

**North Berwick Water District
Terms and Conditions**

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First Revision

Office Hours: 7:00 a.m. – 3:30 p.m.

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EDWIN M. AMERMAN, TREASURER

TERMS AND CONDITIONS

North Berwick Water District

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The following Terms and Conditions made by the **North Berwick Water 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 **North Berwick Water 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 water Service Pipe.

The words "Service Pipe" mean the pipe running from the Main to the premises of 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, Sec. 10(I)(2) of the Commission's Rules and Regulations, and under Section 10 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 CUSTOMER. A seasonal Customer regularly takes service for only a portion of the year from either a summer or year-round main. Seasonal Customers will be subject to the annual rates then in effect, except that the seasonal billing schedule will be as detailed in Section 3 of these Terms and Conditions.

3. BILLING PROCEDURES. Minimum 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 quarter. The Utility reserves the right to bill monthly in advance for annual metered service.

Seasonal minimum meter charges will be billed quarterly in advance after the meter is set for the season. Bills for water used in excess of the minimum amount will be billed immediately after the final reading for the season. The Utility reserves the right to render bills monthly or quarterly for excess water used by seasonal Customers.

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3. BILLING PROCEDURES (continued). Public and private fire protection charges shall be billed in advance, each year, on a quarterly basis.

Bills may be paid by any Utility-approved payment method, including but not limited to by mail or in person, and must be received at the office of the Utility or at any designated collection station. Failure of the Customer to receive his/her bill does not relieve him/her of the obligation of its payment nor for the consequences of non-payment.

4. CREDIT AND COLLECTION PROCEDURES. All credit and collection procedures for both residential and non-residential Customers will be based upon Chapter 660 and 870 of the Commission's Rules and Regulations. The Utility may demand a deposit from a residential Customer as permitted by Chapter 660. Pursuant to Chapter 870, the interest rate on Customer deposits shall be the rate set from time to time by the Commission.

5. TERMS OF PAYMENT. Customers are legally obligated to pay for the services they receive. Bills are payable upon being issued. Failure of the Customer to receive his/her bill does not relieve him/her of the obligation of payment for services received nor for the consequences of non-payment. The due date for payment, in order to avoid the incurrence of late fees or the initiation of collection action, will be 30 days after the bill is mailed or hand delivered. The late payment charge for overdue bills will be no more than the maximum amount allowed under Chapter 870 of the Commission's Rules and Regulations, to be determined annually.

6. 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 nonpayment by a bank. If the Utility charges more than \$5.00, the Utility shall furnish the customer with proof of the bank charge.

7. CHARGE FOR ESTABLISHMENT OF SERVICE. The Utility will charge **\$10.00** to establish water service if it is not necessary for the Utility to visit the premises to connect the service. If it is necessary for the Utility to visit the premises to connect the service, the Utility will charge **\$50.00** during the normal business hours of **7:00 a.m. to 3:30 p.m.**, Monday through Friday. During holidays and other than normal business hours, the charge will be **\$75.00**.

8. CHARGE FOR RESTORATION OF SERVICE. The Utility will charge a Customer a reconnection fee for restoration of service at the Customer's premises if service was disconnected for any reason allowable under these Terms and Conditions or under Chapter 660 of the Commission's Rules and Regulations, including but not limited to at the Customer's request. The reconnection charge will be **\$50.00** for each resumption of service made during the normal business hours of **7:00 a.m. to 3:30 p.m.**, Monday through Friday. During holidays and other than normal business hours, the charge will be **\$75.00**.

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9. COLLECTION TRIP FEE. As permitted in Chapter 660 of the Commission's Rules and Regulations, 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. The amount of this fee will be **\$20.00**.

10. DISCONNECTION OF LEASED OR RENTED RESIDENTIAL PROPERTY. Before disconnecting a leased or rented residential property, the Utility shall comply with the notice requirements contained in Chapter 660 of the Commission's Rules and Regulations.

Leased or Rented Single-meter, Multi-unit Residential Property: Pursuant to Chapter 660, in addition to the above, before disconnecting a leased or rented single-meter, multi-unit residential property, the Utility shall:

- a. Apply any existing deposit to the current account balance, and
- b. Assess, against the landlord, a collection fee of **\$115.00** in addition to any applicable reconnection fee set forth in Section 8 of these Terms and Conditions.

In addition, at its discretion, the Utility may separately meter or cause to be separately metered, at the landlord's expense, each dwelling unit within the property.

11. CHARGES FOR REMOVAL OF SNOW, ICE, OR OTHER OBSTACLES DURING DISCONNECTIONS REQUESTED BY THE CUSTOMER. The Customer will be responsible for clearing snow, ice, or any obstacles to the shut-off valve and/or meter when requesting a disconnection, including but not limited to emergency requests resulting from a frozen meter. If the Customer does not fulfill this responsibility and the Utility must clear the area to perform the requested disconnection, the Utility will charge the Customer as follows: **\$40.00** per man-hour during the normal business hours of **7:00 a.m. to 3:30 p.m.**, Monday through Friday. During holidays and outside normal business hours, there will be a minimum one hour charge of **\$75.00** per man and **\$55.00** for each additional man-hour required. In all cases, the Customer will be charged the cost of equipment rental, if applicable. If the disconnection request relates to a trip for the repair or replacement of a damaged meter, equipment fees and total labor hours incurred for removal services will be combined with the totals in section 28E and calculated together.

12. ACCESS TO PREMISES. Pursuant to Chapter 620 of the Commission's Rules and Regulations, as a condition of service, Customers shall provide access to Utility employees having proper identification 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.

13. MAINTENANCE OF PLUMBING. Pursuant to Chapter 620 of the Commission's Rules and Regulations, 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.

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14. CONSERVATION. Customers must prevent all unnecessary waste of water. The Utility will decide what constitutes waste or improper use and will restrict usage when necessary. In all cases, a hose running unattended will be charged as a sprinkler according to the Utility's rate schedule. When necessary to conserve the water supply, the Utility may restrict or prohibit the use of hoses and sprinklers for all Customers, pursuant to Chapter 620 of the Commission's Rules and Regulations.

15. UNAUTHORIZED USE OF WATER. No Customer shall supply water to another nor use it for any purposes not mentioned in his/her application without Utility approval. No Customer or his agent shall obtain water from any hydrant or other fixture of the Utility without the previous consent of the Utility. No Customer or his agent shall bypass any meter, nor restore service without Utility authorization, nor unreasonably interfere with Utility service nor otherwise take action to prevent the proper metering of water consumed by the Customer. In the event of the discovery of such unauthorized use of water, the Customer shall be immediately disconnected, pursuant to Chapter 660. In addition, the Utility shall be entitled to bill and recover from the Customer or responsible person the cost of the estimated amount of water consumed, based on the Utility's approved rates, plus interest at an annual rate of 5%. Where the unauthorized use of water has occurred, the Utility may also assess the Customer or responsible person a fee of **\$40.00 per hour**, with a minimum of one hour, for each service visit to the Customer's premises necessary to investigate and address the unauthorized use of water, including removing the meter bypass, taking measures to prevent further diversion of water, and verifying that corrective measures have been taken and maintained. For service visits that occur during other than normal business hours, the fee will be **\$75.00 per hour** with a minimum one hour charge. In no case shall the total of such hourly fees exceed **\$100.00**. In addition, pursuant to Title 35-A MRSA §2706 as amended or replaced, the Customer or person responsible for the unauthorized use may be liable in a civil action to the Utility for all other reasonable costs to the Utility, including attorney's fees, costs of undertaking and completing the investigation resulting in the determination of liability, and for a civil penalty not to exceed twenty five hundred dollars (\$2,500.00), due and payable to the Utility for each violation.

16. NO TAMPERING WITH UTILITY PROPERTY. No person may tamper with Utility property. No valve, valve sealing mechanism, meter, shutoff, hydrant or standpipe that is the property of the Utility shall be opened or closed or otherwise operated, modified, or removed by other than persons authorized by the Utility. Tampering will subject a Customer or other responsible party to the same charges and actions outlined in Section 15, entitled *Unauthorized Use of Water*. In addition, in the event of such tampering, the responsible party may be subject to a civil action, pursuant to Title 35-A MRSA §2707, as amended or replaced.

17. STOP VALVE. Pursuant to Chapter 620 of the Commission's Rules and Regulations, every service must be provided with an operable stop valve located inside the building near the service entrance, easily accessible, and protected from freezing. All plumbing must be installed to prevent back-siphonage and to permit draining whenever necessary.

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18. JOINT USE OF SERVICE PIPE TRENCH. Pursuant to Chapter 620 of the Commission's Rules and Regulations, normally, water Service Pipes will not be placed in the same trench with other Utility facilities. Where possible, a horizontal separation of ten feet will be provided. Where extenuating, unusual or special circumstances are encountered, a lesser separation of joint use of trench may be allowed if all parties agree, provided that the installation complies with all applicable laws, rules and regulations.

19. CHARGES FOR BACKFLOW-PREVENTION DEVICE TESTING. Customers are responsible for completing backflow prevention device testing according to the Utility schedule, and must send the Utility a copy of each signed certified test. The testing schedule is available in the Utility office. Customers shall select a licensed professional to comply with this requirement, and will pay the charges for the testing and for any necessary repairs directly to their contractor.

20. CROSS CONNECTIONS. Pursuant to Chapter 620 of the Commission's Rules and Regulations, no cross connection between the public water supply system and any other supply will be allowed unless properly protected, based upon the Maine Cross Connection Control Rules and the Maine Internal Plumbing Code. No new cross connection may be installed without the express, written approval of the Utility. In addition, no connection will be permitted capable of causing back flow, including back siphonage or back pressure, 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. 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.

21. FLUCTUATION OF PRESSURES BY CUSTOMER'S APPARATUS. Pursuant to Chapter 620 of the Commission's Rules and Regulations, a Customer may not install or use any device that will affect the Utility's pressure or water quality without prior Utility written permission.

22. SAFEGUARDING DIRECT PRESSURE WATER DEVICES AND SYSTEMS SUPPLIED BY AUTOMATIC FEED VALVES. Pursuant to Chapter 620 of the Commission's Rules and Regulations, Customers must install vacuum, temperature and pressure relief valves or cutouts to prevent damage to a direct pressure water device or secondary system supplied by an automatic feed valve.

23. LIABILITY. The Utility will only be liable for any damages arising from claims to the extent liability is expressly provided in the Maine Tort Claims Act, as set forth in Title 14 MRSA, Chapter 741. The Utility will not be responsible for any damages caused by discolored water, and makes no representations or warranties, expressed or implied, about the suitability of any water provided by the Utility for any particular purpose.

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24. SERVICE INTERRUPTION. As specified in Chapter 660 of the Commission's Rules and Regulations, the Utility will provide reasonable notice of any planned shut-off to affected Customers. If the interruption is expected to last more than 5 hours or to affect more than 10 Customers or a single commercial Customer on a dedicated line, notice will be given at least twenty-four hours in advance of the interruption of service. The Utility will notify the Customers when practicable of the cause and duration of any unplanned shut-off. Pursuant to Chapter 620, if a Customer requests, the Utility will make a pro rata reduction in the Customer's minimum bill if service is interrupted for longer than forty-eight hours and the interruption is not due to negligence or improper care of equipment by the Customer.

25. UTILITY JOBBING. A Customer must complete a written application before a Utility will provide unregulated Utility service. As permitted in Chapter 620 of the Commission's Rules and Regulations, the Customer must pay a deposit equal to the Utility's written estimate. Unless the work is done on a flat rate basis, the Utility will return any excess deposit upon completion. If the final cost exceeds the deposit, the Customer must pay the additional amount upon completion.

26. WINTER CONSTRUCTION. No new service or extension of Mains will be installed for the convenience of a Customer during winter conditions that increases the cost of the work for the Utility unless the Customer assumes all extra expense over ordinary construction costs.

27. UTILITY SERVICE AREA. As permitted in the North Berwick Water District Charter, 1981 P & S Law Chapter 54, HP 929 - LD 1208, the Utility is permitted to serve the territory within the boundaries of the Town of North Berwick.

28. METERING, NEW SERVICE LINE, AND MAIN EXTENSION POLICIES.

A. Separate Metering of Buildings. No Customer shall supply water to another, nor use it for purposes not mentioned in his/her application without prior written Utility approval. At its discretion, the Utility reserves the right to require separate piping and a separate meter and shut-off for each building as a condition of service.

B. Metering of Multi-Unit Premises. Except as provided in Chapter 660 of the Commission's Rules and Regulations, where there is more than one occupant of a premises supplied with water, the Utility may require the owner to arrange the plumbing to permit separate connections with shutoffs and meters in locations acceptable to the Utility for each place of business or abode. In the case of a condominium, each unit owner may be required to have a separate meter and shutoff in locations acceptable to the Utility.

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

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28. METERING POLICIES (continued)

D. Meter Pits. As permitted in Chapter 620 of the Commission's Rules and Regulations, the Utility reserves the right to require a meter pit at the Customer's expense under the following circumstances:

- The Customer does not provide a clean, warm, dry and accessible location for the meter and its appurtenances
- The length of the service is over 200 feet
- The service passes over land belonging to another party. In this case, the Utility will require a deeded right of way.

As an alternative to a meter pit, the Utility may instead require a Customer to box in and insulate the meter in an appropriate area with an access door.

A Customer may select the contractor of its choice for the installation and will pay the contractor directly. If the Utility is selected, the work will be done as jobbing, as detailed in Section 25 of these Terms and Conditions. All work and materials must comply with the Utility's approved standards and specifications, available in the Utility office. The Utility reserves the right to inspect all materials and work at no charge to the Customer, and to require work to be redone if the standards and specifications are not met.

E. Charges for Repair or Replacement of Damaged Water Meters. Pursuant to Chapter 620 of the Commission's Rules and Regulations, the Utility may charge a Customer for costs incurred for the repair or replacement of meter(s) or other Utility equipment damaged due to improper care or negligence by the Customer. The labor charge will be **\$40.00** per hour during the normal business hours of **7:00 a.m. to 3:30 p.m.**, Monday through Friday. During holidays and other than normal business hours, there will be a minimum one hour charge of **\$75.00** plus **\$55.00** for each additional hour required. In all cases, the Customer will be charged for the cost of the necessary replacement parts. As specified in Section 11 of these Terms and Conditions, if obstacles must be removed to complete the requested repair, total hours and equipment fees for the removal services will be added to hours and fees for this section and calculated together.

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 in the presence of the Customer or representative at no charge, unless the Customer requests more than one test in an 18-month period. If a 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 in the Commission's Rules and Regulations. 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.

28. METERING POLICIES (continued)

G. Charges for New Service Lines and Meters. As permitted in 35-A MRSA §6106, each applicant for a new water service will be responsible for the costs of the entire Service Line, including permits for opening the pavement, equipment rental, if applicable, labor and materials and necessary appurtenances for installation.

The Customer will be responsible for contracting the portion of the installation from the curb box into the building and for obtaining the Utility's written approval for the work. The Service Line location will be set by the Utility, and must be installed to the Utility's standards and specifications, which are available at the Utility office. Only Utility approved materials may be used. The Utility reserves the right to inspect the materials and installation and must be notified before they are buried or enclosed. All contractor charges will be paid by the Customer directly to the Contractor.

The Utility will be responsible for installing the Service Line from the Main to the curb box shut-off, including tapping the Main, and installing the meter and appurtenances. At its discretion, the Utility may subcontract out any part of this installation. The work will be available during the regular business hours of **7:00 a.m. to 3:30 p.m.**, Monday through Friday. The costs to the Customer for the Utility installed/subcontracted portion of the Service Line and appurtenances are as follows:

- A flat rate charge of **\$62.00** per man for the first hour of work on the above-described installation if done by the Utility, and for the inspection and approval of contracted work. Additional man-hours, if necessary, will be billed at the rate of **\$40.00** per man.
- Costs of the necessary materials, parts, and equipment rental, if applicable, including the cost of the meter.
- Utility contractor charges for piping across the road, if applicable, consist of a **\$500** minimum for crossing the road, plus additional costs, including but not limited to digging, permits, and flagging, charged as required by the situation.

If a site visit has been scheduled, and if the Utility must later return to the premises because the Customer or the Customer's contractor was inadequately prepared for the inspection or because work needed to be redone, the Customer will be responsible for the cost of the extra visit(s).

A written estimate will be provided to the Customer for the Utility provided work and materials, and a deposit equal to the estimate will be collected prior to the Utility performing the work. A final reconciliation of the job costs will be done upon completion, and if applicable, the Utility will return any excess deposit at that time. If the actual cost exceeds the deposit, the Customer must pay the additional amount as per the written agreement between the Utility and the Customer, as a condition of service.

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28. METERING POLICIES (continued)

H. Extensions of Mains. All requests for water Main extensions shall be at the Customers expense, as permitted in 35-A MRS §6106. The Customer will be responsible for contracting a Utility-approved professional for the entire installation, and all costs shall be paid directly to the contractor. The Customer must complete a written application for the work, and the Utility reserves the right to preapprove the design. The work must be completed to applicable plumbing codes and to Utility work standards and material specifications, which are available at the Utility office. The contractor may also be required to purchase materials directly from the Utility if no alternative, reliable source is available. Additionally, in order to manage and inspect the process, a Utility representative will be present intermittently during the installation. There will be no charge to the Customer for performing this service. The Utility may stop the installation at any time if it discovers work irregularities or a lack of adherence to the preapproved plan or the standards and specifications.

29. FIRE HYDRANTS. Fire hydrants may not be used for any purpose other than to extinguish fires unless prior permission is given by the Utility. Fire hydrants must not be opened by any person other than an agent of the Utility or a duly authorized representative of the municipality or the owner. The Utility will notify the fire chief in advance of any situation that renders a hydrant or hydrants unusable, in order to allow for suitable emergency fire protection provisions to be made.

30. PRIVATE FIRE PROTECTION. Customers requiring private fire protection must contact the Utility to determine the availability of fire service at their location. Pursuant to Chapter 640 of the Commission's Rules and Regulations, fire service, if available, will be installed at the Customer's expense within the bounds of the public way or right of way. The fire service line, after installation, will be owned and maintained in the public way or right of way by the Utility, and maintained by the Customer on private property. Private fire protection charges are billed quarterly. The Utility does not guarantee any quantity of water or pressure available through a fire protection service. The owner of the service shall determine, from time to time, the adequacy of supply through the fire service by conducting tests of his private system. Timely notice must be given to the Utility so a representative of the Utility can be present to observe the test, and the Utility reserves the right to request that the test be rescheduled if deemed necessary.

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