

BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT

312 S Oak Branch Rd
Waxahachie, TX 75167
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RATE ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10898

ELLIS COUNTY, TEXAS

Adopted on March 11, 2024

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ARTICLE A

ADOPTION & AUTHORITY

1. **Effective Date.** This Rate Order was originally adopted by the Board of Directors of the Buena Vista-Bethel Special Utility District (the "District") on March 11, 2024, by passage of Ordinance No. 2024-001. This Rate Order took effect immediately upon its adoption.

2. **Pre-existing Penalties and Vested Rights.** The adoption of this Rate Order shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or vested right established or accrued prior to the effective date of the adoption of this Rate Order.

3. **Official Rate Order; Copies.**

(a) Location and Maintenance. The official Rate Order approved by the Board of Directors shall be maintained by the Office Manager in the District's regular office. The Office Manager will clearly enter and delineate all additions, deletions and amendments to the Rate Order adopted from time to time by the Board.

(b) Copies Available. An official copy of the Rate Order shall be available to the public for examination at the District's regular office during regular office hours. A copy of this Rate Order shall be made available upon request.

4. **Conflicts.** Rules and regulations of state and federal agencies having applicable jurisdiction, promulgated under any applicable state or federal law, shall supersede all terms of this Rate Order that directly conflict with such state or federal rules or regulations. If any section, paragraph, sentence, clause, phrase, word or words of this Rate Order are declared unconstitutional or in violation of law, the remainder of this Rate Order shall not be affected thereby and shall remain in full force and effect.

ARTICLE B
STATEMENTS

1. **Organization.** The District is a special utility district created under the authority of Article XVI, Section 59 of the Texas Constitution, and is governed by Chapters 49 and 65 of the Texas Water Code. The District operates pursuant to Texas law and the regulations and authority of the Texas Commission on Environmental Quality and the Public Utility Commission of Texas. It exists for the purpose of furnishing potable water utility service to the public for domestic use. The District is managed by a Board of Directors whose members are elected by qualified voters residing within the political boundaries of the District.

2. **Non-Discrimination Policy.** Service is made available to all qualified applicants that comply with the provisions of this Rate Order regardless of race, creed, color, national origin, sex, disability, or marital status.

3. **Policy and Rule Application.** These policies, rules and regulations apply to the service provided by the District. Failure on the part of a customer or applicant to observe these policies, rules and regulations gives the District the authority to deny or discontinue service.

4. **Fire Protection Responsibility.** The District does not allege, nor imply, that fire protection is available throughout its water system, except where expressly specified and agreed to by the District. All hydrants or flush valves are for the operation and maintenance of the system and may be used for refill only by authorized fire departments and not for firefighting. The District reserves the right to remove any hydrant due to improper use or that is detrimental to the system, as determined by the District, at any time and without notice, refund, or compensation to the contributors, unless such hydrant was installed pursuant to the terms of a Non-Standard Service Contract as provided for in Action F, in which event the terms and conditions of the contract shall apply.

5. **Damage Liability.** Pursuant to state law, the District is not liable for damages caused by service interruptions due to waterline breaks or equipment failure, tampering by third persons or customers of the District, system failures, system maintenance or repairs, or other events beyond the District's control. The limit of liability of the District is the extent of the cost of service provided. Notwithstanding anything herein to the contrary, nothing in this Rate Order shall be construed as a waiver of immunity by the District or its officials.

6. **Public Information Disclosure.** The records of the District shall be kept in the District's office located at 312 S Oak Branch Rd, Waxahachie, Texas 75167. All information collected, assembled, or maintained by or for the District shall be disclosed to the public in accordance with the Texas Public Information Act, Chapter 552 of the Texas Government Code, and any other applicable law. **In no event and under no circumstances shall the District disclose the Social Security Number of any customer to any person other than an employee of the District.** Chapter 182, Subchapter B of the Texas Utilities Code makes confidential a water utility customer's address, telephone number, account records, and information relating to the volume

or units of utility usage, or the amounts billed to or collected from the individual for utility usage. However, an individual customer may request in writing that this information be released upon request. The District shall give its applicants and customers notice of their right to request disclosure of this information under this policy. The confidentiality requirements in Chapter 182, Subchapter B, of the Texas Utilities Code do not prohibit the District from disclosing this information to an official or employee of the state or a political subdivision of the state acting in an official capacity, or an employee of the District acting in connection with the employee's duties.

7. **Notice of Change in Rates.** The District will give written notice of a change to monthly water rates by publication, mail, or hand delivery to all affected customers at least thirty (30) days after the date on which the board authorizes the new rate. The notice shall state the old rates, the new rates, the effective date of the new rates, the date of Board approval, and the location where additional information on rates can be obtained. Failure of the District to give the notice shall not invalidate the effective date of the change, the amount of the newly adopted rate nor any charge incurred based on the new rate.

8. **Customer Service Inspections.** A customer service inspection is an examination of private water distribution lines and facilities for the purpose of providing, denying, or terminating water service. The District requires a customer service inspection certificate to be completed prior to providing continuous water service to new construction and for all new customers as part of the activation of standard and non-standard service. The District may also require customer service inspections of existing service connections when the District has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the customer's water distribution facilities. Under the foregoing conditions, the inspection is limited to the identification and prevention of cross connections, potential contaminant hazards and illegal lead materials. [30 TAC § 290.46(j)]. A customer service inspection is not a plumbing inspection as defined and regulated by the Texas State Board of Plumbing Examiners (TSBPE).

9. **Submetering Responsibility.** Submetering and non-submetering by master-metered accounts may be allowed in the District's water distribution system provided the MMAC complies with the Public Utility Commission of Texas (PUC) rules pertaining to submetering. [See 16 TAC §§ 24.275 - 24.287] The District has no jurisdiction over or responsibility to tenants receiving water under a master-metered account, and such tenants are not considered customers of the District. Any interruption or impairment of water service to the tenants is the responsibility of the master-metered account customer (MMAC). Any complaints regarding submetering should be directed to the PUC. From time to time, the District may inspect or review a MMAC to:

(a) verify the MMAC has registered with the PUC as required under Texas Water Code, Chapter 13, Subchapter M;

(b) verify that the MMAC does not charge tenants more than the total amount of charges billed; if the aggregate bill of submetered accounts is greater than the amount

the District's charged the MMAC, the MMAC is considered by the PUC to be a separate public water system and will be required to comply with all applicable PUC regulations; or

- (c) protect the District's certificated water service area.

Should the MMAC continue to violate these or other state regulations, the District will apply to the PUC for a cease and desist order under TWC § 13.252. [Also see 16 TAC § 24.255].

10. **District Forms Policy.** The District has promulgated official forms for various administrative and customer service purposes. Official forms must be used when applicable. The District reserves the right to amend, revise and discontinue use of any form, and to create and use new forms for any reason including compliance with federal and state laws and regulations, improving administrative efficiency, preparing for future system demands, and meeting the unique service needs of developers and non-standard service applicants or customers.

11. **Public Works Standards.** The District adopts applicable sections of the Standard Specifications for Public Works Construction (5th Edition, 2017), as amended, promulgated by the North Central Texas Council of Governments, as guidance in the design, installation and maintenance of waterline extensions and service facilities.

12. **Plumbing Code.** The District has adopted the International Plumbing Code, 2018 Edition, for all residential and commercial plumbing facilities.

13. **Prohibition Against Sharing or Reselling Water.** The water meter connection is for the sole use of the customer and is to provide service to only one (1) dwelling or one (1) business. Extension of pipe(s) to share or resell water to any other persons, dwellings, businesses, or property, etc., is prohibited.

ARTICLE C

DEFINITIONS AND ACRONYMS

The following words and terms shall have the following meanings when used in this Rate Order, unless the context clearly indicates otherwise:

1. **Active service** — The status of any customer currently receiving authorized service under the provisions of this Rate Order.
2. **Applicant** — A person who submits an application for service to the District.
3. **Authorized representative (or) district representative** — The General Manager of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed by the policies in this Rate Order at the direction of the General Manager, the Board President, or the Board of Directors of the District.
4. **Board of Directors (or) Board** — The governing body of the District elected by qualified voters residing within the District's political boundaries in accordance with applicable election laws.
5. **Certificate of Convenience and Necessity (or) CCN** — The authorization granted by the Public Utility Commission of Texas, or one of its predecessor agencies, under Chapter 13, Subchapter G, of the Texas Water Code for the District to provide retail water utility service to the public within a defined service area. The District has been issued CCN No. 10898.
6. **Certificated service area (or) service area** — The water service territory covering a portion of Ellis County defined in CCN No. 10898. [See Article D]
7. **Customer** — Any person receiving water service from the District at any premises designated to receive service.
8. **Developer** — Any person who has divided or proposes to divide land into more than two tracts, or who is developing a non-residential project with a water demand that cannot be served through a standard residential water meter (5/8" x 3/4"), or who requests two (2) or more service connections on a single contiguous tract of land. [See TWC § 13.2502(e)(1) and 49.052(d)].
9. **Disconnection of service** — The discontinuance of water service to a customer of the District by locking or removing the customer's meter.
10. **District** — Buena Vista-Bethel Special Utility District of Ellis County.
11. **Easement** — A private perpetual right-of-way dedicated to the District for the installation of water pipelines and necessary facilities that allows access to property for future

operation, maintenance, facility replacement, facility upgrades, and/or installation of additional pipelines (if applicable) for both service to a customer/applicant and also to system-wide customers of the District. This may also include restrictions on the adjacent area to limit the installation of sewer lines or other utility facilities that would restrict the use of any area of the easement. The easement instrument or plat dedicating an easement will be filed in the Official Public Records of Ellis County, Texas.

12. **Facilities** — means all the plant and equipment of a retail public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any retail public utility.

13. **Final plat** — A complete and exact plan for the subdivision or development of a tract of land which has been approved by all regulatory agencies having jurisdiction over approval of the design, planning, and specifications of the facilities of such subdivision. The District's engineer shall determine whether a plat submitted by a developer qualifies as a final plat under this Rate Order. [30 TAC § 291.85].

14. **General Manager** — The person appointed to the position of General Manager by the Board of Directors and given full authority to manage and operate the affairs of the District subject only to orders of the Board and directives by the Board President.

15. **Hazardous condition** — A condition that jeopardizes the health and welfare of District customers or employees as determined by the District or any other regulatory authority with jurisdiction.

16. **Impact Fee** — A charge or assessment approved by the Texas Commission on Environmental Quality (TCEQ) and imposed by a District against new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. [See TWC § 49.212(d)]

17. **Lock/Unlock** — The disconnection and/or reconnection of service due to non-payment of bill.

18. **Master-Meter** — A meter used to measure, for billing purposes, all water usage of an apartment house, condominium, multiple use facility, or manufactured home rental community, including common areas, common facilities, and dwelling units. [See 16 TAC § 24.275(c)(8)]

19. **Meter Test Fee** — A fee assessed by the District upon written request of the customer for testing the accuracy of the meter.

20. **Mobile home park** — A property on which spaces are rented for the occupancy of manufactured or mobile homes for non-transient residential use and for which rent is paid at intervals of one month or longer.

21. **Person** — Any natural person, firm, corporation, cooperative corporation, limited liability company, partnership, unincorporated association, public agency or governmental entity, or any other public or private organization or entity of any type or character.

22. **Proof of ownership** — For the purpose of this Rate Order, landowner applicants for service must provide proof of ownership by presenting a deed or other recorded documentation showing fee simple ownership of the property to be served.

23. **Proof of the right to possession** — For the purpose of this Rate Order, tenant or renter applicants for service must provide proof of the right to control, possess or occupy the property to be served by producing a counter-signed lease or rental agreement.

24. **Public Utility Commission of Texas (or) PUC** — State regulatory agency having jurisdiction over Certificates of Convenience and Necessity (CCNs) and appellate jurisdiction for rates of utility districts water service utilities.

25. **Recreational Vehicle (or) RV** — A motor vehicle primarily designed as temporary living quarters for recreational, camping, or travel use, which includes a travel trailer, camping trailer, truck camper, and motor home. [Texas Transportation Code § 522.004(b)]

26. **Recreational vehicle park** — A commercial property that is designated primarily for recreational vehicle transient guests use for which fees for site service connections are paid daily or longer. [TWC § 13.087]

27. **Re-service** — Providing service to an applicant at a lot or tract of land which the District previously served and at which there is an existing setting for a meter.

28. **Revenue** — Any funds received for water service, tap fees, service charge fees, disconnect fees, reconnection fees or any and all other charges except for service deposits, that may be charged and collected by the District from the ownership and operation of its water system.

29. **Service** — Any act performed, anything furnished or supplied, and any facilities used by the District in the performance of its duties under the Texas Water Code to its customers, employees, other retail public utilities and the public, as well as the interchange of facilities between the District and one or more retail public utilities.

30. **Service Application and Agreement (or) service agreement** — A written agreement between an applicant and the District defining the type or level of service requested for the property designated to receive service and the responsibilities of each party regarding such service.

31. **Service classification** — The type of water service required by an applicant as determined by the District based on criteria such as estimated or actual usage, meter size, demand, nature of use, unit and other factors related to the applicant's request. The base unit of service used for defining facilities and rate making is a standard 5/8" x 3/4" water meter.

32. **Service Investigation Fee** — A fee paid by a potential customer of the District for the purpose of determining the feasibility of providing service or of a construction, line extension and/or expansion project. This fee covers administrative, legal fees, and engineering expenses incurred by District.

33. **Service Trip Fee** — A fee charged for any service call or trip to the Customer's tap as a result of a request by the Customer for response to damage of the District's or another Customer's facilities; for customer service inspections due to suspicion of meter tampering, bypass or diversion of service; or for the purpose of disconnecting or collecting payment for services.

34. **Service Unit** — The base unit of service used in facilities design and rate making. For purposes of this Rate Order, a service unit is a standard 5/8" x 3/4" water meter. [See Section G1.7(a) and Article G2]

35. **Standby Fee** — As authorized by Texas Water Code § 49.231, a charge imposed on undeveloped property for the availability of water facilities and service.

36. **Subdivide** — To divide a designated surface area of land into separate lots or tracts primarily used for residential use. [Texas Local Gov't Code § 232.021(11)].

37. **Subdivider (or) person who subdivides land** — A person that directly or indirectly subdivides land into lots for sale or lease as a part of a common promotional plan in the ordinary course of business. [See Texas Local Gov't Code § 232.021(12) Definitions, and Article F, Part II]

38. **Subdivision** — An area of land that has been subdivided into lots or tracts for sale or lease. [See Texas Local Gov't Code § 232.021(13)].

39. **Tenant (or) renter (or) lessee** — A person who rents or leases property.

40. **Texas Commission on Environmental Quality (or) TCEQ** — The state regulatory agency having jurisdiction over drinking water quality, water reporting and notification requirements, and assisting consumers and operators of public water systems.

41. **Water system** — The water production, treatment, supply, storage and distribution facilities operated by or constructed by or for the District, and any water system extensions, improvements or facilities that may be built within the District's boundaries or service area in the future.

ACRONYMS

The following acronyms are used throughout this Rate Order:

ANSI/NSF	American National Standards Institute/National Sanitation Foundation
AWWA	American Water Works Association
CCN	Certificate of Convenience and Necessity
CSI	Customer Service Inspection
DCVA	double-check valve assembly
I.D.	internal diameter
MMAC	master-metered account customer
NTMWD	North Texas Municipal Water District
OSSF	on-site sewage facility
PUC	Public Utility Commission of Texas
ROW	right-of-way
RPZ	reduced pressure zone valve assembly
RV	recreation vehicle
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TSBPE	Texas State Board of Plumbing Examiners
TWC	Texas Water Code
TWDB	Texas Water Development Board

ARTICLE D

GEOGRAPHIC AREA SERVED

CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Pursuant to the Texas Water Code
and Substantive Rules of the Texas Commission on Environmental Quality
and the Public Utility Commission of Texas

Certificate No. 10898

1. **Certificate Holder.**

Name: Buena Vista-Bethel Special Utility District

Address: 312 S Oak Branch Rd
Waxahachie, Texas 75167

2. **General Description and Location of Service Area.** The District's service area consists of approximately 46,113 acres of land located in Ellis County southwest of the City of Waxahachie.

3. **Certificated Service Area Maps.** The certificate holder is authorized to provide water service to the public in the area identified on the PUC's official service area maps maintained in the offices of the PUC at 1701 N. Congress Avenue, 7th Floor, Austin, Texas 78701, with all attendant privileges and obligations. Copies may be requested by mail sent to P.O. Box 13326, Austin, Texas 78711; or online at: <https://www.puc.texas.gov/industry/water/utilities/gis.aspx>.

This certificate is issued subject to the rules and orders of the PUC, the laws of the State of Texas and conditions contained in the certificate, and which may be revoked for violations thereof. The certificate is valid until amended or revoked by the PUC.

ARTICLE E

SERVICE RULES AND REGULATIONS

1. **Service Entitlement.** An applicant requesting service to real property located within the boundaries of the District or the District's service area shall be considered qualified and entitled to water service when proper application has been made, the terms and conditions of service have been met and continue to be met, and all fees have been paid as prescribed. An applicant requesting service to real property located outside the boundaries of the District's service area shall be considered for service in accordance with current District policies on providing service outside the District's service area.

2. **Application Procedures and Requirements.** For the purposes of this Rate Order, service requested by an applicant must be for a lot, tract or parcel of land designated to receive such. Service shall be provided through a meter installed by the District on the land designated to receive such service unless otherwise approved by the Board.

(a) **Service Classifications.** Applications to the District for service shall be divided into the following two (2) classes:

(1) **Standard Service.** Standard service is defined as service from an existing District water main or waterline where a line or service facility extension is not required and special design and/or engineering considerations are not necessary. Standard water service is provided to a 5/8" x 3/4" meter set on an existing waterline by the District. The District may classify applications for service to commercial or industrial uses or that requires a one inch (1") or larger meter as non-standard service pursuant to Section E.2(b).

(2) **Non-Standard Service.** Non-standard service includes service to a subdivision, service requiring a meter that is one inch (1") or larger in size, service to a master-metered account, service to a commercial or industrial business, or service that requires construction of additional improvements to the District's water system. Except for temporary service applicants, a non-standard service applicant must comply with the service requirements prescribed by Article F of this Rate Order prior to being entitled to receive service. The District's engineer shall determine the appropriate size and type of meter(s) to serve non-standard service applicants.

(b) **Requirements for Standard and Non-Standard Service.**

(1) **Service Application and Agreement.** Prior to receiving service, applicants requesting residential or standard retail water service shall complete and sign a Service Application and Agreement with the District. Prior to receiving service, applicants requesting non-standard service shall complete a Non-Standard Service Application and enter into a Non-Standard Service Contract with the District.

(2) Easements. As a condition for service, an applicant shall complete and execute an Easement and Right-of-Way and, if necessary, a Sanitary Control Easement and/or such other easement instrument(s) required by the District to grant the District a right of access to construct, install, maintain, replace, upgrade, inspect and test any waterline or water utility facility necessary to serve the applicant as well as the District's purposes in providing system-wide service. [See TWC § 49.218]. Easements must be properly executed by the person(s) having legal authority to convey an easement to the District. This requirement may be delayed for non-standard service applicants. New meters shall be located within a utility easement at or near the front boundary line of the property designated for service.

(3) Proof of Ownership or the Right to Possess.

(A) Ownership. Landowner service applicants must provide proof of ownership by presenting a deed or other recorded documentation showing fee simple ownership of the property to be served.

(B) Possession. Tenant applicants for service must provide proof of the right to control, possess or occupy the property to be served by producing a counter-signed lease or rental agreement.

(4) Individual Metering for Multiple Use Facilities. At the request of a property owner or an owner's authorized agent, the District shall install individual meters owned by the District in an apartment complex, manufactured home rental community, business center, or multiple use facilities on which construction began after January 1, 2003, unless the District determines that the installation of individual meters is not feasible. If the District determines that installation of individual meters is not feasible, the property owner must install a plumbing system that is compatible with the installation of submeters or individual meters at the property owner's expense. Each individual meter or submeter will require submission of a completed and signed Service Application and Agreement pursuant to this Rate Order. The District shall be entitled to the payment of reasonable costs to install the individual meters. The cost of individual meter installations shall be prepaid by the property owner, as well as, the cost of any additional facilities or system improvements required to satisfy the total water service demand of the property at full occupancy, as determined under applicable provisions of Article F.

(5) Master-Metered Service for Multiple Use Facilities. The District may install one or more master-meters to serve apartments, condominiums, mobile home and RV parks, business centers, and other multiple use facilities on which construction began prior to January 1, 2003, or at an applicant's request provided the total number of units to be served are all:

(A) owned by the same person, partnership, cooperative, corporation, agency, or public or private organization of any type, but not including a family unit; and

(B) not directly accessible to a public right-of-way (such as but not limited to gated communities); and

(C) considered a commercial enterprise (i.e., for business, rental, or lease purposes).

(6) The District shall install a master meter for recreational vehicle and mobile home parks and charge the same rate as other commercial businesses that serve transient customers and receive non-sub metered master metered utility service. [See TWC § 49.2122(a-1)]

(7) Notice of application approval and costs of service as determined by the District shall be presented to the applicant in writing and shall remain in effect for a period not to exceed thirty (30) days. After such time, the applicant must re-apply for service.

(8) The District shall post on its website or provide to each service applicant or transferee a copy of the Disclosure of Personal Information Request Form. [See Texas Utilities Code § 182.052(c)]

(9) If the water main has been located in the public right-of-way and is adjacent to the applicant's property due to the current or previous landowner's refusal to grant an easement or easements to the District for the purpose of installing the water main and appurtenances, and the District has documentation of such refusal, the applicant, prior to receiving the requested service, shall grant the easements required under this service policy and in addition to the normally required fees for new customer service, shall pay such sums as are reasonably necessary to cap the existing line in the right-of-way (ROW) and construct the appropriate line or lines within those easements for the District's system-wide service.

(10) If an applicant or transferee fails to provide all documentation or information required at the time of application, the District will issue written notice that the applicant must provide the documentation and/or information within ten (10) days or service will be terminated. This provision applies to both standard and non- standard service requests.

3. **Activation of Standard Service.** Before receiving service, applicants must comply with all the following requirements, as applicable:

(a) New Service Connection. The District shall charge a non-refundable service

investigation fee and a deposit, connection fee and other applicable fees as required under Article G2 of this Rate Order to obtain a new service connection. The fees shall be quoted in writing to the applicant. An applicant must pay all fees before the job is completed.

(b) Re-Service. On property where service previously existed, the District shall charge the deposit and other costs necessary to restore service. When re-service is requested by an applicant, any debt owed to the District must be paid before re-servicing procedures can begin. In no event will a capital improvement fee or capital impact fee be charged for a re-service event.

(c) Performance of Work. After approval is granted by proper authorities, all tap and equipment installations specified by the District shall be completed by District staff or its designated representative. No person shall be permitted to tap or make any connection to the mains or waterlines of the District's water system, or make any repairs, additions or alterations to any tap, pipeline, or other fixture connected to the water system. The tap for a standard service connection shall be completed within five (5) working days after approval of a service application and receipt of payment of quoted fees. Where service previously existed, the tap shall be completed within one (1) workday. This time may be extended for installation of facilities and equipment necessary to serve a request for non-standard service. [See 16 TAC § 24.85].

(d) Inspection of Customer Service Facilities. The District shall inspect an applicant's property to ensure compliance with state required Minimum Acceptable Operating Practices for Public Drinking Water Systems as promulgated by the TCEQ or its successor agency. The customer must, at customer's own expense, properly install and provide certification of maintenance on any backflow prevention device required by the District. [30 TAC § 290.46(j)].

4. **Activation of Non-standard Service.**

(a) Activation of Non-standard Service. Activation of non-standard service shall be conducted in accordance with Article F of this Rate Order.

(b) Re-service. The provisions applicable to standard re-service requests under Section E.3(b) shall also apply to non-standard re-service requests.

5. **Waterline Extension Reimbursement**. An approved developer applicant may have to pay, on a pro-rated basis, a waterline reimbursement fee to the District for the purpose of reimbursing the District, a customer, or other third-party who made a prior capital outlay to extend service to that area.

6. **Changes in Service Classification**. If at any time the District determines that the service classification of a customer has changed from that originally applied for and that additional or different facilities are necessary to provide adequate service, the District shall

require the customer to re-apply for service under the terms and conditions of this Rate Order. Customers failing to comply with this provision shall be subject to disconnection with notice under Section E.14(a).

7. **Landlords and Tenants.** In the case of a landlord/tenant relationship, the tenant who is renting or leasing property is solely responsible for all charges for water utility service due to the District during the term of the lease.

8. **Refusal of Service.** The District may deny service to an applicant for the following reasons:

(a) failure of an applicant to complete all required easement forms and pay all required fees and charges;

(b) failure of an applicant to comply with the rules, regulations, and policies of the District;

(c) existence of a hazardous condition at the applicant's property which would jeopardize the welfare of other customers of the District upon connection;

(d) failure of an applicant to provide representatives or employees of the District reasonable access to property, for which service has been requested;

(e) failure of an applicant to comply with all rules and service policies of the District set forth in this Rate Order;

(f) failure of an applicant to provide proof of ownership or of the right to control or possess the property designated to receive service to the satisfaction of the District (e.g., presenting a deed, written lease agreement, or other reliable documentation);

(g) the District has determined that the applicant's service facilities are known to be inadequate or of such character that satisfactory service cannot be provided; or

(h) failure of the applicant to pay any previous outstanding delinquent account(s) with the District in full, which includes delinquent accounts related to other service location(s) within the water system where the applicant previously received service.

9. **Applicant's Recourse.** In the event the District denies service to an applicant under the provisions of this Article E, the District shall inform the applicant in writing of the basis for its denial. The applicant may file a written appeal of the denial decision for consideration by the Board of Directors of the District.

10. **Insufficient Grounds to Deny Service.** The following shall not constitute sufficient cause to deny service to an applicant:

(a) delinquency in payment for service by a previous owner or tenant of the property designated to receive service;

(b) failure to pay a bill to correct previous underbilling more than six (6) months prior to the date of application;

(c) violation of the District's rules pertaining to operation of non-standard equipment or unauthorized attachments which interferes with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said requirements;

(d) failure to pay a bill of another customer as guarantor thereof unless the guarantee was made in writing to the District as a condition precedent to service;

(e) failure to pay the bill of another customer at the same address except where a change of customer identity is made to avoid or evade payment of a utility bill;

(f) failure to pay for the restoration of a tap removed by the District at its option or removed as the result of tampering or delinquency in payment by a previous customer;

(g) the service applicant or customer chooses to use a type of backflow prevention assembly approved under 30 TAC § 290.44(h) (relating to Water Distribution) even if the assembly is not the one preferred by the utility; or

(h) failure to comply with regulations or rules for anything other than the type of utility service specifically requested including failure to comply with septic tank regulations or sewer hook-up requirements.

11. **Deferred Payment Agreement.** The District may enter into a Deferred Payment Agreement, not to exceed a term of one (1) year, with a customer who cannot pay an outstanding balance in full and is willing to pay the balance in reasonable installments as determined by the District, including any late payment penalties or interest on a monthly balance owed to the District. The District may require payments under a Deferred Payment Agreement to be made by automatic bank draft or credit/debit card. Failure to make a timely payment will cause the outstanding balance to be immediately due.

12. **Charge Distribution and Payment Application.**

(a) Base Rate. The Base Rate shall be charged from the first day to the last day of each monthly billing cycle. The base rate shall be pro-rated if service is initiated or terminated during a billing cycle. All active service connections shall be assessed a monthly Base Rate charge whether or not there was water usage during the billing cycle.

(b) Gallonage Charge. A Gallonage Charge shall be billed at the rate specified in Article G2 and shall be calculated in one thousand (1,000) gallon increments. Charges

for water usage are based on monthly meter readings and are calculated from reading date to reading date. Readings used to calculate monthly bills will be taken by District employees or its designated representatives.

(c) Posting of Payments. All payments shall be posted against previous balances prior to posting against current billing amounts.

(d) Forms of Payment. The District will accept the following forms of payment: personal checks, cashier's checks, money orders, credit cards, debit cards, and automatic debits on customer bank accounts. The District will not accept cash, two-party checks, pay checks, or any other instrument of payment that is not made out to the District. The District may collect a reasonable fee to recoup costs incurred by the District to process credit card or debit card payments.

13. Due Dates, Delinquent Bills, and Service Disconnection Date.

(a) The District shall mail all bills on or about the first day of the month. All bills shall be due and payable upon receipt and are past due beyond the date indicated on the bill (allowing approximately fifteen (15) days to pay), after which time a late payment fee shall be applied pursuant to Article G2. Payment for utility service is delinquent if the full payment, including late fees and regulatory assessments, is not received at the District by 5:00 p.m. on the due date. Payments made by mail will be considered late if postmarked after the past due date. Final notices shall be delivered by mail after the past due date, allowing ten (10) additional days for payment prior to disconnection. The ten (10) additional days shall begin on the day the final notice is deposited with the U.S. Postal Service or delivered electronically. If the past due date for a regular or final bill falls on a weekend or holiday, the past due date for payment purposes shall be the next day the District office is open for business after said weekend or holiday.

(b) Upon written request, any residential customer sixty (60) years of age or older who occupies the entire premises of a dwelling receiving water utility service from the District shall receive an extension of the past due date, without penalty. The extension shall not exceed ten (10) days beyond the usual fifteen (15) day payment period, for a total of no more than twenty-five (25) days from the date the bill is issued. The request may specify extensions of the late payment periods for current and subsequent billings [See Utilities Code §§ 182.001 - 182.005].

(c) All checks returned for insufficient funds or closed accounts, or money orders that have a "stop payment order" issued for payment of a water bill, will be deemed delinquent as if no payment was received and the meter is subject to disconnection with notice on the regular disconnection day.

(d) The Board of Directors, General Manager or Office Manager may elect to waive a late fee or other penalty incurred after the occurrence of a natural disaster or

other incident that seriously impacts the property of one or more customers, or that interrupts the management and operation of the water system.

14. **Rules for Disconnection of Service.** Below are the rules and conditions for disconnecting service. Notwithstanding any language to the contrary in a Service Application and Agreement, the District may only discontinue service for the reasons set forth in this section.

(a) Disconnection with Notice. The District may disconnect service after proper notice for any of the following reasons:

(1) Returned Checks - The District shall mail, via the U.S. Postal Service, a notice requiring redemption of the returned instrument in the District office within ten (10) days of the date notice was given. Redemption of the returned instrument shall be made by credit or debit card, money order, or certified check. Failure to satisfy these conditions shall result in disconnection of service.

(2) failure to pay a delinquent account for utility service provided by the District, failure to timely provide a deposit, or failure to comply with the terms of a deferred payment agreement;

(3) violation of the District's rules pertaining to the use of service in a manner which interferes with the service of others;

(4) the operation of non-standard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;

(5) failure to comply with the terms of the District's service agreement, non-standard service contract, the District's Drought Contingency Plan or this Rate Order provided the District has given notice of said failure to comply, and the customer has failed to comply within a specified amount of time after notification;

(6) failure to provide District personnel or designated representatives access to a meter or to property at which water service is received for purposes of inspecting and verifying the existence of potentially hazardous conditions or policy violations; conditions that may hinder access include fences with locked gates, vehicles or objects placed on top of meter boxes, and unrestrained animals;

(7) failure to grant an easement or to properly complete service application documents;

(8) any misrepresentation of fact by an applicant or customer on any form, document or agreement required by the District;

(9) failure to re-apply for service upon notification by the District that the customer no longer meets the service classification originally applied for;

(10) failure to pay a delinquent account billed by the District for sewer utility service or trash removal service provided by another retail public utility pursuant to the District's billing agreement with the sewer or trash service provider [16 TAC §§ 24.167(e), 24.165(g); TWC §§ 13.147, 13:250(b)(2)];

(11) violation of any applicable regulation or statute pertaining to on-site sewage disposal systems if the TCEQ or the TCEQ's designated representative has submitted a written request to the District to disconnect service under Chapter 366 of the Texas Health and Safety Code;

(12) failure to pay charges arising from a Service Trip Fee as defined in Section G1.11, meter re-read fee, or meter read fee when a customer on a self-read plan fails to submit one or more monthly meter readings;

(13) failure by a customer to pay for all repair or replacement costs resulting from the customer damaging system facilities, including meter boxes, valves and meters, by engaging in activities such as property excavation, installing a driveway or road requiring encasements, lowering or re-routing waterlines, customer service lines or system components. The notice will detail the extent of the damage, the location of the damage, the cost of repair, and whether the damage occurred on private property or in a public right-of-way. Failure to pay the cost of repair or replacement will result in the customer's service being disconnected. Service will remain disconnected until payment is received or an acceptable payment plan is approved; or

(14) failure to disconnect or secure additional service tap(s) for an RV or other service connection (see Section E.26) after notice that the customer is in violation of the prohibition against multiple service connections on a single tract of land (a/k/a the "one meter" rule.

(b) Disconnection Without Notice. The District may disconnect service without prior notice for any of the following reasons:

(1) a known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a public health nuisance as defined in Sections 341.011 or 343.011 of the Texas Health and Safety Code and regulations adopted pursuant thereto. If the District has reason to believe a dangerous or hazardous condition exists, the District may conduct a customer service inspection to verify the hazardous condition and may notify the local county health office. The District will disconnect service without notice if the customer refuses to allow access to the property for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition. [30 TAC §§ 290.46(i), (j)] Service will be restored after a customer service inspection confirms no health hazard exists, the health hazard has been removed or repaired, or the health hazard has been

isolated from the District's water system by the installation of an appropriate backflow prevention device;

(2) the District conducts a customer service inspection and discovers that a line break on the customer's side of the meter has created a potentially hazardous condition as described in subsection (b)(1) above, in which case the District will provide the customer up to five (5) business days, or another time period determined reasonable under the circumstances, to repair the line prior to disconnection of service;

(3) service is connected to the water system without District authority by a person who has not applied for service;

(4) service has been reconnected to the water system without authority following termination of service for nonpayment or other cause;

(5) the District's meter or equipment has been tampered with or bypassed, or when there is an unauthorized diversion of service; or

(6) when a returned check is received on an account that was scheduled for disconnection, service shall be immediately discontinued.

When reasonable, as determined by the District, a written statement providing notice of disconnection and the reason for disconnection may be posted at a place of common entry or on the front door of an affected residential unit as soon as possible after service is disconnected.

(c) Disconnection Prohibited. Water service may not be disconnected for any of the following reasons:

(1) failure of a customer to pay for merchandise or charges for non-utility service provided by the District, unless an agreement exists between the applicant and the District whereby the customer guarantees payment of non-utility service as a condition of service;

(2) failure of a customer to pay for a different type or class of service unless a fee for such service is included in the same bill;

(3) failure of the customer to pay charges arising from an underbilling due to any misapplication of rates more than six (6) months prior to the current billing;

(4) failure of a customer to pay charges arising from an underbilling due to a faulty meter, unless the meter has been tampered with or unless such under-billing charges are due under Section E.21 below (Inoperative Meters);

(5) failure of a customer to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the District is unable to read the meter due to circumstances beyond its control; or

(6) in response to a request for disconnection by the owner of a rental property where the tenant is billed directly for service by the District and the tenant's service is not scheduled for disconnection under the rules for disconnection of service in Sections 14(a) and 14(b) of this Rate Order.

(d) Disconnection on Holidays and Weekends. Unless a dangerous condition exists or a customer requests disconnection, service shall not be disconnected on a day, or on a day preceding a day, that District personnel are not available to the public for purposes of collecting payment for service and reconnecting service.

(e) Abandoning Customers or Service Area. The District may not abandon customers or any portion of its certificated service area without (i) giving prior written notice to the affected customers and all similar neighboring utilities and (ii) obtaining approval from the PUC.

(f) Disconnecting Service to ill or Disabled Customers. The District may not discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that disconnecting service will result in some person at that residence becoming seriously ill or more seriously ill if service is discontinued. To avoid disconnection under these circumstances, the customer must have the attending physician call or contact the District within sixteen (16) days of the date a bill is issued. A written statement must be received by the District from the physician within twenty-six (26) days of the bill's issuance date. The prohibition against terminating service shall last sixty-three (63) days from the bill's issuance date or for a lesser period agreed to by the District and the customer's physician. Service may be disconnected in accordance with Section E.14 of this Rate Order if any subsequent bill becomes past due unless the customer enters into a deferred payment agreement with the District.

(g) Disconnection of Master-Metered Accounts. When a bill for service to a master-metered account customer (MMAC) is delinquent, the following policies shall apply:

(1) The District shall send a notice to the MMAC in compliance with the notice requirements of this Rate Order. However, the notice shall also inform the MMAC that notice of possible disconnection will be provided to the MMAC's tenants or occupants of the master-metered property in five (5) days unless payment in full is received by the District within the 5-day period.

(2) At least five (5) days after providing notice to the MMAC, and at least five (5) days prior to disconnection, the District shall post termination notices

at entrances and in common areas on the master-metered property to notify tenants or occupants of the scheduled date for disconnection of service.

(3) The tenants or occupants may pay the District for any delinquent bill on behalf of the Master-Metered Account Customer to avert disconnection or to reconnect service to the master-metered property.

(h) Disconnection of Temporary Service. If a temporary service customer fails to comply with terms or conditions of a temporary service agreement or applicable provisions of this Rate Order, the District may terminate temporary service with notice.

(i) Payment During Disconnection. The District has no obligation to accept payment of a delinquent bill when a District employee or designated representative is at a customer's property for the purpose of disconnecting service.

(j) Conditions for Re-connecting Service. Any customer whose service has been disconnected under the provisions of Section E.14 shall be required to pay all amounts due the District prior to reconnection including, but not limited to, past due base rate and gallonage charges, service trip fees, delinquent fees, interest, and equipment repair and replacement costs.

(k) Meter Removal. Following disconnection of service, the District reserves the right to remove the disconnected meter(s) from the property if the affected customer fails to submit a request for re-service and pay all current and delinquent amounts due in full within forty-five (45) days after the disconnection date. The District will re-install the meter(s) after the customer completes the requirements for activating service in accordance with Articles G1 and G2 of this Rate Order.

15. **Termination of Service in Bankruptcy Proceedings.** If the District is notified that a customer has filed bankruptcy, the District shall terminate the affected customer's service and require the receiver or customer to qualify or re-qualify for service, as appropriate, in accordance with the terms of this Rate Order. The District will deliver written notice giving the affected customer twenty (20) days to submit a completed service application packet and all required application fees or service will be disconnected according to the terms of this Rate Order.

16. **Policy for Returned Checks and Other Insufficient Funds.** An attempted payment of any District fee or charge by check, bank draft, or other similar instrument that is rejected or returned for insufficient funds, non-negotiable, closed account, for which a "stop payment" order has been issued, or for any other reason is not deemed to be a valid payment to the District. The District shall give written notice to the affected customer, via e-mail or first class mail, that the rejected or returned instrument must be redeemed at the District office within ten (10) days of the date of the notice. Redemption of the rejected or returned instrument plus payment of a Returned Check Fee (Section G1.9 and Article G2) shall be made by credit or debit card. Failure to comply with these requirements shall result in disconnection of service in accordance with Section E.14 of this Rate Order.

17. **Billing Cycle Changes.** The District reserves the right to change its billing cycles at any time and for any reason.

18. **Back-billing.** If a customer was undercharged for service because of meter error, a misapplied meter multiplier, incorrect meter readings, or monthly bill computing errors, the District may back-bill the customer to collect the total amount that was under-billed for a period not to exceed twenty-four (24) months, unless the underbilling was the result of meter tampering, meter bypass, or diversion of service by the customer as defined in Section E.24, in which case the back-billing period shall not exceed forty-eight (48) months. If the under-billed amount is \$100.00 or more, the District must offer to enter into a deferred payment agreement with the customer for the same length of time as that of the under-billing.

19. **Disputed Bills.** In the event of a dispute between a customer and the District regarding any monthly bill, the dispute shall be resolved or determined in accordance with the Grievance Procedures set forth in the following Section E.20, except as follows:

(a) Written notice of the bill dispute must be submitted to the District together with a payment equal to the customer's average monthly usage at current rates. The notice and payment must be received by the District prior to the due date posted on the disputed bill, except in cases involving a transfer of land ownership conditioned on payment of delinquent obligations by the transferee.

(b) The customer will not be required to pay the disputed portion of a bill which exceeds the amount of that customer's average monthly usage at current rates pending a final determination of the dispute. For purposes of this section, the customer's average monthly usage shall be the average of the customer's usage for the preceding 12-month period. Where no previous usage history for the complaining customer exists, consumption for calculating the average monthly usage (i) shall be the average of the previous customer's usage for the preceding 12-month period for the same service address, or (ii), if there was no previous customer, estimated on the basis of usage levels of similar customers under similar conditions.

(c) Notwithstanding any other section of this Rate Order, a customer's service shall not be subject to discontinuance for nonpayment of that portion of a bill under dispute pending a final determination of the dispute. The customer is obligated to pay all monthly bills not in dispute.

20. **Grievance Procedures.** Any customer of the District or person demonstrating an interest under the policies of this Rate Order in becoming a customer shall have an opportunity to voice concerns or grievances to the District by the following means and procedures:

(a) The aggrieved party must first submit written notice to the District or to a District manager describing the concern or grievance and the desired result. District staff shall investigate the matter and the District's General Manager will deliver a written

response to the aggrieved party within fourteen (14) days after receipt of the written notice of grievance.

(b) If the General Manager does not resolve the grievance to the satisfaction of the aggrieved party, the party may appeal the General Manager's decision, in writing, to the President of the Board of Directors for disposition. The written notice of appeal must be submitted to the District within seven (7) days after the date of the General Manager's written response to the notice of grievance.

(c) Upon receipt of an appeal, the President of the Board of Directors shall review the request and determine the best means by which the grievance shall be resolved. The President may direct that a grievance be heard by the Board of Directors for final disposition, or initially by District professional staff appointed by the President and serving in an advisory capacity to the Board of Directors. The President shall also determine a reasonable time and place for the grievance to be heard, but such hearing shall take place within sixty (60) days of the date that the President received the written notice of appeal. Final disposition by the Board of Directors shall be reported to the aggrieved party in writing.

(d) If under this section an aggrieved party contests a charge or fee as the sole or partial basis of a grievance, the contested charge or fee shall be suspended until such time as the grievance is satisfactorily resolved by the District, the deadline for delivering an appeal to the President of the Board of Directors has passed, or the Board of Directors has rendered its final disposition of the dispute. This provision does not apply to disputed monthly bills pursuant to Section E.19 above.

21. **Inoperative Meters.** Water meters found inoperative will be repaired or replaced by the District within a reasonable time. If a meter is found not to register for any period, unless by-passed or tampered with, the District will make a charge for units used, but not metered, for a period not to exceed three (3) months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years. If the meter is inoperative due to bypassing or tampering, the District shall proceed with disconnection.

22. **Bill Adjustments.**

(a) Due to Meter Error. The District must test any customer's meter upon written request of the customer. In the event the meter tests within the accuracy standards of the American Water Works Association (AWWA), a meter test fee as prescribed in Article G2 of this Order shall be imposed. In the event the test results indicate that the meter is faulty or inaccurate, the test fee shall be waived, the meter shall be calibrated or replaced, and a billing adjustment may be made as far back as six (6) months. The billing adjustment shall be made to the degree of the meter's inaccuracy as determined by the test. The customer must complete and sign a Meter Test Authorization and Test Report prior to the test.

(b) Due to Estimated Bills. If the District has estimated a customer's usage because the District is unable to access the meter due to circumstances beyond the District's control, such as a natural disaster or because access to the meter is hindered or denied by the customer, then the District shall adjust the bill once access has been regained and actual usage determined by reading the meter.

23. Leak Adjustment Policy.

(a) A customer who discovers a leak on the customer's side of the meter must contact the District office to report the leak. An employee of the District will verify the leak and, following repair, an employee of the District will verify the leak is repaired. The customer must submit a written request for a leak adjustment to the District. A leak adjustment will be calculated as follows:

(1) the customer's average monthly usage based on the previous six (6) months will be calculated;

(2) the customer pays for the average monthly usage at the District's current rates stated in Article G2; and

(3) the customer will pay for usage in excess of the average monthly usage.

(b) The District will consider only one leak adjustment per customer during a twelve (12) month period, except for leaks in a customers' sprinkler or irrigation system which the District will consider only once during a five (5) year period. Negligent practices such as leaving a water hose pressurized or leaving faucets running are not considered leaks and are not eligible for an adjustment.

24. Meter Tampering, Diversion of Service, and Damage to District Property.

(a) All meters connected to the District's water system shall be supplied, owned, installed, and maintained by the District. Meter-tampering, by-passing a meter, diverting service are prohibited. For purposes of this Rate Order, "tampering" shall mean meter tampering, bypassing a meter, or diverting water service equipment causing damage or unnecessary expense to the District, bypassing the same, or other instances of diversion of service, such as:

(1) removing or altering District equipment, including locking or shut-off devices installed by the District to disconnect or discontinue service; or

(2) physically disorienting a meter; or

(3) attaching objects to a meter to divert service or to by-pass the meter; or

- (4) inserting objects into a meter; or
- (5) other electrical and/or mechanical means of tampering with a meter, by-passing a meter, or diverting service; or
- (6) connecting or reconnecting service without District authorization;
or
- (7) the use of unauthorized taps or connections to any District pipe(s) or appurtenances to acquire water or service (flush valves, tanks, wells, treatment plants and main or service lines);
- (8) connecting to the service line of adjacent customers or of the District; or
- (9) preventing the water supply from being correctly registered by a water metering device due to adjusting the valve so that flow is reduced below metering capability.

(b) The burden of proof of tampering, by-passing, or diverting service is on the District. Photographic evidence or any other reliable and credible evidence may be used; however, any evidence shall be accompanied by a sworn affidavit by District staff with personal knowledge of the affected meter. A court finding of tampering, bypass or diversion of service may be used instead of photographic or other evidence, if applicable. Unauthorized users of District services shall be referred to law enforcement for prosecution under Texas Penal Code § 28.03 and shall be assessed an Equipment Damage Fee pursuant to Section G1.12.

(c) If the District determines under subsection (a) above that tampering, bypass, or diversion of service has occurred, the District shall disconnect service without notice as set forth in Section E.14(b) and charge the person who committed said offenses the total actual loss to the District, including the cost of repairs, replacement of damaged equipment, and lost water revenues. Any person who destroys, defaces, damages, or interferes with District property will be charged the total actual loss to the District, including but not limited to the cost of repairs, replacement of damaged facilities, and lost water revenues.

(d) The District also will prosecute the offending party to the extent allowed under law pursuant to TWC § 49.228 and other applicable laws. For purposes of this section, "offending party" means the person who committed the tampering, bypass, or diversion or caused damage to District property.

(e) In addition to actual damages charged under subsection (c), the District may assess a penalty against the person who committed the tampering. The penalty must be reasonable and not exceed \$10,000.

25. **Meter Relocation.** The District shall permit the relocation of meters or service connections from one location to another location on the same property receiving service provided that:

- (a) an easement for the proposed location has been granted to the District;
 - (b) service capacity is available at the proposed location;
 - (c) the meter relocation may use the original existing tap for service;
 - (d) no transfer of Ownership is involved;
 - (e) service was previously provided by the District at the proposed location;
- and
- (f) the customer pays a Meter Relocation Fee. [See Article G2]

26. **Prohibition of Multiple Connections to a Single Tap.**

(a) No more than one (1) residential, commercial, or industrial service connection is allowed per meter. The District may permit the owner of an apartment building, mobile home/RV park or other commercial account to apply for a single meter as a "master-metered account" pursuant to Section E.2(b)(4) of this Rate Order. For purposes of this section a master-meter for a multiple use facility is considered a commercial meter. Any unauthorized submetering or diversion of service shall be considered a "multiple connection" and subject to disconnection of service. If the District has sufficient reason to believe a multiple connection exists, the District shall discontinue service under the disconnection without notice provisions of this Rate Order.

(b) For purposes of this section, the following definitions shall apply:

(1) A "multiple connection" is the connection to any portion of a customer's water line that is connected to a primary delivery point already serving one residence or commercial facility for the purpose of diverting service to another residence or commercial facility. Water lines connecting to outbuildings, barns or other accessory structures will not be considered a multiple connection if: (i) the structure is located on the same tract as the primary delivery point, and (ii) the structure is not used as a residence or as a commercial or industrial facility.

(2) "Primary delivery point" means the physical location of a meter that is installed in accordance with this Rate Order and applicable law, and which provides water service to one residence or to one commercial or industrial facility of a District customer.

(3) "Residence" means any structure used for human habitation that includes kitchen and bathroom facilities or other evidence of habitation as defined by the District.

(4) "Commercial" facility means any structure or combination of structures at which any business trade, occupation, profession or other commercial activity is conducted. A business conducted within a customer's residence or property that does not require water in addition to that provided to the customer's residence shall not be considered a separate commercial facility.

(c) The District agrees to allow customers in good standing to share water usage with a visitor on their property housed in a recreation vehicle (RV) or travel trailer for a period of no longer than three months. However, if the recreation vehicle or travel trailer is being used as a permanent residence, the District will require the property owner to install an additional meter to serve the RV or travel trailer. The District may require the installation of an additional meter for a customer who routinely has more than one visitor at a time residing in recreation vehicles or travel trailers on the customer's property, or who has multiple visitors throughout the year. The customer must submit a written request to the District's business office at least five (5) business days prior to sharing District water with a visitor. The District has the right to refuse or deny the shared usage for any reason. The District also has the right to inspect the premises for any potential cross-contamination issues as outlined in the Customer Service Inspection requirements and to ensure that the meter is properly sized for the additional usage at the time of total peak water demand. These requirements pertain to visitors only. No commercial usage where fees for water are charged is allowed. If a customer is found to violate these conditions, the customer will be sent a letter of notice stating that water service will be cut off in ten (10) days if the situation is not corrected.

27. **Customer Responsibilities.**

(a) District Access to Meters. Customers shall allow District employees and designated representatives access to meters per the easement and service agreement for the purpose of reading, testing, installing, disconnecting, maintaining, and removing meters and using utility cutoff valves. If access to a meter is hindered so that the District is prevented from the reading of the meter, an estimated bill shall be rendered to the customer for the month and a notice of the hindrance shall be sent to the customer. If access is denied for three (3) consecutive months after notice to the customer, then service shall be discontinued, and the meter removed with no further notice. Conditions that may hinder access include, but are not limited to, fences with locked gates, vehicles or objects placed on top of meters or meter boxes, and unrestrained animals.

(b) Compliance with On-site Service and Plumbing Requirements. Customers shall be responsible for complying with all District, local, state, and federal requirements and regulations concerning on-site service and plumbing facilities.

(1) All connections shall be designed to ensure against back-flow or siphonage into the District's water system. In particular, livestock water troughs shall be plumbed above the top of the trough with an air space between the discharge and the water level in the trough. [30 TAC § 290.46].

(2) It is prohibited to use pipe and pipe fittings that contain more than 0.25% lead, or solder and flux that contain more than 0.2% lead, is prohibited for any plumbing installation or repair of any residential or non-residential facility providing water for human consumption and connected to the District's facilities. Customer service pipelines must be installed by the applicant. [30 TAC § 290.46].

(3) All water service pipeline installations must be a minimum of nine feet (9') apart and meet all applicable regulations and standards for line separation and crossing.

(c) Backflow Prevention Assembly Requirements for Septic.

(1) Chapter 344 of the TWC, the Landscape Irrigation Program Regulations, applies to all irrigation systems. These regulations require the use of a reduced pressure zone valve assembly (RPZ) to prevent backflow from irrigation systems installed on property which also has an on-site sewage facility (OSSF). This is due to the significant increase in the contamination hazard posed by the OSSF.

(2) Prior to the adoption of the current Landscape Irrigation Rules in 2009, a double-check valve assembly (DCVA) was an acceptable form of backflow prevention for irrigation systems installed on property which also has an OSSF. After 2009, the new rules require installation of a reduced pressure zone assembly (RPZ). As a result, many currently installed irrigation systems lack the appropriate, required backflow prevention. To remedy this the District will implement the following policy: If an irrigation system is connected to a potable water supply and requires major maintenance, alteration, repair, or service, the system must be connected to the potable water supply through an approved, properly installed backflow prevention method as defined in the title before any major maintenance, alteration, repair, or service is performed.

(d) Payment on Multiple Accounts. A customer owning more than one service connection shall keep all payments current on all accounts. Failure to maintain current status on all accounts shall be enforceable as per Service Application and Agreement executed by the customer.

(e) Extent of District Ownership and Maintenance. The District's ownership and responsibility to maintain its water system and metering equipment shall end at the meter or, if a fire-line, at the property boundary line. Therefore, all water usage registering upon and/or damages occurring to metering equipment owned and maintained by the District shall be subject to charges pursuant to this Rate Order.

(f) Cut-off Valve Requirement. The District shall require each customer to have a cut-off valve on the customer's side of the meter for purposes of isolating the customer's service pipeline and plumbing facilities from the District's water pressure. The valve shall meet AWWA standards (a ball valve is preferred). Customer use of the District's

curb-stop or other similar valve for such purposes is prohibited. A cut-off valve may be installed as a part of the original meter installation by the District.

(g) Notice. Customers are required to notify Dig Tess (881) at least forty-eight (48) hours prior to digging or excavating along or near waterlines and system appurtenances.

28. Prohibited Plumbing Practices.

(a) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination will be isolated from the public water system by an air gap or an appropriate backflow prevention device.

(b) No cross-connection between the water supply and a private water system is permitted. These potential threats to the public drinking water supply must be eliminated at the service connection by the installation of an airgap or a reduced pressure-zone backflow prevention device.

(c) No connection which allows water to be returned to the public drinking water supply is permitted.

(d) No pipe or pipe fitting which contains more than 0.25% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

(e) No solder or flux which contains more than two-tenths of one percent (0.2%) lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

(f) Plumbing installed after January 4, 2014 must bear a label indicating \leq 0.25% lead content.

29. Water Service Connections.

(a) Applications for water service connections shall be filed with the District on approved forms. Applicants shall meet all District requirements for service, including the grant of any necessary easements, as determined by the District, to serve the connection and to enable the District to provide systemwide service. In addition, the District shall install a cut-off valve at the expense of the service applicant.

(b) No person, other than the properly authorized agent of the District, shall be permitted to tap or make any connection with the mains or service lines of the District's water system, or make any repairs or additions to or alterations in any tap, pipe, or other fixture connected to a water service line.

(c) A customer must allow the District to inspect the customer's property for possible cross-connections and other undesirable plumbing practices. These inspections will be conducted by the District or its designated agent prior to initiating service and may be conducted periodically thereafter. All inspections will be conducted during the District's normal business hours.

(d) The customer must, at the customer's expense, properly install a backflow prevention device as required by the District. [30 TAC § 290.38(17), (31)]

(e) All costs to extend or oversize District water mains or service lines to serve any residential or commercial user or any undeveloped area within the District shall be the sole responsibility of the property owner and/or developer requesting service.

30. **Standards for Water Service Lines.** The following standards govern the installation of waterlines and mains to serve residences and commercial buildings within the District:

(a) In addition to compliance with this Rate Order, all connections shall comply with the rules and regulations for public water systems issued by the TCEQ as set forth in 30 TAC Chapter 290. In the event of a conflict between this Rate Order and TCEQ Rules, the more stringent shall apply.

(b) Water pipeline and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials.

(c) Water mains and waterlines shall be no less than three feet (3') apart horizontally and shall be separated by undisturbed or compacted earth.

(d) Underground water pipeline must not be run or laid in the same trench with non-metallic sewer lines or drainage pipe unless all three of the following conditions are met:

(1) The bottom of a waterline at all points shall be at least twelve inches (12") above the top of a sewer line.

(2) Waterlines shall be placed on a solid shelf excavated at one side of the common trench and the two lines shall be separated by a minimum of eighteen inches (18").

(3) Waterlines shall be installed with watertight joints tested to a minimum of 150 PSI.

(e) A minimum of four feet (4') of type soft copper pipe or "L" polyethylene ASTM D2737 CTS shall be installed at the end of the water line at the connection to the water meter.

(f) Water service lines shall be bedded in washed sand to provide six inches

(6") of cushion below the line. The trench bottom and walls shall be cleared of all protruding rocks which could damage the pipe before the sand bedding is placed.

(g) A District-owned water meter and a District-approved meter box shall be installed by the District or its designated representative.

(h) Potable water supply piping, water discharge outlets, backflow prevention devices, or similar equipment shall not be located so as to make possible the submergence of such equipment in any contaminated or polluted substance.

(i) Lawn sprinkling systems shall be equipped with an approved back-flow assembly device.

(j) The District's water system shall be protected from swimming pool makeup water by means of an approved backflow prevention device or an adequate air gap.

(k) Upon the installation of a service line, a request for inspection must be made to the District's office forty-eight (48) hours in advance, and the line shall not be backfilled until the District has inspected and approved of the installation. The District shall perform the inspection within forty-eight (48) hours of receiving the request.

(l) Service line trenches must be backfilled within twenty-four (24) hours of inspection and approval, and debris is not permitted in any service line trench.

31. Authority to Tap or Repair District Facilities. No person other than a duly authorized employee or agent of the District is authorized to tap or make any connection to a District owned water line, except for emergency fire-fighting purposes, or to make any repairs or alterations to any meter, meter box, tap, pipe or other fixture connected to the District's water system. The District reserves the right, immediately and without notice, to:

(a) remove the meter or disconnect water service to any customer whose meter has been tampered with; and

(b) to repair any damage to the District's water facilities; and

(c) to assess an Equipment Damage Fee to the customer under Section G1.12 of this Rate Order.

32. Service Outside District Boundaries. It is the general policy of the District to provide service to users or customers located outside the District's service area only after annexation of the property designated to receive service with approval of the Board of Directors. At the discretion of the Board, the District may enter into contracts with other political subdivisions of this state to provide service to users or customers located outside the District's service area.

33. Enforcement and Civil Penalties.

(a) Civil Penalties. Any person violating any provision of this Rate Order may be subject to a civil penalty of not more than \$2,000.00 for each violation. Each day that a violation of this Rate Order is permitted to exist shall constitute a separate violation. A penalty under this section is in addition to any other penalty or remedy provided by the laws of the State of Texas or this Rate Order. A penalty under this section may be enforced by complaint filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located.

(b) Liability for Costs. Any person violating any provision of this Rate Order shall be liable to the District for any expense, loss or damage incurred by the District by reason of such violation and the District's enforcement thereof. If the District prevails in any legal action to impose a civil penalty or otherwise enforce this Rate Order, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court.

(c) No Waiver. The failure on the part of the District to enforce any article, section, clause, sentence, or provision of this Rate Order shall not constitute a waiver of the right of the District later to enforce any section, clause, sentence, or provision of this Rate Order.

34. Controlling Rules and Policies. In the event of a conflict between any provision in this Rate Order and TCEQ Rules, the more stringent shall apply.

ARTICLE F
DEVELOPER, SUBDIVISION AND
NON-STANDARD SERVICE REQUIREMENTS

Part I. General Requirements

This section details the requirements for all types of non-standard service requests.

1. **District Limitations.** All applicants shall recognize that the District must comply with state and federal laws and regulations as promulgated from time-to-time, and with covenants of current indebtedness. The District is not required to extend retail utility service to any applicant requesting standard service to a lot or tract in a subdivision when the developer responsible for the subdivision has failed to comply with the requirements of the District's subdivision service extension policies and non-standard service requirements as set forth in this Article F.

2. **Purpose.**

(a) It is the purpose of this section to define the process by which the specific terms and conditions for service to subdivisions and other kinds of non-standard service are determined, including the non-standard service applicant's and the District's respective costs.

(b) For purposes of this Article F, the term "applicant" shall refer to a property owner or an authorized representative acting on behalf of the property owner (typically a developer or engineer) who desires to secure non-standard service from the District for the property. The applicant must be the same person or entity that is authorized to enter into a contract with the District setting forth the terms and conditions pursuant to which non-standard service will be furnished to the property. An applicant other than the property owner must submit evidence to the District that the applicant has authority to apply for non-standard service on behalf the owner, or that the applicant otherwise has authority to request non-standard service for the property.

3. **Application of Rules.**

(a) This Article F sets forth the terms and conditions pursuant to which the District will process non-standard service applications. For purposes of this article the term "project" includes subdivisions, additions to subdivisions, and commercial, industrial and governmental developments.

(b) This article is applicable to subdivisions, additions to subdivisions, commercial, industrial and governmental developments, any situation where additional service facilities must be constructed to serve a single tract of property, or which requires multiple meters or a single meter larger than a 5/8" x 3/4" meter to provide the level of

service requested. Some additional examples of non-standard service to a single tract of land include, without limitation, service requests that require road bores, extensions or additions to the District's water distribution system, service lines exceeding 3/4" internal diameter, or service lines exceeding twenty feet (20') in length. Most non-residential service applications will be considered non-standard by the District at its sole discretion. Article F may be altered or suspended for facility expansions constructed by the District at its expense. The District's General Manager shall interpret, on an individual basis, whether or not an applicant's service request shall be subject to all or part of the conditions of this article.

(c) The specific terms and conditions pursuant to which the District will provide non-standard service in response to any request will depend upon the nature of the request and must be set forth in a contractual agreement to be entered into by and between the District and the applicant.

4. **Non-standard Service Applications.** Applicants shall meet the following requirements prior to entering into a non-standard service contract with the District:

(a) Complete and Submit Application. Applicants shall complete and submit a District provided non-standard service application. The application must describe any special service needs such as requiring multiple meters or a single large meter, a fire line or other fire protection, specific water flow and/or pressure requirements, and any specific infrastructure needs.

(b) Supporting Documentation. Simultaneous with submission of a non-standard service application, applicants must submit a proposed final plat and plans for on-site and off-site water facilities that the District will utilize to serve the project, both of which must be approved by the District's engineer prior to construction. Applicants must submit two (2) physical copies and one (1) PDF copy of the proposed plat and plans. The final plat must be approved by all governmental authorities exercising jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities. Plans, specifications, and special requirements of such governmental authorities shall be submitted with the plat. Applications for single meter projects that require a service extension or additional/upsized District facilities must also submit maps or plans detailing the location of the requested extension or additional/upsized facilities and provide details of demand requirements.

(c) Service Investigation Fee. Applicants shall pay a Service Investigation Fee to the District in accordance with the requirements of Section G1.2 and Article G2 for purposes of paying administrative, legal, and engineering expenses incurred by the District to process a non-standard service application. The District shall refund any balance that remains after it has completed its service investigation and paid all legal and engineering fees associated with processing an application. If the Service Investigation Fee amount is not sufficient to pay all expenses incurred by the District, the applicant shall pay to the District all remaining expenses that have been or will be incurred by the District

to process the application, and the District shall have no obligation to complete processing the application until all remaining expenses have been paid.

(d) Service to Property Outside District Service Boundaries. If while performing the service investigation the District determines that the applicant's property is located wholly or partially outside the District's certificated service area, the District may still extend service provided that:

(1) the property is not located in an area receiving water service from another retail public utility;

(2) the property is not located within another retail public utility's certificated service area; and

(3) the applicant agrees to pay all reasonable costs incurred by the District to annex the property and to amend its CCN to incorporate the entire property, including surveying, engineering and legal fees. If the property is contiguous to or located within one-fourth (1/4) mile of the District's certificated service area, the District may extend service prior to completing the annexation and CCN amendment process. Before the District annexes any property, an applicant must obtain written requests for annexation from all persons having an ownership interest in the property to be annexed.

5. **Facilities Design and Approval.** Upon receipt of a completed Non-standard Service Application and Service Investigation Fee, the District shall study the facility requirements to serve the applicant's project before preparing a Non-standard Service Contract in accordance with the following:

(a) The District's engineer shall either design, or review and approve the plats and plans for all on-site and off-site service facilities for an applicant's project in accordance with the District's specifications and any applicable municipal or other governmental codes and specifications. The District's engineer shall notify the applicant in writing of any necessary changes to the applicant's proposed plats or plans. Applicants should allow a minimum of thirty (30) days for the review process.

(b) District engineering fees shall be paid out of the Service Investigation Fee required under subsection 4(c) above.

(c) The District's engineer shall submit to the District a set of detailed plans and specifications, and cost estimates for the project if appropriate, including but not limited to facilities and waterline extensions.

(d) The District's engineer shall ensure all facilities for any applicant are of the proper size and type to meet the level and manner of service specified in the non-standard service application and requested in the plans or plat submitted by the

applicant. The District reserves the right to upgrade and/or oversize planned service facilities to meet future demands conditioned on the District paying the additional expense of such upgrading and/or oversizing in excess of the applicant's facility requirements. The District's engineer will determine fire floe design for any non-standard service request, including new subdivisions, based on density, type of structure, and other factors.

(e) The size and location of waterlines and other service facilities will be determined by the District's engineer, whose determination is final. All waterlines installed in the District's certificated service area shall be a minimum of eight inches (8") I.D. unless the Board grants a variance due to unusual or special circumstances making a smaller diameter pipe acceptable. In all new installations, the District's waterlines shall be installed on the opposite side of the road as franchise or other utilities except where that may not be possible as determined by the District. Where it is not possible to install waterlines and other service utilities on the opposite side of the road, a minimum of ten feet (10') of separation shall be maintained.

(f) All waterline material fittings shall conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61 and must be certified by an organization accredited by ANSI but not less than DR18C900.

(g) Any waterline extensions constructed by a developer shall be constructed completely across (property line to property line) the side of the subdivision or development which is contiguous and adjacent to the road or street on which the main entrance to the project is located.

(h) The water system shall be designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains shall be provided with acceptable flush valves and discharge piping. All dead-end waterlines less than two inches (2") in diameter will not require flush valves if they end at a customer service connection. Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation. [See 30 TAC § 290.44(d)(6)].

(i) Any applicant or customer who requires dedicated fire line on private property is also responsible for the installation of a vault with double-check backflow device, a detector check valve, and any other valve, pipe or appurtenance required by the District. Use of dedicated fire lines for any purpose other than fire protection is prohibited. The District's responsibility for maintaining and repairing fire lines terminates at the point that the fire line enters a building of any type.

6. **Non-standard Service Contract.** Applicants requesting or requiring non-standard service shall be required to execute a written Non-standard Service Contract prepared by the District's attorney. The contract shall define the terms of service, including the level and manner of service, prior to construction of facilities required to serve a project. The Non-standard Service

Contract may include, but is not limited to, provisions for the following:

- (a) specifying the costs for contract administration, the design, construction and inspection of facilities, and the terms by which these costs are to be paid;
- (b) if applicable, terms for securing and qualifying bids and selectin qualified bidders for construction;
- (c) terms by which the District will dispense funds advanced by the applicant for construction of off-site facilities required for the applicant's project;
- (d) terms by which the applicant shall indemnify the District from all third party claims or lawsuits arising from or related to the project;
- (e) terms by which the applicant shall dedicate all constructed service facilities to the District and by which the District shall assume operation and maintenance responsibility, including any enforcement of warranties related to construction of the service facilities;
- (f) terms by which the applicant shall grant easements and rights-of-way to the District, and convey property for constructed service facilities; and/or
- (g) terms by which the parties may enforce all contract obligations in the event of a breach.

The District and applicant must execute a Non-standard Service Contract before commencing construction of service facilities for a project. In the event that an applicant commences construction of any water service facilities prior to execution of the contract, the District may refuse to provide service to the applicant (or require full costs of replacing or repairing any facilities constructed without prior execution of the contract from any person buying a lot or home from applicant), require that all facilities be uncovered by the applicant for inspection by the District, require that any service facilities not approved by the District be replaced, or take any other lawful action determined appropriate by the Board of Directors of the District.

7. Property and Right-of-Way Acquisition. With regard to construction and subsequent maintenance and operation of service facilities, the District shall require the applicant to grant private right-of-way easements or to convey private property under following conditions:

- (a) If the District determines that right-of-way easements or facility sites outside the applicant's property are required, the applicant shall acquire the right-of-way easements and or title to facility sites on behalf of the District. All right-of-way easements and property titles shall be researched, validated, and recorded by the District at the expense of the applicant.
- (b) All costs associated with service facilities that must be installed in public

rights-of-way on behalf of the applicant, due to the inability of the applicant to secure private right-of-way easements, shall be paid by the applicant. Alternatively, applicant must pay all costs, including administrative, legal fees, appraisal fees, court costs and other professional fees, along with the condemnation award in the event District acquires such private easements or facility sites through eminent domain proceedings. Any request of applicant to the District to commence an eminent domain proceeding shall be made in writing. The District reserves the right to secure right-of-way easements or facility sites by eminent domain on its own initiative.

(c) The District shall require an exclusive dedicated easement and right-of-way on the applicant's property as required to serve the level and manner of service requested by the applicant and for system wide service needs. All such easements shall authorize the District to construct, install, maintain, replace, upgrade, inspect, test and abandon in place any waterline or service facility constructed within the easement boundaries to serve the applicant 's project. Easements for subdivisions also must be sufficient to serve the entire subdivision when fully occupied. Title to any portion of applicant's property required for on-site facilities will be conveyed and exclusive to the District.

8. Contractor Selection and Bids for Construction.

(a) On-site Facilities. Applicants shall select a qualified contractor to construct water service facilities on the applicant's property as required by the District to serve the project. The District reserves the right to reject any contractor selected by the applicant. Alternatively, the District may agree to construct the service facilities provided the applicant pays all estimated constructions costs prior to the commencement of construction.

(b) Off-site Facilities. The District's consulting engineer shall solicit or advertise for bids to construct water service facilities outside of the applicant's property as required by the District to serve the project. All bidding shall be conducted in accordance with applicable state law and generally accepted practices. Although the District reserves the right to reject any bid or contractor, the District shall generally award a contract to the lowest qualified bidder.

9. **Pre-Payment for Construction and Other Costs.** As a general rule, an applicant shall be required to pay all anticipated costs of construction, easement and title acquisitions, legal and engineering fees, and other costs associated with providing non-standard service to a project prior to these costs being incurred by the District. The District shall promptly refund any remaining pre-paid funds upon completion and acceptance of the service facilities by the District. While the District will make every reasonable effort to work with an applicant, funds must be advanced in a manner acceptable to District.

10. Construction.

(a) All road work shall be completed in accordance with applicable state, county or municipal standards prior to construction of project water service facilities to avoid potential damage resulting from road right-of-way excavation and completion. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage during construction of applicant's service facilities.

(b) The District shall, at the expense of the applicant, inspect the service facilities during construction to ensure compliance with District standards.

(c) Construction plans and specifications shall be strictly adhered to, but the District reserves the right to revise any specifications by change-order due to unforeseen circumstances during the design phase or to better facilitate construction and/or operation of the service facilities for a project. All change-order amounts shall be charged to the applicant.

(d) After completing construction of the water service facilities for a project or project phase, the applicant shall deliver to the District three (3) copies of as-built drawings (a/k/a record drawings) plus one copy in PDF electronic format. The as-built drawings shall verify that all facilities have been properly located within the easements and rights-of-way conveyed or dedicated to the District. The District's receipt of the as-built drawings shall be a condition of acceptance of the service facilities.

11. Filling Non-potable Water Tanks. A person desiring to take or use water for the purpose of filling non-potable water tanks from any location other than an existing metered service, must adhere to the following procedures:

(a) At least two (2) working days before requesting a service commencement date, the applicant must complete and submit a temporary service application and pay both an Administrative Fee and Hydrant Meter Deposit in the amounts stated in Article G2.

(b) A District employee will connect a hydrant meter equipped with a back-flow prevention device to a hydrant on the water system located as near to the applicant's desired location as is practicable. The employee will also inspect the equipment that the applicant intends to connect to the hydrant.

(c) A District employee will read the hydrant meter on at least a monthly basis.

(d) No more than one hydrant meter per subdivision or development is permitted without prior approval by the General Manager.

12. Dedication of On-site Service Facilities.

(a) Upon proper completion of construction of an applicant's on-site water service facilities, final inspection and approval thereof by the District, and applicant's payment to the District of all required fees and charges in connection therewith, the

applicant shall dedicate the on-site service facilities to the District by an appropriate legal instrument prepared by the District's attorney, and the District shall accept the dedication. The District shall thereafter own and maintain the on-site service facilities subject to applicant's maintenance bond in an amount of not less than twenty percent (20%) of the total construction cost of the on-site service facilities and for a term of not less than two (2) years. The maintenance bond is subject to prior approval by the District's attorney. Any connection of individual customers to the on-site facilities shall be made by the District.

(b) Upon transfer of ownership of the on-site facilities, applicant shall transfer all materials and workmanship warranties related to the on-site facilities.

13. **Service to a Campus Development.** It is the District's policy that service to a development that has multiple facilities on a single site, such as an educational, religious, multiple commercial tenant or corporate campus, will be through one or more large master-meters owned by the District and located on the outer perimeter of the campus property. The size and type of master-meter(s) must be approved in writing by the District's engineer. All internal water distribution lines, fire hydrants and other water facilities on the customer's side of the master-meter(s) will be owned, operated and maintained by the owner or owner(s) of the campus property.

14. **Pro-Rata Reimbursement.** The District may from time to time negotiate and enter into a pro-rata reimbursement agreement with a project applicant in accordance with the following provisions:

(a) the District's consulting engineer shall review each non-standard service application and advise the District as to whether a pro-rata reimbursement agreement is appropriate under the circumstances for each project;

(b) the project applicant ("funding applicant") must pay the cost to oversize off-site service facilities to the District's water system by escrowing such costs after a bid is awarded by the District to a contractor selected to construct the facilities;

(c) the funding applicant must comply with a District requirement to oversize the off-site service facilities, the waterline sizes of which shall be determined by the District's consulting engineer, to serve future capacity not generated by the funding applicant's project;

(d) developers of subdivision projects that connect to the off-site service facilities ("connecting applicants") will pay a pro-rata reimbursement fee to the District, where the amount reimbursed to the funding applicant shall be based per standard meter (5/8" x 3/4") connection requested by connecting applicants utilizing the oversized off-site service facilities and shall be calculated by the District's consulting engineer dependent on the constructing applicant's actual cost to construct the oversized off-site service facilities, the number of new connections being requested by the connecting

applicant, and the capacity of the off-site service facilities, including but not limited to any fire-flow requirements by the appropriate jurisdiction or at minimum as required by the TCEQ, available at the time of the request;

(e) the District will not collect pro-rata reimbursement fees from an applicant who requests standard residential service to a single tract or parcel of land;

(f) the District shall assess a five percent (5%) administrative fee for the administration of pro-rata fees collected by the District from subsequent connecting applicants, which shall be deducted from pro-rata reimbursements before remittance to the constructing applicant; and

(g) the pro-rata reimbursement agreement may be a separate agreement or an amendment to the non-standard service agreement between the District and the constructing applicant and shall contain the following items:

(1) the term of the agreement shall not exceed five (5) years;

(2) reimbursement shall not be for more than eighty percent (80%) of the actual cost of the off-site improvement constructed; and

(3) the amount per standard meter (5/8" x 3/4") connection available for reimbursement to the constructing applicant as calculated by the District's consulting engineer.

Part II. Requests for Service to Subdivided Property

This section contains additional requirements for applicants that are developers as defined in Article C, Definitions.

1. **Sufficient Information.** Applicants shall provide the District sufficient information describing the level and manner of service requested and the timeline for initiation of this service. The following is the minimum information needed for an engineering evaluation of the requested service to the property described in the application.

2. **Service within Subdivisions.**

(a) The District's objective to provide service to any customer located within a subdivision governed by this section is strictly limited to the non-standard service specified by an applicant developer for that subdivision. The applicant is responsible for paying for all costs necessary to provide non-standard service to a subdivision as determined by the District under the provisions of this Rate Order, and in particular, the provisions of this section.

(b) Should the applicant fail to pay these costs, the District has the right to require payment of these costs by any one or more of the persons purchasing lots within

such subdivision before the District is obligated to provide water service to the subdivision. In addition, the District may elect to pursue any remedies provided by the Non-Standard Service Contract and the laws of Texas. The applicant is advised that purchasers of lots also may have legal recourse to the applicant under Texas Law, including but not limited to TWC § 13.257 and the Texas Deceptive Trade Practices-Consumer Protection Act, Chapter 17, Subchapter E, Business and Commerce Code.

(c) The applicant developer must provide all information otherwise required under this section and must ensure that the District has been provided complete information sufficient to determine whether the level and manner of service requested by the applicant developer can be provided within the time frame specified by the applicant developer and to determine what capital improvements, including expansion of capacity of the District's production, treatment and/or storage facilities and/or general transmission facilities properly and directly allowable to the requested level and manner of service, will be needed. At a minimum, and in addition to information otherwise required under this section, the applicant developer must provide:

- (1) a map and legal description of the area to be served complying with the map requirements of PUC Rules, 16 TAC § 24.257(a)(1-4);
- (2) a time frame for:
 - (A) initiation of service; and
 - (B) service to each additional or projected phase following the initial service;
- (3) Detailed description of the nature and scope of the project/development for:
 - (A) initial service; and
 - (B) phased and final needs, including a map showing each phase, and the projected land uses that support the requested level of service for each phase;
- (4) flow and pressure for anticipated level of fire protection requested, including line size and capacity;
- (5) specific infrastructure needs for anticipated level of fire protection requested, including line size and capacity;
- (6) copies of all required approvals, reports and studies done by or for the applicant developer to support the viability of the proposed subdivision;
- (7) the proposed improvements to be constructed by the applicant

developer including time lines for the construction of these improvement;

(8) a map or plat of the subdivision depicting each phase and signed and sealed by a licensed surveyor or registered professional engineer;

(9) intended land use(s) of the development, including detailed information concerning types of land use proposed;

(10) the projected water demand of the development when fully built out and occupied, the anticipated water demands for each type of land use, and a projected schedule of build-out;

(11) a schedule of events leading up to the anticipated date upon which service from the District will first be needed;

(12) a proposed calendar of events, including design, plat approval, construction phasing and initial occupancy; and

(13) any additional information requested by the District necessary to determine the capacity and the costs for providing the requested service.

(d) The applicant developer must establish that current and projected service demands justify the level and manner of service being requested.

(e) The applicant developer must advise the District whether applicant intends to file an application with the PUC to request expedited decertification from the District's certificated service area.

(f) The application will be processed on a time frame that should ensure a final decision by the District within ninety (90) days from the date that the District received the non-standard service application and payment of all required fees.

(g) Upon payment of all required fees, the District shall review applicant developer's service request. If no additional information is required from applicant developer, the District will prepare a written report on applicant developer's service request, subject to any final approval by the District's Board of Directors, which must be completed within ninety (90) days from the date of application and payment of the required fees. The District's written report will state whether the requested service will be provided, whether the requested service can be provided within the time frame specified by the applicant developer, and the costs for which the applicant developer will be responsible (including capital improvements, acquisition of any additional water supply capacity, easements and acquisition costs, and professional fees).

(h) In the event the District's initial review of the applicant developer's service application shows that additional information is needed, the District will give written notice to the applicant developer of the need for such additional information. The

Applicant developer should respond to the District's request for additional information within fifteen (15) days of receipt of the District's written request. The applicant developer is advised that failure to timely provide the information required by this section may cause the PUC to reject any subsequent petition for decertification of applicant developer's property. In any case, the District will provide the written report within ninety (90) days of the date of that the District received the initial written application and payment of all required fees.

(i) By mutual written agreement, the District and the applicant developer may extend the time for review beyond the ninety (90) days provided for expedited petitions to the PUC.

(j) If the applicant developer makes any change to level or manner of service requested for a project, the time frame for initiation of service, or the level, manner or time frame for any phase of the project, then the applicant developer's original application or non-standard service will be deemed withdrawn and the change will be processed as a new application for non-standard service, which will reset the time periods and deadlines specified herein for processing the application.

ARTICLE G1

DEFINITIONS OF RATES AND SERVICE FEES

Unless specially denied in the Rate Order, all fees, rates, and charges as stated herein shall be nonrefundable.

1. **Classes of Customers.** All users of the District's water services shall be classified as either standard or non-standard service customers, as further defined in Article E and Article F of this Rate Order. The District may create additional subclasses, for which it establishes different charges, fees, rentals, deposits, and/or service policies based on meter size or any other factor the district considers appropriate. [See TWC § 49.2122] The District currently recognizes the following customer subclasses:

(a) Residential Customers. Customers located within the District's service area who receive standard service to a single-family residential unit for domestic purposes only.

(b) Commercial Customers. Customers located within the District's service area who receive non-standard service to a commercial, industrial or other nonresidential establishment, or who receive non-standard service for commercial, industrial, recreational or other non-domestic purposes. An apartment building or mobile home park may be classified as a single commercial customer receiving non-standard service through one or more master-meter(s).

(c) Outside Customers. Customers located outside the District's certificated service area receiving either standard or non-standard service from the District.

The District will assess monthly Base Rates and Gallonage Charges in such a manner that each customer class and subclass generally pays its share of debt service and operation and maintenance expenses for water service. Outside customers may be assessed additional charges for service to reflect the additional costs associated with extending service outside of the District's service area or the risk that such customers may eventually have other options for receiving service and may elect to discontinue being District customers.

2. **Service Investigation Fee.** The District shall conduct a service investigation for each service application submitted to the District. An initial determination shall be made by the District, without charge, as to whether the request is for standard or non-standard service. The District shall then conduct a service investigation and prepare a report of its findings in accordance with the following:

(a) Standard Service Requests. All standard service requests shall be investigated without charge and all applicable costs for providing service shall be quoted in writing to the applicant within ten (10) working days after the date the District receives an application.

(b) Non-standard Service Requests. All non-standard service requests shall be subject to a Service Investigation Fee in the amount specified in Article G2 unless, due to the size and scope of the project, the District estimates that the specified Service Investigation Fee will be insufficient to pay or reimburse the District for all administrative, legal, and engineering costs associated with investigating the District's ability to provide non-standard service to the applicant's project, which may include:

- (1) determining what off-site facilities, if any, must be constructed to allow the District to serve the project;
- (2) providing cost estimates for construction of the off-site facilities;
- (3) preparing the engineer's service investigation report;
- (4) presenting detailed plans and specifications as per final plat;
- (5) advertising and accepting bids for the project;
- (6) preparing a Non-standard Service Contract between the District and applicant, which shall be presented to the applicant for review within a suitable amount of time as determined by the complexity of the project; and
- (7) obtaining or providing other services as required by the District to complete its investigation.

3. Deposits.

(a) Initial Payment and Amount. At the time an application for service is approved, the applicant shall pay a refundable Deposit to be held by the District, without interest, until settlement of the customer's final bill. The Deposit may be used to offset delinquent charges or unpaid bills.

(1) Standard Service. The Deposit amount for standard service, including residential and irrigation water service, is specified in Article G2.

(2) Non-standard Service. The Deposit amount for commercial and other non-residential water service, including master-metered accounts, must not exceed an amount equivalent to one-sixth of the estimated annual billings as estimated by the General Manager of the District in consultation with the applicant. However, if actual monthly billings of a commercial customer are more than twice the amount of the estimated monthly billings, the General Manager may increase the Deposit accordingly and payment of the additional deposit must be received within fifteen (15) days after delivering written notice of the additional required payment.

(3) Hydrant Meter Service. The Deposit amount for hydrant meter

service is specified in Article G2.

(b) Re-establishing a Deposit. Every service applicant who has previously been a customer of the District and whose service was discontinued for non-payment of bills, meter tampering, bypassing a meter, or failing to comply with applicable state regulations or District policies must, before service is resumed, pay all amounts due to the District or execute a deferred payment agreement, if offered, pay a Deposit if the District does not currently have a Deposit from the applicant.

(c) Refunding a Deposit. Following disconnection or discontinuance of service, the District shall refund the customer's deposit, if any, in excess of the unpaid bills for service furnished. In the event that a surplus of Five Dollars (\$5.00) or more exists after the final bill is paid, the balance of the Deposit will be refunded to the customer within forty-five (45) days provided the customer has given the District notice of a valid forwarding address. All requests for Deposit refunds must be made to the District within ninety (90) days of termination of service. In the event that an outstanding balance exists after the Deposit is applied, the District shall attempt to collect the outstanding balance by all lawful means available.

(d) Failure to Provide Forwarding Address for Refund. If the District is not provided with a valid forwarding address in writing to send the balance of a Deposit, or if after mailing the balance to the address provided it is returned by the postal service, then the District will hold the Deposit balance for one year. After the one-year holding period expires, the District will turn the money over to the Texas Comptroller's office. The customer may still claim the deposit balance from the Texas Comptroller.

4. **Easement Fees.** When the District determines that a private easement for new facilities is necessary to provide service to an applicant, the applicant shall be required to make a good faith effort to secure such easements on behalf of the District or pay all costs incurred by the District to validate, clear and obtain such easements, including but not limited to legal fees and court costs incurred by the District to acquire the easement by eminent domain. The Connection Fee does not include Easement Fees. [See Sections E.2(b)(2) and F.7].

5. **Connection Fee.** The District shall charge a Connection Fee for new service on a lot or tract of land as follows:

(a) Standard Service. The Connection Fee for standard or residential service includes the cost of all current labor, meter and other materials, engineering, legal, inspection, and administrative costs necessary to establish a new metered service connection. The Deposit is a separate charge. The standard service Connection Fee is charged on a per connection basis in advance in the amount stated in Article G.2.

(b) Non-standard Service. The Connection Fee for non-standard service, including commercial-sized meters and master-meters, includes the cost of all current labor, meter and other materials, engineering, legal, inspection, and administrative costs

necessary to establish a new metered service connection. The Deposit is a separate charge. The non-standard service Connection Fee is charged on a per connection basis in advance in the minimum amount stated in Article G.2.

(c) Extraordinary Expenses. Extraordinary expenses such as road bores, street crossings, system improvements including line extensions, and pipeline relocations are not included in the Connection Fee and must be paid separately by the applicant. The minimum fee for boring under a road, street or highway to install a service line is stated in Article G2.

6. **Waterline Extension Reimbursement.** In certain circumstances, as determined by the District, an applicant may be required to pay a Waterline Extension Reimbursement Fee to the District for the purpose of reimbursing the District or a third-party that made the capital outlay to extend a waterline that the District will utilize to serve the applicant's property. The amount of the Waterline Extension Reimbursement Fee shall be calculated by the District's engineer on a pro-rata basis after reviewing the available capacity of the waterline and the level of service requested by the applicant. The applicant must pay the Waterline Extension Reimbursement Fee in full before receiving water service from the District.

7. **Monthly Service Charges.** The District shall assess the following monthly service charges for water service:

(a) Base Rate. The Base Rate (a/k/a Service Availability Charge) is that portion of a customer's monthly bill which is paid for the opportunity to receive water service and does not vary due to changes in customer water usage. The standard 5/8" x 3/4" meter (as per American Water Works Association maximum continuous flow specifications) is used as a base multiplier for the amount of the Base Rate. Therefore, a customer's base rate charge is based on the number of 5/8" x 3/4" meters equivalent to the size of that customer's meter. The Base Rates for different meter sizes are stated in Article G2.

(b) Gallonge Charge. The District shall assess a Gallonge Charge at the rates stated in Article G2 for the amount of water a customer used during each billing cycle.

(c) Regulatory Assessment. The District is required by TWC § 5.701(n) to collect from each customer a regulatory assessment equal to one-half of one percent (0.5%) of the customer's Gallonge Charge for each billing cycle. [See 16 TAC § 24.76]. State agencies, wholesale customers, and purchasers of non-potable water are exempt from the regulatory assessment.

8. **Late Payment Fees.**

(a) Once per billing period, a Late Payment Fee in the amount stated in Article G2 will be applied to delinquent customer bills except for political subdivisions and state agencies. The District will not apply a Late Payment Fee to any balance to which the penalty was previously applied.

(b) Political subdivisions and state agencies will be assessed a late penalty of 1% on any balance that remains unpaid on the 46th day after a monthly bill is received by the state agency or political subdivision and an additional 1% shall be assessed for each month thereafter that the bill remains unpaid. [Gov't Code Chapter 2251]

9. **Returned Check Fee.** In the event a check, draft, or any other similar instrument is given by a person, firm, District, or partnership for payment of services provided for in this Rate Order, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the account for which the instrument was issued shall be assessed a Returned Check Fee in the amount stated in Article G2.

10. **Administrative Fee.** The District shall charge an Administrative Fee in the amount stated in Article G2 for disconnecting the water service for any reason provided for in this in this Rate Order, except for re-service under Sections E.3(b) and E.4(b) of this Rate Order. The Administrative Fee is assessed on the morning of the date of disconnection.

11. **Service Trip Fee.** The District shall charge a service trip fee in the amount stated in Article G2 for any service call or trip to a customer's meter at the request of a customer, unless the service call concerns damage to District or customer equipment or facilities, or for the purpose of disconnecting or re-connecting service. For service trips that extend beyond one hour, such as when an extended line location is required, the District shall charge an hourly charge per employee for each additional hour required.

12. **Equipment Damage Fee.** The District shall charge for all labor, material, equipment, and all other actual costs necessary to repair or replace all equipment damaged due to negligence, meter tampering, by-passing, or reconnecting service without authority, or by any other service diversion. The District may charge for all actual costs necessary to correct service diversions or unauthorized taps where there is no equipment damage, including incidents where service is reconnected without authority. An itemized bill for the damages will be provided to the customer. In cases of meter tampering or service diversion, the District may disconnect the service of a customer refusing to pay damage charges. [16 TAC § 24.87(n)]

13. **Meter Tampering and Damage to Property Penalty.** In addition to an Equipment Damage Fee, the District may charge a penalty for meter "tampering" as defined in Section E.24 in the amount stated in Article G2. The penalty may only be assessed against the person who committed the tampering or who is presumed to have committed the tampering under Penal Code § 28.03(c). A landlord cannot be penalized for meter tampering committed by a tenant.

14. **Fee for Unauthorized Actions.** If a customer damages District facilities or equipment by tampering, by-passing, installing unauthorized taps, reconnecting service without authority or other service diversion, the District will charge a fee in an amount equal to the total cost for all labor, materials, and equipment incurred by the District to repair or replace the damaged facilities or equipment, which must be paid before service is re-established. The fee amount will be itemized in an invoice submitted to the customer. Payment of this fee does not preclude the District from referring the matter for criminal prosecution.

15. **Customer History Report.** Customers may obtain one water usage report annually at no charge.
16. **Meter Test Fee.** The District shall test a customer's meter upon written request of the customer and payment of a Meter Test Fee in the amount stated in Article G2. If the meter test report shows that the disputed charge was accurate, the customer will be responsible for any shipping costs associated with the request.
17. **Meter Relocation Fee.** The fee for relocating a meter to another location on the same property receiving service under the terms of Section E.25 shall be the amount specified in Article G2. The District will remove the existing tap while removing the existing meter.
18. **Meter Replacement Fee.** The District shall charge a Meter Replacement Fee in the amount stated in Article G2 if a meter must be replaced for any reason.
19. **Fire Suppression Line Fee.** Customers who install a fire suppression line to supply water to a fire sprinkler system, fire suppression system, or internal fire hydrants shall pay a monthly Base Rate in the amount stated in Article G2 for an equivalent sized meter.
20. **Delinquency Fee.** The District shall charge a Delinquency Fee in the amount specified in Article G2 to restore service following disconnection for any reason stated in this Rate Order, except for activation of service or to restore service following disconnection performed at a customer's request.
21. **Re-service Fee.** On property where service previously existed, the District shall charge a Deposit and Re-Service Fee in the amounts specified in Article G2 before installing a meter and restoring service.
22. **Transfer Fee.** An applicant requesting that an active or inactive service account be transferred to the applicant shall complete and execute all required transfer/application forms and pay a Transfer Fee in the amount specified in Article G2.
23. **Additional Assessments.** In the event any federal, state or local government imposes on the District a "per meter" fee or an assessment based on a percentage of collected Gallonage Charges, the fee or assessment will be billed and collected as a "pass through" charge to the customer.
24. **Fees Non-refundable.** All fees, rates and charges of the District set forth in this Rate Order are non-refundable unless expressly stated otherwise.
25. **Free Service Prohibited.** The District is prohibited from furnishing free service to any person except for fire-fighting purposes.
26. **Other Fees.** The actual and reasonable costs for any services outside the normal scope of utility operations that the District may be compelled to provide at the request of a customer shall be charged to the customer.

ARTICLE G2

RATE SCHEDULE

Administrative Fee*	\$25.00	
Backflow Device Test Fee	Actual Cost Pass Through	
Connection Fee:		
Standard Service (District installs meter/tap/meter box)	\$4,051.00	
Standard Service (Developer installs meter/tap/meter box)	\$3,051.00	
Non-standard Service (1" to 8" meters)	See Table Below	
Deposit:		
Standard Service	\$200.00	
Non-standard Service	See Section G1.3(a)(2)	
Hydrant Meter Deposit	\$3,000.00	
Delinquency Fee	\$60.00	
Late Payment Fee	\$25.00	or 5%, whichever is higher
Meter Damage Fee	Cost of parts + 25%	
Meter Replacement Fee	Cost of meter +25%	
Meter Relocation Fee	\$1000.00	minimum
Meter Installation Fee (with existing tap and vault)	\$500.00	
Meter Tampering and Damage to Property Penalty:		
Standard or Commercial Meter	\$100.00	plus cost of repair
Hydrant Meter**	\$500.00	plus cost of repair
Meter Test Fee	\$150.00	
Return Check Fee	\$50.00	
Re-Service Fee	\$351.00	
Road Bore Fee	\$1,500.00	minimum
Service Investigation Fee	\$3,500.00	or General Manager estimate
Service Trip Fee	\$60.00	
Transfer Fee:		
Active Account	\$101.00	
Inactive Account	\$351.00	

*An Administrative Fee may be charged for certain tasks performed by administrative staff such as delivering notice to a customer via certified mail or preparing a customer usage history report.

**A hydrant meter, in addition to monthly Gallonage Charges, must also pay a monthly Base Rate of \$200.00

GALLONAGE RATES:

<u>Gallons Used</u>	<u>Rate Per 1000 Gallons</u>
0-5,000	\$ 5.62
5,001 to 10,000	6.46
10,001 to 20,000	7.43
20,001 to 30,000	8.55
>30,00	9.83

Meter Size	Meter Equivalents	Monthly Base Rate	Connection Fee
5/8" x 3/4"	1.0	\$45.15	\$4,251.00
3/4"	1.5	\$67.73	\$6,376.50
1"	2.5	\$112.88	\$10,627.50
2"	8.0	\$361.20	\$34,008.00
3" DISP.	9.0	\$406.35	\$38,259.00
3" CMPD.	16.0	\$722.40	\$68,016.00
3" TURB.	17.5	\$789.60	\$74,392.50
4" CMPD.	25.0	\$1,128.75	\$106,275.00
4" TURB.	30.0	\$1,354.50	\$127,530.00
6" CMPD.	50.0	\$2,257.50	\$212,550.00
6" TURB.	62.5	\$2,821.50	\$265,687.50
8" CMPD.	80.0	\$3,612.00	\$340,080.00

Billing Procedures: Meters are read on or around the 15th day of each month. Bills are mailed on or about the last day of each month. Bills are due upon receipt. Payment must be received by the office no later than the 15th day of the month or postmarked by the U.S. Postal Service by this date to avoid a Late Fee. Payments received or postmarked after the 15th day of the month will be assessed a Late Fee.

Notice of the late payment is sent on the 16th day of each month. If payment is not received by the date shown on the late payment notice, a Disconnect Notice will be sent. If payment is not received by the due date stated on the Disconnect Notice, service will be disconnected and the account will be assessed a Delinquency Fee. Disconnected service will not be restored until the District receives payment of the outstanding account balance plus a Delinquency Fee. Please note that the postmarked date on an envelope does not establish the date that the enclosed payment is received.

ARTICLE H

BUENA VISTA-BETHEL SUD WATER CONSERVATION PLAN

Updated March 20, 2023

Updated October 21 2014

ORIGINAL ADOPTED August 15, 2000

(5 pages)

WATER CONSERVATION PLAN

BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT

Section 1. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, Buena Vista-Bethel Special Utility District (sometimes, the "District") adopts this Water Conservation Plan.

Buena Vista-Bethel Special Utility District is a small retail public water utility with a certificated service area covering 74 square miles in Ellis County, Texas. The District owns and operates a water distribution system consisting of 155 linear miles of pipe and five (5) wells. The District has no wastewater facilities and its customers are primarily residential.

Water uses regulated or prohibited under this Water Conservation Plan are considered to be non-essential and the continuation of such uses during times of water shortage or other emergency water supply condition are deemed a waste of water, which subjects the offender(s) to the penalties set forth in the Drought Contingency Plan.

Section 2. Review and Modification of Plan

This Water Conservation Plan will be reviewed and updated, as appropriate, based on an assessment of previous 5-year and 10-year targets and any other new or updated information. The District will review and update the next revision of this Water Conservation Plan not later than April 1, 2023 and every five (5) years after that date to coincide with the regional water planning group.

Section 3. Authorization, Implementation and Enforcement

The Manager, or his/her designee, is hereby authorized and directed to implement and enforce this Water Conservation Plan.

The resolution to adopt the Water Conservation & Drought Contingency Plan is included.

Section 4. Application

The provisions of this plan shall apply to all persons, customers and property utilizing water provided by the Buena Vista-Bethel Special Utility District. The terms person and customer as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 5. Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by Buena Vista-Bethel Special Utility District.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, medians and agriculture.

Livestock: water use for all livestock will be available-monitor water troughs, water float devices should be monitored for possible problems of overflowing.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;

- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Section 6. Water Conservation Plan

A. Specification of Conservation Goals and Objectives

In accordance with 30 TAC Part 1, Chapter 288, Subchapter C, Rule 288.2(a)(1)(C), the District has established five (5) and ten (10) year objectives. The objectives of this water conservation plan are as follows:

- (1) To reduce water consumption from the levels that would prevail without conservation efforts.
- (2) To reduce the loss and waste of water.
- (3) To improve efficiency in the use of water.

Five-year targets based on 5-year rolling averages.

- (1) Reduce average per capita per day consumption by 2% from the current level of 159 gallons per day per person.
- (2) Reduce the level of unaccounted water losses to 18% from the current average annual level of 27.6 %.

Ten-year targets based on 5-year rolling averages.

- (1) Reduce average per capita per day consumption by an additional 2%.
- (2) Reduce the level of unaccounted water losses to 15%.

To accomplish these goals the District will utilize the programs and policies in this plan such as accurate metering devices, meter testing and repair, periodic meter replacement, control of unaccounted water, public education, non-promotional water rates, and leak detection and repair. Areas of the water system in which numerous leaks and line breaks occur are targeted for replacement as funds are available. As well as, installation of pressure reducing valves to help in areas of excessive pressure.

Since the District is essentially all residential the 5-year and 10- year targets noted above are residential targets.

B. Metering

The Buena Vista-Bethel Special Utility District meters 100% of the connections to the distribution system. Meters range in size from 3/4" to 8". All meters are designed to provide accurate flows to within +/- 5%.

Additionally, selected meters are randomly field tested for accuracy. The water wells have meters for all water produced. Certified calibration is performed annually.

C. Determination and Control of Unaccounted-for Water

- (1) Buena Vista-Bethel Special Utility District makes monthly accounting of water delivery efficiencies. At the end of each month, the business office calculates the difference between water pumped to the system and water sold through the meters. This calculation is reduced to a percentage of water losses. This is maintained and reviewed on an annual basis.
- (2) Leaks are reported by any employee as well as the general public.
- (3) Sizable leaks can be noticed on the SCADA system and attended to as needed.
- (4) All leaks are repaired as soon as possible. Water operators continuously inspect the system and look for leaks along the distribution lines.
- (5) Excessive high meter reading and non-registering meters are checked monthly.

D. Public Education

Buena Vista-Bethel Special Utility District will periodically provide the public with information about conservation measures including information about the conditions under which conservation measures are to be employed. This information will be provided by means of public notice, press releases and mailings.

E. Water Rates

Buena Vista-Bethel Special Utility District has an escalating water rate scale that promotes conservation. When the customer reaches a specified consumption, the rate increases for all usage above the specified amount. *A copy of the District's Service Rate Fee Sheet effective 4/15/2022 is attached as Appendix A.*

Together with this Water Conservation Plan, the District has adopted a Drought Contingency Plan that, when activated; violators of the plan can be assessed, penalized and/or fined.

F. Coordination with Regional Water Planning Groups

The water service area of the Buena Vista-Bethel Special Utility District is located within the Regional C Water Planning area and Buena Vista-Bethel Special Utility District has provided a copy of this plan to the North Texas Municipal Water District (NTMWD), P.O. Box 2408 Wylie, TX 75098. A copy of the transmittal letter to NTMWD is attached hereto as Appendix B.

G. Record Management System

The District's office maintains the following records:

- (1) water pumped from wells into the distribution system daily;
- (2) water meters within the system monthly; and
- (3) water loss calculations monthly.

H. Other Conservation Measures

Buena Vista-Bethel Special Utility District recognizes that in order to accomplish the goals and objectives of this Water Conservation Plan, other conservation measures may be required that are not outlined within the body of this document. The District is aware of the Water Conservation Best Management Practices Guide (BMP) published by the Water Conservation Implementation Task Force in November 2004. As deemed necessary, the District will implement other measures either from the BMP guide or as otherwise seen fit to assure compliance with the plan.

Section 7. Utility Profile

The Buena Vista-Bethel Special Utility District Utility Profile is included in this Water Conservation Plan.

Section 8. Additional Attachments

Appendix C. Certificate of Convenience and Necessity (CCN) from the TCEQ (Public utility commission certification)

Appendix D. Projected water demands.

Appendix E. Ground water sites and well capacity

ARTICLE I

BUENA VISTA-BETHEL SUD DROUGHT CONTINGENCY PLAN

Updated March 20, 2023
Updated October 21 2014
ORIGINAL ADOPTED August 15, 2000

(8 pages)

DROUGHT CONTINGENCY PLAN

BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT

Section 1. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water district facilities, with particular regard for domestic water use, sanitation and fire protection, and to protect and preserve public health, welfare and safety, and to minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Buena Vista-Bethel Special Utility District (sometimes, the "District") hereby adopts the regulations and restrictions on the delivery and consumption of water set forth in this Drought Contingency Plan.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined of this Plan.

Section 2. Coordination with Regional Water Planning Groups

The service area of Buena Vista-Bethel Special Utility District is located within the Region C Water Planning area and Buena Vista-Bethel Special Utility District has provided a copy of this Plan to the North Texas Municipal Water District, P.O. Box 2408 Wylie, TX 75098-2408.

Section 3. Authorization

The General Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The general manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section 4. Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the Buena Vista-Bethel Special Utility District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 5. Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by Buena Vista- Bethel Special Utility District.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Industrial water use: The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Livestock: water use for all livestock will be available-monitor water troughs, water float devices. should be monitored for possible problems of overflowing.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (1) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (2) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;

- (7) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Section 6. Criteria for Initiation and Termination of Drought Response Stages

The general manager, or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on the known water system limits and the vulnerability of the water source under drought conditions.

Stage 1 Triggers - MILD Water Shortage Conditions

Requirements for initiation: The District will ask Customers to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 5- Definitions. Voluntary conservation will begin annually on March 1 through September 30.

RESPONSE: Voluntary water use restrictions:

- (a) Water customers are requested to voluntarily limit the watering of lawns and any unnecessary water usage. Water only between the hours of midnight and 8:00 am and 8:00 pm to midnight.
- (b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes

Stage 2 Triggers - MODERATE Water Shortage Conditions

Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 5 of this Plan when average daily well pump run-time is eighteen (18) hours for three (3) consecutive days and the net water storage is continually decreasing on a daily basis.

Requirements for termination: Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of ten (10) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

RESPONSE: Under the threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Customers are required to limit landscape irrigation to TWICE a week on designated days. Customers with odd numbered addresses (ending in 1, 3, 5, 7, 9) may water on Mondays and Wednesdays. Customers with even numbered addresses (ending in 2, 4, 6, 8, 0) may water on Tuesdays and Thursdays. Watering with a hand-held hose with positive shutoff nozzle, or a faucet filled bucket, or watering can of five (5) gallons or less, or drip irrigation is permitted at any time.
- (b) Washing vehicle washing with bucket and hand-held hose with positive shutoff nozzle is allowed.
- (c) Watering of home foundations with a hand-held hose with positive shutoff nozzle or soaker hose is permitted at any time.

All non-essential watering is restricted and defined as follows:

- (a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface areas;
- (b) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (c) use of water for dust control;
- (d) flushing gutters or permitting water to run or accumulate in any gutter or street; and
- (e) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Triggers- SEVERE Water Shortage Conditions

Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IV of this Plan when average daily well pump run time is twenty (20) hours for three (3) consecutive days and the net water storage is continually decreasing on a daily basis.

Requirements for termination: Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of five (5) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

RESPONSE: Under the threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Customers are required to limit landscape irrigation to once a week on designated days. Customers with odd numbered addresses (ending in 1, 3, 5, 7, 9) may water on Mondays. Customers with even numbered addresses (ending in 2, 4, 6, 8, 0) may water on Thursdays. Watering with a hand-held hose with positive shutoff nozzle, a

faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation is permitted at any time.

- (b) Vehicle washing with open ended hose, bucket washing and held-held hose with positive shutoff nozzle is allowed.
- (c) Watering of home foundations with a hand-held hose with positive shutoff nozzle or soaker hose is permitted at any time.
- (d) No water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools.
- (e) Limit fire hydrant water use to firefighting use only.
- (f) No watering golf courses or recreational ball fields.

All non-essential watering is restricted and defined as follows:

- (a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface areas;
- (b) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (c) use of water for dust control;
- (d) flushing gutters or permitting water to run or accumulate in any gutter or street; and
- (e) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 4 Triggers - SEVERE/EMERGENCY Water Shortage Conditions

Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when average daily well pump run time is twenty-two (22) hours for three (3) consecutive days.

The imminent or actual failure of a major component of the system, which would cause an immediate health or safety hazard.

Water demand is exceeding the supply capacity for three (3) consecutive days.

All available water supply (water wells) level is so low that the pumps cannot pump and meet the daily water demand.

Requirements for termination: Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

RESPONSE: All the requirements of Stage 3 shall remain in effect during Stage 4 except:

- (a) All outside watering is absolutely prohibited.
- (b) All vehicle washing is absolutely prohibited.

Section 7. Drought Response Stages

The general manager, or his/her designee, shall monitor water supply and demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 6 of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notifying the Public. The general manager or his/her designee shall notify the public by means of billing inserts, public radio announcements, direct mail to customers, text alerts, notice on the District website, and/or signs posted in public places.

Additional Notifications. The general manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- (a) District Board of Directors
- (b) Ellis County Commissioner Fire Chiefs
- (c) Texas Commission on Environmental Quality
- (d) Ellis County Emergency Management Coordinator

Section 8. Drought Contingency Measures

The District has rules and regulations in which water can be partially or totally restricted, in the judgment of the general manager and as necessitated by the emergency.

The manager can amend, add, or delete any of these rules and regulations and shall notify the Board of Directors of any changes during the next at the Districts regular or special board meetings.

Any violations of the rules and regulations adopted by the District shall carry a penalty fine and termination of water service.

During Stage 1 MILD water shortage conditions there will be no fines assessed for failing to voluntarily conserve water.

During Stage 2 & 3 & 4 MODERATE to SEVERE water shortage conditions violators will have their service disconnected and a reconnect fee of \$60.00 will be charged. Full payment of the reconnect fee and water service charges must be paid before service will be reinstated.

During Stage 4 EMERGENCY water shortage conditions the water service of violators will be terminated and fines will be assessed in addition to the reconnect fee of \$60.00 as follows:

First Offense.....\$500.00 fine
 Second Offense \$1,000.00 fine
 Third Offense.....\$1,000.00 fine

Section 9. Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the Buena Vista-Bethel Special Utility District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by general manager, or his/her designee, in accordance with provisions of this Plan.
- (b) The District may institute a temporary Drought Surcharge during Drought Stages 2, 3 and 4. Residential accounts using over 20,000 gallons a month will be assessed a surcharge in addition to the normal monthly rate.

<u>Water Usage</u>	<u>Drought Surcharge per 1,000 Gallons</u>
0 to 20,000 gallons	\$0.00
20,001 to 40,000 gallons	\$5.00
40,001 to 60,000 gallons	\$6.00
60,001 to 75,000 gallons	\$7.00
75,001 to 100,000 gallons	\$10.00
Over 100,000 gallons	\$12.50

Section 10. Variances

The Board of Directors may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use. Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the District within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the general manager or his/her designee, and shall include the following:
 - (i) Name and address of the petitioner(s).

- (ii) Purpose of water use.
- (iii) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (iv) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (v) Description of the relief requested.
- (vi) Period of time for which the variance is sought.
- (vii) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (viii) Other pertinent information.

Variances granted by the District are subject to the following conditions, unless waived or modified by the Board of Directors or the manager.

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.