extension or providing the necessary materials.

A. If the utility declines to finance the free extension portion of a requested extension, the utility shall file for a waiver of the free extension rule within sixty (60) days of the written request.

B. Before filing for a waiver, the utility must first make an estimate of the extension costs.

C. A request for a waiver by a utility shall be accompanied by supporting documentation justifying its

request.

D. If the Commission finds that the utility has reasonably declined to finance the free extension portion of the requested line, the Commission shall authorize the use of the alternate depositor-financed extension plan as described below.

b. Description of alternative depositor-financed extension plan.

Under the alternate depositor-financed extension plan, the utility shall make the extension after:

A. receiving a cash deposit equal to the full amount of the extension cost; and

B. agreeing to give the depositor(s), who is a customer, a monthly bill credit totaling one hundred percent (100%) of their estimated net bill(s) for ~~three and one half (3 1/2)~~ seven and one half (7.5) years from the date service is initiated. The estimate shall be made at the time the extension plan is finalized and shall not be changed based on subsequent actual usage; and

C. agreeing to refund to the original depositor(s) an amount equal to ~~three and one half (3 1/2)~~ seven and one half times the estimated ~~gross~~ net annual revenue of each **bona fide** customer, other than the depositor(s), who directly connects to the extension between its original beginning and the original terminus within a period of ten (10) years from the construction of the extension. The estimate shall occur at the time the **bona fide** customer, other than the depositor(s), connects to the extension. The refund may be spread out over a ~~seven~~ and one-half (7.5) year period with the utility making payments no less frequently than every six (6) months.

c. In no event shall the total refund made to the depositor(s) under 5.3.6.b. exceed the original deposit of the depositor(s).

d. The utility shall not pay nor be liable for any interest on the cash deposits associated with line extensions.

~~e. "Gross revenue", as mentioned in 5.3.6.b.C. shall not include any taxes, surcharges or other similar charges which do not constitute revenue for the utility.~~

5.3.7. Adjustment of cost of extension --

Should the actual cost of the extension be less than the

estimated cost, the utility will refund the difference as soon as the actual cost has been ascertained. When the actual cost of the extension exceeds the estimate cost, then the utility will bill the depositor for the difference between the estimated and the actual cost.

a. In estimating the cost of an extension, the estimate shall be based on the diameter of the pipe to be used: Provided, ~~however,~~ that the estimated cost to the customer or customers shall not be based on a pipe in diameter in excess of the size of greater than the diameter of the main from which the extension is to be made, ~~unless actual use estimated for the proposed customer or customers required a larger pipe.~~

b. No interest will be paid by the utility on the applicant's payment or on any unrefunded balances.

c. At the expiration of said ten (10) year period, the refund account will be closed, and no further refunds will be made.

d. Extensions made under this rule shall be and remain the property of the utility.

e. The utility reserves the right to further extend its ~~sewer mains facilities~~ from and beyond the ~~terminus of each sewer main~~ extension made under this rule, and the depositor or the depositor's agent paying for an extension shall not be entitled to any refund for the attaching of customers to any further extension or branch ~~mains~~ so installed.

f. In determining the length of ~~main extensions or~~ of pipelines to be installed in an urban area when land is subdivided in lots, the main pipeline shall be extended to fully cover the frontage of the property or one-hundred lineal feet, whichever is the lesser, and if the last lot to be served is a corner lot, the terminal point of the extension made hereunder shall be located at the nearest street line of the intersecting street. In rural areas or open land areas, the extension required will be that length necessary to adequately serve the applicant or one-hundred lineal feet, whichever is the greater.

g. Before sewer lines will be laid ~~hereunder~~ in any new subdivision, it is understood and agreed that the road surface shall be brought to the established sub-grade as determined by the agency having jurisdiction.

h. This rule shall not be construed as prohibiting the utility from providing an alternate plan for main extensions so long as no discrimination is practiced between customers whose service requirements are similar. However, such alternate plan shall be filed with and approved by the

~~Public Service~~ Commission prior to the implementation of the alternate plan by any of the parties. Said alternate plan filed with the Commission shall include a statement as to why the utility is not extending its own facilities; the name, address and phone number of the parties to the plan, shall have attached a copy of these extension rules, and state whether or not the parties were informed of, and have waived their rights to reimbursement under these rules. Failure to obtain ~~Public Service~~ Commission approval will result in the loss of the right to obtain reimbursement from the utility. If an entity other than the utility constructs the extension, upon completion of construction and proper utility inspection of the extension, the utility shall initiate service only after proper transfer of title of all facilities including property, plant and rights-of-way incidental to the furnishing of utility service.

i. Contract for service -- The utility shall not be required to make free extensions or refunds as described in this rule unless those to be served by such extensions shall guarantee to the utility that they will take the service at their premises within thirty (30) days after service is available.

j. Construction conditions -- Construction of line extensions, as provided in this rule, will be undertaken promptly after all applications have been completed and necessary right-of-way agreements or rights of entry have been delivered to the utility and all prospective customers have signed contracts.

k. Right-of-Way -- With respect to the ~~item term~~ "Right-of-Way", it is not the purpose of this rule to require the utility to build extensions over private rights-of-way. If the construction of an extension involves the use of a private right-of-way, then the prospective customer, whenever reasonably possible, shall secure the right-of-way and deliver it to the utility free of cost before construction of the extension is started. If, however, it is not reasonably possible for the prospective customer or customers to secure the right-of-way, and the construction of an extension involves the utility's incurring expense for right-of-way easements, either by purchase or condemnation, such costs shall be added to the total cost of the extension.

As a condition to obtaining a ~~man~~ main extension, any property owner or developer shall grant the utility the necessary easements ~~on their property which would to~~ allow the utility to make future extensions ~~of the main~~ into unserved areas. The granting of the necessary easements shall be made without the utility being required to pay additional consideration for the additional easements to the property owner or developer. If the property owner or developer is

unwilling to grant the additional easements, the utility shall not be required to extend its main facilities to serve the property owner or developer.

1. The Commission shall consider, upon proper filing of a tariff rate case by the utility, the inclusion of an impact fee to be assessed against customers that will create a significant impact on the utility's capacity.

5.4. Service connections.

5.4.1. Where its mains are not now or may hereafter be installed, the utility will install the service line and appurtenances between the main in the street up to the customer's property line or right-of-way at or near 90 degrees to the main: Provided, that the service pipe is required for the immediate and continuous use for general service to premises abutting the public street or right-of-way in which such mains are located; and all such service pipes and appurtenances shall be installed only by the utility unless by prior written agreement.

a. Every effort shall be made by a utility to install its main line in the public road right-of-way or in a utility right-of-way abutting the public road right-of-way.

b. The utility shall be responsible to install, and to pay all expenses relating to installation of, the service line if the customer's property abuts the public road right-of-way or the utility right-of-way which abuts the public road right-of-way, regardless of the side of the road on which the customer is located in reference to the main line.

5.4.2. The utility shall not make any charge for furnishing and installing any permanent service connection, unless the utility has prior approval of the Public Service Commission for establishing to charge a tap-on or connection fee and the same is set forth in the utility's tariff on file with the Commission.

5.4.3. Temporary service connections for construction or other temporary purposes shall be installed by the utility at the cost of the applicant.

5.4.4. Each utility shall adopt standard methods of installation where practicable. Such methods shall be set out with a written descriptions and with drawings to provide the extent necessary to a clear understanding of the requirements; all of which shall be submitted to the Commission for its information.

5.4.5. Service pipes servicing a premises shall not pass through or across any premises or property other than that

to be serviced nor across any portion of the property that could practicably be sold separately from the immediate premises serviced and no pipes or plumbing in any premises shall be extended therefrom to adjacent or other premises.

5.4.6. The utility will make all connections to its collection mains and will specify the size, kind, quality and location of all materials used in the service line.

5.4.7. The utility's service pipe from the main to the property line or right-of-way will be furnished, installed and maintained by the utility and shall remain under its sole control and jurisdiction.

5.4.8. The utility will not, at its own cost and expense, be required to either install or maintain service pipes for temporary service connections.

5.4.9. The customer's service pipe from the point of service to the customer's premises shall be installed in a workmanlike manner and shall be furnished, installed and maintained by the customer at his own expense and risk.

5.4.10. The customer's service pipe and all connections and fixtures attached thereto shall be subject to the inspection of the utility before use, and all premises, including any and all fixtures within the said premises, shall at all reasonable hours be subject to inspection by a duly authorized employee of the utility.

5.4.11. The customer's service pipe shall be laid below the frost line at all points and shall be placed on firm and continuous earth so as to give unyielding and permanent support; shall not ~~be laid in driveways nor~~ pass through premises other than that to be serviced; and shall be installed in a trench at least two feet in a horizontal direction from any other trench wherein gas pipe, water pipe, or other facilities, public or private, are or are to be installed.

5.4.12. The customer shall install his service pipe to the point of service as designated by the Manager or other authorized employee of the utility, after which the utility will install the service from the main to the designated point of service.

5.4.13. Where the utility's service pipe is already installed to the point of service, the customer shall connect with the service pipe as installed.

5.4.14. The customer shall not be expected to make any changes in the customer's service pipe required on account of changes of grade, relocation of mains, and other causes not related to the customer, said changes shall be accomplished by

the utility at its expense.

5.4.15. No fixture shall be attached to, or any branch made in, the service pipe between the service point and the main.

5.4.16. There shall be no more than one service pipe required to service a single premises and each premises shall be supplied through an independent service pipe, unless otherwise approved by the utility in writing.

5.4.17. A customer's service pipes must be kept and maintained in good condition and free from all leaks and defects at the customer's cost and expense.

5.4.18. No plumber, customer, company owner or any of his agents shall connect to the utility's main or to any service pipe, or extend the pipes therefrom to any premises for the purpose of securing sewer service, until application has been made therefor to the utility as provided in these Rules ~~and Regulations~~, and permission for doing so has been granted by the utility in writing.

5.4.19. The connection of surface drains to the sanitary system is prohibited. As a means to deter prohibited connections where surface or ground water is introduced into the sanitary system, the utility may add a surcharge to the customer's sewer bill where evidence of a violation exists. The surcharge shall be authorized by separate schedule to the utility's sewer tariff filed pursuant to the Rules and Regulations for the Government ~~of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicles~~, but the utility need not file revenue, expense, or other financial data unless otherwise ordered by the Commission. The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system will be calculated by the formula or rate clearly stated in the tariff, and will not be cumulative to any metered rate for sewer service. The tariff should further provide that the surcharge will not be imposed unless and until the customer is notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or surface water is being introduced into the sanitary sewer, and that the customer has thirty (30) days to divert that water from the sanitary sewer.

§150-5-6. Safety requirements

6.1. Accidents.

6.1.1. Records -- Each utility shall keep a record of every accident occurring in connection with the operation of

its treatment plant, property and equipment whereby any person shall have been killed or seriously injured, or any substantial amount of property damaged or destroyed, with a full statement of the cause of such accident and the precautions taken to prevent similar accidents in the future.

6.1.2. Electric shock -- Each utility shall instruct those of its employees engaged in electrical work in the practice and use of accepted rules and proper procedure for resuscitation from electric shock.

6.1.3. Asphyxiation -- Each utility shall inform those of its employees who must work in manholes and pits of the dangers of asphyxiation and instruct them in the practice and use of accepted rules for detection of dangerous gases, as well as the proper procedure for treating victims.

[THE FOLLOWING RULES 7.1. - 9.2. WERE FORMERLY CONTAINED AS RULES 6.1 - 8.2. OF THE COMMISSIONS RULES AND REGULATIONS FOR THE GOVERNMENT OF PUBLIC SERVICE DISTRICTS, 150 CSR 17. INSTEAD OF UNDERSCORING THESE RULES IN THEIR ENTIRETY, ONLY THE CHANGES FROM THE RULES AS THEY APPEARED IN 150 CSR 17 ARE INDICATED]

~~§150-17-6~~§150-5-7 ~~Creation, Expansion, Merger, Consolidation, Reduction or Dissolution or Alteration of Public Service Districts~~

~~6.1-7.1.~~ Upon entering an order or upon receipt of a petition proposing the creation, expansion, merger, consolidation, reduction or dissolution of a public service district, pursuant to West Virginia Code §16-13A-2, the county commission shall notify the Executive Secretary of the ~~Public Service~~ Commission of the time and place of the hearing to be held by the county commission and shall ~~file~~ publish a Class I legal advertisement meeting the requirements stated in West Virginia Code §16-13A-2, giving notice of the hearing, and shall also post notice in five locations as required by West Virginia Code §16-13A-2, and shall file affidavits of publication and posting with a copy of such order or petition with the Executive Secretary of the ~~Public Service~~ Commission at least ten (10) days prior to such hearing.

~~6.2-7.2.~~ The county commission shall, within ten days of entering such order, or making its decision not to enter such order, file with the Executive Secretary of the Commission (i) an order creating, expanding, merging, consolidating, reducing or dissolving a public service district with the Executive Secretary of the Public Service Commission within ten (10) days of entering such order, or (ii) notice that it has declined to adopt any such order.

~~6.3-7.3.~~ A hearing or hearings shall be held in ~~the~~ each

county affected by a county commission order(s) filed pursuant to Rule ~~6.2-7.2~~. ~~Such hearing may be waived if the county commission order is entered for the purpose of executing the county plan as required by West Virginia Code §16-13A-1b and as finally adopted and approved by the Public Service Commission, and the county commission(s) shall publish a Class I legal advertisement giving notice of such hearing or hearings.~~

~~6.4-7.4~~. After public comment and hearing the Public Service Commission shall, by order, approve, disapprove or modify a county commission order creating, expanding, merging, consolidating, reducing or dissolving a public service district. In deliberating on approval, modification or disapproval the Public Service Commission may consider, among other things:

~~a. Whether or not the county commission order is consistent with the county plan required by West Virginia Code § 16-13A-1b as approved by the Public Service Commission;~~

~~b. the public convenience and necessity;~~

~~c. the economic feasibility, including sources of funding, costs and related benefits of the county commission's order;~~

~~d. the adequacy of facilities;~~

~~e. other facilities in the area; and~~

~~f. other possible alternatives.~~

~~§150-17-7.~~ **§150-5-8 Notice of delinquency to property owner.**

~~7.1-8.1~~. Public service districts shall give notice to the property owner within sixty (60) days after a bill for service has become delinquent, by United States Certified Mail, return receipt requested. Such notice need only be given once per delinquency. Each successive delinquency shall require separate notification as described above. Such notification shall be sufficient if it contains the following: the name and address of the billing public service district; the address of the property where the delinquency has accrued; that the notification has been made pursuant to ~~section 7.1. and 7.2. Rules 8.1 and 8.2.~~ of the Public Service Commission's Rules and Regulations for the Government of Public Service Districts Sewer Utilities and West Virginia Code § 16-13A-9; the amount owing under the present delinquency; the amount owing under prior delinquencies, if any; that non-payment of the delinquency could result in a lien upon the property where the delinquency accrued; that the property owner may require the public service district to discontinue service to the property; and that the amount of present billing charges are subject to

the accrual of continued billings.

~~7-2-8.2.~~ A public service district shall discontinue service upon written request of the owner of the premises served when any charges for service to the premises remain unpaid by the users for a period of sixty (60) days after such charges become due and payable.

~~§150-17-8~~§150-5-9 **Public Service District's notice of availability of service and billing after notice.**

8-1-9.1.

a. Notice by publication -- When sewer service is made available by a public service district to customers in an area which has not previously been served by the district, the district shall publish a notice in a newspaper of general circulation in the area affected once a week for two (2) consecutive weeks, with the second notice being published at least thirty (30) days prior to the date that the district intends to begin billing for services. The notice shall state, at a minimum, the following information: (1) that sewer services are available; (2) the date that the district will begin billing for services as authorized by ~~W. Va. West Virginia~~ Code §16-13A-9 and ~~Section 3 of the Public Service Commission's of West Virginia's~~ Rules and Regulations for the Government of Sewer Utilities; (3) the district's rates; (4) that ~~W. Va. West Virginia~~ Code § 16-13A-9 authorizes the district to petition the circuit court to compel connection to the sewer system and; (5) the location and telephone number of the district's business office.

b. Publication is not required when service is extended to a single customer at the customer's request.

c. Personal notice -- In addition to notice by publication, when sewer service is made available to customers in an area which has not previously been served by the district, the district shall provide notice with at least the information as described in section a. above, personally, to all potential new customers by certified mail, return receipt requested, personal service with signed and dated receipt or by posting a notice on the premises. If the premises to be served is not inhabited by the owner, notice shall be given to the owner by certified mail, return receipt requested, in addition to giving notice to the customer inhabiting the premises. In the event that the district is not able to effect personal notice after a good faith effort, or if the district established that the requirements of this section create an undue hardship on the district, the district may petition the Commission for a waiver of the requirements of personal notice provided in this section.

8.2.9.2. Customers of public service sewer districts who are not connected to the sewer system after appropriate notice has been given of availability of service pursuant to ~~W. Va.~~ West Virginia Code §16-13A-9 and Rule ~~8.1(c)~~ 9.1.c. shall be billed to the minimum bill or customer charge for service according to the district's tariff. A district which does not have a minimum bill or customer charge provision in its tariff may bill an unconnected customer on the basis of the lesser of metered water usage or 2,000 gallons of water per month usage until a tariff proceeding for a minimum bill is filed and approved by the Commission.

SEWER FORM NO. 14-S
(Sewer Rule 4.5.2.)

(Insert Company Name Here)

**NOTICE OF SCHEDULED TERMINATION OF SERVICE
AND CUSTOMER RIGHTS**

We have scheduled your water service provided at _____
_____ (address)
for termination on or after _____ because of your delinquent sewer
bill. _____ (date)

This action has been taken for the following reason(s):

(Include reason and facts resulting in decision to terminate service).

If your service is terminated you may be subject to additional charges involving reconnect fees and deposit requirements in order to restore service.

YOU HAVE THE RIGHT TO CHALLENGE THE TERMINATION IF YOU BELIEVE ANY OF THE FOLLOWING CONDITIONS APPLY TO YOU:

1. Any portion of the bill is in dispute
2. You are being charged for service not received
3. The information above is incorrect
4. You are unable to pay the bill in accordance with the billing, and termination of service would be especially dangerous to the health or safety of a member of your household
5. You are able to pay only in installments

If the reason for your challenge is 1, 2, or 3 above, you will have to pay any amount not in dispute. If the reason for your challenge is 4 or 5, we will attempt to negotiate a deferred payment plan with you.

YOU MUST NOTIFY US BEFORE THE DATE OF TERMINATION IN ORDER TO PROTECT YOUR RIGHTS UNDER THIS RULE:

(Provide instructions for contacting the appropriate utility personnel by telephone and mail, including business hours)

You should also inform us if you are 65 years or older, or regardless of age, if you are physically, mentally, or emotionally incapacitated.

P.S.C. W.VA: SEWER FORM NO. 14-S

Attachment A

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Once you have notified us of your challenge, we will schedule a meeting at the business office nearest to your residence and try to resolve your problem. At your option, the discussion of your challenge may be made over the telephone. **IF YOU ARE NOT SATISFIED WITH OUR DECISION AT THIS MEETING, YOU WILL HAVE SEVEN DAYS IN WHICH TO FILE AN APPEAL WITH THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA.** You will be required to pay your current bill while the appeal is pending. There is no charge associated with filing an appeal and you may do so without the assistance of an attorney.

To file an appeal with the PSC, you may call this toll free telephone number 1-800-642-8544 or write to this address:

Utility Appeal
Public Service Commission of West Virginia
P.O. Box 812
Charleston, West Virginia 25323

If you are in need of assistance to pay your bill you should contact the following agencies: (List agencies in service area).

If you desire the assistance of a lawyer with regard to the scheduled termination and are unable to pay for legal counsel, contact one of the following low income legal assistance organizations: (List agencies in service area).