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# Southwest Harbor Water and Sewer District

## Terms & Conditions

**Effective June 15, 2017**

*[Signature]*  
 David K. Kiser, District Manager

Approved Effective Date: June 15, 2017  
 Effective Date: June 15, 2017  
 Project Number: 2017-0003

The following Terms and Conditions made by the Southwest Harbor Water and Sewer District and filed with the Maine Public Utilities Commission constitutes a contract between the Customer and the Utility. The Customer agrees to adhere to these Terms and Conditions and to take water only for purposes stated in the application and at the established rates.

**DEFINITIONS**

The word "Commission" refers to the Maine Public Utilities Commission.

The word "Utility" refers to the Southwest Harbor Water and Sewer District.

The word "Customer" means any person, firm, corporation or governmental division who has applied for and is granted service or who is responsible for payment of the service.

The word "Main" means a water pipe, owned, operated and maintained by the Utility, which is used to transmit or distribute water but is not a water Service Pipe.

The words "Service Pipe" means the pipe running from the Main to the premises of the Customer. The Utility shall install, own and maintain the portion of the Service Pipe from the Main to the curb stop. The balance of the Service Pipe shall be installed, owned and maintained by the Customer.

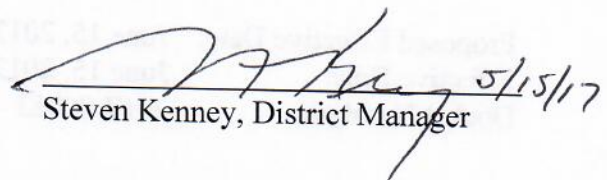
1. **APPLICATION FOR SERVICE.** Pursuant to Chapter 620 of the Commission's Rules and Regulations, the owner or the owner's agent, or the occupant of the establishment to be served may apply for service on forms provided by the Utility. If seasonal rental property, only the property owner may be an applicant for service. Any tenant may become a Customer if the tenant assumes responsibility for future service under the conditions set forth in Title 35-A M.R.S.A. § 706(2), Chapter 660, §. 10(1)(2) of the Commission's Rules and Regulations, and Section 6 below. If a new service connection or other work on the establishment is required, the owner must authorize the Utility to enter the premises to do the necessary work.

2. **SEASONAL CUSTOMERS.** A seasonal Customer regularly takes service for only a portion of the year from either a summer or year-round Main. A seasonal Customer will be subject to the rules and charges of seasonal rates in effect. A Customer regularly vacating the premises for three months or less may elect in writing to be classified as an annual Customer subject to annual charges.

3. **BILLING PROCEDURES.** Minimum meter charges for annual metered service and water used in excess of the minimum shall be billed quarterly in arrears at the end of the billing period. The Utility reserves the right to bill in advance for annual metered service.

Seasonal minimum meter charges will be billed immediately after the meter is set for the season.

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7. **DISCONNECTION PROCESS FOR OVERDUE COMBINED WATER & SEWER BALANCES.** Pursuant to Title 35-A M.R.S.A. § 6111-C and Chapter 660 of the Commission's Rules and Regulations, the Utility may disconnect water service to Customers receiving sewer service for non-payment of an undisputed balance, if the total overdue balance is greater than \$100.00 or more than ninety (90) days past due.

7.1 **DEFINITIONS.**

**Total Account Balance** means the total water and sewer amount owed by a Customer that has been properly billed. It does not include disputed amounts, non-payment of fees, or charges for estimated sewer service usage.

**Total Amount Overdue** means the total water and sewer amount billed to a Customer that has not been paid by the due date of the bill or by a date otherwise agreed upon by the Utility and the Customer. Disputed amounts and fees and charges for estimated sewer service usage will not be included in the Total Amount Overdue.

7.2 **BILLING.** Bills for the Utility shall be issued in accordance with Chapter 660 of the Commission's Rules and Regulations, and Section 3 of these Terms and Conditions.

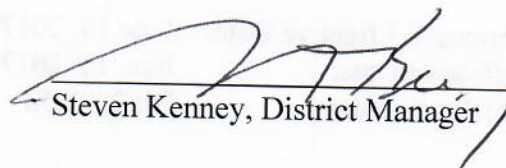
7.3 **DISCONNECTION AND RECONNECTION.** A 14-day disconnection notice shall be issued when a Customer does not pay or make a payment arrangement on an undisputed balance, and the Total Amount Overdue is greater than \$100.00 or more than ninety (90) days past due.

7.4 **LIMITATION FOR MULTI-UNIT RENTAL FACILITIES OF MORE THAN TWO UNITS.** Pursuant to Title 35-A M.R.S.A. § 6111-C, the Utility may not disconnect water service for non-payment of sewer service to a multi-unit rental facility greater than two units, unless the owner of the facility occupies a unit that would be subject to the disconnection, or unless the Utility has a Charter provision enacted prior to August 1, 2010, establishing the authority for such disconnection.

7.5 **COLLECTION ACTION.** Subsequent collection actions, including disconnection and reconnection, shall be in accordance with Chapter 660 of the Commission's Rules and Regulations and these Terms and Conditions.

7.6 **PAYMENT ALLOCATION.** In the event that a payment is received by the Utility that does not clearly indicate whether the payment is for water or sewer, the Utility shall attempt to ascertain the intentions of the Customer. When such intentions cannot be determined, money received shall be applied to the oldest outstanding basic service, unless a disputed bill or payment arrangement requires otherwise.

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on, during the normal business hours of 8 a.m. to 3 p.m., Monday through Friday. During holidays and other than normal business hours, the charge will be \$105.00 for either a reconnection or a disconnection of service.

11. **COLLECTION TRIP FEE.** If Utility personnel visit the Customer's premises to disconnect service for non-payment and in lieu of actual disconnection the Customer pays or makes a payment arrangement for the entire past due balance, the Utility will charge a collection trip fee of \$20.00, as permitted in Chapter 660 of the Commission's Rules and Regulations.

12. **CHARGE FOR RETURNED CHECKS.** As provided in Chapter 870 of the Commission's Rules and Regulations, the Utility charges \$5.00 per account to which the check is applied or the amount the bank charges the Utility, not to exceed \$15.00 for each check returned for non-payment by a bank. If the Utility charges more than \$5.00, the Utility shall furnish the customer with proof of the bank charge.

13. **UNAUTHORIZED USE OF WATER.** No person shall tamper with or bypass any meter, nor restore service without Utility authorization, nor unreasonably interfere with Utility service. In the event of such unauthorized use of water, the Customer shall be subject to immediate disconnection, pursuant to Chapter 660. In addition, the Utility shall be entitled to bill and recover from the customer the cost of the estimated amount of water consumed, based on the Utility's approved rates, plus interest at an annual rate of 5%, and the Customer may be subject to the criminal and/or civil penalties then in force.

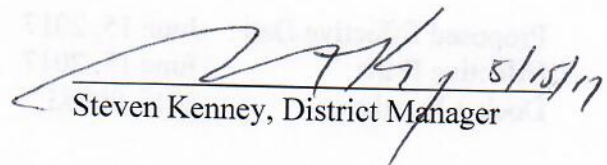
14. **MAINTENANCE OF PLUMBING.** A Customer must maintain the plumbing and fixtures within his/her own premises in good repair and protect them from freezing or from heat damage. If damage does occur, the Customer is liable for any expenses incurred.

15. **NO TAMPERING WITH UTILITY PROPERTY.** No person may tamper with Utility property. No valve, shutoff, hydrant or standpipe that is the property of the Utility will be opened or closed or otherwise operated by other than persons authorized by the Utility.

16. **ACCESS TO PREMISES.** Employees of the Utility having proper identification shall have access to all premises supplied with water, at all reasonable hours to permit the inspection of plumbing and fixtures, to set, remove or read meters, to ascertain the amount of water used and manner of use, and to enforce these Terms and Conditions.

17. **LIABILITY.** The Utility will only be liable for any damages arising from claims to the extent liability is provided in the Maine Tort Claims Act, as set forth in Title 14 M.R.S.A. Chapter 741. The Utility makes no representations or warranties, expressed or implied, about the suitability of the water for any particular purpose.

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Utility for each place of business or abode.

C. **Sub-metering.** Additional or auxiliary meters for showing subdivision of water use must be furnished, installed, read and maintained at the Customer's own expense.

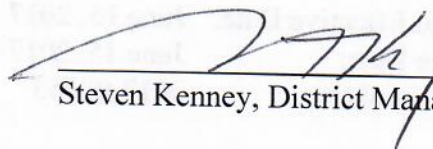
D. **Meter Pits.** All trailer parks and mobile homes are required to have meter pits. The Customer will be responsible for contracting the installation and for all associated expenses. Prior to the work being performed, the Utility must approve the location. In addition, the Utility must perform the hookup. These Utility services will be available during the normal business hours of 8 a.m. to 3 p.m., Monday through Friday at a charge of \$35.00 per man hour.

E. **Charges for Repair or Replacement of Damaged Water Meters.** The charges to Customers for costs incurred for the repair or replacement of meter(s), or other Utility Equipment damaged due to improper care by Customers are as follows: \$35.00 per hour, with a minimum charge of one hour, during the normal business hours of 8 a.m. to 3 p.m., Monday through Friday, plus the cost of the necessary replacement parts. During holidays and other than normal business hours, there will be a minimum charge of \$105.00 plus the cost of the necessary replacement parts, with each additional hour above three hours billed at \$35.00 per man hour.

F. **Meter Testing.** The Utility will test its water meters according to the schedule and standards in Chapter 620 of the Commission's Rules and Regulations. Upon Customer request, the Utility will test the Customer's water meter at no charge in the presence of the Customer or representative, unless the Customer requests more than one test in an 18-month period. If the Customer requests a test more frequently, the Utility may require the Customer to pay a deposit to cover the cost of the test. If a meter tested at the Customer's request does not conform to standards, the Customer's deposit will be refunded and the Utility will adjust the Customer's bill according to the provisions of Chapter 620. If the meter conforms to standards, the Utility may keep the Customer's deposit and continue to use the meter at the Customer's premises.

25. **CROSS CONNECTIONS.** No cross connection between the public water supply system and any other supply will be allowed unless properly protected, based on the Maine Cross Connection Control Rules and the Maine Internal Plumbing Code. No new cross connection may be installed without the approval of the Utility. In addition, no connection capable of causing back flow between the public water supply system and any plumbing fixture, device or appliance, or between any waste outlet or pipe having direct connection to waste drains will be permitted. If the owner of such a connection fails or refuses to break or properly protect the connection within a time limit specified by the Utility, the Utility may disconnect the service according to Chapter 660 of the Commission's Rules and Regulations. The Utility's Cross Connection Control Program is on file at the Utility office.

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