

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

DO NOT WRITE IN THESE SPACES

FILED
1991 JUN -6 PM 3:04
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE


NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: PUBLIC SERVICE COMMISSION TITLE NUMBER: 150
RULE TYPE: EXEMPT LEGISLATIVE; CITE AUTHORITY WEST VIRGINIA CODE § 24-1-7, 24-2-1,
24-2-2, 16-13A-9, 16-13-16
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, RULE 5.04
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 July 9, 1991 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Howard M. Cunningham, Executive Secretary
Public Service Commission
P. O. Box 812
Charleston, West Virginia 25323

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



Boyce Griffith, Chairman

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

IN THE MATTER OF amendment to Rule 5.04
of the Commission's Rules and Regulations
for the Government of Sewer Utilities.

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FISCAL NOTE

This is a fiscal note issued pursuant to West Virginia Code §§29A-3-4, 5 and 9 and West Virginia Code §24-1-7, relating to the Commission's General Order No. 186.6.

I. OBJECTIVES OF THE RULE

The objective of this rulemaking is to amend Rule 5.04 of the Commission's Rules and Regulations for the Government of the Sewer Utilities to provide for prohibition of the connection of surface water drainage systems to the customer's service connection, and allowing sewer utilities to add a surcharge to the customer's bill as an incentive to disconnect prohibited systems.

II. COST OF IMPLEMENTING THE PROPOSED RULES

There will be no significant implementation cost relating to the rulemaking for the State of West Virginia or for the persons affected by the proposed rules.

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 cost and revenues of State Government.

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

Although implementation of this rule will have an initial financial impact on customers whose drains are connected to the public sewer system, the impact will be reduced to zero as the customers disconnect their roof drains. The utilities will see a reduction in operating and maintenance costs as a result of reduced flows to the treatment plant. This could result in possible rate reductions for all customers.

DATE June 6, 1991 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE



5.04 SERVICE CONNECTIONS

- (1) Where its mains are now or may hereafter be installed, the utility will install the service line and appurtenances between the main in the street up to the 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.
- (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 a tap-on or connection fee.
- (3) Temporary service connections for construction or other temporary purposes shall be installed by the utility at the cost of the applicant.
- (4) Each utility shall adopt standard methods of installation where practicable. Such method shall be set out with a written description and with drawing to the extent necessary to a clear understanding of the requirement; all of which shall be submitted to the Commission for its information.
- (5) Service pipes serving a premise 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 premise serviced and no pipes or plumbing in any premises shall be extended therefrom to adjacent or other premises.
- (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.
- (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.
- (8) The utility will not, at its own cost and expense, be required to either install or maintain service pipes for temporary service connections.
- (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.

- (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.
- (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.
- (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.
- (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.
- (14) The customer shall not be expected to make all 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.
- (15) No fixture shall be attached to, or any branch made in, the service pipe between the service point and the main.
- (16) There shall be no more than one service pipe required to service a single premise and each premise shall be supplied through an independent service pipe, unless otherwise approved by the utility in writing.
- (17) 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.
- (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.

(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 charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system will be calculated by the following formula and will not be cumulative to any metered rate for sewer service:

$$S = A \times R \times .0006233 \times C$$

S - The surcharge in Dollars

A - The area under roof and/or the area of any other water collecting surface connected to the sanitary sewer, in square feet.

R - The measured monthly rainfall in inches

.000623 - A conversion factor to change inches of rain X square feet of surface to thousands of gallons of water.

C - The approved rate per thousand gallons of metered water usage.

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, that the customer has 30 days to divert that water from the sanitary sewer. 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 Vehicle but the utility need not file revenue, expense, or other financial data unless otherwise ordered by the Commission.

[Utility Name] _____
_____, West Virginia

Original Sheet No. _____
PSC WV No. _____

Schedule No. _____

Surcharge for Illegal Connection to the _____ [Utility Name] _____
Sewer System

The charge for roof drains, foundation drains, or any surface drains or drop inlets connected to the sewer system will be in addition to any metered or flat rate sewer service charges and shall be as follows:

When [Utility Name] _____ determines by smoke testing, dye testing, or other inspection that a customer has one or more prohibited surface water connections to the sanitary system, it will provide written notice of the violation to the customer. [Utility Name] _____ will allow the customer to correct the violation within 30 days after notice is provided. If the violation remains uncorrected after 30 days, the surcharge will be added to the next bill rendered and all succeeding bills until correction is verified.

Issued _____

Effective _____

Issued By:

_____ [Responsible Officer]

Pursuant to an Order of the Public Service Commission in Case No. _____, dated _____.

[Utility Name] _____ Original Sheet No. _____
_____, West Virginia _____ ESC WV No. _____

Schedule No. _____

Surcharge for Illegal Connection to the _____ [Utility Name]
Sewer System _____

The charge for roof drains, foundation drains, or any surface drains or drop inlets connected to the sewer system will be in addition to any metered or flat rate sewer service charges and shall be as follows:

When [Utility Name] determines by smoke testing, dye testing, or other inspection that a customer has one or more prohibited surface water connections to the sanitary system, it will provide written notice of the violation to the customer. [Utility Name] will allow the customer to correct the violation within 30 days after notice is provided. If the violation remains uncorrected after 30 days, the surcharge will be added to the next bill rendered and all succeeding bills until correction is verified.

Issued _____ Effective _____

Issued By:

_____ [Responsible Officer]

Pursuant to an Order of the Public Service Commission in Case No. _____, dated _____