



**WEST VIRGINIA
SECRETARY OF STATE**

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WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Public Service Commission**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **150-**

RULE NAME **Rules Governing Stormwater Utilities** **36**

CITE AUTHORITY **W.Va Code §16-13A-9**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §29A-1-3

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

Saturday, July 05, 2014

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Ingrid M Ferrell -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 150-36



Rule Id: 9276



Document: 25747

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 36
RULES FOR THE GOVERNMENT OF
STORMWATER UTILITIES

§150-36-1. General.

1.1. Scope. -- These rules govern the operation and service of public service district stormwater utilities subject to the jurisdiction of the Public Service Commission pursuant to W.Va. Code §24-2-1.

1.2. Authority. -- W. Va. Code §§16-13A-1c, 16-13A-2, 16-13A-8, 16-13A-9, 24-2-1.

1.3. Filing Date. -- May 6, 2014.

1.4. Effective Date. -- July 5, 2014.

1.5. General. -- These rules apply to public service districts providing a stormwater utility service.

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

1.5.b. 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.c. These rules will not relieve in any way a utility from any of its duties under the laws of this State.

1.6. Application of Rules.

1.6.a. These rules apply to stormwater public service districts as defined in W.Va. Code §16-13A-1c.

1.6.b. If hardship results from the application of any Stormwater 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. Billing Related Dates.

1.7.a.1. "Bill Due Date" - The date when the utility mails the bill.

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1.7.a.2. “Latest Pay Date” - The last date, which shall be no sooner than the twentieth (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.

1.7.a.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. Such date must be stated on the face of the bill.

1.7.b. “Best Management Practices” (“BMPs”) - are techniques used to control stormwater runoff, control sediment, and provide soil stabilization, as well as management decisions to prevent or reduce nonpoint source pollution. The West Virginia Department of Environmental Protection (“WVDEP”) defines a BMP as a “technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of stormwater runoff in the most cost effective manner.”

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

1.7.d. “Contributing Area” - Any area, impervious or pervious, contributing stormwater runoff to the public stormwater facilities.

1.7.e. “Conveyance” - Any structure, swale, pipe, ditch, pond or watercourse, existing natural topography or, in the case of new development or redevelopment, grading to existing topography utilized to move stormwater to the waters or aquifers of the State.

1.7.f. “Customer” - Shall mean the owner, tenant or occupant of any real property served by a stormwater system, and determined to be responsible for payment of public service district utility stormwater service fees.

1.7.g. “Customer Conveyance Facilities” - Shall be that portion of any conveyance to the stormwater system for which a user or customer has installation or upkeep responsibility and which is located on the property owned by the user or customer.

1.7.h. “Impervious Area” - Land area covered by buildings, pavement or other materials that significantly inhibit stormwater from penetrating the soil.

1.7.i. “Maximum Extent Practicable” (MEP) - A constantly evolving method that establishes the level of pollutant reductions that municipal separate storm sewer system operators must achieve through implementation of a stormwater management program.

1.7.j. “Measurable Goals” - objectives or goals that quantify the progress of program implementation and the performance of BMPs. They are objective markers or milestones that the utility and the permitting authority will use to track the progress and effectiveness of BMPs in reducing pollutants to the maximum extent practicable.

1.7.k. “Moratorium” - A condition imposed on a public service district by the Commission prohibiting new stormwater connections or reactivation of discontinued stormwater connections for an entire system, or a portion thereof. The moratorium will be effective only within the boundaries of the public service district to which the moratorium applies.

1.7.l. “Municipal Separate Storm Sewer System” (MS4) – The Commission adopts the definition of MS4 as presently defined or to be defined in the future by federal regulations, currently

codified at 40 CFR §122.26(b)(8). The term MS4 does not solely refer to municipally-owned storm sewer systems, but rather is a term applied to non-private, publicly owned systems. References herein to an MS4 are used solely with regard to references to federal regulations because these rules apply only to public service district stormwater systems.

1.7.m. “Outfall” - The point at which stormwater Utility Conveyance Facilities discharges into the waters of the State.

1.7.n. “Payment” - Payment for utility service, made by cash, check, credit card, debit card, or voucher accepted by the utility.

1.7.o. “Pervious Area” - All land area that allows stormwater to infiltrate the soil.

1.7.p. “Point of Service” – For a hard-piped customer stormwater facility, the point on the customer’s property where the stormwater runoff from a given parcel of land meets the Utility Conveyance Facility at or near the property line. Point of service may also be an area either near or distant from the property line where natural runoff that is not necessarily carried by hard-piped facilities drains into the Utility Conveyance Facility.

1.7.q. “Public Utility” - Except where a different meaning clearly appears from the context, the word, or words, “Utility” or “Public Utility” or “Stormwater Utility” when used in these Rules shall mean and include any public service district engaged in the business of managing, collecting, transporting, or treating stormwater.

1.7.r. “Stormwater Service (“Works”) - Any method, conveyance, treatment system or storage structure determined to be necessary to meet the requirements of the Commission or the environmental authority mandating the control and quality of stormwater entering waterways and aquifers of the State.

1.7.s. “Urbanized Area” - A land area comprising one or more places, central place(s) and the adjacent densely settled surrounding area, urban fringe, that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.

1.7.t. “User” - Owner of real property from which stormwater affects or drains into the stormwater system.

1.7.u. “Utility Conveyance Facility/Facilities ” (“UCF”) - Any part or parts of a stormwater system, including but not limited to, ditches, pipes, swales, pump stations, retention ponds, or any other utility structure necessary for collection or conveyance of stormwater.

§150-36-2. 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 stormwater utility in the manner prescribed by the Commission.

2.1.b. Location of records.

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2.1.b.1. Such records should be kept at the office or offices of the applicable public service district with stormwater authority in West Virginia and shall be available during regular business hours for examination by the Commission or its duly authorized representative.

2.1.b.2. If kept outside the State, such records shall be brought to the public service district's office in West Virginia upon request of the Commission, or the public service district may be required to pay the reasonable traveling expenses of Commission employees assigned to examine the records.

2.1.c. Reports to the Commission - Upon Commission request, a public service district 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 public service district 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 and certificates of public convenience and necessity.

2.2.a. Tariffs containing rates and rules of each utility shall be filed in the manner prescribed by the Commission in "Rules for the Government and Filing of Tariffs," 150 CSR 2 effective as amended or modified by the Commission.

2.2.a.1. Any rate schedules established pursuant to these rules shall be based on the principal that customers shall pay rates that are based primarily on the cost of the service provided by the stormwater utility and that reflect the proportionate contributions to the total stormwater flows through the utility made by each customer class. Fee schedules developed pursuant to these rules shall be based on the methodologies that are in accordance with this cost allocation principal and acceptable to the Commission.

2.2.b. Certificates of public convenience and necessity shall be requested pursuant to the "Rules of Practice and Procedure," 150 CSR 1.

2.3. Utility's special rules.

2.3.a. The utility shall be subject to and comply with the provisions of Rule 2.3 of the "Rules for the Government of Sewer Utilities," 150 CSR 5. Any utility establishing special rules shall include those rules in its tariff.

2.4. Financial and statistical report.

2.4.a. The utility shall be subject to and comply with the provisions of Rule 2.4 of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

2.5. Uniform system of accounts.

2.5.a. All stormwater utilities shall maintain their accounts and records in compliance with the Uniform System of Accounts for sewer as promulgated in 1996 by the National Association of Regulatory Utility Commissioners for Class A, B and C sewer utilities. In the event that the sewer uniform system of accounts is insufficient for proper accounting, the utility may add appropriate account titles or subaccounts. The utility shall notify the Commission of added account titles or subaccounts, including account numbers, and the Commission may direct alternative modifications to the system of accounts.

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

2.5.c. The classification of stormwater public service districts for purposes of keeping accounts in accordance with the Uniform System of Accounts for sewer shall be as follows:

Classification Revenue Level

- A. \$1,000,000 or more
- B. \$200,000-\$999,999
- C. less than \$200,000

2.6. Maps and records.

2.6.a. Each utility shall keep on file suitable maps, plans, and records showing the entire layout of pipes, retention ponds, open channels, water quality devices, curbs and gutters, ditches, swales, pump stations, bio retention, stormwater wetlands, and any other technology necessary for the management of stormwater, used in the collection and treatment of stormwater.

2.6.b. In addition to paper copies of maps and records, if required by another governmental entity or agency pursuant to any permits, laws or regulations, each Stormwater Project Designer shall be required to submit to the utility as-built electronic data files for all projects that are public in nature or could reasonably be acquired by the stormwater utility, in addition to the paper copies.

2.6.c. In the case of new construction or property acquired from others, updates to utility maps and records should be made no later than 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.d. In general, where present maps of existing facilities are not entirely up to date, special surveys to locate any plant or stormwater facilities will not be required immediately, but maps must be updated as prescribed by the Commission.

2.7. Management Audits.

2.7.a. Scope - The utility shall be subject to and comply with the provisions of Rule 2.7 of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

§150-36-3. Basis of Billing for Stormwater Service.

3.1. Billing for stormwater service will be based on rates and methods approved by the Commission, which may include rates and charges based on the amount of impervious area on the property served.

§150-36-4. Customer Relations.

4.1. Customer Information.

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

4.1.b. Explanation of Computing Bills - Each utility shall adopt some means of informing its users and customers as to the method of computing bills, either by printed description on its bills, or by a notice to the effect that the method will be explained at the office of the utility upon request.

4.1.c. Explanation of Rates - It shall be the duty of the utility to explain to the user and customer at the beginning of service, or whenever requested to do so, the utility's rates applicable to the type of service furnished to the customer and all other classes of customers. 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 customers with a concise written explanation of the rates, and an identification of any customer for whom rates are not summarized.

4.1.d. Posting of law, rates, rules, and collection agents.

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

4.1.d.1.A. A copy of the rates, rules and regulations of the utility, and of forms of contracts and applications applicable to the territory served from that office;

4.1.d.1.B. A copy of the Public Service Commission Law of this State;

4.1.d.1.C. A copy of the Rules for the Government of Sewer Utilities, 150 CSR 5; and

4.1.d.1.D. A copy of these rules.

4.1.d.2. A suitable placard in large type shall be conspicuously posted in the utility's business office giving information to customers that a copy of the law, the rules of the Commission, and the schedules of rates are available for their inspection.

4.1.d.3. No less than once a year, and each time a utility changes collection agents or locations, each utility shall publicize by newspaper or bill insert to its customers its collection agents to whom customers may deliver payment of stormwater bills.

4.1.e. Application for stormwater service.

4.1.e.1. Real property may be determined and declared to be served by a stormwater system only after each of the following conditions are met;

4.1.e.1.A. Where a public service district has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 CFR 122.26;

4.1.e.1.B. The authority of the public service district has been properly expanded to operate and maintain a stormwater system;

4.1.e.1.C. The public service district has made available a stormwater system where stormwater from the real property affects or drains into the stormwater system; and

4.1.e.1.D. The real property is located in the Municipal Separate Storm Sewer System's designated service area.

4.1.e.2. Having met those four conditions, an owner of the real property (user) shall be required to make written application on printed forms provided therefore setting forth in said application all purposes for which stormwater will be managed upon their premises. If the user has agreed in writing with a third party that the third party shall pay the stormwater fee, then the third party shall apply for service. The third party shall provide the utility with a copy of the agreement with the user. The utility may require the applicant to provide identification at the time of application for service. The applicant 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, the name and address of the owner or owners of the premises to be served must be provided to the utility.

4.1.e.3. A customer shall remain liable for stormwater service furnished to said premises until he has given notice in writing to the utility to discontinue his stormwater service. Any change in the identity of the contracting customer at a premises will require a new application for stormwater service provided that, in the event the customer of record has died or has become incapable of being responsible for stormwater service, that individual's spouse may become the customer of record without being required to complete a new application for stormwater service, or paying a new deposit. Where the former customer has provided notice of discontinuance of service, in the absence of a new application for service, the user shall be billed. (See, 4.1.g.4). Where bills are not paid, the utility may, after reasonable notice, obtain a discontinuance of water service to the premises until acceptable arrangements for payment have been made, and, if applicable, a new application for service has been made and accepted.

4.1.e.4. In the event that a publicly or privately owned water utility, city, incorporated town, other municipal corporation or other public service district, owns and operates water facilities within the same service territory as the public service district providing stormwater service to the area, then the stormwater public service district shall provide the customer with a proper receipt and shall instruct the customer to present said receipt to the water utility when application for water service is made.

4.1.f. Availability defined - Stormwater service and other related services such as outreach and education will be deemed available to a customer when the provisions of Rule 4.1.e.1 are satisfied.

4.1.g. Public Service District's notice of availability of stormwater service and billing after notice.

4.1.g.1. Notice by Publication - When stormwater service is made available by a public service district to users in an area which has not previously been served by the public service district, the district shall publish a notice in a newspaper of general circulation in the area affected once a week for two consecutive weeks, with the second notice being published at least thirty (30) days prior to the date that the public service district intends to begin billing for services. The notice shall state, at a minimum, the following information: (1) that stormwater services are available; (2) the date that the district will begin billing for services as authorized by W. Va. Code §16-13A-9 and Rule 4.3 of the Commission Rules for the Government of Stormwater Utilities; (3) the district's rates; (4) the location and telephone number of the district's business office; and (5) the general amount of the bill that will be the responsibility of users, in various classes, even if the user has not made an application for service.

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4.1.g.2. Publication is not required when service is extended to a single customer at the customer's request.

4.1.g.3. Personal Notice - In addition to notice by publication, when stormwater service is made available to users in an area which has not previously been served by the stormwater utility, the stormwater utility shall provide notice with at least the information as described in section 4.1.g.1 above, to all users by certified mail, return receipt requested, or by personal service with signed and dated receipt. In the event that the public service district is not able to effect personal notice after a good faith effort, or if the district believes that the requirements of this section create an undue hardship on the district, the district may petition the Commission for a waiver of the requirements of personal notice provided in this section.

4.1.g.4. Where there has been no application for stormwater service within thirty (30) days and after appropriate notice has been given of availability of service pursuant to W.Va. Code §16-13A-9 and Rule 4.1.g, users shall be billed based on the stormwater utility's approved tariff.

4.2. Customer deposits.

4.2.a. Security deposits.

4.2.a.1. Security deposits for public service stormwater districts - All new applicants for residential or other stormwater service from a public service district shall make a deposit with the public service district of (1) fifty dollars (\$50.00), or (2) two twelfths (2/12) of the annual estimated charge for stormwater service, whichever is greater, to secure the payment of stormwater service rates and charges. 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.

4.2.a.2. Return of deposit to customers who are not tenants - After a customer who is not a tenant has paid bills for stormwater 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.

4.2.a.3. Return of deposit by public service 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.

4.2.a.4. Unless otherwise ordered by the Commission by general order, interest of 1% per year shall be paid from the date of deposit until the date of refund of the security deposit. All customer security deposits shall be placed in an interest bearing account at a local federally insured financial institution.

4.2.a.5. A current customer of a public service district who terminates customer status at one location and receives stormwater service at a new 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 W.Va. Code §16-13A-9. Multiple service locations shall require multiple deposits. In the event the customer of record has died, or has become incapable of being responsible for stormwater service, that individual's spouse may become the customer of record without being required to make a new application for stormwater service, or paying a new deposit.

4.2.a.6. Record of Deposit - Each utility holding a cash deposit shall keep a record showing: (1) the name and current address of each depositor; (2) the amount and date of the deposit; and (3) each transaction concerning the deposit.

4.2.a.7. Receipt - Concurrently with receiving a cash deposit, the utility shall deliver to the applicant for service, or customer, a receipt showing: (1) the date thereof; (2) the name of the applicant or customer and the address of the premises served or to be served; (3) the service furnished or to be furnished; and (4) the amount of the deposit and the fact that interest will be paid at a Commission determined rate. Each utility shall maintain an accurate record of deposits and shall provide automatic means to refund the deposit of a customer, when so entitled, if the original receipt cannot be produced. A receipt or proof of payment will not be necessary under the provisions for an automatic refund.

4.2.a.8. Unclaimed Deposits - Should a utility have retained, through no fault of its own, deposits made by customers whose 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 county(ies) 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 are being held to their credit and will be returned upon request. The utility will not be liable for any interest on such deposits after publication of such lists. Upon completion of the above procedure, the utility shall follow the provisions of the Uniform Unclaimed Property Act, codified in the W.Va. Code §36-8-1 et seq., with regard to the disposition of any unclaimed deposit.

4.2.a.9. All utilities that collect security deposits must do so in a non-discriminatory manner.

4.3. Billing information.

4.3.a. The utility shall be subject to and comply with the provisions of Rule 4.3 of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.4. Application of credit to customer bills.

4.4.a. Where real property receives stormwater service, each utility is authorized to establish a bill credit policy where a credit can be applied to the stormwater utility bill for customer management technologies that capture stormwater on site.

4.4.b. A utility must have a bill credit policy included in its tariff that may include separate rates that consider reduced flow of stormwater because of customer management of rainfall. A customer may apply for a credit pursuant to a utility's tariff when it utilizes any stormwater methods required by stormwater permit to capture: (1) the first one inch of rainfall from newly developed land area or (2) for an existing developed land area where a measurable amount of rainfall can be captured by the landowner. Methods for customer capture of stormwater shall be submitted to the stormwater utility for a determination of the applicability of a credit to the customer's stormwater bill.

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4.4.c. The credit policy shall allow additional credits for water quality and water quantity controls that surpass minimum requirements for these controls by federal, state or local laws and regulation. Examples may be additional credit for providing more detention than required by regulation or providing stream buffers where none are required. A credit policy is not intended to completely eliminate the customer's obligation to pay stormwater rates.

4.4.d. Each utility may propose a policy which includes a maximum credit toward a stormwater bill or a minimum net stormwater bill after applications of the credit.

4.4.e. Each utility shall maintain in its office a copy of its tariff, including bill credit policy, and any forms necessary for a customer to utilize the credit policy.

4.5. Complaints.

4.5.a. The utility shall be subject to and comply with the provisions of Rule 4.5 of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.6. Disputed Bills.

4.6.a. The utility shall be subject to and comply with the provisions of Rule 4.6 of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.7. Customer Discontinuance of Service.

4.7.a. The utility shall be subject to and comply with the provisions of Rule 4.7 of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.8. Utility Discontinuance of Service.

4.8.a. Notice of Discontinuance.

4.8.a.1. The utility shall be subject to and comply with the provisions of Rule 4.8.b of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.8.b. The utility shall be subject to and comply with the provisions of Rule 4.8.c of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.8.c. Charge for Reconnection.

4.8.c.1. The utility shall be subject to and comply with the provisions of Rule 4.8.d of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.8.d. The utility shall be subject to and comply with the provisions of Rule 4.8.e of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.8.e. Any public service district that provides water and stormwater service has the right to terminate water service for the delinquency in payment of stormwater bills.

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

4.8.f.1. The utility shall be subject to and comply with the provisions of Rule 4.8.g of the "Rules for the Government of Sewer Utilities," 150 CSR 5.

4.9. Refusal to Serve Applicants.

4.9.a. The utility shall be subject to and comply with the provisions of Rule 4.9 of the “Rules for the Government of Sewer Utilities,” 150 CSR 5.

4.10. Access to Property.

4.10.a. The utility shall be subject to and comply with the provisions of Rule 4.10 of the “Rules for the Government of Sewer Utilities,” 150 CSR 5.

4.11. Service Interruptions.

4.11.a. The utility shall be subject to and comply with the provisions of Rule 4.11 of the “Rules for the Government of Sewer Utilities,” 150 CSR 5.

4.12. Moratoria.

4.12.a. The utility shall be subject to and comply with the provisions of Rule 4.12 of the “Rules for the Government of Sewer Utilities,” 150 CSR 5.

4.13. If the utility detects an impermissible discharge attributable to particular customer runoff, the utility shall take appropriate steps to eliminate or control the runoff as provided in its permit or relevant statutes or regulations.

§150-36-5. Utility Facilities; Service Pipes; Expansion of Service.

5.1. Adequacy of Facilities.

5.1.a. The UCF of every stormwater utility shall be designed, constructed, maintained and operated to receive and transport the stormwater from its customers’ facilities to its stormwater outfall within the design limits of its WVDEP stormwater permit for new and existing facilities and related Commission certificate of public convenience and necessity. The utility shall develop and implement its stormwater management program in order to reduce the discharge of pollutants to the MEP.

5.1.b. Construction and Maintenance of System - Each stormwater utility shall at all times construct and maintain its facilities to furnish safe, adequate, reliable and continuous service.

5.1.c. Inspection - Each utility shall inspect its plant and stormwater 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 legally applicable requirements.

5.1.d. Records of Conditions - Records necessary for the proper maintenance of the system in accordance with the WVDEP shall be kept of the conditions found. In special cases, a more complete record may be specified by the Commission.

5.1.e. Records of Operation - Each utility shall keep a record of the operation of its facilities, which, so far as practical, shall show sufficient details of facility operation as is necessary to substantially reproduce its daily operations. The records shall also be maintained in accordance with the requirements of the WVDEP.

5.1.f. Report to Commission - Each utility shall, upon request of the Commission, file with the Commission a statement regarding the condition and adequacy of its plant, equipment, and facilities, and of its operations, maintenance and service in such form as the Commission may require.

5.2. Utility Conveyance Facilities (UCFs).

5.2.a. Where the UCFs are required, the utility will furnish, install, and maintain the UCF and appurtenances up to a point of service. All such UCFs and appurtenances shall be installed by the utility except for agreements approved pursuant to Rule 5.4.g.6.

5.2.b. When, under the provisions of Rule 5.3, a hard-piped customer facility is required, the following rules shall apply.

5.2.b.1. The utility shall determine the location of the UCF.

5.2.b.2. The utility shall install and maintain, at its own cost and expense, the UCF to the point of service.

5.2.b.3. The utility shall not make any charge for furnishing and installing any permanent connection to the UCF, unless the utility has prior approval of the Commission to charge a connection fee and the same is set forth in the utility's tariff on file with the Commission.

5.2.b.4. The UCF shall remain under the utility's sole control and ownership.

5.2.b.5. The customer shall not attach any fixtures to, or make any branches in, the UCF. Violation of this rule may result in the withholding or termination of service pursuant to these rules.

5.2.b.6. Temporary service connections for construction or other temporary purposes may be installed by the utility at the cost of the applicant. Such facilities may be installed by the applicant if there is a signed written agreement to that effect between the utility and the applicant.

5.2.b.7. Each utility shall adopt standard methods of installation where practicable. Such methods shall be set out with written descriptions and drawings to provide a clear understanding of the requirements; all of which shall be submitted to the Commission.

5.3. Customer Stormwater Facilities.

Rule 5.3 applies only to new development or redevelopment parcels of land that meet one or more of the following criteria: (a) New development that involves the creation of 5,000 square feet or more of impervious cover, or involves other land disturbance activities of one acre or more; (b) Redevelopment that includes the creation, addition, or replacement of 5,000 square feet or more of impervious cover, or that involves other land disturbance activities of one acre or more; or (c) land disturbance activities that are smaller than the minimum applicability criteria set forth in (a) and (b) above, if such activities are part of a larger common plan of development, even though multiple, separate, and distinct land disturbance activities may take place at different times on different schedules.

5.3.a. When a discrete hard-piped customer facility is not required.

5.3.a.1. A user's or customer's stormwater contribution to the utility may not necessarily occur through discrete "hard-piped" infrastructure but rather, may be diffuse stormwater runoff from any portion of the property.

5.3.a.2. Once an application for service has been granted, the user or customer shall install and maintain the customer facilities on the customer's property.

5.3.a.3. The utility's authorized employee or representative shall inform the user or customer of the location of each point of service. The customer shall install the customer stormwater facilities on his or her property. The utility will install the UCFs to the point of service.

5.3.a.4. The Customer Conveyance Facilities shall be installed such as to follow the natural ebb and flow of the topographic features of the surrounding area or be constructed such that it is non-erosive and stable where grading is required. All installation specifications provided by the stormwater utility must be followed prior to obtaining service.

5.3.b. When discrete hard-piped customer facilities are required.

5.3.b.1. No customer, plumber, company owner or any agent shall connect to a non-hard-piped UCF from any property for the purpose of securing stormwater 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. Connections to a hard-piped UCF should be made by the utility.

5.3.b.2. The customer 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.b.3. In circumstances where a customer is required to install pipe in order to physically connect at the point of service to a UCF that is pipe, 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.b.4. A customer must maintain the customer service pipe in good condition and free from defects, at the customer's cost and expense. A customer's failure to comply with this rule may result in termination of water service pursuant to these rules.

5.3.b.5. The customer's service pipes and all connections and fixtures attached thereto shall be subject to the inspection of the utility before use, and thereafter shall at all reasonable hours be subject to inspection by a duly authorized employee or representative of the utility.

5.3.b.6. The utility shall make changes and bear the full costs of changes in the customer's discrete hard-piped facilities required due to changes in grade, relocation of the utility pipe, and other causes not related to the customer. The customer shall bear the full costs of changes in the customer's discrete hard-piped facilities desired by the customer for his or her convenience.

5.3.b.7. The connection of surface stormwater drains to any sanitary system is prohibited. The utility shall require immediate disconnection where evidence of a violation exists.

5.4. Installation of UCFs to serve new customers. Rules for installation of UCFs to serve new customers are generally tailored for hard-piped conveyance facilities necessary to carry flows from new customers. They may apply to other UCFs, such as pumping facilities, impoundments or other structures that are necessary due to the flows from the new customers. In such case, special consideration must be given to assure that other customers are not subsidized by the facilities installed for the new customers.

5.4.a. A stormwater utility is under a public service obligation to install required UCFs to serve new customers within its service area who may apply for stormwater management service.

5.4.b. Necessary UCFs shall be made available in all cases in which the public convenience and necessity require the UCFs, construction problems are not unusual or burdensome, and the new facilities appear to be economically feasible.

5.4.c. For any proposed UCFs, a reasonable relationship should exist between the per customer investment to serve new customers and the per customer investment to serve old customers.

5.4.d. When the UCFs required include hard-piped conveyance, every effort shall be made by a utility to install the conveyances in the public road right-of-way or in a utility right-of-way abutting the public road right-of-way.

5.4.e. Customer-specific UCF requirements.

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

5.4.e.2. The utility will, upon written request for service in the form of Stormwater Form No. 4, by a prospective customer or group of prospective customers located in the same neighborhood, determine the necessary UCFs required to give service specifically due to the request for service and make an estimate of the cost of providing the requested service, using the form of Stormwater Form No. 5, including pipe, conveyances, retaining structures, necessary materials, permits, labor 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 conveyance under the first road (closest to the already existing conveyance), but shall include the costs of installing the conveyance under a second and any subsequent road(s). The written estimate calculated using Stormwater Form No. 5 shall be provided to the customer in the form of Stormwater 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 Stormwater 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 the agreement for at least six (6) years. Where the UCF is needed to handle physical flows of stormwater, the length of the UCF extension required shall be that length required to extend from the new proposed stormwater service area to the nearest point of connection to the utility stormwater system having sufficient capacity to provide service.

5.4.e.3. Where the cost of the extension of the UCF does not exceed the estimated total revenue as calculated below, from prospective customers who will immediately be served by the new UCFs and from whom the utility has received applications for stormwater service upon forms provided by the utility for this purpose, the utility will install, at its own cost and expense, the necessary UCFs (utility financed UCFs); provided, that the patronage or demand will be of such permanency as to warrant the capital expenditure involved.

5.4.e.3.A. For residential units, annual revenue shall be based on the average monthly bill per residential unit over the past sixty months (or a reasonably estimated average

monthly bill when sufficient historical data is not available) multiplied by twelve, unless circumstances of the applicant show this would result in significant error. For non-residential units, annual revenue shall be based on the actual impervious area designated in the application and any other factors that would affect the monthly bill applicable to such non-residential units.

5.4.e.3.B. Estimated total revenue for public service district utilities will be calculated as five (5) times estimated annual revenue.

5.4.f. UCF costs beyond the limit of utility financed UCFs.

5.4.f.1. If the estimated cost of the proposed UCFs required in order to furnish stormwater service exceeds the utility's estimate of total revenue as determined by Rule 5.4.e.4, such investment shall be made by the utility if the applicant or the applicant's authorized agent contracts for such investment in UCFs and deposits in advance with the utility the estimated cost of the UCFs over and above the limit of the utility funded portion. The utility shall not pay nor be liable for any interest on such cash deposits. The utility shall install the necessary UCFs after receiving the cash deposit. The utility shall, for each bona fide new customer who, within a period of ten years from the installation of such UCFs, uses the physical flow UCF between its original beginning and original terminus, and/or uses other UCFs funded by the new customer(s) pursuant to this rule, refund to the original depositor(s), an amount equal to the estimated total revenue of the new customer as determined by Rule 5.4.e.4, but in no event shall the aggregate refund made to the depositors exceed the original deposit. Provided, however, public service districts may elect to refund the estimated amount over a period of five years making payments no less frequently than every six months.

5.4.g. General provisions.

5.4.g.1. Should the actual cost of the UCFs 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 days after completion of construction of the UCFs. When the actual cost of the UCFs exceeds the estimate cost, then the utility will bill the depositor(s) for the difference between the estimated and the actual cost. The customer(s) may pay this additional amount in reasonable installments. No interest will be added on the applicant's payment or on any balance to be refunded.

5.4.g.2. In estimating the cost of UCFs, the estimate shall be based on the individual design of the receiving UCF unless actual use estimated for the proposed customer or customers required a different design.

5.4.g.3. UCFs installed under this rule shall be and remain the property of the utility.

5.4.g.4. The utility reserves the right to further extend its flow conveyance UCF from and beyond the UCF installed 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 flow conveyance facilities or branch facilities so installed.

5.4.g.5. In determining the length of UCF flow conveyance extensions to be installed in an urban area when land is subdivided in lots, a UCF shall be extended to fully cover the drainage area of all subdivided and cleared lots ready for construction. The design of the UCF shall meet all future capacity needs of all finished lots as platted in the property records submitted to the county or other entity having jurisdiction over new construction planning. In rural areas or open land areas, any flow conveyance UCF required will be that length necessary to adequately serve the applicant(s) and to meet the stormwater utility obligations.

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5.4.g.6. This rule shall not be construed as prohibiting the utility from entering into an agreement that complies with the Commission approved checklist attached hereto as Stormwater Form No. 7, in providing an alternate plan for UCFs necessary to serve a new customer(s). Commission Staff may be consulted to provide assistance and sample forms. In providing an alternate plan for UCFs, 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 the 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 and the customer(s) are not funding the extension pursuant to this rule. The agreement must attach a copy of this Rule 5.4, and a statement signed by the party or parties other than the utility that he has reviewed and understands the provisions of Rule 5.4.f which entitles a customer to refunds and that he knowingly has entered into an alternative agreement that may waive such rights, if applicable. If there is an expectation of reimbursement by the party or parties for some portions of the UCFs installed under an alternative agreement, failure to obtain Commission approval may 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 be responsible for the facilities only after proper transfer of title to all facilities including property, plant and rights-of-way incidental to the furnishing of utility service.

5.4.g.7. Commencement of service - The utility shall not be required to make utility funded extensions or refunds as described in this rule unless those to be served by such extensions shall guarantee to the utility that they will pay for service at their premises within ninety days after service is available or as otherwise mutually agreed in a user agreement.

5.4.g.8. Construction conditions - Construction of UCFs, 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 user agreements that have received the prior approval of the Commission.

5.4.g.9. Right-of-Way.

5.4.g.9.A. If the construction of UCFs 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 UCFs is started.

5.4.g.9.B. If it is not reasonably possible for the prospective customer or customers to secure the right-of-way, and the construction of a UCF involves the utility incurring expense for right-of-way easements, either by purchase or condemnation, such costs shall be added to the total cost of the UCFs.

5.4.g.9.C. As a condition to obtaining necessary UCFs, any property owner or developer shall grant the utility the necessary easements which would allow the utility to make future expansions of UCFs or extensions of flow conveyance UCFs. 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 install necessary UCFs to serve the property owner or developer. This requirement may be waived by mutual agreement or the property owner or developer may petition the Commission for a waiver or modification if the easement requirement would create a hardship on the property owner or developer.

§150-36-6. Safety requirements.

6.1. The utility shall be subject to and comply with the provisions of Rule 6 of the “Rules for the Government of Sewer Utilities,” 150 CSR 5.

§150-36-7. Creation or alteration of public service districts.

7.1. The utility shall be subject to and comply with the provisions of Rule 7 of the “Rules for the Government of Sewer Utilities,” 150 CSR 5.

**Stormwater Form No. 1
(Stormwater Rule 4.8.a)**

(Insert Company Name Here)

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

We have scheduled your water service provided by _____ at
(Water Company Name)
_____ for termination on or after _____
(address) (date)

because of your delinquent stormwater bill.

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 will be subject to the following additional charges involving reconnect fees and deposit requirements in order to restore service.

(Include all applicable charges, including disconnect, reconnect and/or administrative fees)

**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 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 (7) DAYS IN WHICH TO FILE A CHALLENGE WITH**

THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA. You will be required to pay your current bill or the portion thereof that is not in dispute 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 Public Service Commission, 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, W. Va. 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).

Stormwater Form No. 2
(Stormwater Rule 4.8.a)

NOTICE OF SCHEDULED TERMINATION

We have scheduled water service provided by _____ at
(Water Utility)
_____ for termination on or after _____ because of
(address) (date)
the property owner's delinquent stormwater bill.

To notify the Public Service Commission, 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, WV 25323

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 organization: (List agencies in service area).

Stormwater Form No. 3
(Stormwater Rule 4.12)

Public Notice of Filing of a Petition for 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 stormwater system.

PUBLIC NOTICE

On _____ the _____
(date) [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) (stormwater)

System serving _____
[describe areas served].

If approved, the moratorium would mean that no new customers could be served by the stormwater utility in these areas until the Commission lifts the moratorium. The _____ claims that the imposition of a moratorium is

[name of petitioner]

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

NAME OF UTILITY

Stormwater Form No. 4

(Stormwater Rule 5.4.e.2)

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

() Stormwater

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

Name _____

Mailing address _____ Phone _____

Property location _____

Rent () Own () Other _____

If rent: Property owner's 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 _____

(optional)

Name of spouse _____

Spouse's place of employment _____

Spouse's employment address _____ Phone _____

I HEREBY AUTHORIZE STORMWATER SERVICE TO BE ESTABLISHED AND BILLED 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 ()

Stormwater Form No. 5
(Stormwater Rule 5.4.e.2)

Form for use in determining cost estimate to extend stormwater service

Date _____

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

Cost Estimate

UCF extension

Culverts (_____ type of material) _____ feet @ \$ _____/foot	=	\$ _____
Pipe (_____ 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 revenue per customer calculated pursuant to Rule 5.4.e.3) \$ _____ per customer
x _____ customers = \$ _____
(add additional lines when additional estimates are necessary for different types of 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 Rule 5.4.e.2 of the Rules for the Government of Stormwater Utilities.

Stormwater Form No. 6
(Stormwater Rule 5.4.e.2)
Form of cost estimate to be provided to applicants for service

Dear _____:

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

Stormwater conveyance _____ feet at \$ _____ / foot	_____
Excavation/Installation _____ feet at \$ _____ / foot	_____
Permits/Rights-of-way (WVDEP, Highways, etc.)	_____
Restoration (seeding, gravel, etc.)	_____
Related Cost (engineering, legal, etc.)	_____
Total Estimated Extension Construction Cost	_____
Minus Utility's Share (estimated total revenue per customer pursuant to Stormwater Rule 5.4.e.3.)	_____
Estimated Total Customer Share	_____
Estimated Customer Share Per Customer	_____

When the total "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 UCF 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.

The estimated start date of construction is _____.

The estimated duration of construction is _____ days.

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

Sincerely,

Stormwater Form No. 7
(Stormwater Rule 5.4.g.6)

Form of Commission Check List for Alternate Stormwater UCF Extension Agreements

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

- 1. Name of developer, mobile home park owner or prospective customers(s) or other applicant.
- 2. General location or description of area to be served.
- 3. Indication that the applicant(s) has/have read Stormwater Rules 5.3 and 5.4 in their entirety.
- 4. Indication that the applicant(s) understand(s) the Rules.
- 5. Having read and understood the Rules, applicant(s) choose(s) to enter into the alternate UCF extension agreement.
- 6. If the applicant(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 applicant is to bear the cost of inspection, a statement of the maximum amount of the cost of inspection.
- 10. If the applicant(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 applicant 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 UCF service connections.
- 15. If the applicant(s) is/are to install the service connections, a statement that the utility will not charge a tap fee.
- 16. A statement that the connection fee, if any to be charged, is the approved connection 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 applicant(s).
- 18. A statement that the ownership of the UCF 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 UCF extension.
- 20. If the applicant(s) is/are to be responsible for the preparation of the plan for the UCF, a statement that the applicant(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 UCF, the number of lots to be served, or some other general indication of the size of the area to be served by the UCF
- 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 applicant(s) will warrant the system UCF installation 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 UCF extension, including length, diameter conveyance methods and any major components such as, pump stations, etc.

NOTE: A paragraph such as “The Applicant waives his rights under paragraph 5.3 or 5.4 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.

Stormwater Form No. 8
(Stormwater Rule7)

**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 ____ day of [month], [year].

[Case No.]

[Case Name]

NOTICE OF FILING

On [date], the [name of party] filed a petition for consent and approval to [type of creation/alteration] the boundaries of the [description of area to be created, enlarged, reduced, merged, dissolved or consolidated] pursuant to W.Va. Code §16-13A-2. A complete description of the boundaries is on file with the [identify entity with which information is filed (for example, county commission and/or public service district)] and the West Virginia Public Service Commission.

Anyone desiring to protest or intervene should file a written protest or notice of the intervention within 30 days following the date of this publication. All protests or requests to intervene should briefly state the reason for the protest or intervention. Requests to intervene must comply with the Commission's rules on intervention, set forth in the Commission's *Rules of Practice and Procedure*. All protests and interventions should be addressed to Sandra Squire, P. O. Box 812, Charleston, West Virginia 25323. If no substantial protest is filed, the Commission may approve the County Commission's Order without hearing.

[Name of Party]