

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

2003 AUG 25 P 3:09

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: Public Service Commission TITLE NUMBER: 150

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

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code 24-1-7

AMENDMENT TO AN EXISTING RULE: YES X, NO _____


IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: Rules and Regulations For The Government
of Water Utilities

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

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS OCTOBER 24, 2003


Authorized Signature

514.40

FISCAL NOTE

**P.S.C.
Series 7**

In the matter of a rulemaking to amend the Commission's Rules for the Government of Water Utilities 150 CSR 7 (Water Rules).

I. OBJECTIVES OF THE RULE

The purpose of this rulemaking has been to substantially revise the Commission's Water Rules. Furthermore, this rulemaking, together with a simultaneous proceeding with respect to the Commission's Rules for the Government of Sewer Utilities, 150 CSR 5 (Sewer Rules), eliminate the Commission's Rules and Regulations for the Government of Public Service Districts, 50 CSR 17. Portions of Series 17 have been amended and transferred into the Water Rules and the Sewer Rules.

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: August 25, 2003

AGENCY: Public Service
Commission

**SIGNATURE OF
AUTHORIZED REPRESENTATIVE**


James D. Williams, Chairman
Public Service Commission

SUMMARY OF RULE

The Commission has substantially revised its Rules for the Government of Water Utilities, 150 CSR 7. The revisions include, but are not limited to: prohibition on master metering for mobile home parks; amendment of customer deposit rules pursuant to Senate Bill No. 412, codified at *W. Va. Code* 16-13A-9; clarification of notice requirements for discontinuing water service; addition of a section on moratoria against new water service connections; addition of a section on local water rationing plans; clarification of utility versus customer ownership of water facilities; revisions of the main extension rules which include a new manner of calculating a customer's financial contribution to the cost of an extension; the addition of a number of forms to be used by customers to apply for an extension of water facilities and by utilities to calculate the costs and customer contribution for extensions, as well as a form alternate main extension agreement; amendments to the meter inspection and testing rules; the elimination of the former Commission Rules and Regulations for the Government of Public Service Districts, 150 CSR 17, and the incorporation of some of those rules into the revised Water Rules as well as into the revised Rules for the Government of Sewer Utilities.

**STATEMENT OF CIRCUMSTANCES WHICH
REQUIRE THE PROPOSED RULE**

The Water Rules have not been revised since 1995. Changes in a state statute as well as with utility practices since that time, have made revisions and updates appropriate. In addition, the Commission has eliminated its current Rules and Regulations for the Government of Public Service Districts, 150 CSR 17, and incorporate portions of those rules within the Water Rules and the revised Rules for the Government of Sewer Utilities.

FILED

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

2003 AUG 25 P 3:09

SERIES 7
RULES FOR
THE GOVERNMENT OF
WATER UTILITIES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§150-7-1. General.

1.1. Scope -- These rules govern the operation and service of water 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 -- August 25, 2003

1.4. Effective Date -- October 24, 2003

1.5. General.

1.5.a. This rulemaking repeals the Commission's current Rules and Regulations for the Government of Public Service Districts, 150 CSR 17, and incorporates portions of those rules within these Water Rules. Portions of Series 17 will be incorporated into the Commission's Rules for the Government of Sewer Utilities, 150 CSR 5, by separate proceeding.

1.5.b. 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 utilities and customers.

1.5.c. The adoption of these rules in no way precludes the 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.d. These rules shall 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.a. These rules apply to all public utilities as defined in Rule 1.7.

1.6.b. If hardship results from the application of any Water Rule or if unusual difficulty is involved in immediately complying with any rule, application may be made to the Commission for the modification of the rule or for temporary or permanent exemption from its provisions: Provided, that no application for 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.a. "Applicant" - A person, firm, corporation, municipality, public service district or any other entity that applies for water service.

1.7.b. Billing Related Dates --

1. "Bill due date" - The date when the utility mails the bill.

2. "Latest pay date" - The last date, which shall be no sooner than the 20th day following the date the utility mails the bill, that the bill may be paid without incurring a late payment penalty. Such date must be stated on the face of the bill.

3. "Delinquent bill" - Any bill that has not been paid within thirty (30) days of the bill due date. Such date must be stated on the face of the bill.

1.7.c. "Commercial Service" - Means service to each separate business enterprise, occupation or institution occupying for its exclusive use any unit or units of space as an entire building, entire floor, suite of rooms or a single room, and using water for such incidental use as the schedule of rates applicable to the particular installation may permit. Commercial service shall apply to all stores, offices, hotels, wholesale houses, garages, display windows, signs, theaters, barber and beauty shops, churches, opera houses, auditoriums, lodge halls, school houses, banks, bakeries and any other space occupied for commercial purposes. Any rooming house, lodging house, resort, inn or tavern renting more than four (4) rooms to strangers or transients without any previous agreement for accommodation or as to the duration of stay shall be classed as a hotel and as such it comes under the commercial classification.

1.7.d. "Commission" - Whenever in these rules the words "Commission" or "Public Service Commission" occur, 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.e. "Customer" - Shall mean and include any such person, firm, corporation, municipality, public service district or any other entity who purchases a product or services of any utility and shall include any such person, firm, corporation, municipality, public service district or any other entity who purchases such services or product for resale.

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

1.7.g. "Distribution Main" - Means water pipe owned, operated, or maintained by the utility located in a public right-of-way, street, alley, or private right-of way, which is used for the purpose of distribution of water from which utility service pipes extend to make service connections with customers. Any water pipe extending through a utility right-of-way across private property shall be a distribution main. Costs to install a distribution main across private property are subject to the cost-sharing provisions of Rule 5.5.

1.7.h. "Governmental Unit" - Any municipality or other political sub-division or agency of the State of West Virginia or the Federal Government.

1.7.i. "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.

1.7.j. "Payment" - Payment is made by cash, check, credit card, debit card, or voucher accepted by the utility.

1.7.k. "Point of service" - Means the utility's pipe and appurtenances which connect any utility service pipe with the inlet connection of a customer's service pipe at the customer's property line, or elsewhere on the customer's property if provided for in a user's agreement. The utility shall own and maintain all facilities located between the point of service and the main.

1.7.l. "Private Fire Service Connection" - Is one to which is attached fixtures from which water is taken in whole or in part for the extinguishment of fire.

1.7.m. "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 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 producing, furnishing, transporting, distributing or selling water for any purpose which is now or may hereafter be held to be a public service.

1.7.n. "Residential Service" - Means service to a householder or a tenant, living in a separate house or separate apartment in an apartment building, using water for general household service. Should the owner of a multiple apartment building undertake to furnish water to his tenants as a part of their monthly rent, then such service shall be classed as "Commercial." However, a close branch of a householder's family living with the householder and using the same water facilities, shall not be classified as an additional service or as "Commercial." In cases where a householder or tenant devotes some portion of the occupied building to commercial use and uses the remainder as a residence then the predominate use of water shall constitute the basis for classification as either residential or commercial.

1.7.o. "Standard Distribution Pressure" - Shall be the distribution pressure established by the utility under the requirements of Rule 5.8.

1.7.p. "Temporary Service Connection" - One which is installed for the temporary use of water; 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 utility distribution main extending along the total frontage of the lot on said street or right-of-way, unless otherwise agreed to by the utility.

1.7.q. "Unaccounted for Water" - The volume of water introduced into the distribution system less all metered usage and all known non-metered usage which can be estimated with reasonable accuracy.

1.7.r. "Utility Service Pipe" - Shall mean that portion of the service pipe between the distribution main and the curb cock or the inlet connection of the coppersetter at or near the customer's property line or point of service, installed at the cost and expense of the utility, regardless of the side of the road on which the customer is located in reference to the main line.

§150-7-2. Records, reports and other information to be supplied to the Commission.

2.1. Records and reports.

2.1.a. Preservation of records -- All records required by these rules shall be preserved by the utility in the manner

prescribed by the Commission.

2.1.b. Location of records --

1. Such records shall be kept at the office or offices of the utility in West Virginia, and shall be open at all reasonable hours for examination by the Commission or its duly authorized representative.

2. If kept outside the State, such records 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 Commission employees assigned to examine the records.

2.1.c. Reports to Commission -- Upon Commission request, a utility shall furnish to the Commission the results of any test or tests required to be made, or the information contained in any records required to be kept by the utility, or any further information in its possession, respecting its rates, charges, or practices, without formal order of the Commission requiring the release of such information.

2.2. Filing of rate schedules.

2.2.a. Tariffs containing rates and rules of each utility shall be filed in the manner prescribed by the Commission in "Rules and Regulations for the Government and Filing of Tariffs" (Tariff Rules) effective as amended or modified by the Commission.

2.2.b. Municipal rates -- Rates for municipal water and combined water and sewer utilities shall be adopted, and tariffs shall be filed, in accordance with the Commission's "Rule for the Government and Filing of Tariffs," 150 C.S.R.2, effective as amended or modified by the Commission.

2.3. Utility's special rules.

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

2.3.b. On and after ninety (90) days from the effective date of these Rules, 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.

2.3.c. 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 that have not been approved by the Commission.

2.4. Financial and statistical report.

2.4.a. Every utility shall file annually a financial and statistical report upon forms to be furnished by the Commission. The report shall be based upon the accounts set up in conformity with Rule 2.5. The report shall be filed on or before three (3) months following the end of the utility's fiscal year or on such date as the Commission may direct.

2.4.b. Upon written request and for good cause shown, the Commission may approve or disapprove, through its Executive Secretary, by letter, a reasonable extension of time to file the financial and statistical report. Such application is to be made before the expiration of the time for filing the report.

2.4.c. Each utility shall file, yearly as of July 1 for the preceding July 1 through June 30, water statistical reports upon forms to be furnished by the Commission. The report shall be filed on or before three (3) months following the end of the utility's fiscal year or on such date as the Commission may direct.

2.5. Uniform system of accounts.

All water utilities shall maintain their accounts and records in compliance with the Uniform System of Accounts as promulgated in 1973 by the National Association of Regulatory Utility Commissioners for Class A and B Water Utilities and Class C and D Water Utilities.

Observance of the system of accounts applicable to the water 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 water utilities for purposes of keeping accounts in accordance with the Uniform System of Accounts shall be as follows:

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

2.6. Maps and records.

2.6.a. Each utility shall keep on file suitable maps, plans and records showing the entire layout of every pumping station, filter plant, reservoir, transmission and distribution system, with the location, size and capacity of each plant, size of each transmission and distribution line, fire hydrant, valve and customer's service, reservoirs, tanks and other facilities used in the production and delivery of water.

2.6.b. In the case of new construction or property acquired from others, the additions 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 or property acquired. All drawings shall have the scale clearly shown and be of sufficient detail to accurately depict the project or property.

2.6.c. In general, where present 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.

2.7. Management audits.

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

2.7.b. Types of management audits -- The following types of management audit, which vary in scope, may be directed and used by the Commission:

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

2. 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.

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

2.7.c. 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.

2.7.d. Conduct and control --

1. 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.

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

3. 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.

2.7.e. 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.

2.7.f. Implementation of recommendations --

1. 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.

2. 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.

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

4. 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.

5. 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.

6. 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.

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

§150-7-3. Meter requirements.

3.1. Utility to provide meters -- Unless otherwise authorized by the Commission, each utility shall provide and install at its own expense (except as provided in Rule 5.2) and shall continue to own, maintain, and operate all equipment necessary for the regulation and measurement of water, in accordance with tariff or

contract provisions, to its customers. Where additional meters are requested by the customer and are furnished by the utility for the convenience of the customer, a charge for such meters shall be made. All meters used in serving resale customer(s) shall be owned and operated by the utility providing service to the bulk or resale customer.

3.2. Location of meters.

3.2.a. Accessibility -- In the interest of safety and convenience to the customer, and as a measure of economical operation to the utility, it is required that all meters should be located at or near the property line: Provided that when such location is impractical meters shall be placed outside of the customer's building as near as possible to where the "Point of Service" joins the "Customer's Service Pipe": Provided, further, if neither of the foregoing requirements can be complied with on account of physical, economic, or climatic conditions, the meter may be placed within the building, preferably in the cellar, and when so placed within the building, the meter shall be so located that it will be easily accessible for reading, maintenance and protected from freezing and mechanical damage.

3.2.b. Meter grouping -- When a number of meters are grouped, every meter shall be tagged so as to indicate the particular customer served by it.

3.2.c. Remote meters -- When a meter is located inside a home or building, the utility may install a remote register or dial on the exterior of a home or building accessible for meter reading. The remote counter reading shall be compared to the actual meter register reading not less than once every six (6) months.

3.2.d. Meter setting installation -- Meter settings shall be installed in accordance with drawings submitted and approved by the Commission under Rule 5.2.i.

3.3 Prohibitions on master metering.

3.3.1. Reserved.

3.3.2. Mobile home parks.

For mobile home parks constructed on or after the effective date of these rules, each mobile home in a mobile home park shall be individually metered with taps installed at the lot line of each mobile home. The lot owner shall be responsible for payment of any applicable tap fees. All utility easements and mains constructed within the mobile home park will become the property of the utility by agreement between the (i) owner of the mobile home park or the lot owner, whichever is applicable, and (ii) the utility. The

agreement must be approved by order of the Commission prior to construction of any main. Lines extending from the mobile home to the tap will be considered customer service lines and maintenance of those lines will be the responsibility of the applicable lot owner.

§150-7-4. Customer relations.

4.1. Customer information.

4.1.a. Information as to service -- Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that customers may enjoy safe and efficient service.

4.1.b. Explanation of meter readings -- Each utility shall adopt some means of informing its customers as to the method of reading meters, either by a 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. It is recommended that an exhibition meter be kept on display in each sales office maintained by a utility.

4.1.c. 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, rests with the applicant. In the event 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.d. Posting of law, rates, rules and collection agents.

1. Every utility shall maintain in its office for inspection by the public the following:

A. A copy of the rates and rules 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.

C. A copy of these rules.

2. A suitable placard, in large type, shall be exhibited in a conspicuous location, giving information to customers that a copy of the law, the rules of the Public Service Commission and the schedule of rates are kept for their inspection.

3. Once a year, or as often as a utility changes collection agents, each utility shall publicize by newspaper or bill insert to its customers its collection agents to whom customers may deliver payment of water bills.

4.1.e. Applications for water service.

1. All applicants desiring water service may be required to make written application at the office of the utility on printed forms provided therefor, setting forth in said application all purposes for which water will be used upon their premises. The utility may require the applicant to provide identification at the time of application for service. All applicants for service 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.

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

3. Except as provided in Rule 4.8.c.2., no charge will be made for turning on the water to new customers or current customers transferring service to a new location during regular working hours.

4. Accepted applications for water to be supplied to any premises shall constitute a right to the customer to take and receive a supply of water for said premises for the purposes specified in such application; (i.e. Residential, Commercial, and Industrial) subject only to the fulfillment of the conditions of

these rules by the customer.

5. In the event that a public service district providing sewer service owns and operates facilities within the same service territory as the publicly or privately owned water utility, city, incorporated town, other municipal corporation or other public service district providing water service to the area, then an application shall not be complete until such time as the applicant provides a receipt from the sewer public service district showing that, where the applicant is legally required to do so, proper application for sewer service has been made and a security deposit paid thereto. Upon receipt of said proof from the applicant, or upon a showing that the applicant is not legally required to apply for sewer service or pay a security deposit, the water utility shall notify the sewer public service district, in writing, the date upon which water service is scheduled to be turned on to the applicant. Said written notification to the sewer public service district shall be made within five (5) working days of the date that the application for water service is deemed complete.

4.1.f. Special applications to a utility for water service.

1. Water for building, construction or other temporary purposes must be specifically applied for with the utility.

2. Connections for private fire service must be specifically applied for with the utility.

3. Where water is desired for only a short period of time, and not continuously throughout the year, such as for vacation homes or cottages, building purposes, street paving, cleaning property, filling tanks or other short-term uses, an application shall be made to the utility as set forth in Rule 4.1.e., and payment made in accordance with the applicable schedule of rates and charges, in which case a suitable deposit shall be made.

4. Whenever a street service connection is made to the mains for temporary service or for temporary private fire service, the applicant shall bear the entire cost and expense of labor and material for tapping the main and installing the service pipe and meter and its removal, if required.

4.1.g. Private fire protection service --

1. The applicant shall furnish the utility with one set of complete drawings prior to the completion of the tap, showing the pipes, valves, hydrants, tanks, openings, and

appurtenances contemplated in the application. Such sketch must also show any other water supply system, pipelines and appurtenances existing on the premises. There shall be no connection between such other supply and pipes connected to the utility's mains unless protected by a backflow prevention device approved by the utility, or the Bureau of Public Health.

2. The utility shall not approve an application for private fire protection service unless the utility determines that its system provides an adequate size water main with sufficient water volume and pressure.

3. The customer shall obtain in advance the approval of the utility for any change, alteration or addition in the fixtures, openings and uses specified in the application. The customer shall make its fire protection facilities available to the utility at all reasonable times.

4. The utility shall determine the size and location of any connections made to its distribution mains for private fire protection service, and will, at the cost and expense of the customer, make the connection to its mains and install the service connection from the distribution main to a point at or near the property line.

5. The extent of the rights of the private fire protection service customer is to receive, but only at times of fire on his premises, the available water supply. The utility shall not be considered an insurer of property or persons, or to have undertaken to extinguish fire or to protect any persons or property against loss or damage by fire or otherwise, and shall be free and exempt from any and all claims for damages on account of injury to property or persons by reason of fire, water, failure to supply water or pressure, or for any other cause whatsoever.

6. Unless otherwise provided in a written agreement between the applicant and the utility, service lines for private fire protection service shall be distinct and separate from the regular or general water service line. A private fire service connection is furnished for the sole purpose of supplying water for the extinguishment of fires, and the use of water from such a connection for any other purpose is absolutely forbidden.

7. Where the applicant and the utility have entered into a written agreement that one service pipe be used for both general and fire purposes, the entire service pipe on the applicant's premises will be installed and maintained by and at the cost and expense of the applicant as if it were solely a private fire protection service line. The utility may set minimum construction standards and specifications for the applicant's portion of the dual purpose service pipe, and may require that its

construction be subject to inspection by the utility. Maintenance of the service line, from the main to the property line, will be the responsibility of the utility.

At the building to be served, the common service pipe shall separate into two service pipes. One for private fire protection and the other for general water service. The utility will, at its cost and expense, install and maintain a water meter of appropriate size on the general water service pipe and the necessary piping and fitting for the meter setting. All dual purpose service lines must comply with all applicable Bureau of Public Health standards and regulations.

The utility will charge the applicant for general water service based on the consumption through and size of the water meter installed, in accordance with its schedule of rates for general water service. The utility shall, subject to Commission approval, charge the applicant for private fire protection service in accordance with its schedule of rates for such service.

8. A gate valve and box, or a post indicator controlling the entire supply shall be placed at the curb or property line of the street in which the main is located or at such other points as may be approved by the utility, and shall be furnished and installed by and at the expense of the customer, and if required by the utility, said valve shall be installed in a valve pit or vault which shall also be furnished and installed at the expense of the customer.

9. Service lines supplying fire sprinkler systems only, must be protected by a minimum of two approved check valves. One of these check valves may be the alarm check provided as part of the sprinkler system. The other may be a detector check, double check valve assembly, or an approved single check valve. Specific requirements and/or installation procedures are governed by the Bureau of Public Health.

10. Under no circumstances will anti-freeze be permitted in the sprinkling systems unless a reduced pressure zone backflow preventer, approved by the utility or the Bureau of Public Health, is provided at the point of connection in the anti-freeze system.

11. The entire private fire service system on the customer's premises shall be installed and maintained by and at the expense of customer and shall be subject to the inspection, test and approval of the utility before the service is made effective, and at such times thereafter as the utility deems necessary or appropriate.

12. Hydrants and other fixtures connected with a

private fire service system may be sealed by the utility, and such seals may be broken only in case of fire or as specially permitted by the utility, and the customer shall immediately notify the utility of the breaking of any such seal.

13. Whenever a fire service system is to be tested, the customer shall notify the utility of the proposed test, designate the day and hour when same is to be made, so that, if desired, the utility may have an inspector present during the test.

4.1.h. Public fire service.

1. Any governmental unit located in the utility's service area by ordinance of its Council or by resolution of its Board of County Commissioners shall have the right to order the installation of additional fire hydrants on existing utility owned mains having an internal diameter of six (6) inches or larger and the utility will install such hydrants at its own cost and expense; provided the estimated gross receipts from such proposed new fire hydrant rentals shall equal or exceed twelve percent (12%) annually of the cost of said installations.

2. Where pipeline installations are required to carry out an order of any governmental unit located in the utility's service area to install fire hydrants, or where existing utility owned mains, in the opinion of the utility, are inadequate to provide fire flows to such hydrants, and when any governmental unit located in the utility's service area orders the installation of a water main of adequate size to provide such flows to the hydrant or hydrants so ordered, the utility will install such mains and hydrants at its own cost and expense; provided that the utility shall not be required to make extensions of said water mains unless the estimated gross receipts from private consumers and from such proposed new fire hydrant rentals shall equal or exceed twelve percent (12%) annually of the cost of such extensions.

3. Non-emergency use of a fire hydrant is prohibited unless there has been made advance notification of such proposed use by the user to the utility, and the utility has provided prior written approval of such use to the user. The utility shall charge its tariff rate for domestic water usage for all non-emergency fire hydrant water usage.

4.2. Customer deposits.

4.2.a. Security deposits --

1. 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 with it initially, and from time to time, to secure the payment of

water service rates and charges. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for all other service. The utility shall not be bound to supply water until these conditions are fulfilled and it may terminate water service if the security or increased security is not given when required. After the customer has paid bills for service for twelve (12) consecutive months without a delinquency, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) months' period shall commence from the first regular payment or following the payment of a delinquent bill or bills. Interest at the rate as determined in accordance with Rule 4.2.a.7., shall be paid from the date of deposit until the date of the refund of the security deposit. The utility 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.

2. Security deposits for public service districts -- All new applicants for residential or other water service from a public service district shall make a deposit of (i) a minimum of fifty dollars (\$50.00), or (ii) two-twelfths (2/12) of the annual estimated charge for water service, whichever is greater, with the district to secure the payment of water service rates and charges. The district shall not be bound to supply water 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.

3. Return of deposit to customers who are not tenants - After a customer who is not a tenant has paid bills for service for twelve (12) consecutive months without a delinquency the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) months' period shall commence from the first regular payment or following the payment of a delinquent bill or bills.

4. Return of deposit by district to a customer who is a tenant - A district is not required to return a deposit to a customer who is a tenant until the time the tenant discontinues service with the district. After a customer who is a tenant discontinues service with the district, the utility shall promptly and automatically refund the deposit plus accrued interest.

5. Interest at the rate as determined in accordance with Rule 4.2.a.8. shall be paid from the date of deposit until the date of the refund of the security deposit. All customer security

deposits shall be placed in an interest bearing account at a local federally insured financial institution. 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.

6. Rule 4.2.a.5 requires public service districts to segregate deposits into interest bearing accounts. Upon proper showing by complaint or otherwise, the Commission may require any other utility to likewise segregate customer deposits.

7. The interest rate to be paid by all water 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 date of discontinuance of service or at the end of the deposit period.

8. 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.

9. A current customer of a public service district who requests service at another location within the jurisdiction of the district and who has made payment of bills for the previous twelve (12) months without a delinquency is not required to pay a deposit for service at the new location because 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.

10. All new applicants for residential or other service from a combined water and sewer public service district shall deposit (i) a minimum of fifty dollars (\$50.00), or (ii) two-

twelfths (2/12) of the annual estimated charge for water service, whichever is greater, for each of the services to be rendered.

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

12. The receipt -- Concurrently with receiving a cash deposit, the utility shall deliver to the applicant for service or the customer, a receipt showing: (i) the date thereof, (ii) the name of the applicant or customer and the address of the premises to be served or served, (iii) the service to be furnished or 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 he is so entitled, if the original receipt cannot be produced. A receipt of proof or payment will not be necessary under the provisions for an automatic refund.

13. Unclaimed deposits -- Should a utility have retained, through no fault of its own, deposits made by customers to whom service has been discontinued during any calendar year, it shall, on or before the first day of March, in each year, mail to the customer's last known address a check as refund of the deposit plus accrued interest, or at the utility's option, publish a list of such depositors, in a newspaper published and of general circulation in each of the counties in which it operates and in which the deposits were made, showing as of the thirty-first (31st) 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 shall not be liable for any interest on such deposit after publication of such lists. Upon the completion of the above procedure, the utility shall follow the provisions of the Uniform Unclaimed Property Act, codified at Chapter 36, Article 8, Section 1, et seq. of the Code of West Virginia, with regard to the disposition of any unclaimed deposit.

14. Provided 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.

15. All utilities that collect security deposits must do so in a nondiscriminatory manner.

4.2.b. Guarantee agreement --

1. A utility, other than a public service district, 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 may, upon request, receive copies of disconnection notices sent to the customer whose account has been guaranteed: Provided that the limitations herein fixed upon the terms of a guaranty agreement shall not apply to industrial customers.

2. A guaranty agreement shall terminate after the customer has satisfactorily paid bills for twelve (12) consecutive months, or when the customer gives notice to the utility of discontinuance of service at the location covered by the guaranty agreement, or six (6) 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. Upon termination of a guaranty agreement, or whenever the utility deems the same insufficient as to amount of surety, a cash deposit or a new or additional guaranty may be required upon reasonable written notice to the customer.

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

4.3. Billing information.

4.3.a. Bills shall be rendered periodically, and they shall show the readings of the meter at the beginning and end of the period for which the bill is rendered, the date of the 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. All bills shall state "This utility is regulated by the Public Service Commission of West Virginia" and "Rates available upon request."

4.3.b. First and last bills, monthly or quarterly, for water 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 water 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.c. Utilities desiring to adopt mechanical billing of such nature as to render compliance with all the terms of Rule 4.3.b. 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.d. On all bills which include charges for items other than authorized water charges, 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.e. Each bill shall bear upon its face the latest pay date and the date it shall be a delinquent bill if not paid. On all current usage billings not paid by the latest pay 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.

1. 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 agreement. If a termination notice has been issued then the payment should first be applied to the delinquent amount that is the subject of the termination notice.

4.4. Adjustment of bills.

4.4.a. Fast meters -- If, upon test of any meter, the meter is found to have an average error of more than two percent (2%) fast, the utility shall refund to the customer the overcharge, based upon the corrected meter reading for a period equal to one-half ($\frac{1}{2}$) the time elapsed since the last previous test, but not to exceed six (6) months. If it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to but not beyond such date. If the meter has not been tested in accordance with Rule 6.4, the period for which it has been in service beyond the regular test period shall be added to the six (6) months in computing the refund.

4.4.b. Dead meters -- If a meter is found not to register, or that remote metering equipment has failed, for any period, the utility shall compute the water used by taking the average of the water used for the meter-reading period preceding and the meter-reading period following the date when the meter was found to be dead, which amount shall be assumed to be the amount of water used by the customer during the billing period in which the meter was found dead. Exceptions will be made to this rule in case the facts clearly show that the above method does not give the correct consumption for the period. A utility may backbill the customer for the difference between the amount previously billed and the customer's estimated usage for a maximum of three (3) months preceding the date the dead meter is repaired or replaced. The utility should fix or replace dead or malfunctioning meters within thirty (30) days of the utility's discovery that a meter is

dead or malfunctioning.

4.4.c. Leaks on the customer's side of the meter-

1. Each utility shall develop and implement a written policy concerning the adjustment of customer bills where the bill reflects unusual usage which can be attributed to leakage on the customer's side of the meter. Leaking commodes, dripping facets, 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 non-discriminatory manner to all customers. The reasonableness of the utility's policy or practice with respect to a policy shall be subject to Commission review in a formal complaint proceeding.

2. The policy shall provide for a recalculated bill to reflect the utility's incremental cost of treating or purchasing the water, as contained in the utility's tariff, for all amounts above the customer's historic usage. Historic usage shall be defined as the average usage of the preceding twelve (12) months, or actual period of service if less than twelve (12) months. If using the historic usage would result in an unreasonable calculation, adjustments may be made. If such adjustments are made, the utility should advise its customer that a dispute regarding such adjustments may be taken to the Commission in the form of an informal complaint.

3. As an alternative to using the incremental cost of treating or purchasing the water, 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 water on usage above the historic usage. The Commission shall from time to time establish its estimate of "typical incremental cost" by order.

4. However, in future rate cases the utility's incremental cost of treating or purchasing the water 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 4.4.c.3.

5. The water utility shall, after determining that a leak adjustment must be made, notify the sewer utility of the amount of the adjustment in gallons and the reason for making the adjustment.

4.5. Complaints.

4.5.a. 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. In the event that the complaint is not adjusted, the utility shall notify the customer that he may file an informal or formal complaint with the Commission.

4.5.b. Records 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.

4.5.c. 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.

4.6. Disputed bills.

4.6.a. In the event of a dispute between the customer and the utility respecting any bill, the utility shall conduct an investigation and report the result thereof to the customer. In the event that the complaint is not resolved, the utility shall, before service is discontinued, notify the customer that he may file an informal or formal complaint with the Commission.

4.7. Customer discontinuance of service.

4.7.a. Any customer requesting service to be discontinued shall give notice thereof to the utility, during regular business hours. Unless a different period shall be mutually agreed upon by written contract, service will be discontinued by the end of the next business day. Until the utility shall have such notice, the customer may be held responsible for all service rendered.

4.8. Utility discontinuance of service.

4.8.a. Notice of discontinuance --

1. Service shall actually be discontinued no sooner than ten (10) days following the date that a utility has mailed to a customer a statement that water bills are delinquent.

2. Where conditions hazardous to life or property are found to exist on the customer's premises, or where the utility's regulating, measuring or distribution equipment or facilities have been tampered with, the water may be shut off without notice in advance.

3. Where written notice is required it must be sent

first class mail, address service requested. Written notice shall comply with Water Form No. 1, attached to these rules. The written notice shall become void if the utility has not discontinued service within thirty (30) days of the date indicated on the notice for termination.

4. Prior to disconnecting water service for non-payment of sewer bill, the water utility shall make at least two (2) attempts to notify the customer through personal contact. First the water utility shall either telephone or visit the customer at least twenty-four (24) hours prior to a scheduled disconnection. Second, the water utility shall knock on the customer's door immediately prior to a disconnection. The inability to make personal contact shall not prevent the water utility from terminating service.

5. Service shall not be discontinued on a Saturday, Sunday, any day that is a federal or state holiday, a day on which the utility's business office is not open to accept payment, or on the day before such days, unless an emergency exists.

6. All disconnections shall be performed between the hours of 8 a.m. and 4 p.m.

7. The utility shall accept payment at the customer's premises in lieu of discontinuing service for either a delinquent water or sewer bill. The payment must be for the entire amount of the delinquency to prevent termination. However, a utility may refuse payment by check if the customer has, during the previous twelve (12) months, attempted to make payment by a check subsequently returned by the bank for insufficient funds.

8. If a customer has received notice of a scheduled termination, and, to avoid such termination, makes payment by check which is subsequently dishonored by the bank, the utility may then terminate service only after it has mailed notice, by first class mail, to the customer at least five (5) calendar days, excluding state or federal holidays, prior to termination; provided that at the option of the utility, either personal contact or telephone contact may be substituted for contact by first class mail.

9. If a bill remains unpaid thirty (30) days after it was mailed to a public service district's customer who is a tenant of property owned by another, the public service district shall immediately give notice to the tenant in the form of Water Form No. 2, attached to these rules, and a separate notice to the property owner. Both notices shall be mailed by United States Certified Mail, return receipt requested. The notices need only be given once per delinquency. Each successive delinquency shall require separate notification as described above. The notification to the property owner 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 is being made pursuant to Rule 4.8.a.9. of the Public Service Commission's Rules for the Government of Water 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 amount of present billing charges are subject to the accrual of continued billings; and that, upon receipt of a written request by the property owner, the public service district will shut off and discontinue service where any rates and charges for services remain unpaid by the user of the premises for a period of sixty (60) days after the utility mailed the bill.

10. Provided a public service district has complied with the notice requirements with respect to a tenant in Rule 4.8.a.9., 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 the utility mailed the bill.

11. If a landlord of a single-unit dwelling or a master-metered mobile home park, apartment building, motel, hotel or other multiple or single-unit dwelling is responsible for payment of a utility bill, written notice of termination in the form of Water Form No. 2 shall be placed at a location readily available for public inspection on the premises at least five (5) days prior to the scheduled termination of service to that mobile home park, apartment building, motel, hotel or other multiple or single-unit dwelling. If the billing address for any single unit service is different than the service location, a written notice in the form of Water Form No. 2 shall be delivered or posted at a visible location on the premises where the service is to be terminated at least five (5) days prior to the scheduled termination. This notice shall inform the occupant(s) of the date on or after which termination of service will occur and shall state the steps the occupant(s) can take to avoid termination of service.

12. A water customer who has been notified that water service is to be terminated for non-payment of water bills shall be given the opportunity to enter into a deferred payment agreement: Provided, that the 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 availability of a reasonable payment plan.

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 delinquency; ability of the customer to

pay; payment history; time the delinquency has been outstanding; reasons why the delinquency has been outstanding; and any other relevant factors.

B. The deferred payment agreement shall include language informing the customer of the right to challenge the reasonableness of the proposed payments to the Commission.

C. During the challenge, the utility may not terminate service: provided that the current bill must be paid by the customer on time and in full in order to protect his rights under this rule.

D. Once a deferred payment agreement has been established, the customer must pay the current bill on time and in full and make timely payments in accordance with the deferred payment agreement.

E. If the customer's financial condition significantly changes and the existing payment agreement results in hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 4.8.a.12.A. The customer shall provide documentation in support of his claim that his financial condition has changed. During the renegotiation period the customer must continue to pay the current bill on time and in full and make some payment on the delinquency.

F. If the deferred payment is not received in accordance with the terms of the agreement or the payment is made with a check subsequently dishonored by the bank, 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 state or federal holidays, prior to termination: provided that at the option of the utility, either personal contact or telephone contact with the customer may be substituted for contact by first class mail. If the customer makes the delinquent payment within that notice period, service shall not be terminated. However, if the customer has, during the previous twelve (12) months, attempted to make payment by a check which was subsequently dishonored by the bank the utility may refuse the customer's check and immediately terminate service without additional notice.

13. 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 complying with Sewer Form No. 1, ten (10) days before the effective termination that the sewer utility will request termination of water service by the water utility if payment is not made in full or a payment schedule is not established as provided by Sewer Rule 4.8.a.12. The written notice must be sent first class mail, address service 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.

14. 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 to the customer required by Sewer Rule 4.8.a.1.

15. 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 ten (10) day notice period to the customer.

4.8.b. Once a disconnected customer has paid his delinquency in full, or the utility has agreed to enter into a deferred payment agreement with the customer, and all disconnect and/or reconnect fees have been paid, the utility shall reconnect the customer's water service as soon as possible but no later than twenty-four (24) hours from the time the customer pays all disconnect and reconnect fees.

4.8.c. Charge for reconnection -

1. Whenever the supply of water is turned off for violation of rules, non-payment of bills, or fraudulent use of water, the utility may make a charge as set forth in its tariff for reestablishment of service.

2. If service is discontinued at the request of the customer, the utility may refuse service to such customer, at the same premises, if requested within eight (8) months of the date service was discontinued, unless the customer shall first pay the reconnection charge set forth in the utility's tariff.

4.8.d. The utility shall not refuse, deny, or discontinue service to an applicant or present customer due to a delinquency in payment for service by a previous occupant of the premises to be served unless such applicant or present customer and such previous occupant are members of the same household and were members of the same household at the time the delinquent bill was incurred.

4.8.e. Combined water and sewer public service districts - Any public service district providing water and sewer service to its customers shall have the right to terminate water service for delinquency in payment of either water or sewer bills; provided that proper notice is given and procedures followed as set out in these Rules.

4.8.f. Inter-utility Agreements regarding discontinuance

of water service for non-payment of sewer bills.

1. In the event that any utility, (whether public, private, city, incorporated town, municipal corporation or public service district) owns and operates either water facilities or sewer facilities, and a separate utility owns and operates the other kind of facilities, either water or sewer, then the two utilities 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 Rules 4.8.a.1. through 4.8.a.15.

2. Municipal sewer -- When sewer facilities are municipally owned and water facilities are not, the municipality providing sewer service may require the water utility to discontinue water service to any customer who is delinquent in the payment of sewer service rates and charges to the municipality. The water utility shall 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 water utility which contract shall provide that the municipality shall reimburse the water utility for all costs and expenses incurred in both the termination of water service to the delinquent sewer customer and the subsequent resumption of water service to such customer. The contract shall provide for reasonable methods and assurances so that the water utility will be protected and held harmless from claims and damages when water service is discontinued in error or in violation of the rights of the customer through the fault of the municipal sewer utility.

3. The inter-utility agreement should contain specific provisions regarding responsibilities of notice of termination, termination, reconnection, and reasonable fees based on fair and reasonable compensation.

4. Any inter-utility agreements pursuant to Rule 4.8.f.2. shall be submitted to the Commission for approval prior to any termination of water service for non-payment of sewer bills under such agreements.

5. A water utility that has terminated or reconnected service for non-payment of sewer bills or that has made a visit to the customer's premises to terminate service, may charge the sewer utility a fee pursuant to Rule 4.8.c. 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.

4.8.g. 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 on the same terms and conditions set forth in Rule 4.8.a.12.

4.9. Refusal to serve applicant.

4.9.a. Non-compliance with rules -- Any utility may decline to serve an applicant until he has complied with these rules and the Commission approved utility's rules set forth in a Commission approved tariff governing water service.

4.9.b. Applicant's facilities inadequate -- The utility may refuse to serve an applicant if, in its judgment, the applicant's installation of piping equipment is regarded as hazardous or of such character that satisfactory service cannot be provided.

4.9.c. 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.

4.9.d. Applicant's recourse -- In the event that the utility shall refuse to serve an applicant under the provisions of this rule, the utility must inform the applicant that the question may be submitted to the Commission for decision.

4.9.e. In the case of the establishment of a new utility and/or extensions, the utility has received applications for service and has accepted the tap-fee for same; the utility will immediately upon receiving bids for such installation determine the feasibility of serving the areas in question and immediately advise the applicants. In the event an area is deemed infeasible to serve, the tap-fee deposit will be returned to the applicant immediately.

It is suggested the utility design its application form to reflect the above procedures.

4.10. Change in character of service -- When a substantial change is made by a utility in water pressure, or other conditions affecting the efficiency of operation or adjustment of appliances, the utility shall inspect and readjust the appliances of all customers in the district affected, if necessary, without charge. Where circumstances require, the utility shall furnish and install suitable pressure regulating devices.

4.11. Access to property.

4.11.a. The utility shall at all reasonable times have access to meters, service connections and other property owned by it on customer's premises, for the purpose of maintenance and operation. Neglect or refusal on the part of customers to provide

reasonable access to meters, service connections and other property owned by the utility for the above purposes shall be deemed to be sufficient cause for discontinuance of service.

4.11.b. Identification for employees -- Every employee, whose duties regularly require him to enter the homes of customers, shall wear a distinguishing uniform or insignia, identifying him as an employee of the utility and shall carry on his person an identification card which will identify him as an employee of the utility, containing a photograph of said employee. The identification card shall contain the telephone number of the utility as well as other pertinent information necessary to identify the employee. All other employees, whose duties require occasional entry into the homes or premises of customers, shall carry an identification card containing information as herein required.

4.12. Service interruptions.

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

4.12.b. Notification to customer -- Every customer affected shall be notified in advance of contemplated work which will result in an interruption of service.

4.12.c. Curtailment or restriction service policy -- Each utility shall file with the Commission for any contemplated curtailment or restriction policy to any customers, prior to such curtailment or restriction policy being put into effect. The following information shall be supplied:

1. Reason for curtailment or restriction of service.
2. Date curtailment or restriction policy requested to begin.
3. Duration of policy and projected correction programs with time parameters for completion.

4.13 Moratoria

4.13.a. Conditions -- The Commission may impose a moratorium on a 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.

4.13.b. Petition -- A utility, Commission Staff, or governmental entity may petition the Commission in writing for the imposition of a moratorium on a system. The petition should include evidence of the existence of conditions outlined in Rule 4.13.a. If the utility is the petitioner, it must state the utility's plan to remediate those conditions.

4.13.c. Imposition by state agency other than the Commission -- A utility must immediately notify the Commission in writing if a State agency other than the Commission imposes a moratorium on the utility's system.

4.13.d. Public notification of petition -- A party petitioning for a moratorium shall notify the public that such request is being made, through a Class II legal advertisement in the form of Water Form No. 3, "Public Notice of Filing of a Petition for Imposition of a Moratorium" 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.

4.13.e. 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.

4.13.f. 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.

4.13.g. 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.

4.14. Local water rationing plans.

4.14.a. Authority - Upon giving notice to the Commission and the general public, any water utility declaring a temporary shortage of water, and that it is necessary for the health and welfare of the utility's customers to restrict the consumption and

use of the existing water supply, shall be authorized to enforce the following Local Water Rationing Plan ("Plan") to restrict use of water to human consumption and for sanitary purposes. If a utility wishes to adopt a water rationing plan different from the following Local Water Rationing Plan, it may petition the Commission for permission to do so.

4.14.b. Definitions.

1. "Emergency service area" - the area or areas within which the utility has declared a state of drought and water shortage emergency.

2. "Excess use" - the usage of water by a water customer in excess of the water allotment provided under the Local Water Rationing Plan for that customer, over any applicable period.

3. "Service area" - the territory and the customers serviced by the utility.

4. "Service interruption" - the temporary suspension of water supply, or reduction of pressures below that required for adequate supply, to any customer, portion of a water supply system or an entire system.

4.14.c. Purpose - This Plan is intended to establish measures for essential conservation of water resources, and to provide for equitable distribution of limited water supplies, to balance demand and available supplies and to assure that sufficient water is available to preserve public health and safety within an emergency service area.

4.14.d. Scope -- This Plan shall apply to all water uses within a utility's emergency service area including uses by customers of wholesale customers of the utility.

4.14.e. Objective of the Plan.

1. It is imperative that water customers within an emergency service area reduce water use in order to extend existing water supplies, and to assure that sufficient water is available to preserve the public health and sanitation, and provide fire protection service and electric power generation.

2. This Plan requires equitable reductions in water usage, and for equal sacrifice on the part of each water customer, insofar as such restrictions do not interfere with the public health, adequate fire protection and the generation of electric power. The success of this Plan depends on the cooperation of all water customers in the emergency service area.

4.14.f. Measures to implement the water rationing plan - Each water supply purveyor, including resellers, within the emergency service area, will develop and adopt necessary and appropriate measures to assure compliance with requirements of this Plan.

4.14.g. Prohibiting non-essential water uses -- The following water uses are non-essential and are prohibited within an emergency service area:

1. Watering of outside shrubbery, trees, lawns, grass, plants or any other vegetation, except from a watering can or other container not exceeding three (3) gallon capacity. This limitation shall not apply to vegetable gardens, greenhouse or nursery stocks and newly established lawns or sod less than five (5) weeks old, which may be watered in the minimum amount required to preserve plant life before 8:00 a.m. or after 6:00 p.m.

2. The watering of golf course fairways.

3. The washing of automobiles, trucks, trailers or any other type of mobile equipment except in vehicle wash facilities operating with a water recycling system with a prominently displayed sign in public viewing so stating, or from a bucket or other container not exceeding three (3) gallons.

4. The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces.

5. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.

6. Ornamental water use, including but not limited to fountains, artificial waterfalls and reflecting pools.

7. The use of water for flushing sewers or hydrants by municipalities or any public or private individual or entity except as deemed necessary in the interest of public health or safety by the utility.

8. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.

9. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire fighting or protection purposes.

10. The filling of swimming or watering pools requiring

more than five (5) gallons of water, or the refilling of swimming or wading pools which were drained after the effective date of the order, except that pools may be filled to a level of two (2) feet below normal, or as necessary to protect the structure from hydrostatic damage, as to pools constructed or contracted for on or after the date of the final order.

4.14.h. Recourse -- Any person aggrieved by a utility's decision relating to these rules may file a complaint with the Commission.

4.14.i. Penalties. -- Any person who violates the provisions of this Plan, who fails to carry out duties and responsibilities imposed by this Plan or who impedes or interferes with any action undertaken or ordered pursuant to this Plan, shall be subject to the following penalties:

1. For the first excess use, the utility shall issue a warning of possible discontinuation of service.

2. For the second or subsequent excess use, the utility may interrupt or shut off service to the customer without notice, or the utility may add a surcharge of ten percent (10%) to the end user's monthly bill for the month of the infraction.

4.14.j. Effective period -- This Plan shall remain in effect until terminated by action of the utility declaring an end to the emergency condition or until terminated by order of the Commission, whichever comes first.

4.14.k. Effective date -- This Plan shall take effect immediately upon adoption by the utility.

4.15. Resale of water.

Water furnished on approved rates or contracts by a public utility shall not be resold or caused to be resold by any customer unless the said customer is engaged in the business of distributing water as a public utility.

§150-7-5. Utility Facilities; Service Pipes; Extension of System.

5.1. Adequacy of facilities.

5.1.a. 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.b. Inspection of plant -- Each utility shall inspect its plant and facilities in such manner and with such frequency as

is necessary to insure a reasonably complete knowledge as to their conditions and adequacy at all times. Such inspections must comply with the requirements of the legally applicable Minimum Federal Safety Standards (Federal Occupational Health and Safety Administration) and the standards of the Bureau of Public Health and the Division of Environmental Protection (as applicable).

5.1.c. Records of conditions -- Records necessary for the proper maintenance of the system and in accordance with the Bureau of Public Health and the Division of Environmental Protection (as applicable), 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.d. Records of operation -- Each utility shall keep a record of the operation of its plant, which, so far as practical, shall show sufficient details of plant operation as is necessary to substantially reproduce the daily history of its operation. The records shall also be maintained in accordance with the requirements of the Minimum Federal Safety Standards and Bureau of Public Health and Division of Environmental Protection (as applicable).

5.1.e. Reports 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.

5.1.f. Bureau of Public Health Standards -- All extensions, service connections and modifications to the utility's plant must meet applicable design standards established by the West Virginia State Bureau of Public Health in addition to these rules.

5.1.g. Dead ends. -- "Dead ends" in the utility's distribution mains should be avoided so far as possible. If such "Dead ends" exist the utility shall provide facilities for flushing.

5.2. Utility Service Pipe.

5.2.a. Where 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 mains are located, the utility will furnish, install, and maintain the utility service pipe and appurtenances between the main in the street up to the customer's point of service at or near 90 degrees to the main. Provided, all such utility service pipes and appurtenances shall be installed only by the utility unless by prior written agreement.

5.2.b. The utility shall determine the location of the utility service pipe.

5.2.c. The utility will specify the size, kind, quality and location of all materials used in the utility service pipe.

5.2.d. The utility shall install and maintain, at its own cost and expense, all of the utility service pipe regardless of the side of the road on which the customer is located in reference to the main line. The utility shall designate the point of service on the customer's side of the road.

5.2.e. The utility shall not make any charge for furnishing and installing any permanent service connection, meter or other appliance necessary to deliver and measure the water furnished unless the utility has prior approval of the Commission to charge a tap fee and the same is set forth in the utility's tariff on file with the Commission.

5.2.f. The utility's service pipe shall remain under the utility's sole control and jurisdiction.

5.2.g. The customer shall not attach any fixtures to, or make any branches in, the utility service pipe between the point of service and the distribution main. Violation of this rule may result in termination of service pursuant to these rules.

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

5.2.i. Each water utility shall adopt standard methods of meter installations where practicable. Such methods shall be set out with a written description and drawings to provide a clear understanding of the requirements; all of which shall be submitted to the Commission.

5.3. Customer Service Pipe.

5.3.a. No customer, plumber, company owner or any agent shall connect to the utility's main or to any utility service pipe, or extend the pipes therefrom to any premises for the purpose of securing water service, until application has been made therefore to the utility as provided in these rules and permission for doing so has been granted by the utility in writing.

5.3.b. Once an application for service has been granted, the customer shall install and maintain the customer service pipe.

5.3.c. The utility's authorized employee shall inform the customer of the location of the point of service. The customer

shall install the customer service pipe to the point of service after which the utility will install the utility service pipe from the distribution main to the point of service.

5.3.d. The customer shall also install and properly maintain in good working condition a stop and waste cock of a type approved by the utility on the customer's service pipe immediately inside the foundation wall in a readily accessible location and in a place protected from the possibility of freezing and so placed that it will shut off and drain all plumbing within any and all buildings in the premises.

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

5.3.f. The customer's service pipe shall be installed in a workmanlike manner, shall conform to all reasonable rules and regulations of the utility, and shall be maintained by the customer at his own expense.

5.3.g. The utility will specify the size, kind, quality and location of all materials used in the customer's service pipe and the customer shall comply with those specifications.

5.3.h. A customer must maintain his service pipe in good condition and free from all leaks and defects, at the customer's cost and expense. A customer's failure to comply with this rule may result in termination of service pursuant to these Rules.

5.3.i. The customer's service pipe shall: be laid below the frost line at all points; be placed on firm and continuous earth so as to give unyielding and permanent support; and be installed in a trench at least two (2) feet in a horizontal direction from any other trench wherein gas pipe, sewer pipe, or other facilities, public or private, are or are to be installed.

5.3.j. Except in the case of long-service lines, a customer's service pipe shall not pass through or across any premises or property other than that to be served, nor across any portion of the property that could practicably be sold separately from the immediate premises served, and no water pipes or plumbing in any premises shall be extended therefrom to adjacent or other premises.

5.3.k. The customer's service pipe and all connections and fixtures attached thereto shall be subject to the inspection of the utility before the water will be turned on, and all premises receiving a supply of water and all service pipes, meters and fixtures, including any and all fixtures within the said premises, shall at all reasonable hours be subject to inspection by any duly

authorized employees of the utility.

5.3.l. The utility shall make changes and bear the full costs of changes in the customer's service pipe or meter location required due to changes in grade, relocation of mains, and other causes not related to the customer. The customer shall bear the full costs of changes in service pipe or meter location desired by the customer for his or her convenience.

5.3.m. The customer shall not attach any fixtures to, or make any branches in, the customer service pipe between the point of service and the premises served. Violation of this rule may result in termination of service pursuant to Rule 4.8.

5.3.n. There shall be no more than one (1) customer service pipe required to serve a single premises and each premises shall be supplied through an independent customer service pipe, unless otherwise approved by the utility in writing.

5.4. Long service lines.

5.4.a. To assure the orderly development of its system, and to provide adequate service to its customers, the utility should ordinarily provide water service only at the property line of the customer requesting service, and in those instances where the utility's service does not extend to the customer's property line, an extension should be made by the utility in accordance with Rule 5.5. of these rules. In unusual and exceptional cases where the property line of the customer requesting service is an excessive distance from the existing main of the utility, and the cost to be borne by the prospective customer under Rule 5.5. is prohibitive, and there is no reasonable prospect of further growth and development in the area, or for any one of the above reasons, the utility may serve the customer by installing a meter in the utility's right-of-way at its main nearest the customer's property, and connecting the meter to the customer's privately owned service line. The customer shall extend his customer service line to an existing distribution main of the utility and shall be solely responsible for service beyond the meter.

5.4.b. If a road crossing is necessary to serve the customer, the utility shall install that portion of the line crossing under the road and shall locate the meter on the customer's side of the road; provided that the utility's distribution main lies within or adjacent to the existing road right-of-way. The customer shall be required to provide evidence to the utility that proper easements or rights-of-way have been obtained. Standards of service received by the customer shall be determined at the metering point. The customer shall not permit others to connect to the customer's water lines or receive water service from the customer's privately owned service line. In the

event the utility's main is later extended to the customer's property line under Rule 5.5., the customer shall discontinue the use of his privately owned service line and shall pay all costs and charges authorized by the rules of the Commission and the rules and tariffs of the utility for water service from such extension, the same as if the customer had not previously laid and received service through a private service line. The provisions of this rule shall apply to all persons now or hereafter receiving water service through a privately owned service line extending from the utility's main to the property to be served.

5.5. Extension of mains to serve new customer(s) and customers currently served under Rule 5.4.

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

5.5.b. 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.

5.5.c. For any proposed extension of mains, a reasonable relationship should exist between the per customer investment to serve new customers and the per customer investment to serve existing customers.

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

5.5.e. Extensions for general water service -

1. The utility will respond to all inquiries regarding new water service, whether oral or written, by explaining all available options for obtaining service under these rules.

2. The utility will, upon written request for service in the form of Water Form No. 4, by a prospective customer or group of prospective customers located in the same neighborhood, or a customer currently served under Rule 5.4., determine the necessary size of main required to give service and make an estimate of the cost of providing the requested service, using the form of Water Form No. 5, including pipe, valves, fittings, necessary materials, permits, costs incurred by the utility when the utility externally contracts for the construction of the extension, or internal labor costs, provided such internal or external costs are not recovered in existing rates, and other applicable related costs. When a road crossing(s) is(are) necessary

to serve the customer(s) requesting service, the cost estimate shall not include costs attributable to extending the main across the first road (closest to the already existing main), but shall include the costs of installing the main across a second and any subsequent road(s). The written estimate calculated using Water Form No. 5, shall be provided to the customer in the form of Water Form No. 6, 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 and the customer shall execute a Main Line Extension Agreement. Commission Staff may be consulted to provide assistance and sample forms. The agreement must include as an attachment a copy of this extension rule. The utility shall keep an executed copy of their agreement 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 point of connection to the utility system having sufficient excess capacity to provide service at maximum demand.

2. Unless service is to be provided by a long service line pursuant to Rule 5.4., whenever the utility is required to extend service from an existing distribution main to property that does not immediately abut the utility's right-of-way or the public road that contains the distribution main, the extension shall be considered a main extension and cost responsibility shall be determined under this Rule 5.5.e.

3. Where the cost of the extension does not exceed the estimated total net revenue, as calculated below from hydrants and prospective customers whose service pipes 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.

A. Net revenue shall be gross revenue minus the excess usage leak adjustment rate approved for the utility, and with this difference further reduced for any revenue based taxes.

B. Revenue shall be based on 4,500 gallons per month per residential unit, unless circumstances of the applicant show this would result in significant error. For non-residential units, annual revenue shall be based on typical consumption for comparable units published by the American Water Works Association.

C. Estimated total net revenue for private, for profit, utilities will be initially calculated as six (6) times estimated net annual revenue. Each such utility shall file for a line extension multiplier within twelve (12) months of the effective date of these rules.

D. The utility-specific line extension multiplier for private, for-profit, utilities shall be based on one (1) divided by the utility's net fixed charge rate. The net fixed charge rate shall equal the total of the utility's weighted cost of capital, applicable income tax rates, and the Commission approved depreciation accrual rate.

E. Estimated total net revenue for associations, municipal, and public service district utilities will be calculated as five (5) times estimated net annual revenue. If the excess leak adjustment calculated for the utility fails to include all of the incremental costs of serving a new customer that should properly be netted out from the total revenues of the utility, the utility may apply to the Commission for a determination of the proper amount to be deducted from gross revenues to arrive at an appropriate determination of net revenue.

5.5.f. Extensions beyond the limit of utility-financed extensions of general water service and public fire service.

If the estimated cost of the proposed extension required in order to furnish general water service exceeds the utility's estimate of total net revenue as determined by Rule 5.5.e.4., 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 limit of the utility-funded portion of the extension. The utility shall not pay nor be liable for any interest on such cash deposits. The utility shall make the extension after receiving the cash deposit. The utility shall, for each bona fide new customer who, within a period of ten (10) years from the making of such extension, directly connects to the extension between its original beginning and the original terminus, refund to the original depositor(s), an amount equal to the estimated total net revenue of the new customer as determined by Rule 5.5.e.4., but in no event shall the aggregate refund made to the depositor(s) exceed the original deposit. Provided that associations, public service districts and municipal water utilities may elect to refund the estimated amount over a period of five (5) years equal to the utility's line extension multiplier as defined in Rule 5.5.e.4.D. making payments no less frequently than every six (6) months.

5.5.g. Alternate depositor-financed extension plan.

1. Qualifying utilities -- The above requirements

notwithstanding, the utility may decline to finance the portion of a requested extension that would be utility-funded if it can demonstrate that it has no prospect of any reasonable internal or external financing 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 portion of a requested extension that would be the financial responsibility of the utility, the utility shall file for a waiver of the 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 portion of the requested extension that would otherwise be utility-funded, the Commission shall authorize the use of the alternate depositor-financed extension plan as described below.

2. Description of alternate 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 the actual net bill(s) from the date service is initiated and until the total credits given equal the estimated total net revenue as defined in Rule 5.5.e.4. and

C. agreeing to refund to the original depositor(s) an amount equal to the estimated total net revenue as defined in Rule 5.5.e.4. of each *bona fide* customer, other than the depositor(s), who, within a period of ten (10) years from the construction of the extension, directly connects to the extension between its original beginning and the original terminus. The refund may be spread out over a five (5) year period with the utility making payments no less frequently than every six (6) months. Such refunds shall continue until the total refunds given equal the estimated total net revenue as defined in Rule 5.5.e.4.

3. In no event shall the total refund made to the depositor(s) under Rule 5.5.g. exceed the original deposit of the

depositor(s).

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

5.5.h. General Provisions --

1. 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, but in no event longer than ninety (90) days after completion of construction of the extension. When the actual cost of the extension exceeds the estimated cost, then the utility will bill the depositor for the difference between the estimated and the actual cost. No interest will be paid by the utility on the applicant's payment or on any balance to be refunded.

2. In estimating the cost of an extension, the estimate shall be based on the diameter of the pipe to be used; provided that the estimated cost to the customer or customers shall not be based on a pipe diameter greater than the diameter of the main from which the extension is to be made, unless actual consumption estimated for the proposed customer or customers requires a larger pipe.

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

4. The utility reserves the right to further extend its distribution mains from and beyond the 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 such further extension or branch mains.

5. In determining the length of water line to be installed in an urban area when land is subdivided into lots, the main, or water line (if installed by an entity other than a utility), shall be extended to fully cover the frontage of the property, and if the last lot to be served is a corner lot the terminal point of the extension made hereunder shall be located so that the water line ties in with the intersecting street; and further; provided that if there is no main located in the intersecting street, the terminal point of the extension 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.

6. Before water lines will be laid in any new subdivision, the road surface shall be brought to the established sub-grade as determined by the agency having jurisdiction.

7. This rule shall not be construed as prohibiting the utility from entering into an agreement with a customer that complies with the Commission approved checklist attached hereto as Water Form No. 6, providing an alternate plan for a main extension. Commission Staff may be consulted to provide assistance and sample forms. In providing an alternate plan for main extensions a utility may not discriminate between customers whose service requirements are similar. The agreement shall be filed with and approved by the Commission prior to implementation or execution of the agreement by any of the parties. The agreement shall include the name, address and phone number of the parties to the agreement. The agreement shall also include a provision explaining why the utility is not funding the extension. The agreement must attach a copy of this Rule 5.5., and a statement signed by the prospective customer that he has reviewed and understands the provisions of Rule 5.5.g. which entitle a customer to refunds and that he knowingly waives such rights, if applicable. Failure to obtain 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 to all facilities including property, plant and rights-of-way incidental to the furnishing of utility service.

8. 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 extension shall guarantee to the utility that they will take water service at their premises within thirty (30) days after water is turned into the main or as otherwise mutually agreed in a user's agreement.

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

10. Right-of-Way.

A. If the construction of an extension involves the acquisition of a private right-of-way, then the prospective customer shall attempt to secure the right-of-way and deliver it to the utility free of cost before construction of the extension is started.

B. 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.

C. As a condition to obtaining a main extension, any property owner or developer shall grant the utility the necessary easements to allow the utility to make future extensions 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 to serve the property owner or developer.

11. Upon the proper filing of a Tariff Rule 42A, 42T, or 19A rate case by the utility, the utility may seek an impact fee to be assessed against customers.

5.6. Unaccounted for water.

Each utility shall determine either by actual measurement or by estimate the amount of "Unaccounted for Water" as defined in 1.7.g. of these Rules in each division of its system and report, separately, to the Commission in its annual report. Said report shall contain the proposed remedial actions to be taken if unaccounted for water is in excess of fifteen percent (15%) of the gross production on an annual basis. A utility may seek assistance from the Commission regarding remediation of unaccounted for water in excess of fifteen percent (15%).

5.7. Cross connections and back flow prevention regulations.

See West Virginia Bureau of Public Health Bulletin EW-113 Effective April 1, 1976.

5.8. Standard pressure.

5.8.a. Each customer shall be deemed to receive a "standard pressure" within the Commission's established minimum and maximum pressure limits. When possible, such "standard pressure" shall be calculated as the static pressure based on the difference in elevation between the base of the storage tank and meter box or point of service. Where this method of calculating a customer's "standard pressure" is not practical, the actual engineering design of the system or common engineering methods shall be used to determine the "standard pressure" at the point of service. Pressure fluctuations shall not vary more than fifty percent (50%) above nor fifty percent (50%) below such "standard pressure" during normal operating conditions. Pressure variations outside the limits specified will not be considered a violation of this rule if they are infrequent and arise from unusual or extraordinary conditions, or arise from the operation of the customer's equipment. This rule

shall be interpreted to permit a different "standard pressure" calculation for each customer due to varying elevations.

5.8.b. Each utility should establish an elevation in each pressure district above which it cannot provide the minimum pressure required by this rule. This elevation shall be displayed in a prominent place in the public offices of the utility. The utility may furnish new service to customers above this elevation if the customer is fully advised of the conditions under which average service may be expected, and the customer's agreement is secured in writing. The utility may require in the agreement that its terms shall be binding on future customers served at the same location under similar circumstances; provided that the agreement be recorded with the appropriate county clerk. This waiver shall not prevent the Commission from requiring a better service when, upon investigation, it appears that improvements should be made.

5.8.c. No change shall be made by a utility in the standard pressure or pressures adopted for its customers without the approval of the Commission.

5.8.d. A customer's pressure shall be no less than twenty (20) p.s.i. at peak demand on system or thirty (30) p.s.i. static pressure at the terminus of the utility's service line (meter box or curb box) unless the customer has waived this requirement. For all new customers desiring service on and after the effective date of these rules, a customer's pressure shall be no greater than one hundred thirty-five (135) p.s.i. unless the customer has waived this requirement. The utility shall keep on file all the aforesaid waivers, in accordance with Rule 2.1.

5.9. Quality of water.

5.9.a. Purity -- All water furnished by a utility for domestic use, shall be pure, wholesome, potable and in no way dangerous to the health of the consumer.

5.9.b. Health Department -- Every water utility shall comply with the rules of the Bureau of Public Health governing purity of water, testing of water, operation of filter plants and such other rules they may prescribe, pursuant to law, having as their ultimate end the purity of water.

§150-7-6. Inspections and tests.

6.1. Meter testing facilities and equipment.

6.1.a. Testing facilities -- Each utility shall provide or have access to such laboratory meter-testing facilities as may be necessary to make the tests required by these rules or other orders of the Commission. The facilities so provided shall be

subject to the approval of the Commission, and shall be available at all times for inspection or use by any member or authorized representative of the Commission.

6.1.b. Tests required; Reports to Commission -- Each utility shall, as a minimum requirement, conduct the tests required by these rules with such frequency, and in such manner, and at such places as provided herein or as may be approved or ordered by the Commission. Each utility shall make yearly reports, in accordance with the requirements of the Commission, on Water Form No. 8, of meter tests, number of customers and amount of refunds. These reports must be filed not later than thirty (30) days after the expiration of the period covered by the reports.

6.1.c. General testing equipment -- Each utility furnishing metered water service shall own and maintain the equipment necessary to accurately test all types and sizes of meters employed for the measurement of water unless the utility has made arrangements to have such testing done in a shop or laboratory containing equipment acceptable to the Commission. The utility shall promptly report in writing to the Commission all alterations or repairs to meter testing equipment, which might affect the accuracy or method of operation of such equipment.

1. The utility shall hold for all testing instruments and other equipment, a certificate signed by a proper authority giving the date when the instrument was last certified and adjusted, and certificates, when superseded, shall be kept on file in the office of the utility.

2. Shop testing equipment -- Testing equipment shall consist of calibrated tanks large enough to hold the equivalent volume needed to move the test dial one or more complete revolutions. It is recommended that the calibrated tanks hold not less than the quantity needed to test meters in accordance with the test requirements of the American Water Works Association (AWWA) found in the Water Meters Section of Manual M6, Denver (1986). The equipment shall be provided with the proper valves, gauges, and flow devices so constructed that the flow rate can be determined in gallons per minute and an accurate check can be made of the pressure on the intake side of the meter.

3. Field testing equipment "Prover Meter" -- Testing equipment shall consist of a calibrated meter(s) provided with the proper discharge valves and gauges so constructed that the flow can be adjusted on the outlet side of the prover meter. Said equipment shall be tested and calibrated against a certified calibrated tank not less than once each year, or more frequently if circumstances warrant, and a record of such test shall accompany the field test equipment when in use. It is recommended that the test record be plotted as an accuracy curve in graph form so that

operating error may be determined easily. The error of the prover meter shall be applied as a correction factor when computing final accuracy of meters tested in place by using the following formula:

$$\text{TESTED METER ACCURACY} = \frac{\text{MV}}{\text{PV}} \times \text{PA}$$

where: MV = volume recorded on meter tested
PV = volume recorded on prover meter
PA = accuracy of prover meter at tested flow rate
(in %)

6.2. Tagging, sealing and capping meters.

6.2.a. Tagging meters -- A record of each meter shall be maintained showing the type, brand, serial number, registration reading, test date, flow rates, and test results. This record, which may be kept on paper or electronically, shall be maintained after installation of the meter and for so long as the meter remains in service.

6.2.b. Sealing meters -- All meters in which the accuracy can be adjusted or which could otherwise be easily altered or tampered with shall be sealed at the time of the test by the metertester performing the test. Pulse generator remote type meters shall have the remote counter sealed.

6.2.c. Capping meters -- All meters must have caps placed on the inlet and outlet ports when removed from service and awaiting testing. All meters that have been tested and sealed or are ready for installation must be capped when sealed and kept capped until installed.

6.3. Accuracy requirements for water meters.

6.3.a. Installation accuracy -- Before being installed for the use of any customer a water meter, whether new, repaired, or removed from service for any cause, shall be in good order and shall be adjusted or repaired to be as nearly correct as is commercially practical. However, a manufacturer's certified test may be accepted in lieu of utilities' test of new meters of the positive displacement type.

6.3.b. Whenever, on installation, periodic or any other test, a meter is found to exceed a limit of two percent (2%) fast or slow, it must be adjusted so as to register as nearly one-hundred percent (100%) as is commercially practicable. For displacement, multi-jet, propeller, and turbine meters, the normal test-flow-percent accuracy shall be the average of the accuracy results at the intermediate and maximum test-flow rates. For compound and fire-service meters, the normal test-flow-percent

accuracy shall be the average of the accuracy results at the maximum test-flow rate of the main line meter and the intermediate and maximum test-flow rates of the bypass meter.

6.3.c. After all necessary repairs, adjustments and final tests have been made so that the meter registers accurately, such meter shall be sealed. It is recommended that all meters of the disc or displacement type, two inch (2") or less in size, be tested before being installed on the premises of any customer.

6.3.d. Meters of the turbine type, two inch (2") and larger, shall always be tested after installation. These meter installations shall be installed with a "Test Tee" and valve for use in testing.

6.3.e. Meters of the turbine type can be tested and calibrated more accurately in place. The accuracy of turbine meters is affected by changes in distribution of velocities through the meter. Such variation of velocity may occur to an appreciable degree through change of nature of inlet piping.

All tests to determine the accuracy of registration of any water meter shall be made with a Commission certified meter prover.

6.3.f. Meter Test Flow -- Flow rates shall be in accordance with "American Water Works Association" standards.

6.3.g. Tests -- How Made -- The testing procedures shall be in accordance with American Water Works Association standards.

6.4. Periodic test.

6.4.a. Meters shall be periodically tested as follows:

3/4" or less in size at least once every 10 years.

1" in size at least once every 7 years.

1-1/4", 1-1/2", 2" in size at least once every 5 years.

3" in size at least once every 3 years.

4" and larger in size at least once each year.

6.4.b. "Periodic test periods" for testing meters in the system of utilities supplying water of high turbidity, or of peculiar characteristics, will be determined by the Commission from time to time.

6.4.c. The time frame for periodic tests may be modified by the Commission from time to time upon the submission of evidence by the utility to substantiate any request for modification.

6.5. Request tests.

6.5.a. Action required -- If any customer shall request in writing to the utility a test of the accuracy of his or her meter, and the meter is not due for periodic testing, the utility shall notify the customer of the conditions under which the test will be made by the utility or by a referee. If the customer shall then request the utility to proceed with the test and remits an amount equal to the estimated cost incurred by the utility, but not less than ten dollars (\$10), the utility shall make the test promptly. A report giving results of the test shall be made to the customer and the utility, and a complete record of the test shall be kept within the applicable Division of the Commission. If, when tested, the meter is found to be more than two percent (2%) in error, the amount advanced shall be promptly refunded to the customer. If the meter is not found to be more than two percent (2%) in error, the utility shall retain the amount advanced by the customer for the test.

6.5.b. Customer's privilege -- A customer may be present when the utility conducts the test on the customer's meter or, if the customer desires, may send an expert or other representative appointed by the customer.

6.5.c. If the customer files a complaint with, or makes a request for assistance from, the Commission regarding the accuracy of his or her meter, the utility owning the meter shall be notified and shall have a representative present to remove the meter and assist a Commission inspector with the test. This test shall be made at the expense of the utility.

6.5.d. Report to customer -- A report giving the name of the customer requesting the test, the date of the request, the location of the premises where the meter had been installed, the type, make, size and serial number of the meter, the date of removal, the date tested, and the result of the test shall be supplied to such customer within ten (10) days after the completion of the test.

6.6. Metertesters.

6.6.a. Metertester required -- Every utility shall have in its employ or have access to the services of one or more competent metertesters whose duty it shall be to perform such tests as may be necessary to determine the accuracy of the utility's meters.

6.6.b. Certification of metertester -- A utility desiring to certify an employee as a metertester must secure a qualification card from the Commission in the form of Water Form No. 9; have same executed by the applicant and returned to the Commission; together with a certification by a responsible representative of the utility as to the facts contained on the

card. The Commission will then schedule a certification test which will consist of a written examination and a demonstration test of the applicant's meter testing skills on certified testing equipment. If the applicant's qualifications are satisfactory, the Commission will then issue a card to the employee in the form of Water Form No. 10 authorizing the employee to test meters of the type and size shown on the card.

6.6.c. Experience required -- No employee of a utility shall be authorized to test meters unless he or she has had at least six (6) months' experience in a utility water-meter shop, or equivalent experience, part of which time must have been spent working on the type meter for which authority to test has been requested. All tests must be made by an authorized metertester.

6.6.d. Reports to Commission --

1. Each utility shall file on or before February 1st, each year, a list of the individuals in its employ authorized to test meters.

2. The utility shall notify the Commission and shall take up and return the metertester's card when a certified metertester ceases to be in its employ.

§150-7-7. Safety requirements.

7.1. Accidents -- Every utility shall keep a record of every accidental happening in connection with the operation of its plant, station, property, and equipment, whereby any person shall have been killed, or seriously injured, or any property damaged or destroyed, with full statement of the cause of such accident, and the precautions taken to prevent similar accidents in the future.

§150-7-8. Creation or alteration of public service districts.

8.1. Creation or alteration of a public service district.

8.1.a. A county commission upon entering an order on its own motion, or upon receipt of a petition, or upon receipt of a recommendation of the Commission, proposing the creation, expansion, merger, consolidation, reduction or dissolution of a public service district pursuant to West Virginia Code §16-13A-2, shall:

1. At the same session, fix a date of hearing in the county which date shall be not more than forty (40) days nor less than twenty (20) days from the date of the action;

2. Within ten (10) days, provide the Executive Secretary of the Commission with a copy of the order or petition

and notification of the time and place of the hearing to be held by the county commission;

3. If the territory proposed to be included is situated in more than one county, when fixing the date of hearing, provide for notifying the county commission and clerk thereof of each of the other counties into which the territory extends of the date so fixed;

4. publish, at least ten (10) days prior to the hearing, a Class I legal advertisement meeting the requirements stated in West Virginia Code §16-13A-2, giving notice of the hearing;

5. post notice in at least five (5) conspicuous locations in the proposed public service district as required by West Virginia Code § 16-13A-2; and

6. file with the Executive Secretary of the Commission affidavits of publication pursuant to Rule 4. above, and affidavits of posting pursuant to Rule 5. above as soon as the same are available.

8.2. Notification to the Commission of county commission action.

8.2.a. If the county commission enters an order creating, enlarging, reducing, merging, dissolving, or consolidating a public service district, the county commission shall, within ten (10) days of entering such order, file a copy of such order with the Executive Secretary of the Commission. If the county commission declines to enter such an order, the county commission shall, within ten (10) days of declining, file with the Executive Secretary of the Commission notice that it has declined to enter any such order.

8.3. Commission hearing.

8.3.a. The Commission shall hold a hearing or hearings in each county affected by a county commission order(s) filed pursuant to Rule 8.1.a. and the Commission shall publish a Class I legal advertisement giving notice of such hearing or hearings.

8.4. Commission consideration of proposed creation or alteration.

8.4.a. After public comment and hearing the 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 Commission may consider, among

other things:

1. the public convenience and necessity;
2. the economic feasibility, including sources of funding, costs and related benefits of the county commission's order;
3. the adequacy of facilities;
4. other facilities in the area; and
5. other possible alternatives.

Water Form No.1
(Water Rule 4.8.a.)

(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 _____ (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.

(Include all applicable charges.)

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 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 agreement 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.

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 A CHALLENGE WITH THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA.** You will be required to pay your current bill while the challenge is pending. There is no charge associated with filing a challenge and you may do so without the assistance of an attorney.

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

Utility Challenge
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).

Water Form No. 2
(Water Rule 4.8.a.9)

(Insert Public Service District Name Here)

**NOTICE OF SCHEDULED TERMINATION OF SERVICE
TO CUSTOMER WHO IS A TENANT AND CUSTOMER RIGHTS**

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

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

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

Because you are a tenant of property owned by another, you are hereby placed on notice that your landlord has the right, under West Virginia Code § 16-13A-9, to request this public service district to shut off and discontinue your water service once you have failed to pay any bill for water services within sixty (60) days of the date the utility mailed the bill to you.

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

(Include all applicable charges.)

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.

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 A CHALLENGE WITH THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA.** You will be required to pay your current bill while the challenge is pending. There is no charge associated with filing a challenge and you may do so without the assistance of an attorney.

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

Utility Challenge
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).

Water Form No. 3
(Water Rule 4.13.d.)

PUBLIC NOTICE OF FILING OF A PETITION
FOR THE IMPOSITION OF A MORATORIUM

Case No. _____

NAME OF UTILITY _____,
a public utility.

Petition for consent and approval for
the imposition of a moratorium on the
utility system.

PUBLIC NOTICE

On _____ (date), the _____ (Name
of Utility, Commission Staff, or governmental entity) filed a petition with the
Public Service Commission for approval of the imposition of a moratorium on [name
of utility]'s _____ [water, sewer, or other] system serving
_____ [describe areas served]. If approved, the moratorium would
mean that no new customers could be served by the utility in these areas until
the Commission lifts the moratorium. The _____ [name of
petitioner] claims that the imposition of a moratorium is appropriate because
[describe reasons and describe any plans to alleviate the circumstances giving
rise to the petition, and any estimate of a date when it would be appropriate for
the Commission to lift the moratorium.]

Any person wishing to protest, support, make comment, or request a public
hearing about the proposed moratorium should do so in writing. Written
statements should be addressed to the Executive Secretary, Public Service
Commission, P.O. Box 812, Charleston, WV, 25323.

NAME OF UTILITY

Water Form No. 4,
(Water Rule 5.5.e.2.)

Form of written request for service
by a prospective customer or
a group of prospective customers
located in the same neighborhood

Water () Water and Sewer ()

Previous Customer () If so, when _____ New customer ()

Name _____

Mailing address _____ Phone _____

Property location _____

Rent () Own () Other _____

If rent: Property owners name _____

Property owner's mailing address _____ Phone _____

Type of service: Residential () Number in household _____

Commercial () Type _____

Industrial () Type _____

Applicant's place of employment _____

Employment address _____ Phone _____

Name of spouse _____

Spouse's place of employment _____

Spouse's employment address _____ Phone _____

I HEREBY AUTHORIZE SERVICE TO BE ESTABLISHED IN MY NAME AT THE ABOVE
PROPERTY LOCATION AND AGREE TO PAY FOR SERVICE UNTIL DISCONTINUED BY MY
REQUEST IN WRITING. I UNDERSTAND THAT THIS APPLICATION IS ACCEPTED SUBJECT TO
THE AVAILABILITY OF SERVICE AT THIS LOCATION.

Applicant's signature _____

Date _____

Utility representative _____ Date _____

For office use only

Name _____ Account No. _____

Applicant ID _____

Deposit amount _____ Tap fee amount _____

Meter Size _____ Meter No. _____

Meter Route _____ Meter reading _____

Date on _____ Date off _____

Customer request () Termination ()

**Water Form No. 5,
(Water Rule 5.5.e.2.)**

Form for use in determining cost estimate
to extend water service

Date _____

The following estimate is in response to a request to extend the Utility's
water facilities approximately _____ feet along
_____ to serve a
customer or customers who desire water service.

Cost Estimate

Water line (_____ - inch PVC) _____	feet @ \$ _____/foot	= \$ _____
Excavation/installation _____	feet @ \$ _____/foot	= \$ _____
Materials (fittings, valves, stone, etc.)		= \$ _____
Permits/rights-of-way (Health, Highways, etc.)		= \$ _____
Restoration (seeding, gravel, etc.)		= \$ _____
Related cost (engineering, legal, etc.)		= \$ _____
	TOTAL	= \$ _____

Cost Share of Customers and Utility

- A. Total estimated cost of extension \$ _____
- B. Utility Share: (estimated total net revenue per customer calculated pursuant to Rule 5.5.e.4.) \$ _____ per customer x _____ customers = \$ _____
- C. Customer share: estimated cost to be paid by _____ customers (A-B) = \$ _____

Conditions

If the potential customers shall deposit with the Utility, in advance, the total sum of \$ _____, (customers share from "C" above), a tap fee of \$ _____ per customer, and a \$ _____ security deposit per customer, the Utility will apply for the necessary permit applications and begin construction as soon as possible.

If the actual cost to construct the extension is less than the estimated cost, the Utility will refund the difference to the original depositors. If the actual cost exceeds the estimated cost the Utility will bill the depositors for the difference.

The customers will be required to sign an application for service and/or a users agreement when the tap fees and deposits are made.

This main line extension estimate is made in accordance with Water Rule 5.5 of the Rules for the Government of Water Utilities.

Water Form No. 6
(Water Rule 5.5.e.2.)
Form of cost estimate to be
provided to applicants for service

Dear Mr. Customer:

We have received a petition for a water main extension and have estimated the construction cost to extend the main to serve the properties of the ___ (insert number) petitioners. This estimate is summarized below:

Water	_____ feet at \$ _____/ foot	_____
Excavation/Installation	_____ feet at \$ _____/ foot	_____
Materials (fittings, valves, stone, etc.)		_____
Permits/Rights-of-way (Health, Highways, etc.)		_____
Restoration (seeding, gravel, etc.)		_____
Related Cost (engineering, legal, etc.)		_____
Total Estimated Extension Construction Cost		_____
Minus Utility's Share (estimated total net revenue per customer pursuant to Water Rule 5.5.e.4.)		_____
Estimated Cost to be Paid by Customers		_____
Estimated Cost per Customer		_____

When the "customer's share" referenced above is deposited with the Utility, the Utility will apply for the necessary permit applications and begin construction as soon as possible. If the actual cost to construct the extension is less than the estimated cost, the Utility will refund the difference to the original depositors. If the actual cost exceeds the estimated cost, the Utility will bill the depositors for the difference. This difference must be settled before service can actually be connected.

All customers will be required to sign an extension agreement and an application for service and/or a users agreement and pay a tap fee of \$_____, and a security deposit of \$____ prior to receiving service. The security deposit is refunded with interest following twelve consecutive months of full and timely payments for services rendered.

The estimated start date of construction is _____.

The estimated duration of construction is _____ days.

Should you have any questions, you may contact Barbara Manager or John Foreman at _____ between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Sincerely,

Water Form No. 7

(Water Rule 5.5.h.7)

Form of Commission Check-List for Alternate Main Extension Agreements

This form sets forth the minimum amount of information that should be included in a proposed alternate main extension agreement.

- 1. Name of developer, mobile home park owner or prospective customers(s).
- 2. General location or description of area to be served.
- 3. Indication that the developer, owner or prospective customer(s) has/have read Water Rule 5.5, Sewer Rule 5.3, or both in their entirety.
- 4. Indication that the developer, owner or prospective customer(s) understand(s) the Rules.
- 5. Having read and understood the Rules, the developer, owner or prospective customer(s) choose(s) to enter into the alternate main line extension agreement.
- 6. If the developer, owner or prospective customer(s) waive(s) reimbursement, the agreement should contain the waiver.
- 7. A copy of the applicable Rule(s) must be attached to the agreement.
- 8. A statement as to who will bear the cost of inspection, if any.
- 9. If the customer is to bear the cost of inspection, a statement of the maximum amount of the cost of inspection.
- 10. If the developer, owner or prospective customer(s) wish(es) to waive the right of receiving an estimate of the cost of the extension if constructed by the utility, a statement reflecting the waiver.
- 11. A statement as to the type of testing to be required.
- 12. A statement as to who will bear the cost of testing, if any.
- 13. If the customer is to bear the cost of the testing, a statement of the maximum amount of the cost of the testing.
- 14. A statement as to who will install the service connections.
- 15. If the developer, owner or prospective customer(s) is/are to install the service connections, a statement that the utility will not charge a tap fee.
- 16. A statement that the tap fee, if any to be charged, is the approved tap fee in the utility's tariff.
- 17. A statement that the utility is to be indemnified and held harmless against any and all claims for injuries and/or damages which may arise from problems associated with the construction of the extension by the developer, owner or prospective customer(s).

- 18. A statement that the ownership of the extension will be conveyed to the utility prior to its connection to the utility's system.
- 19. A statement indicating who will be responsible for preparing the plans for the extension.
- 20. If the developer, owner or prospective customer(s) is/are to be responsible for the preparation of the plan for the extension, a statement that the developer, owner or prospective customer(s) will provide plans to the Staff of the Public Service Commission if required.
- 21. The number of prospective customers to be served by the extension, the number of lots to be served, or some other general indication of the size of the area to be served by the extension.
- 22. If the initial cost estimate has not been waived, the estimate must be set forth in the agreement.
- 23. A warranty indicating that the developer, owner or prospective customers will warrant the system for a period of one year after completion of the construction, or after system is placed into service.
- 24. The agreement should not be executed before being sent to the Commission for approval.
- 25. A statement as to who will obtain and pay for necessary permits.
- 26. A statement as to who is responsible for the cost of the construction.
- 27. A statement as to who is responsible for the cost of the material.
- 28. A statement describing the extension, including length, diameter and any major components such as fire hydrants, etc.

NOTE: A paragraph such as "The Developer/Customer waives his rights under paragraph 5.3 or 5.5 of the Commission's Rules" will not be acceptable as a catch-all for the requirements listed above. Each item must be addressed in the agreement.

Water Form No.8
(Water Rule 6.1.b.)

WATER UTILITY REPORT
REPORT OF METERS, CUSTOMERS AND REFUNDS
TO THE
PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
CHARLESTON

THIS REPORT TO BE MADE MONTHLY BY UTILITIES HAVING 300 OR MORE METERS
THIS REPORT TO BE MADE QUARTERLY BY UTILITIES HAVING LESS THAN 300 METERS

Name of Utility _____

Address _____

Names of Towns Covered by This Report _____

Period Covered by Previous Report _____ to _____

Period Covered by This Report _____ to _____

*Number of Old Meters from Service Tested During This Period Were:
More than 2% slow _____; 1% to 2%, inclusive, slow _____;
less than 1% slow _____
Total Slow _____
More than 2% fast _____; 1% to 2%, inclusive, fast _____;
less than 1% fast _____
Total Fast _____

**Number of New Meters, or Old Meters not from Service Tested During this
Period _____

Total Meters Tested During this Period _____

Number of Tests Made at Customer's Request as per This Report _____

Number of Tests Made at Commission's Request as per This Report _____

Number of Meters Past Due for Test _____

	Metered Customers	Unmetered Customers	Total Customers
Number Residential Customers Served	_____	_____	_____
Number Commercial Customers Served	_____	_____	_____
Number Industrial Customers Served	_____	_____	_____
Total Residential, Commercial, Industrial Customers	_____	_____	_____
Number Public Fire Protection Customers Served	_____	_____	_____

Number Private Fire
Protection Customers Served _____

TOTAL NUMBER OF CUSTOMERS
- ALL CLASSES _____

*Number of Refunds to be Made Account of Fast Meters Found During This Period

Total Amount of Refunds Account of Fast Meters Found During This Period

*Number of Customers to be Billed Account of Slow Meters Found During This
Period _____

Total Amount to be Billed Account of Slow Meters Found During This Period

Report Covering Meter Tests Approved By:

Title

Report Covering Customers and Refunds Approved By:

Title

NOTES:

All spaces on this report MUST be filled in using "0" or the word "none" where applicable.

*Make special note if any Meters more than 2% fast or slow recorded above were used to measure service for company's use, free customers, customers who had a minimum bill for the 3 months previous to date of test, or any other special condition.

**All new Meters must be tested and a record made of their condition before being installed, but a report of their present condition is not required.

Water Form No.9
(Water Rule 6.6.b.)

(Front)

QUALIFICATION CARD FOR WATER METERTESTER

Name _____ Age _____ Date _____
 Address _____
 Title _____
 Employer _____ Shop Location _____
 Supervisor-Name _____ Title _____

GENERAL EXPERIENCE

Type of Work	Company	Years
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

***METER EXPERIENCE**

Type Meter	Nature of Work	Company	Years
Testing-	_____	_____	_____
Disc or Displacement	_____	_____	_____
Current	_____	_____	_____
Compound	_____	_____	_____
Fire Protection	_____	_____	_____
Testing & Repairing-	_____	_____	_____
Disc	_____	_____	_____
Current	_____	_____	_____
Compound	_____	_____	_____
Fire Protection	_____	_____	_____

Remarks: _____

*State, under remarks, in detail the type or kind or work done on meters.

Should this application be approved, I will test all water meters in accordance with the Rules for the Government of Water Utilities of the Public Service Commission of West Virginia, and will not seal or approve for installation any meter that does not meet all of the requirements of the Rules for the Government of Water Utilities.

Signature

CERTIFICATE BY RESPONSIBLE REPRESENTATIVE OF THE UTILITY

I, _____ (Name), _____ (Title) of the _____ (Water Company) certify that I have read the questions and answers on this card, relative to the experience of _____ (Name of Employee) and that they are true and correct to the best of my knowledge and belief. I further certify that the above employee is competent to test and repair _____ (Disc) _____ (Current) _____ (Compound) meters and will, faithfully and honestly discharge the duties of metertester.

Signature

=====

TO BE FILED BY THE PUBLIC SERVICE COMMISSION

The above employee has been authorized to test Water Meters as shown below:

	Testing	Testing and Repairing
Disc	_____	_____
Current	_____	_____
Compound	_____	_____

PSCWV Employee

date

Water Form No. 10
(Water Rule 6.6.b.)

(Front)

WATER METERTESTER'S CARD

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
Charleston, West Virginia

No. _____

Date _____

Name of Employee

is hereby authorized to test and repair the following type or types of water meters:

Testing

Testing and Repairing

Disc _____
Current _____
Compound _____
Utility _____
Shop Location _____

PSCWV Employee

(over)

(Back)

This card must be returned to the Public Service Commission of West Virginia by the _____ when

_____ leaves the employ of the company or ceases to serve as metertester.

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

September 11, 2003

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

Re: 150 C.S.R. 7 (Water Rules)
150 C.S.R. 5 (Sewer Rules)

Dear Judy:

The Commission, on its own review, found a few errors in its recent final rules issued for water and sewer utilities. Specifically, during the regular 2003 legislative session, the Legislature passed Senate Bill No. 412 which has been codified at West Virginia Code §16-13A-9. Although our previous rules picked up some of the changes necessary as a result of that legislation, it did not pick up all of the changes.

Therefore, the corrective rules change Water Rule 1.7.B.(3) and Sewer Rule 1.7.C.(3) to reflect that public service district bills are delinquent 20 days from the bill due date instead of 30 days. Second, these corrective rules eliminate provisions that would hold the landlord responsible for delinquent tenant bills. Finally, instead of summarizing, language from Senate Bill No. 412, regarding what a PSD may charge to a customer that refuses to connect to a sewer system. I have also enclosed the Commission's corrective order dated September 11, 2003.

I have enclosed a diskette which contains a clean copy of the rules as well as a strike-through and underlined version of the rules.

If there are any problems or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hitt". The signature is stylized with a large, sweeping initial "R" and a cursive "Hitt".

Richard E. Hitt
General Counsel

REH/cbd

Enclosure

H:\CDODD\WPDOCS\RICKMISC\COOPER38waterrules.wpd

**TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION**

**SERIES 7
RULES FOR
THE GOVERNMENT OF
WATER UTILITIES**

§150-7-1. General.

1.1. Scope -- These rules govern the operation and service of water 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 -- August __, 2003

1.4. Effective Date -- October __, 2003

1.5. General.

1.5.a. This rulemaking repeals the Commission's current Rules and Regulations for the Government of Public Service Districts, 150 CSR 17, and incorporates portions of those rules within these Water Rules. Portions of Series 17 will be incorporated into the Commission's Rules for the Government of Sewer Utilities, 150 CSR 5, by separate proceeding.

1.5.b. 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 utilities and customers.

1.5.c. The adoption of these rules in no way precludes the 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.d. These rules shall 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.a. These rules apply to all public utilities as defined in Rule 1.7.

1.6.b. If hardship results from the application of any Water Rule or if unusual difficulty is involved in immediately complying with any rule, application may be made to the Commission for the modification of the rule or for temporary or permanent exemption from its provisions: Provided, that no application for 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.a. "Applicant" - A person, firm, corporation, municipality, public service district or any other entity that applies for water service.

1.7.b. Billing Related Dates --

1. "Bill due date" - The date when the utility mails the bill.

2. "Latest pay date" - The last date, which shall be no sooner than the 20th day following the date the utility mails the bill, that the bill may be paid without incurring a late payment penalty. Such date must be stated on the face of the bill.

3. "Delinquent bill" - Any bill issued by a public service district that has not been paid within twenty (20) days of the bill due date; or any bill issued by a water utility that is not a public service district within thirty (30) days of the bill due date. Such date must be stated on the face of the bill.

1.7.c. "Commercial Service" - Means service to each separate business enterprise, occupation or institution occupying for its exclusive use any unit or units of space as an entire building, entire floor, suite of rooms or a single room, and using water for such incidental use as the schedule of rates applicable to the particular installation may permit. Commercial service shall apply to all stores, offices, hotels, wholesale houses, garages, display windows, signs, theaters, barber and beauty shops, churches, opera houses, auditoriums, lodge halls, school houses, banks, bakeries and any other space occupied for commercial purposes. Any rooming house, lodging house, resort, inn or tavern renting more than four (4) rooms to strangers or transients without any previous agreement for accommodation or as to the duration of stay shall be classed as a hotel and as such it comes under the commercial classification.

1.7.d. "Commission" - Whenever in these rules the words

"Commission" or "Public Service Commission" occur, 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.e. "Customer" - Shall mean and include any such person, firm, corporation, municipality, public service district or any other entity who purchases a product or services of any utility and shall include any such person, firm, corporation, municipality, public service district or any other entity who purchases such services or product for resale.

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

1.7.g. "Distribution Main" - Means water pipe owned, operated, or maintained by the utility located in a public right-of-way, street, alley, or private right-of way, which is used for the purpose of distribution of water from which utility service pipes extend to make service connections with customers. Any water pipe extending through a utility right-of-way across private property shall be a distribution main. Costs to install a distribution main across private property are subject to the cost-sharing provisions of Rule 5.5.

1.7.h. "Governmental Unit" - Any municipality or other political sub-division or agency of the State of West Virginia or the Federal Government.

1.7.i. "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.

1.7.j. "Payment" - Payment is made by cash, check, credit card, debit card, or voucher accepted by the utility.

1.7.k. "Point of service" - Means the utility's pipe and appurtenances which connect any utility service pipe with the inlet connection of a customer's service pipe at the customer's property line, or elsewhere on the customer's property if provided for in a user's agreement. The utility shall own and maintain all facilities located between the point of service and the main.

1.7.l. "Private Fire Service Connection" - Is one to which is attached fixtures from which water is taken in whole or in part for the extinguishment of fire.

1.7.m. "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 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 producing, furnishing, transporting, distributing or selling water for any purpose which is now or may hereafter be held to be a public service.

1.7.n. "Residential Service" - Means service to a householder or a tenant, living in a separate house or separate apartment in an apartment building, using water for general household service. Should the owner of a multiple apartment building undertake to furnish water to his tenants as a part of their monthly rent, then such service shall be classed as "Commercial." However, a close branch of a householder's family living with the householder and using the same water facilities, shall not be classified as an additional service or as "Commercial." In cases where a householder or tenant devotes some portion of the occupied building to commercial use and uses the remainder as a residence then the predominate use of water shall constitute the basis for classification as either residential or commercial.

1.7.o. "Standard Distribution Pressure" - Shall be the distribution pressure established by the utility under the requirements of Rule 5.8.

1.7.p. "Temporary Service Connection" - One which is installed for the temporary use of water; 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 utility distribution main extending along the total frontage of the lot on said street or right-of-way, unless otherwise agreed to by the utility.

1.7.q. "Unaccounted for Water" - The volume of water introduced into the distribution system less all metered usage and all known non-metered usage which can be estimated with reasonable accuracy.

1.7.r. "Utility Service Pipe" - Shall mean that portion of the service pipe between the distribution main and the curb cock or the inlet connection of the coppersetter at or near the customer's property line or point of service, installed at the cost and expense of the utility, regardless of the side of the road on which the customer is located in reference to the main line.

§150-7-2. Records, reports and other information to be supplied to the Commission.

2.1. Records and reports.

2.1.a. Preservation of records -- All records required by these rules shall be preserved by the utility in the manner prescribed by the Commission.

2.1.b. Location of records --

1. Such records shall be kept at the office or offices of the utility in West Virginia, and shall be open at all reasonable hours for examination by the Commission or its duly authorized representative.

2. If kept outside the State, such records 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 Commission employees assigned to examine the records.

2.1.c. Reports to Commission -- Upon Commission request, a utility shall furnish to the Commission the results of any test or tests required to be made, or the information contained in any records required to be kept by the utility, or any further information in its possession, respecting its rates, charges, or practices, without formal order of the Commission requiring the release of such information.

2.2. Filing of rate schedules.

2.2.a. Tariffs containing rates and rules of each utility shall be filed in the manner prescribed by the Commission in "Rules and Regulations for the Government and Filing of Tariffs" (Tariff Rules) effective as amended or modified by the Commission.

2.2.b. Municipal rates -- Rates for municipal water and combined water and sewer utilities shall be adopted, and tariffs shall be filed, in accordance with the Commission's "Rule for the Government and Filing of Tariffs," 150 C.S.R.2, effective as amended or modified by the Commission.

2.3. Utility's special rules.

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

2.3.b. On and after ninety (90) days from the effective date of these Rules, 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.

2.3.c. 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 that have not been approved by the Commission.

2.4. Financial and statistical report.

2.4.a. Every utility shall file annually a financial and statistical report upon forms to be furnished by the Commission. The report shall be based upon the accounts set up in conformity with Rule 2.5. The report shall be filed on or before three (3) months following the end of the utility's fiscal year or on such date as the Commission may direct.

2.4.b. Upon written request and for good cause shown, the Commission may approve or disapprove, through its Executive Secretary, by letter, a reasonable extension of time to file the financial and statistical report. Such application is to be made before the expiration of the time for filing the report.

2.4.c. Each utility shall file, yearly as of July 1 for the preceding July 1 through June 30, water statistical reports upon forms to be furnished by the Commission. The report shall be filed on or before three (3) months following the end of the utility's fiscal year or on such date as the Commission may direct.

2.5. Uniform system of accounts.

All water utilities shall maintain their accounts and records in compliance with the Uniform System of Accounts as promulgated in 1973 by the National Association of Regulatory Utility Commissioners for Class A and B Water Utilities and Class C and D Water Utilities.

Observance of the system of accounts applicable to the water 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 water utilities for purposes of keeping accounts in accordance with the Uniform System of Accounts shall be as follows:

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

2.6. Maps and records.

2.6.a. Each utility shall keep on file suitable maps, plans and records showing the entire layout of every pumping station, filter plant, reservoir, transmission and distribution system, with the location, size and capacity of each plant, size of each transmission and distribution line, fire hydrant, valve and customer's service, reservoirs, tanks and other facilities used in the production and delivery of water.

2.6.b. In the case of new construction or property acquired from others, the additions 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 or property acquired. All drawings shall have the scale clearly shown and be of sufficient detail to accurately depict the project or property.

2.6.c. In general, where present 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.

2.7. Management audits.

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

2.7.b. Types of management audits -- The following types of management audit, which vary in scope, may be directed and used by the Commission:

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

2. 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.

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

2.7.c. 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.

2.7.d. Conduct and control --

1. 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.

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

3. 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.

2.7.e. 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.

2.7.f. Implementation of recommendations --

1. 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.

2. 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.

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

4. 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.

5. 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.

6. 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.

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

§150-7-3. Meter requirements.

3.1. Utility to provide meters -- Unless otherwise authorized by the Commission, each utility shall provide and install at its own expense (except as provided in Rule 5.2) and shall continue to own, maintain, and operate all equipment necessary for the

regulation and measurement of water, in accordance with tariff or contract provisions, to its customers. Where additional meters are requested by the customer and are furnished by the utility for the convenience of the customer, a charge for such meters shall be made. All meters used in serving resale customer(s) shall be owned and operated by the utility providing service to the bulk or resale customer.

3.2. Location of meters.

3.2.a. Accessibility -- In the interest of safety and convenience to the customer, and as a measure of economical operation to the utility, it is required that all meters should be located at or near the property line: Provided that when such location is impractical meters shall be placed outside of the customer's building as near as possible to where the "Point of Service" joins the "Customer's Service Pipe": Provided, further, if neither of the foregoing requirements can be complied with on account of physical, economic, or climatic conditions, the meter may be placed within the building, preferably in the cellar, and when so placed within the building, the meter shall be so located that it will be easily accessible for reading, maintenance and protected from freezing and mechanical damage.

3.2.b. Meter grouping -- When a number of meters are grouped, every meter shall be tagged so as to indicate the particular customer served by it.

3.2.c. Remote meters -- When a meter is located inside a home or building, the utility may install a remote register or dial on the exterior of a home or building accessible for meter reading. The remote counter reading shall be compared to the actual meter register reading not less than once every six (6) months.

3.2.d. Meter setting installation -- Meter settings shall be installed in accordance with drawings submitted and approved by the Commission under Rule 5.2.i.

3.3 Prohibitions on master metering.

3.3.1. Reserved.

3.3.2. Mobile home parks.

For mobile home parks constructed on or after the effective date of these rules, each mobile home in a mobile home park shall be individually metered with taps installed at the lot line of each mobile home. The lot owner shall be responsible for payment of any applicable tap fees. All utility easements and mains constructed within the mobile home park will become the property of the utility by agreement between the (i) owner of the mobile home park or the

lot owner, whichever is applicable, and (ii) the utility. The agreement must be approved by order of the Commission prior to construction of any main. Lines extending from the mobile home to the tap will be considered customer service lines and maintenance of those lines will be the responsibility of the applicable lot owner.

§150-7-4. Customer relations.

4.1. Customer information.

4.1.a. Information as to service -- Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that customers may enjoy safe and efficient service.

4.1.b. Explanation of meter readings -- Each utility shall adopt some means of informing its customers as to the method of reading meters, either by a 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. It is recommended that an exhibition meter be kept on display in each sales office maintained by a utility.

4.1.c. 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, rests with the applicant. In the event 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.d. Posting of law, rates, rules and collection agents.

1. Every utility shall maintain in its office for inspection by the public the following:

A. A copy of the rates and rules 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.

C. A copy of these rules.

2. A suitable placard, in large type, shall be exhibited in a conspicuous location, giving information to customers that a copy of the law, the rules of the Public Service Commission and the schedule of rates are kept for their inspection.

3. Once a year, or as often as a utility changes collection agents, each utility shall publicize by newspaper or bill insert to its customers its collection agents to whom customers may deliver payment of water bills.

4.1.e. Applications for water service.

1. All applicants desiring water service may be required to make written application at the office of the utility on printed forms provided therefor, setting forth in said application all purposes for which water will be used upon their premises. The utility may require the applicant to provide identification at the time of application for service. All applicants for service 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.

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

3. Except as provided in Rule 4.8.c.2., no charge will be made for turning on the water to new customers or current customers transferring service to a new location during regular working hours.

4. Accepted applications for water to be supplied to any premises shall constitute a right to the customer to take and receive a supply of water for said premises for the purposes

specified in such application; (i.e. Residential, Commercial, and Industrial) subject only to the fulfillment of the conditions of these rules by the customer.

5. In the event that a public service district providing sewer service owns and operates facilities within the same service territory as the publicly or privately owned water utility, city, incorporated town, other municipal corporation or other public service district providing water service to the area, then an application shall not be complete until such time as the applicant provides a receipt from the sewer public service district showing that, where the applicant is legally required to do so, proper application for sewer service has been made and a security deposit paid thereto. Upon receipt of said proof from the applicant, or upon a showing that the applicant is not legally required to apply for sewer service or pay a security deposit, the water utility shall notify the sewer public service district, in writing, the date upon which water service is scheduled to be turned on to the applicant. Said written notification to the sewer public service district shall be made within five (5) working days of the date that the application for water service is deemed complete.

4.1.f. Special applications to a utility for water service.

1. Water for building, construction or other temporary purposes must be specifically applied for with the utility.

2. Connections for private fire service must be specifically applied for with the utility.

3. Where water is desired for only a short period of time, and not continuously throughout the year, such as for vacation homes or cottages, building purposes, street paving, cleaning property, filling tanks or other short-term uses, an application shall be made to the utility as set forth in Rule 4.1.e., and payment made in accordance with the applicable schedule of rates and charges, in which case a suitable deposit shall be made.

4. Whenever a street service connection is made to the mains for temporary service or for temporary private fire service, the applicant shall bear the entire cost and expense of labor and material for tapping the main and installing the service pipe and meter and its removal, if required.

4.1.g. Private fire protection service --

1. The applicant shall furnish the utility with one

set of complete drawings prior to the completion of the tap, showing the pipes, valves, hydrants, tanks, openings, and appurtenances contemplated in the application. Such sketch must also show any other water supply system, pipelines and appurtenances existing on the premises. There shall be no connection between such other supply and pipes connected to the utility's mains unless protected by a backflow prevention device approved by the utility, or the Bureau for Public Health.

2. The utility shall not approve an application for private fire protection service unless the utility determines that its system provides an adequate size water main with sufficient water volume and pressure.

3. The customer shall obtain in advance the approval of the utility for any change, alteration or addition in the fixtures, openings and uses specified in the application. The customer shall make its fire protection facilities available to the utility at all reasonable times.

4. The utility shall determine the size and location of any connections made to its distribution mains for private fire protection service, and will, at the cost and expense of the customer, make the connection to its mains and install the service connection from the distribution main to a point at or near the property line.

5. The extent of the rights of the private fire protection service customer is to receive, but only at times of fire on his premises, the available water supply. The utility shall not be considered an insurer of property or persons, or to have undertaken to extinguish fire or to protect any persons or property against loss or damage by fire or otherwise, and shall be free and exempt from any and all claims for damages on account of injury to property or persons by reason of fire, water, failure to supply water or pressure, or for any other cause whatsoever.

6. Unless otherwise provided in a written agreement between the applicant and the utility, service lines for private fire protection service shall be distinct and separate from the regular or general water service line. A private fire service connection is furnished for the sole purpose of supplying water for the extinguishment of fires, and the use of water from such a connection for any other purpose is absolutely forbidden.

7. Where the applicant and the utility have entered into a written agreement that one service pipe be used for both general and fire purposes, the entire service pipe on the applicant's premises will be installed and maintained by and at the cost and expense of the applicant as if it were solely a private fire protection service line. The utility may set minimum

construction standards and specifications for the applicant's portion of the dual purpose service pipe, and may require that its construction be subject to inspection by the utility. Maintenance of the service line, from the main to the property line, will be the responsibility of the utility.

At the building to be served, the common service pipe shall separate into two service pipes. One for private fire protection and the other for general water service. The utility will, at its cost and expense, install and maintain a water meter of appropriate size on the general water service pipe and the necessary piping and fitting for the meter setting. All dual purpose service lines must comply with all applicable Bureau for Public Health standards and regulations.

The utility will charge the applicant for general water service based on the consumption through and size of the water meter installed, in accordance with its schedule of rates for general water service. The utility shall, subject to Commission approval, charge the applicant for private fire protection service in accordance with its schedule of rates for such service.

8. A gate valve and box, or a post indicator controlling the entire supply shall be placed at the curb or property line of the street in which the main is located or at such other points as may be approved by the utility, and shall be furnished and installed by and at the expense of the customer, and if required by the utility, said valve shall be installed in a valve pit or vault which shall also be furnished and installed at the expense of the customer.

9. Service lines supplying fire sprinkler systems only, must be protected by a minimum of two approved check valves. One of these check valves may be the alarm check provided as part of the sprinkler system. The other may be a detector check, double check valve assembly, or an approved single check valve. Specific requirements and/or installation procedures are governed by the Bureau for Public Health.

10. Under no circumstances will anti-freeze be permitted in the sprinkling systems unless a reduced pressure zone backflow preventer, approved by the utility or the Bureau for Public Health, is provided at the point of connection in the anti-freeze system.

11. The entire private fire service system on the customer's premises shall be installed and maintained by and at the expense of customer and shall be subject to the inspection, test and approval of the utility before the service is made effective, and at such times thereafter as the utility deems necessary or appropriate.

12. Hydrants and other fixtures connected with a private fire service system may be sealed by the utility, and such seals may be broken only in case of fire or as specially permitted by the utility, and the customer shall immediately notify the utility of the breaking of any such seal.

13. Whenever a fire service system is to be tested, the customer shall notify the utility of the proposed test, designate the day and hour when same is to be made, so that, if desired, the utility may have an inspector present during the test.

4.1.h. Public fire service.

1. Any governmental unit located in the utility's service area by ordinance of its Council or by resolution of its Board of County Commissioners shall have the right to order the installation of additional fire hydrants on existing utility owned mains having an internal diameter of six (6) inches or larger and the utility will install such hydrants at its own cost and expense; provided the estimated gross receipts from such proposed new fire hydrant rentals shall equal or exceed twelve percent (12%) annually of the cost of said installations.

2. Where pipeline installations are required to carry out an order of any governmental unit located in the utility's service area to install fire hydrants, or where existing utility owned mains, in the opinion of the utility, are inadequate to provide fire flows to such hydrants, and when any governmental unit located in the utility's service area orders the installation of a water main of adequate size to provide such flows to the hydrant or hydrants so ordered, the utility will install such mains and hydrants at its own cost and expense; provided that the utility shall not be required to make extensions of said water mains unless the estimated gross receipts from private consumers and from such proposed new fire hydrant rentals shall equal or exceed twelve percent (12%) annually of the cost of such extensions.

3. Non-emergency use of a fire hydrant is prohibited unless there has been made advance notification of such proposed use by the user to the utility, and the utility has provided prior written approval of such use to the user. The utility shall charge its tariff rate for domestic water usage for all non-emergency fire hydrant water usage.

4.2. Customer deposits.

4.2.a. Security deposits --

1. 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

with it initially, and from time to time, to secure the payment of water service rates and charges. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for all other service. The utility shall not be bound to supply water until these conditions are fulfilled and it may terminate water service if the security or increased security is not given when required. After the customer has paid bills for service for twelve (12) consecutive months without a delinquency, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) months' period shall commence from the first regular payment or following the payment of a delinquent bill or bills. Interest at the rate as determined in accordance with Rule 4.2.a.7., shall be paid from the date of deposit until the date of the refund of the security deposit. The utility 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.

2. Security deposits for public service districts -- All new applicants for residential or other water service from a public service district shall make a deposit of (i) a minimum of fifty dollars (\$50.00), or (ii) two-twelfths (2/12) of the annual estimated charge for water service, whichever is greater, with the district to secure the payment of water service rates and charges. The district shall not be bound to supply water 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.

3. Return of deposit to customers who are not tenants - After a customer who is not a tenant has paid bills for service for twelve (12) consecutive months without a delinquency the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) months' period shall commence from the first regular payment or following the payment of a delinquent bill or bills.

4. Return of deposit by district to a customer who is a tenant - A district is not required to return a deposit to a customer who is a tenant until the time the tenant discontinues service with the district. After a customer who is a tenant discontinues service with the district, the utility shall promptly and automatically refund the deposit plus accrued interest.

5. Interest at the rate as determined in accordance with Rule 4.2.a.8. shall be paid from the date of deposit until the date

of the refund of the security deposit. All customer security deposits shall be placed in an interest bearing account at a local federally insured financial institution. 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.

6. Rule 4.2.a.5 requires public service districts to segregate deposits into interest bearing accounts. Upon proper showing by complaint or otherwise, the Commission may require any other utility to likewise segregate customer deposits.

7. The interest rate to be paid by all water 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 date of discontinuance of service or at the end of the deposit period.

8. 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.

9. A current customer of a public service district who requests service at another location within the jurisdiction of the district and who has made payment of bills for the previous twelve (12) months without a delinquency is not required to pay a deposit for service at the new location because 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.

10. All new applicants for residential or other service from a combined water and sewer public service district shall

deposit (i) a minimum of fifty dollars (\$50.00), or (ii) two-twelfths (2/12) of the annual estimated charge for water service, whichever is greater, for each of the services to be rendered.

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

12. The receipt -- Concurrently with receiving a cash deposit, the utility shall deliver to the applicant for service or the customer, a receipt showing: (i) the date thereof, (ii) the name of the applicant or customer and the address of the premises to be served or served, (iii) the service to be furnished or 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 he is so entitled, if the original receipt cannot be produced. A receipt of proof or payment will not be necessary under the provisions for an automatic refund.

13. Unclaimed deposits -- Should a utility have retained, through no fault of its own, deposits made by customers to whom service has been discontinued during any calendar year, it shall, on or before the first day of March, in each year, mail to the customer's last known address a check as refund of the deposit plus accrued interest, or at the utility's option, publish a list of such depositors, in a newspaper published and of general circulation in each of the counties in which it operates and in which the deposits were made, showing as of the thirty-first (31st) 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 shall not be liable for any interest on such deposit after publication of such lists. Upon the completion of the above procedure, the utility shall follow the provisions of the Uniform Unclaimed Property Act, codified at Chapter 36, Article 8, Section 1, et seq. of the Code of West Virginia, with regard to the disposition of any unclaimed deposit.

14. Provided 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.

15. All utilities that collect security deposits must do so in a nondiscriminatory manner.

4.2.b. Guarantee agreement --

1. A utility, other than a public service district,

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 may, upon request, receive copies of disconnection notices sent to the customer whose account has been guaranteed: Provided that the limitations herein fixed upon the terms of a guaranty agreement shall not apply to industrial customers.

2. A guaranty agreement shall terminate after the customer has satisfactorily paid bills for twelve (12) consecutive months, or when the customer gives notice to the utility of discontinuance of service at the location covered by the guaranty agreement, or six (6) 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. Upon termination of a guaranty agreement, or whenever the utility deems the same insufficient as to amount of surety, a cash deposit or a new or additional guaranty may be required upon reasonable written notice to the customer.

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

4.3. Billing information.

4.3.a. Bills shall be rendered periodically, and they shall show the readings of the meter at the beginning and end of the period for which the bill is rendered, the date of the 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. All bills shall state "This utility is regulated by the Public Service Commission of West Virginia" and "Rates available upon request."

4.3.b. First and last bills, monthly or quarterly, for water 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 water 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.c. Utilities desiring to adopt mechanical billing of such nature as to render compliance with all the terms of Rule 4.3.b. 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.d. On all bills which include charges for items other than authorized water charges, 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.e. Each bill shall bear upon its face the latest pay date and the date it shall be a delinquent bill if not paid. On all current usage billings not paid by the latest pay 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.

1. 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 agreement. If a termination notice has been issued then the payment should first be applied to the delinquent amount that is the subject of the termination notice.

4.4. Adjustment of bills.

4.4.a. Fast meters -- If, upon test of any meter, the meter is found to have an average error of more than two percent (2%) fast, the utility shall refund to the customer the overcharge, based upon the corrected meter reading for a period equal to one-half ($\frac{1}{2}$) the time elapsed since the last previous test, but not to exceed six (6) months. If it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to but not beyond such date. If the meter has not been tested in accordance with Rule 6.4, the period for which it has been in service beyond the regular test period shall be added to the six (6) months in computing the refund.

4.4.b. Dead meters -- If a meter is found not to register, or that remote metering equipment has failed, for any period, the utility shall compute the water used by taking the average of the water used for the meter-reading period preceding and the meter-reading period following the date when the meter was found to be dead, which amount shall be assumed to be the amount of water used by the customer during the billing period in which the meter was found dead. Exceptions will be made to this rule in case the facts clearly show that the above method does not give the correct consumption for the period. A utility may backbill the customer for the difference between the amount previously billed and the customer's estimated usage for a maximum of three (3) months preceding the date the dead meter is repaired or replaced. The utility should fix or replace dead or malfunctioning meters within thirty (30) days of the utility's discovery that a meter is

dead or malfunctioning.

4.4.c. Leaks on the customer's side of the meter-

1. Each utility shall develop and implement a written policy concerning the adjustment of customer bills where the bill reflects unusual usage which can be attributed to leakage on the customer's side of the meter. Leaking commodes, dripping facets, 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 non-discriminatory manner to all customers. The reasonableness of the utility's policy or practice with respect to a policy shall be subject to Commission review in a formal complaint proceeding.

2. The policy shall provide for a recalculated bill to reflect the utility's incremental cost of treating or purchasing the water, as contained in the utility's tariff, for all amounts above the customer's historic usage. Historic usage shall be defined as the average usage of the preceding twelve (12) months, or actual period of service if less than twelve (12) months. If using the historic usage would result in an unreasonable calculation, adjustments may be made. If such adjustments are made, the utility should advise its customer that a dispute regarding such adjustments may be taken to the Commission in the form of an informal complaint.

3. As an alternative to using the incremental cost of treating or purchasing the water, 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 water on usage above the historic usage. The Commission shall from time to time establish its estimate of "typical incremental cost" by order.

4. However, in future rate cases the utility's incremental cost of treating or purchasing the water 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 4.4.c.3.

5. The water utility shall, after determining that a leak adjustment must be made, notify the sewer utility of the amount of the adjustment in gallons and the reason for making the adjustment.

4.5. Complaints.

4.5.a. 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. In the event that the complaint is not adjusted, the utility shall notify the customer that he may file an informal or formal complaint with the Commission.

4.5.b. Records 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.

4.5.c. 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.

4.6. Disputed bills.

4.6.a. In the event of a dispute between the customer and the utility respecting any bill, the utility shall conduct an investigation and report the result thereof to the customer. In the event that the complaint is not resolved, the utility shall, before service is discontinued, notify the customer that he may file an informal or formal complaint with the Commission.

4.7. Customer discontinuance of service.

4.7.a. Any customer requesting service to be discontinued shall give notice thereof to the utility, during regular business hours. Unless a different period shall be mutually agreed upon by written contract, service will be discontinued by the end of the next business day. Until the utility shall have such notice, the customer may be held responsible for all service rendered.

4.8. Utility discontinuance of service.

4.8.a. Notice of discontinuance --

1. Service shall actually be discontinued no sooner than ten (10) days following the date that a utility has mailed to a customer a statement that water bills are delinquent.

2. Where conditions hazardous to life or property are found to exist on the customer's premises, or where the utility's regulating, measuring or distribution equipment or facilities have been tampered with, the water may be shut off without notice in advance.

3. Where written notice is required it must be sent

first class mail, address service requested. Written notice shall comply with Water Form No. 1, attached to these rules. The written notice shall become void if the utility has not discontinued service within thirty (30) days of the date indicated on the notice for termination.

4. Prior to disconnecting water service for non-payment of sewer bill, the water utility shall make at least two (2) attempts to notify the customer through personal contact. First the water utility shall either telephone or visit the customer at least twenty-four (24) hours prior to a scheduled disconnection. Second, the water utility shall knock on the customer's door immediately prior to a disconnection. The inability to make personal contact shall not prevent the water utility from terminating service.

5. Service shall not be discontinued on a Saturday, Sunday, any day that is a federal or state holiday, a day on which the utility's business office is not open to accept payment, or on the day before such days, unless an emergency exists.

6. All disconnections shall be performed between the hours of 8 a.m. and 4 p.m.

7. The utility shall accept payment at the customer's premises in lieu of discontinuing service for either a delinquent water or sewer bill. The payment must be for the entire amount of the delinquency to prevent termination. However, a utility may refuse payment by check if the customer has, during the previous twelve (12) months, attempted to make payment by a check subsequently returned by the bank for insufficient funds.

8. If a customer has received notice of a scheduled termination, and, to avoid such termination, makes payment by check which is subsequently dishonored by the bank, the utility may then terminate service only after it has mailed notice, by first class mail, to the customer at least five (5) calendar days, excluding state or federal holidays, prior to termination; provided that at the option of the utility, either personal contact or telephone contact may be substituted for contact by first class mail.

9. If a landlord of a single-unit dwelling or a master-metered mobile home park, apartment building, motel, hotel or other multiple or single-unit dwelling is responsible for payment of a utility bill, written notice of termination in the form of Water Form No. 2 shall be placed at a location readily available for public inspection on the premises at least five (5) days prior to the scheduled termination of service to that mobile home park, apartment building, motel, hotel or other multiple or single-unit dwelling. If the billing address for any single unit service is different than the service location, a written notice in

the form of Water Form No. 2 shall be delivered or posted at a visible location on the premises where the service is to be terminated at least five (5) days prior to the scheduled termination. This notice shall inform the occupant(s) of the date on or after which termination of service will occur and shall state the steps the occupant(s) can take to avoid termination of service.

10. A water customer who has been notified that water service is to be terminated for non-payment of water bills shall be given the opportunity to enter into a deferred payment agreement: Provided, that the 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 availability of a reasonable payment plan.

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 delinquency; ability of the customer to pay; payment history; time the delinquency has been outstanding; reasons why the delinquency has been outstanding; and any other relevant factors.

B. The deferred payment agreement shall include language informing the customer of the right to challenge the reasonableness of the proposed payments to the Commission.

C. During the challenge, the utility may not terminate service: provided that the current bill must be paid by the customer on time and in full in order to protect his rights under this rule.

D. Once a deferred payment agreement has been established, the customer must pay the current bill on time and in full and make timely payments in accordance with the deferred payment agreement.

E. If the customer's financial condition significantly changes and the existing payment agreement results in hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 4.8.a.10.A. The customer shall provide documentation in support of his claim that his financial condition has changed. During the renegotiation period the customer must continue to pay the current bill on time and in full and make some payment on the delinquency.

F. If the deferred payment is not received in accordance with the terms of the agreement or the payment is made with a check subsequently dishonored by the bank, 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 state or federal holidays, prior to termination: provided that at the option of the utility, either personal contact or telephone contact with the customer may be substituted for contact by first class mail. If the customer makes the delinquent payment within that notice period, service shall not be terminated. However, if the customer has, during the previous twelve (12) months, attempted to make payment by a check which was subsequently dishonored by the bank the utility may refuse the customer's check and immediately terminate service without additional notice.

11. 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 complying with Sewer Form No. 1, ten (10) days before the effective termination that the sewer utility will request termination of water service by the water utility if payment is not made in full or a payment schedule is not established as provided by Sewer Rule 4.8.a.10. The written notice must be sent first class mail, address service 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.

12. 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 to the customer required by Sewer Rule 4.8.a.1.

13. 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 ten (10) day notice period to the customer.

4.8.b. Once a disconnected customer has paid his delinquency in full, or the utility has agreed to enter into a deferred payment agreement with the customer, and all disconnect and/or reconnect fees have been paid, the utility shall reconnect the customer's water service as soon as possible but no later than twenty-four (24) hours from the time the customer pays all disconnect and reconnect fees.

4.8.c. Charge for reconnection -

1. Whenever the supply of water is turned off for violation of rules, non-payment of bills, or fraudulent use of water, the utility may make a charge as set forth in its tariff for reestablishment of service.

2. If service is discontinued at the request of the customer, the utility may refuse service to such customer, at the same premises, if requested within eight (8) months of the date

service was discontinued, unless the customer shall first pay the reconnection charge set forth in the utility's tariff.

4.8.d. The utility shall not refuse, deny, or discontinue service to an applicant or present customer due to a delinquency in payment for service by a previous occupant of the premises to be served unless such applicant or present customer and such previous occupant are members of the same household and were members of the same household at the time the delinquent bill was incurred.

4.8.e. Combined water and sewer public service districts - Any public service district providing water and sewer service to its customers shall have the right to terminate water service for delinquency in payment of either water or sewer bills; provided that proper notice is given and procedures followed as set out in these Rules.

4.8.f. Inter-utility Agreements regarding discontinuance of water service for non-payment of sewer bills.

1. In the event that any utility, (whether public, private, city, incorporated town, municipal corporation or public service district) owns and operates either water facilities or sewer facilities, and a separate utility owns and operates the other kind of facilities, either water or sewer, then the two utilities 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 Rules 4.8.a.1. through 4.8.a.13.

2. Municipal sewer -- When sewer facilities are municipally owned and water facilities are not, the municipality providing sewer service may require the water utility to discontinue water service to any customer who is delinquent in the payment of sewer service rates and charges to the municipality. The water utility shall 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 water utility which contract shall provide that the municipality shall reimburse the water utility for all costs and expenses incurred in both the termination of water service to the delinquent sewer customer and the subsequent resumption of water service to such customer. The contract shall provide for reasonable methods and assurances so that the water utility will be protected and held harmless from claims and damages when water service is discontinued in error or in violation of the rights of the customer through the fault of the municipal sewer utility.

3. The inter-utility agreement should contain

specific provisions regarding responsibilities of notice of termination, termination, reconnection, and reasonable fees based on fair and reasonable compensation.

4. Any inter-utility agreements pursuant to Rule 4.8.f.2. shall be submitted to the Commission for approval prior to any termination of water service for non-payment of sewer bills under such agreements.

5. A water utility that has terminated or reconnected service for non-payment of sewer bills or that has made a visit to the customer's premises to terminate service, may charge the sewer utility a fee pursuant to Rule 4.8.c. 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.

4.8.g. 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 on the same terms and conditions set forth in Rule 4.8.a.10.

4.9. Refusal to serve applicant.

4.9.a. Non-compliance with rules -- Any utility may decline to serve an applicant until he has complied with these rules and the Commission approved utility's rules set forth in a Commission approved tariff governing water service.

4.9.b. Applicant's facilities inadequate -- The utility may refuse to serve an applicant if, in its judgment, the applicant's installation of piping equipment is regarded as hazardous or of such character that satisfactory service cannot be provided.

4.9.c. 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.

4.9.d. Applicant's recourse -- In the event that the utility shall refuse to serve an applicant under the provisions of this rule, the utility must inform the applicant that the question may be submitted to the Commission for decision.

4.9.e. In the case of the establishment of a new utility and/or extensions, the utility has received applications for service and has accepted the tap-fee for same; the utility will immediately upon receiving bids for such installation determine the feasibility of serving the areas in question and immediately advise the applicants. In the event an area is deemed infeasible to serve,

the tap-fee deposit will be returned to the applicant immediately.

It is suggested the utility design its application form to reflect the above procedures.

4.10. Change in character of service -- When a substantial change is made by a utility in water pressure, or other conditions affecting the efficiency of operation or adjustment of appliances, the utility shall inspect and readjust the appliances of all customers in the district affected, if necessary, without charge. Where circumstances require, the utility shall furnish and install suitable pressure regulating devices.

4.11. Access to property.

4.11.a. The utility shall at all reasonable times have access to meters, service connections and other property owned by it on customer's premises, for the purpose of maintenance and operation. Neglect or refusal on the part of customers to provide reasonable access to meters, service connections and other property owned by the utility for the above purposes shall be deemed to be sufficient cause for discontinuance of service.

4.11.b. Identification for employees -- Every employee, whose duties regularly require him to enter the homes of customers, shall wear a distinguishing uniform or insignia, identifying him as an employee of the utility and shall carry on his person an identification card which will identify him as an employee of the utility, containing a photograph of said employee. The identification card shall contain the telephone number of the utility as well as other pertinent information necessary to identify the employee. All other employees, whose duties require occasional entry into the homes or premises of customers, shall carry an identification card containing information as herein required.

4.12. Service interruptions.

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

4.12.b. Notification to customer -- Every customer affected shall be notified in advance of contemplated work which will result in an interruption of service.

4.12.c. Curtailment or restriction service policy -- Each utility shall file with the Commission for any contemplated curtailment or restriction policy to any customers, prior to such curtailment or restriction policy being put into effect. The

following information shall be supplied:

1. Reason for curtailment or restriction of service.
2. Date curtailment or restriction policy requested to begin.
3. Duration of policy and projected correction programs with time parameters for completion.

4.13 Moratoria

4.13.a. Conditions -- The Commission may impose a moratorium on a 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.

4.13.b. Petition -- A utility, Commission Staff, or governmental entity may petition the Commission in writing for the imposition of a moratorium on a system. The petition should include evidence of the existence of conditions outlined in Rule 4.13.a. If the utility is the petitioner, it must state the utility's plan to remediate those conditions.

4.13.c. Imposition by state agency other than the Commission -- A utility must immediately notify the Commission in writing if a State agency other than the Commission imposes a moratorium on the utility's system.

4.13.d. Public notification of petition -- A party petitioning for a moratorium shall notify the public that such request is being made, through a Class II legal advertisement in the form of Water Form No. 3, "Public Notice of Filing of a Petition for Imposition of a Moratorium" 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.

4.13.e. 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.

4.13.f. 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.

4.13.g. 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.

4.14. Local water rationing plans.

4.14.a. Authority - Upon giving notice to the Commission and the general public, any water utility declaring a temporary shortage of water, and that it is necessary for the health and welfare of the utility's customers to restrict the consumption and use of the existing water supply, shall be authorized to enforce the following Local Water Rationing Plan ("Plan") to restrict use of water to human consumption and for sanitary purposes. If a utility wishes to adopt a water rationing plan different from the following Local Water Rationing Plan, it may petition the Commission for permission to do so.

4.14.b. Definitions.

1. "Emergency service area" - the area or areas within which the utility has declared a state of drought and water shortage emergency.

2. "Excess use" - the usage of water by a water customer in excess of the water allotment provided under the Local Water Rationing Plan for that customer, over any applicable period.

3. "Service area" - the territory and the customers serviced by the utility.

4. "Service interruption" - the temporary suspension of water supply, or reduction of pressures below that required for adequate supply, to any customer, portion of a water supply system or an entire system.

4.14.c. Purpose - This Plan is intended to establish measures for essential conservation of water resources, and to provide for equitable distribution of limited water supplies, to balance demand and available supplies and to assure that sufficient water is available to preserve public health and safety within an emergency service area.

4.14.d. Scope -- This Plan shall apply to all water uses within a utility's emergency service area including uses by customers of wholesale customers of the utility.

4.14.e. Objective of the Plan.

1. It is imperative that water customers within an emergency service area reduce water use in order to extend existing water supplies, and to assure that sufficient water is available to preserve the public health and sanitation, and provide fire protection service and electric power generation.

2. This Plan requires equitable reductions in water usage, and for equal sacrifice on the part of each water customer, insofar as such restrictions do not interfere with the public health, adequate fire protection and the generation of electric power. The success of this Plan depends on the cooperation of all water customers in the emergency service area.

4.14.f. Measures to implement the water rationing plan - Each water supply purveyor, including resellers, within the emergency service area, will develop and adopt necessary and appropriate measures to assure compliance with requirements of this Plan.

4.14.g. Prohibiting non-essential water uses -- The following water uses are non-essential and are prohibited within an emergency service area:

1. Watering of outside shrubbery, trees, lawns, grass, plants or any other vegetation, except from a watering can or other container not exceeding three (3) gallon capacity. This limitation shall not apply to vegetable gardens, greenhouse or nursery stocks and newly established lawns or sod less than five (5) weeks old, which may be watered in the minimum amount required to preserve plant life before 8:00 a.m. or after 6:00 p.m.

2. The watering of golf course fairways.

3. The washing of automobiles, trucks, trailers or any other type of mobile equipment except in vehicle wash facilities operating with a water recycling system with a prominently displayed sign in public viewing so stating, or from a bucket or other container not exceeding three (3) gallons.

4. The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces.

5. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.

6. Ornamental water use, including but not limited to fountains, artificial waterfalls and reflecting pools.

7. The use of water for flushing sewers or hydrants by municipalities or any public or private individual or entity except as deemed necessary in the interest of public health or safety by the utility.

8. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.

9. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire fighting or protection purposes.

10. The filling of swimming or watering pools requiring more than five (5) gallons of water, or the refilling of swimming or wading pools which were drained after the effective date of the order, except that pools may be filled to a level of two (2) feet below normal, or as necessary to protect the structure from hydrostatic damage, as to pools constructed or contracted for on or after the date of the final order.

4.14.h. Recourse -- Any person aggrieved by a utility's decision relating to these rules may file a complaint with the Commission.

4.14.i. Penalties. -- Any person who violates the provisions of this Plan, who fails to carry out duties and responsibilities imposed by this Plan or who impedes or interferes with any action undertaken or ordered pursuant to this Plan, shall be subject to the following penalties:

1. For the first excess use, the utility shall issue a warning of possible discontinuation of service.

2. For the second or subsequent excess use, the utility may interrupt or shut off service to the customer without notice, or the utility may add a surcharge of ten percent (10%) to the end user's monthly bill for the month of the infraction.

4.14.j. Effective period -- This Plan shall remain in effect until terminated by action of the utility declaring an end to the emergency condition or until terminated by order of the Commission, whichever comes first.

4.14.k. Effective date -- This Plan shall take effect immediately upon adoption by the utility.

4.15. Resale of water.

Water furnished on approved rates or contracts by a public utility shall not be resold or caused to be resold by any customer unless the said customer is engaged in the business of distributing water as a public utility.

§150-7-5. Utility Facilities; Service Pipes; Extension of System.

5.1. Adequacy of facilities.

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

5.1.c. Records of conditions -- Records necessary for the proper maintenance of the system and in accordance with the Bureau for Public Health and the Department of Environmental Protection (as applicable), 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.d. Records of operation -- Each utility shall keep a record of the operation of its plant, which, so far as practical, shall show sufficient details of plant operation as is necessary to substantially reproduce the daily history of its operation. The records shall also be maintained in accordance with the requirements of the Minimum Federal Safety Standards and Bureau for Public Health and Department of Environmental Protection (as applicable).

5.1.e. Reports 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.

5.1.f. Bureau for Public Health Standards -- All extensions, service connections and modifications to the utility's plant must meet applicable design standards established by the West Virginia State Bureau for Public Health in addition to these rules.

5.1.g. Dead ends. -- "Dead ends" in the utility's distribution mains should be avoided so far as possible. If such "Dead ends" exist the utility shall provide facilities for flushing.

5.2. Utility Service Pipe.

5.2.a. Where 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 mains are located, the utility will furnish, install, and maintain the utility service pipe and appurtenances between the main in the street up to the customer's point of service at or near 90 degrees to the main. Provided, all such utility service pipes and appurtenances shall be installed only by the utility unless by prior written agreement.

5.2.b. The utility shall determine the location of the utility service pipe.

5.2.c. The utility will specify the size, kind, quality and location of all materials used in the utility service pipe.

5.2.d. The utility shall install and maintain, at its own cost and expense, all of the utility service pipe regardless of the side of the road on which the customer is located in reference to the main line. The utility shall designate the point of service on the customer's side of the road.

5.2.e. The utility shall not make any charge for furnishing and installing any permanent service connection, meter or other appliance necessary to deliver and measure the water furnished unless the utility has prior approval of the Commission to charge a tap fee and the same is set forth in the utility's tariff on file with the Commission.

5.2.f. The utility's service pipe shall remain under the utility's sole control and jurisdiction.

5.2.g. The customer shall not attach any fixtures to, or make any branches in, the utility service pipe between the point of service and the distribution main. Violation of this rule may result in termination of service pursuant to these rules.

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

5.2.i. Each water utility shall adopt standard methods of meter installations where practicable. Such methods shall be set out with a written description and drawings to provide a clear

understanding of the requirements; all of which shall be submitted to the Commission.

5.3. Customer Service Pipe.

5.3.a. No customer, plumber, company owner or any agent shall connect to the utility's main or to any utility service pipe, or extend the pipes therefrom to any premises for the purpose of securing water service, until application has been made therefore to the utility as provided in these rules and permission for doing so has been granted by the utility in writing.

5.3.b. Once an application for service has been granted, the customer shall install and maintain the customer service pipe.

5.3.c. The utility's authorized employee shall inform the customer of the location of the point of service. The customer shall install the customer service pipe to the point of service after which the utility will install the utility service pipe from the distribution main to the point of service.

5.3.d. The customer shall also install and properly maintain in good working condition a stop and waste cock of a type approved by the utility on the customer's service pipe immediately inside the foundation wall in a readily accessible location and in a place protected from the possibility of freezing and so placed that it will shut off and drain all plumbing within any and all buildings in the premises.

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

5.3.f. The customer's service pipe shall be installed in a workmanlike manner, shall conform to all reasonable rules and regulations of the utility, and shall be maintained by the customer at his own expense.

5.3.g. The utility will specify the size, kind, quality and location of all materials used in the customer's service pipe and the customer shall comply with those specifications.

5.3.h. A customer must maintain his service pipe in good condition and free from all leaks and defects, at the customer's cost and expense. A customer's failure to comply with this rule may result in termination of service pursuant to these Rules.

5.3.i. The customer's service pipe shall: be laid below the frost line at all points; be placed on firm and continuous earth so as to give unyielding and permanent support; and be installed in a trench at least two (2) feet in a horizontal

direction from any other trench wherein gas pipe, sewer pipe, or other facilities, public or private, are or are to be installed.

5.3.j. Except in the case of long-service lines, a customer's service pipe shall not pass through or across any premises or property other than that to be served, nor across any portion of the property that could practicably be sold separately from the immediate premises served, and no water pipes or plumbing in any premises shall be extended therefrom to adjacent or other premises.

5.3.k. The customer's service pipe and all connections and fixtures attached thereto shall be subject to the inspection of the utility before the water will be turned on, and all premises receiving a supply of water and all service pipes, meters and fixtures, including any and all fixtures within the said premises, shall at all reasonable hours be subject to inspection by any duly authorized employees of the utility.

5.3.l. The utility shall make changes and bear the full costs of changes in the customer's service pipe or meter location required due to changes in grade, relocation of mains, and other causes not related to the customer. The customer shall bear the full costs of changes in service pipe or meter location desired by the customer for his or her convenience.

5.3.m. The customer shall not attach any fixtures to, or make any branches in, the customer service pipe between the point of service and the premises served. Violation of this rule may result in termination of service pursuant to Rule 4.8.

5.3.n. There shall be no more than one (1) customer service pipe required to serve a single premises and each premises shall be supplied through an independent customer service pipe, unless otherwise approved by the utility in writing.

5.4. Long service lines.

5.4.a. To assure the orderly development of its system, and to provide adequate service to its customers, the utility should ordinarily provide water service only at the property line of the customer requesting service, and in those instances where the utility's service does not extend to the customer's property line, an extension should be made by the utility in accordance with Rule 5.5. of these rules. In unusual and exceptional cases where the property line of the customer requesting service is an excessive distance from the existing main of the utility, and the cost to be borne by the prospective customer under Rule 5.5. is prohibitive, and there is no reasonable prospect of further growth and development in the area, or for any one of the above reasons, the utility may serve the customer by installing a meter in the

utility's right-of-way at its main nearest the customer's property, and connecting the meter to the customer's privately owned service line. The customer shall extend his customer service line to an existing distribution main of the utility and shall be solely responsible for service beyond the meter.

5.4.b. If a road crossing is necessary to serve the customer, the utility shall install that portion of the line crossing under the road and shall locate the meter on the customer's side of the road; provided that the utility's distribution main lies within or adjacent to the existing road right-of-way. The customer shall be required to provide evidence to the utility that proper easements or rights-of-way have been obtained. Standards of service received by the customer shall be determined at the metering point. The customer shall not permit others to connect to the customer's water lines or receive water service from the customer's privately owned service line. In the event the utility's main is later extended to the customer's property line under Rule 5.5., the customer shall discontinue the use of his privately owned service line and shall pay all costs and charges authorized by the rules of the Commission and the rules and tariffs of the utility for water service from such extension, the same as if the customer had not previously laid and received service through a private service line. The provisions of this rule shall apply to all persons now or hereafter receiving water service through a privately owned service line extending from the utility's main to the property to be served.

5.5. Extension of mains to serve new customer(s) and customers currently served under Rule 5.4.

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

5.5.b. 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.

5.5.c. For any proposed extension of mains, a reasonable relationship should exist between the per customer investment to serve new customers and the per customer investment to serve existing customers.

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

5.5.e. Extensions for general water service -

1. The utility will respond to all inquiries regarding new water service, whether oral or written, by explaining all available options for obtaining service under these rules.

2. The utility will, upon written request for service in the form of Water Form No. 4, by a prospective customer or group of prospective customers located in the same neighborhood, or a customer currently served under Rule 5.4., determine the necessary size of main required to give service and make an estimate of the cost of providing the requested service, using the form of Water Form No. 5, including pipe, valves, fittings, necessary materials, permits, costs incurred by the utility when the utility externally contracts for the construction of the extension, or internal labor costs, provided such internal or external costs are not recovered in existing rates, and other applicable related costs. When a road crossing(s) is(are) necessary to serve the customer(s) requesting service, the cost estimate shall not include costs attributable to extending the main across the first road (closest to the already existing main), but shall include the costs of installing the main across a second and any subsequent road(s). The written estimate calculated using Water Form No. 5, shall be provided to the customer in the form of Water Form No. 6, 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 and the customer shall execute a Main Line Extension Agreement. Commission Staff may be consulted to provide assistance and sample forms. The agreement must include as an attachment a copy of this extension rule. The utility shall keep an executed copy of their agreement 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 point of connection to the utility system having sufficient excess capacity to provide service at maximum demand.

2. Unless service is to be provided by a long service line pursuant to Rule 5.4., whenever the utility is required to extend service from an existing distribution main to property that does not immediately abut the utility's right-of-way or the public road that contains the distribution main, the extension shall be considered a main extension and cost responsibility shall be determined under this Rule 5.5.e.

3. Where the cost of the extension does not exceed the estimated total net revenue, as calculated below from hydrants and prospective customers whose service pipes 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.

A. Net revenue shall be gross revenue minus the excess usage leak adjustment rate approved for the utility, and with this difference further reduced for any revenue based taxes.

B. Revenue shall be based on 4,500 gallons per month per residential unit, unless circumstances of the applicant show this would result in significant error. For non-residential units, annual revenue shall be based on typical consumption for comparable units published by the American Water Works Association.

C. Estimated total net revenue for private, for profit, utilities will be initially calculated as six (6) times estimated net annual revenue. Each such utility shall file for a line extension multiplier within twelve (12) months of the effective date of these rules.

D. The utility-specific line extension multiplier for private, for-profit, utilities shall be based on one (1) divided by the utility's net fixed charge rate. The net fixed charge rate shall equal the total of the utility's weighted cost of capital, applicable income tax rates, and the Commission approved depreciation accrual rate.

E. Estimated total net revenue for associations, municipal, and public service district utilities will be calculated as five (5) times estimated net annual revenue. If the excess leak adjustment calculated for the utility fails to include all of the incremental costs of serving a new customer that should properly be netted out from the total revenues of the utility, the utility may apply to the Commission for a determination of the proper amount to be deducted from gross revenues to arrive at an appropriate determination of net revenue.

5.5.f. Extensions beyond the limit of utility-financed extensions of general water service and public fire service.

If the estimated cost of the proposed extension required in order to furnish general water service exceeds the utility's estimate of total net revenue as determined by Rule 5.5.e.4., 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 limit of the utility-funded portion of the extension. The utility shall not pay nor be liable for any interest on such cash deposits. The utility shall make the extension after receiving

the cash deposit. The utility shall, for each bona fide new customer who, within a period of ten (10) years from the making of such extension, directly connects to the extension between its original beginning and the original terminus, refund to the original depositor(s), an amount equal to the estimated total net revenue of the new customer as determined by Rule 5.5.e.4., but in no event shall the aggregate refund made to the depositor(s) exceed the original deposit. Provided that associations, public service districts and municipal water utilities may elect to refund the estimated amount over a period of five (5) years equal to the utility's line extension multiplier as defined in Rule 5.5.e.4.D. making payments no less frequently than every six (6) months.

5.5.g. Alternate depositor-financed extension plan.

1. Qualifying utilities -- The above requirements notwithstanding, the utility may decline to finance the portion of a requested extension that would be utility-funded if it can demonstrate that it has no prospect of any reasonable internal or external financing 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 portion of a requested extension that would be the financial responsibility of the utility, the utility shall file for a waiver of the 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 portion of the requested extension that would otherwise be utility-funded, the Commission shall authorize the use of the alternate depositor-financed extension plan as described below.

2. Description of alternate 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 the actual net bill(s) from the date service is initiated and

until the total credits given equal the estimated total net revenue as defined in Rule 5.5.e.4. and

C. agreeing to refund to the original depositor(s) an amount equal to the estimated total net revenue as defined in Rule 5.5.e.4. of each *bona fide* customer, other than the depositor(s), who, within a period of ten (10) years from the construction of the extension, directly connects to the extension between its original beginning and the original terminus. The refund may be spread out over a five (5) year period with the utility making payments no less frequently than every six (6) months. Such refunds shall continue until the total refunds given equal the estimated total net revenue as defined in Rule 5.5.e.4.

3. In no event shall the total refund made to the depositor(s) under Rule 5.5.g. exceed the original deposit of the depositor(s).

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

5.5.h. General Provisions --

1. 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, but in no event longer than ninety (90) days after completion of construction of the extension. When the actual cost of the extension exceeds the estimated cost, then the utility will bill the depositor for the difference between the estimated and the actual cost. No interest will be paid by the utility on the applicant's payment or on any balance to be refunded.

2. In estimating the cost of an extension, the estimate shall be based on the diameter of the pipe to be used; provided that the estimated cost to the customer or customers shall not be based on a pipe diameter greater than the diameter of the main from which the extension is to be made, unless actual consumption estimated for the proposed customer or customers requires a larger pipe.

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

4. The utility reserves the right to further extend its distribution mains from and beyond the 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 such further extension or branch mains.

5. In determining the length of water line to be

installed in an urban area when land is subdivided into lots, the main, or water line (if installed by an entity other than a utility), shall be extended to fully cover the frontage of the property, and if the last lot to be served is a corner lot the terminal point of the extension made hereunder shall be located so that the water line ties in with the intersecting street; and further; provided that if there is no main located in the intersecting street, the terminal point of the extension 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.

6. Before water lines will be laid in any new subdivision, the road surface shall be brought to the established sub-grade as determined by the agency having jurisdiction.

7. This rule shall not be construed as prohibiting the utility from entering into an agreement with a customer that complies with the Commission approved checklist attached hereto as Water Form No. 6, providing an alternate plan for a main extension. Commission Staff may be consulted to provide assistance and sample forms. In providing an alternate plan for main extensions a utility may not discriminate between customers whose service requirements are similar. The agreement shall be filed with and approved by the Commission prior to implementation or execution of the agreement by any of the parties. The agreement shall include the name, address and phone number of the parties to the agreement. The agreement shall also include a provision explaining why the utility is not funding the extension. The agreement must attach a copy of this Rule 5.5., and a statement signed by the prospective customer that he has reviewed and understands the provisions of Rule 5.5.g. which entitle a customer to refunds and that he knowingly waives such rights, if applicable. Failure to obtain 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 to all facilities including property, plant and rights-of-way incidental to the furnishing of utility service.

8. 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 extension shall guarantee to the utility that they will take water service at their premises within thirty (30) days after water is turned into the main or as otherwise mutually agreed in a user's agreement.

9. Construction conditions -- Construction of line extensions, as provided in this rule, will be undertaken promptly after all applications have been completed, necessary right-of-way

agreements or rights of entry have been delivered to the utility, and all prospective customers have signed contracts.

10. Right-of-Way.

A. If the construction of an extension involves the acquisition of a private right-of-way, then the prospective customer shall attempt to secure the right-of-way and deliver it to the utility free of cost before construction of the extension is started.

B. 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.

C. As a condition to obtaining a main extension, any property owner or developer shall grant the utility the necessary easements to allow the utility to make future extensions 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 to serve the property owner or developer.

11. Upon the proper filing of a Tariff Rule 42A, 42T, or 19A rate case by the utility, the utility may seek an impact fee to be assessed against customers.

5.6. Unaccounted for water.

Each utility shall determine either by actual measurement or by estimate the amount of "Unaccounted for Water" as defined in 1.7.q. of these Rules in each division of its system and report, separately, to the Commission in its annual report. Said report shall contain the proposed remedial actions to be taken if unaccounted for water is in excess of fifteen percent (15%) of the gross production on an annual basis. A utility may seek assistance from the Commission regarding remediation of unaccounted for water in excess of fifteen percent (15%).

5.7. Cross connections and back flow prevention regulations.

See West Virginia Bureau for Public Health Bulletin EW-113 Effective April 1, 1976.

5.8. Standard pressure.

5.8.a. Each customer shall be deemed to receive a "standard pressure" within the Commission's established minimum and maximum pressure limits. When possible, such "standard pressure" shall be calculated as the static pressure based on the difference in elevation between the base of the storage tank and meter box or point of service. Where this method of calculating a customer's "standard pressure" is not practical, the actual engineering design of the system or common engineering methods shall be used to determine the "standard pressure" at the point of service. Pressure fluctuations shall not vary more than fifty percent (50%) above nor fifty percent (50%) below such "standard pressure" during normal operating conditions. Pressure variations outside the limits specified will not be considered a violation of this rule if they are infrequent and arise from unusual or extraordinary conditions, or arise from the operation of the customer's equipment. This rule shall be interpreted to permit a different "standard pressure" calculation for each customer due to varying elevations.

5.8.b. Each utility should establish an elevation in each pressure district above which it cannot provide the minimum pressure required by this rule. This elevation shall be displayed in a prominent place in the public offices of the utility. The utility may furnish new service to customers above this elevation if the customer is fully advised of the conditions under which average service may be expected, and the customer's agreement is secured in writing. The utility may require in the agreement that its terms shall be binding on future customers served at the same location under similar circumstances; provided that the agreement be recorded with the appropriate county clerk. This waiver shall not prevent the Commission from requiring a better service when, upon investigation, it appears that improvements should be made.

5.8.c. No change shall be made by a utility in the standard pressure or pressures adopted for its customers without the approval of the Commission.

5.8.d. A customer's pressure shall be no less than twenty (20) p.s.i. at peak demand on system or thirty (30) p.s.i. static pressure at the terminus of the utility's service line (meter box or curb box) unless the customer has waived this requirement. For all new customers desiring service on and after the effective date of these rules, a customer's pressure shall be no greater than one hundred thirty-five (135) p.s.i. unless the customer has waived this requirement. The utility shall keep on file all the aforesaid waivers, in accordance with Rule 2.1.

5.9. Quality of water.

5.9.a. Purity -- All water furnished by a utility for domestic use, shall be pure, wholesome, potable and in no way dangerous to the health of the consumer.

5.9.b. Health Department -- Every water utility shall comply with the rules of the Bureau for Public Health governing purity of water, testing of water, operation of filter plants and such other rules they may prescribe, pursuant to law, having as their ultimate end the purity of water.

§150-7-6. Inspections and tests.

6.1. Meter testing facilities and equipment.

6.1.a. Testing facilities -- Each utility shall provide or have access to such laboratory meter-testing facilities as may be necessary to make the tests required by these rules or other orders of the Commission. The facilities so provided shall be subject to the approval of the Commission, and shall be available at all times for inspection or use by any member or authorized representative of the Commission.

6.1.b. Tests required; Reports to Commission -- Each utility shall, as a minimum requirement, conduct the tests required by these rules with such frequency, and in such manner, and at such places as provided herein or as may be approved or ordered by the Commission. Each utility shall make yearly reports, in accordance with the requirements of the Commission, on Water Form No. 8, of meter tests, number of customers and amount of refunds. These reports must be filed not later than thirty (30) days after the expiration of the period covered by the reports.

6.1.c. General testing equipment -- Each utility furnishing metered water service shall own and maintain the equipment necessary to accurately test all types and sizes of meters employed for the measurement of water unless the utility has made arrangements to have such testing done in a shop or laboratory containing equipment acceptable to the Commission. The utility shall promptly report in writing to the Commission all alterations or repairs to meter testing equipment, which might affect the accuracy or method of operation of such equipment.

1. The utility shall hold for all testing instruments and other equipment, a certificate signed by a proper authority giving the date when the instrument was last certified and adjusted, and certificates, when superseded, shall be kept on file in the office of the utility.

2. Shop testing equipment -- Testing equipment shall consist of calibrated tanks large enough to hold the equivalent volume needed to move the test dial one or more complete revolutions. It is recommended that the calibrated tanks hold not less than the quantity needed to test meters in accordance with the test requirements of the American Water Works Association (AWWA) found in the Water Meters Section of Manual M6, Denver (1986). The

equipment shall be provided with the proper valves, gauges, and flow devices so constructed that the flow rate can be determined in gallons per minute and an accurate check can be made of the pressure on the intake side of the meter.

3. Field testing equipment "Prover Meter" -- Testing equipment shall consist of a calibrated meter(s) provided with the proper discharge valves and gauges so constructed that the flow can be adjusted on the outlet side of the prover meter. Said equipment shall be tested and calibrated against a certified calibrated tank not less than once each year, or more frequently if circumstances warrant, and a record of such test shall accompany the field test equipment when in use. It is recommended that the test record be plotted as an accuracy curve in graph form so that operating error may be determined easily. The error of the prover meter shall be applied as a correction factor when computing final accuracy of meters tested in place by using the following formula:

$$\text{TESTED METER ACCURACY} = \frac{MV}{PV} \times PA$$

where: MV = volume recorded on meter tested
PV = volume recorded on prover meter
PA = accuracy of prover meter at tested flow rate
(in %)

6.2. Tagging, sealing and capping meters.

6.2.a. Tagging meters -- A record of each meter shall be maintained showing the type, brand, serial number, registration reading, test date, flow rates, and test results. This record, which may be kept on paper or electronically, shall be maintained after installation of the meter and for so long as the meter remains in service.

6.2.b. Sealing meters -- All meters in which the accuracy can be adjusted or which could otherwise be easily altered or tampered with shall be sealed at the time of the test by the metertester performing the test. Pulse generator remote type meters shall have the remote counter sealed.

6.2.c. Capping meters -- All meters must have caps placed on the inlet and outlet ports when removed from service and awaiting testing. All meters that have been tested and sealed or are ready for installation must be capped when sealed and kept capped until installed.

6.3. Accuracy requirements for water meters.

6.3.a. Installation accuracy -- Before being installed for the use of any customer a water meter, whether new, repaired,

or removed from service for any cause, shall be in good order and shall be adjusted or repaired to be as nearly correct as is commercially practical. However, a manufacturer's certified test may be accepted in lieu of utilities' test of new meters of the positive displacement type.

6.3.b. Whenever, on installation, periodic or any other test, a meter is found to exceed a limit of two percent (2%) fast or slow, it must be adjusted so as to register as nearly one-hundred percent (100%) as is commercially practicable. For displacement, multi-jet, propeller, and turbine meters, the normal test-flow-percent accuracy shall be the average of the accuracy results at the intermediate and maximum test-flow rates. For compound and fire-service meters, the normal test-flow-percent accuracy shall be the average of the accuracy results at the maximum test-flow rate of the main line meter and the intermediate and maximum test-flow rates of the bypass meter.

6.3.c. After all necessary repairs, adjustments and final tests have been made so that the meter registers accurately, such meter shall be sealed. It is recommended that all meters of the disc or displacement type, two inch (2") or less in size, be tested before being installed on the premises of any customer.

6.3.d. Meters of the turbine type, two inch (2") and larger, shall always be tested after installation. These meter installations shall be installed with a "Test Tee" and valve for use in testing.

6.3.e. Meters of the turbine type can be tested and calibrated more accurately in place. The accuracy of turbine meters is affected by changes in distribution of velocities through the meter. Such variation of velocity may occur to an appreciable degree through change of nature of inlet piping.

All tests to determine the accuracy of registration of any water meter shall be made with a Commission certified meter prover.

6.3.f. Meter Test Flow -- Flow rates shall be in accordance with "American Water Works Association" standards.

6.3.g. Tests -- How Made -- The testing procedures shall be in accordance with American Water Works Association standards.

6.4. Periodic test.

6.4.a. Meters shall be periodically tested as follows:

3/4" or less in size at least once every 10 years.

1" in size at least once every 7 years.

1-1/4", 1-1/2", 2" in size at least once every 5 years.
3" in size at least once every 3 years.
4" and larger in size at least once each year.

6.4.b. "Periodic test periods" for testing meters in the system of utilities supplying water of high turbidity, or of peculiar characteristics, will be determined by the Commission from time to time.

6.4.c. The time frame for periodic tests may be modified by the Commission from time to time upon the submission of evidence by the utility to substantiate any request for modification.

6.5. Request tests.

6.5.a. Action required -- If any customer shall request in writing to the utility a test of the accuracy of his or her meter, and the meter is not due for periodic testing, the utility shall notify the customer of the conditions under which the test will be made by the utility or by a referee. If the customer shall then request the utility to proceed with the test and remits an amount equal to the estimated cost incurred by the utility, but not less than ten dollars (\$10), the utility shall make the test promptly. A report giving results of the test shall be made to the customer and the utility, and a complete record of the test shall be kept within the applicable Division of the Commission. If, when tested, the meter is found to be more than two percent (2%) in error, the amount advanced shall be promptly refunded to the customer. If the meter is not found to be more than two percent (2%) in error, the utility shall retain the amount advanced by the customer for the test.

6.5.b. Customer's privilege -- A customer may be present when the utility conducts the test on the customer's meter or, if the customer desires, may send an expert or other representative appointed by the customer.

6.5.c. If the customer files a complaint with, or makes a request for assistance from, the Commission regarding the accuracy of his or her meter, the utility owning the meter shall be notified and shall have a representative present to remove the meter and assist a Commission inspector with the test. This test shall be made at the expense of the utility.

6.5.d. Report to customer -- A report giving the name of the customer requesting the test, the date of the request, the location of the premises where the meter had been installed, the type, make, size and serial number of the meter, the date of removal, the date tested, and the result of the test shall be supplied to such customer within ten (10) days after the completion of the test.

6.6. Metertesters.

6.6.a. Metertester required -- Every utility shall have in its employ or have access to the services of one or more competent metertesters whose duty it shall be to perform such tests as may be necessary to determine the accuracy of the utility's meters.

6.6.b. Certification of metertester -- A utility desiring to certify an employee as a metertester must secure a qualification card from the Commission in the form of Water Form No. 9; have same executed by the applicant and returned to the Commission; together with a certification by a responsible representative of the utility as to the facts contained on the card. The Commission will then schedule a certification test which will consist of a written examination and a demonstration test of the applicant's meter testing skills on certified testing equipment. If the applicant's qualifications are satisfactory, the Commission will then issue a card to the employee in the form of Water Form No. 10 authorizing the employee to test meters of the type and size shown on the card.

6.6.c. Experience required -- No employee of a utility shall be authorized to test meters unless he or she has had at least six (6) months' experience in a utility water-meter shop, or equivalent experience, part of which time must have been spent working on the type meter for which authority to test has been requested. All tests must be made by an authorized metertester.

6.6.d. Reports to Commission --

1. Each utility shall file on or before February 1st, each year, a list of the individuals in its employ authorized to test meters.

2. The utility shall notify the Commission and shall take up and return the metertester's card when a certified metertester ceases to be in its employ.

§150-7-7. Safety requirements.

7.1. Accidents -- Every utility shall keep a record of every accidental happening in connection with the operation of its plant, station, property, and equipment, whereby any person shall have been killed, or seriously injured, or any property damaged or destroyed, with full statement of the cause of such accident, and the precautions taken to prevent similar accidents in the future.

§150-7-8. Creation or alteration of public service districts.

8.1. Creation or alteration of a public service district.

8.1.a. A county commission upon entering an order on its own motion, or upon receipt of a petition, or upon receipt of a recommendation of the Commission, proposing the creation, expansion, merger, consolidation, reduction or dissolution of a public service district pursuant to West Virginia Code §16-13A-2, shall:

1. At the same session, fix a date of hearing in the county which date shall be not more than forty (40) days nor less than twenty (20) days from the date of the action;

2. Within ten (10) days, provide the Executive Secretary of the Commission with a copy of the order or petition and notification of the time and place of the hearing to be held by the county commission;

3. If the territory proposed to be included is situated in more than one county, when fixing the date of hearing, provide for notifying the county commission and clerk thereof of each of the other counties into which the territory extends of the date so fixed;

4. publish, at least ten (10) days prior to the hearing, a Class I legal advertisement meeting the requirements stated in West Virginia Code §16-13A-2, giving notice of the hearing;

5. post notice in at least five (5) conspicuous locations in the proposed public service district as required by West Virginia Code § 16-13A-2; and

6. file with the Executive Secretary of the Commission affidavits of publication pursuant to Rule 4. above, and affidavits of posting pursuant to Rule 5. above as soon as the same are available.

8.2. Notification to the Commission of county commission action.

8.2.a. If the county commission enters an order creating, enlarging, reducing, merging, dissolving, or consolidating a public service district, the county commission shall, within ten (10) days of entering such order, file a copy of such order with the Executive Secretary of the Commission. If the county commission declines to enter such an order, the county commission shall, within ten (10) days of declining, file with the Executive Secretary of the Commission notice that it has declined to enter any such order.

8.3. Commission hearing.

8.3.a. The Commission shall hold a hearing or hearings in each county affected by a county commission order(s) filed pursuant to Rule 8.1.a. and the Commission shall publish a Class I legal advertisement giving notice of such hearing or hearings.

8.4. Commission consideration of proposed creation or alteration.

8.4.a. After public comment and hearing the 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 Commission may consider, among other things:

1. the public convenience and necessity;
2. the economic feasibility, including sources of funding, costs and related benefits of the county commission's order;
3. the adequacy of facilities;
4. other facilities in the area; and
5. other possible alternatives.

**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 12th day of September, 2003.

GENERAL ORDER NO. 188.17

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

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 CORRECTIVE ORDER

By Order issued August 25, 2003 in these proceedings, the Commission adopted final Rules for the Government of Water Utilities, 150 CSR 7 (Water Rules) and Rules for the Government of Sewer Utilities, 150 CSR 5 (Sewer Rules) to take effect October 24, 2003.

Upon review, the Commission has found that specific rule provisions require correction to be in full compliance with Senate Bill No. 412, codified at *W. Va. Code* § 16-13A-9.

Accordingly, by this Order the Commission corrects the definition of "Delinquent Bill" set forth in Water Rule 1.7.b.(3) and Sewer Rule 1.7.c.(3) to reflect that public service district bills are delinquent 20 days from the bill due date, rather than the 30 days set forth for municipal and private utilities.

Secondly, this Order deletes Water Rules 4.8.a.(9) and (10) and Sewer Rules 4.8.b.(9) and (10). Likewise, Water Form No. 2 and Sewer Form No. 2 have been amended. These corrections are made to reflect that *W. Va. Code* § 16-13A-9, does not allow landlords to be held responsible for tenant bills.

Finally, Sewer Rule 4.1.f.(4) is amended to restate, rather than summarize, language from *W. Va. Code* § 16-13A-9.

Accordingly, this Order adopts the corrected rules attached hereto in both clean and blacklined versions. The blacklined versions reflect all changes from the previous Water Rules and Sewer Rules.

FINDING OF FACT

By Order issued August 25, 2003 in these proceedings, the Commission adopted final Rules for the Government of Water Utilities, 150 CSR 7 (Water Rules) and Rules for the Government of Sewer Utilities, 150 CSR 5 (Sewer Rules) to take effect October 24, 2003.

CONCLUSION OF LAW

Upon review, the Commission has found that specific rule provisions require correction to be in full compliance with Senate Bill No. 412, codified at *W. Va. Code* § 16-13A-9.

ORDER

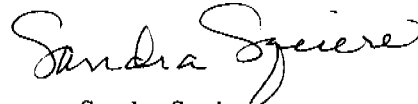
IT IS THEREFORE ORDERED that the corrected Rules for the Government of Sewer Utilities, 150 CSR 5, and the forms attached thereto, and Rules for the Government of Water Utilities, 150 CSR 7, and the forms attached thereto, are hereby adopted as final rules in lieu of those attached to the Order issued August 25, 2003.

IT IS FURTHER ORDERED that, upon entry hereof, the Commission's Executive Secretary shall file a copy of this order and both the clean and blacklined rules with the Secretary of State of West Virginia.

IT IS FURTHER ORDERED that these rulemakings are hereby resolved and shall be removed from the Commission's docket of active cases.

IT IS FURTHER ORDERED that the Commission's Executive Secretary shall serve a copy of this Order on all persons who have filed comments in these proceedings by First Class United States Mail, and on Commission Staff by hand delivery.

A True Copy, Teste:


Sandra Squire
Executive Secretary

JML/ljm
go18817cewpd