

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

NOV 3 2006

PUBLIC SERVICE
COMMISSION

In the Matter of:

KENTUCKY DAM VILLAGE
STATE REPORT PARK,
KENTUCKY DEPARTMENT OF PARKS
COMMERCE CABINET

COMPLAINANT

V.

CASE No. 2006-00365

NORTH MARSHALL WATER DISTRICT

DEFENDANT

RESPONSE BRIEF ON BEHALF OF THE DEFENDANT

Comes now the Defendant, North Marshall Water District, by and through the undersigned counsel, and files its Response Brief to the Complainant's Brief:

FACTUAL AND PROCEDURAL BACKGROUND

On or about July 27, 2006, the Complainant, Kentucky Dam Village State Resort Park (hereinafter "KDV"), filed a Complaint against the herein named Defendant alleging two basic grievances, *i.e.*, (1) that KDV had paid its April 2006 bill on time; (2) and that even if the payment was late, the 10% late fee assessed by the Defendant was in conflict with state law. The Defendant filed an Answer denying these two material allegations. After some discovery, the Commission has ordered this briefing schedule and the Defendant is prepared to respond accordingly.

LEGAL ARGUMENT

It is the Defendant's position that KDV did not pay its bill on time and that the 10% late fee penalty was lawfully assessed against KDV. As to the timing issue, Exhibits "A" and "B" attached hereto show that the Defendant's bills are due, on average, approximately twenty days after bills are dated. Exhibit "A" is a copy of the Defendant's



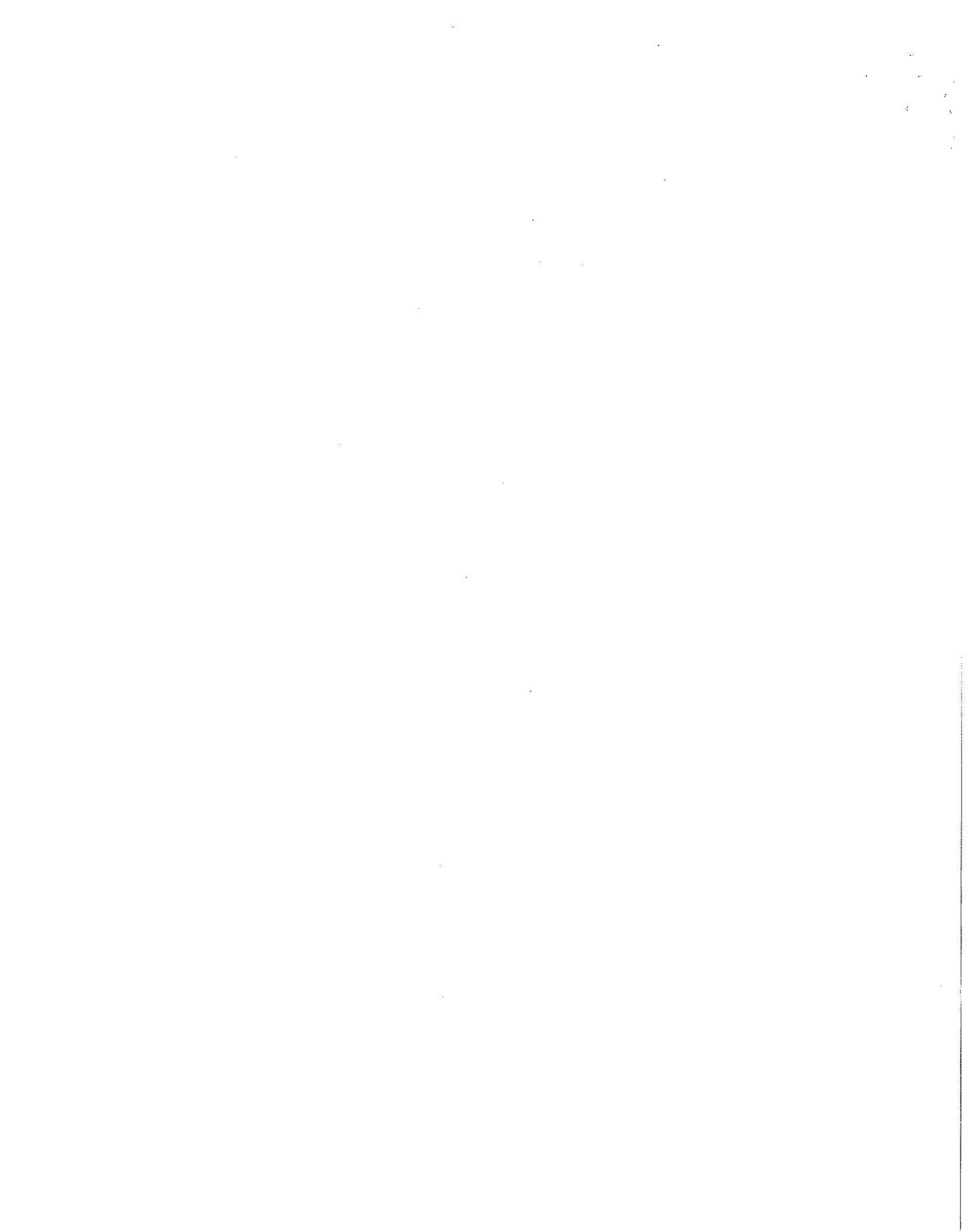
Rules & Regulations which are on file with the Public Service Commission. On Sheet No. 11 of this document, it clearly states that bills are to be dated and mailed out on or about the 20th day of each even-numbered month, and that bills must be received no later than the 10th day of the following month. Sheet No. 11 also contains language stating that late payments are subject to penalty pursuant to 807 KAR 5:006, Section 8(3)(h).

Exhibit "B" shows an account history dating back to October 20, 1999. An examination of this document shows that KDV had a good history of paying its water bill within twenty days from the date of the bill. However, in April 2006, KDV's bill was dated April 21, 2006, and payment was not received by the Defendant until May 16, 2006. This is a lapse of 25 days, rendering this particular payment late. Similarly, the next bill was dated June 22, 2006, and payment was not received until July 24, 2006. This is a span of 32 days. Due to the late receipt of both payments, the Defendant correctly assessed late fees against KDV. Accordingly, since the Defendant did not receive payment for the bill dated April 21, 2006, until May 16, 2006, which was a full six days after the May 10th deadline, the Defendant properly assessed a penalty against KDV for that bill.

Turning to the issue of the 10% penalty, the Defendant was well within its right to assess this penalty. KDV relies almost exclusively on two statutes, KRS 45.453 and KRS 45.454. KDV's position is that KRS 45.453 permits KDV to pay its water bill within 30 days, and that KRS 45.454 prohibits the Defendant from assessing a penalty in excess of 1%. The Defendant respectfully disagrees. These two statutes should be read as general, minimum requirements.

As KRS 45.451 expressly states, “[i]t is the policy of the Commonwealth that all bills shall be paid on time.” Keeping in tune with that policy, the General Assembly enacted KRS 45.453, which requires the state to pay its bills within 30 days, and KRS 45.454, which provides a 1% penalty for late payment. A proper interpretation of these provisions is that they are generally applicable, minimum requirements. There is nothing in this statutory scheme indicating that another party cannot enter into a contract with the state or a state agency with terms that differ from the language found in KRS 45.453 and KRS 45.454. If the legislature had intended to make the language in these two provisions mandatory for every state contract, it would have stated so expressly. The absence of such language means that a party is free to negotiate differing terms with the state or one of its agencies, and in this case, the Defendant and KDV have in fact agreed upon and done business on differing terms. KDV, along with all of the Defendant’s other customers, are put on notice with every bill that a 10% penalty will be assessed for any and all late payments. Indeed, KDV has not even attempted to argue that it was not aware of the 10% penalty. Rather, KDV has erroneously argued that it should not be bound by the 10% penalty due to its status as a state-run facility. However, KDV’s status as a state-run facility, standing alone, does not exempt it from the 10% penalty.

Under 807 KAR 5:006, Section 8(3)(h), the Defendant was well within its authority to assess a 10% penalty to KDV for the late payment in April 2006. It is noteworthy that 807 KAR 5:006, Section 8(3)(h) specifically addresses the issue currently before this Commission, whereas, as stated previously, KRS 45.453 and KRS 45.454 are merely general, minimum requirements. Where one provision addresses an issue specifically and another provision only generally, the more specific provision



controls. Parts Depot, Inc. v. Beiswenger, Ky., 170 S.W.3d 354, 361 (2005).

Accordingly, since the Defendant had the authority to assess the 10% penalty, and since KDV has not even argued that it was not aware of the 10% penalty, KDV should be made to pay the penalty for the late-received payment in April 2006.

WHEREFORE, the Defendant respectfully argues that the evidence and law support its position that KDV did not pay its bill on time and that it should therefore be made to pay the 10% penalty as assessed.

Respectfully Submitted



Hon. Jason F. Darnall
Asst. County Attorney
80 Judicial Drive-Unit 130
Benton, KY 42025
(270) 527-4730

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed by US Mail on this the 1st day of November, 2006 to the following:

Beth O'Donnell
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, Ky 40602

Catherine York
Deputy General Counsel
500 Mero Street
CPT 24th Floor
Frankfort, KY 40601



JASON F. DARNALL-ASST. CO. ATTY

Exhibit A

P.S.C. KY. NO. 4

CANCELLING P.S.C. KY. NO. 3

NORTH MARSHALL WATER DISTRICT

OF

PO BOX 850

BENTON, KENTUCKY 42025

RATES & CHARGES

AND

RULES & REGULATIONS

FOR FURNISHING

WATER SERVICE

AT

MARSHALL AND LIVINGSTON COUNTIES
KENTUCKY

FILED WITH THE

PUBLIC SERVICE COMMISSION

OF

KENTUCKY

DATE OF ISSUE December 26, 2001
Month / Date / Year

DATE EFFECTIVE February 01, 2002
Month / Date / Year

ISSUED BY B. W. Darnell
(Signature of Officer)

TITLE Chairman

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Stephen D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 2

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

I. RATES AND CHARGES

- A. Bimonthly Rates
- B. Deposits
- C. Meter Connection/Tap-on Charges
- D. Special Non-recurring Charges

II. RULES AND REGULATIONS

- A. Service Information
- B. Special Rules or Requirements
- C. Billings, Meter Readings, and Related Information
- D. Deposits
- E. Special Nonrecurring Charges
- F. Customer Complaints to the Utility
- G. Bill Adjustments
- H. Status of Customer Accounts during Billing Disputes

DATE OF ISSUE December 26, 2001
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BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
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Original SHEET NO. 3

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

- I. Customer Request for Termination of Service
- J. Customer Relations
- K. Refusal or Termination of Service
- L. Meter Testing
- M. Meter Test Records
- N. Customer Requested Meter Tests
- O. Access to Property
- P. Location of Records
- Q. Safety Program
- R. System Inspections
- S. Reporting of Accidents, Property Damage, or Loss of Service
- T. Continuity of Service
- U. Pressures
- V. Service Lines and Connections
- W. Leak Adjustments
- X. Ownership of Mains, Services, and Appurtenances
- Y. Notification of System Problems
- Z. Legal Disclaimers

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FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 4

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

- AA. Fire Departments
- AB. Fire Hydrants
- AC. Requirements for New Connections
- AD. Water Main Extensions
- AE. Extension Policy for Developers and New Subdivisions and Developments

III. ATTACHMENTS

- A. Specifications for Water Main Extension
- B. Water Main Extension Contract for Subdivision Development
- C. Water Main Extension Agreement for Residential Non-Subdivision Extension
- D. Easement Agreement
- E. Billing Card
- F. Termination Notice
- G. Service Application
- H. Customer Complaint
- I. Time Payment Agreement
- J. Water Shortage Contract

DATE OF ISSUE December 26, 2001
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SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
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P.S.C. KY. NO. 4

First Revised SHEET NO. 5

CANCELLING P.S.C. KY. NO. 4

Original SHEET NO. 5

North Marshall Water District
(Name of Utility)

RATES AND CHARGES

A. BI-MONTHLY RATES:

Customer Charge:

5/8" x 3/4" meter	\$10.78 Minimum Bill
1" meter	17.03 Minimum Bill
1 1/2" meter	27.46 Minimum Bill
2" meter	39.99 Minimum Bill
3" meter	69.19 Minimum Bill
4" meter	110.93 Minimum Bill
6" meter	215.25 Minimum Bill

All Water Usage \$2.20 per 1,000 gallons

DATE OF ISSUE MAY 17, 2004
Month / Date / Year

DATE EFFECTIVE APRIL 20, 2004
Month / Date / Year

ISSUED BY Bennie W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. 2004-00028 DATED APRIL 20, 2004

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

APR 20 2004

PURSUANT TO 807 KAR 5:011
SECTION 9 (1)
BY [Signature]
EXECUTIVE DIRECTOR

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 6

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RATES AND CHARGES

B. DEPOSITS:

5/8" X 3/4" meter \$40.00

Deposits for larger size meters will be calculated according to the average bill.

DATE OF ISSUE December 26, 2001
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ISSUED BY B.W. Darnell
(Signature of Officer)

TITLE Chairman

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IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY Stephen O. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
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P.S.C. KY. NO. 4

Original SHEET NO. 7

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

C. METER CONNECTION/TAP-ON CHARGES:

5/8 Inch X 3/4 Inch	\$600.00
1 Inch and Larger Meters	Actual Cost

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PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: Stephan D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 8

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

D. SPECIAL NON-RECURRING CHARGES:

Connection/Turn-on Charge	\$ 25.00
Connection/Turn-on Charge (After Hours)	67.00*
Field Collection Charge	25.00
Field Collection Charge (After Hours)	67.00
Late Payment Penalty	10%
Meter Reinstallation	50.00
Meter Relocation Charge	Actual Cost
Meter Re-read Charge	25.00
Meter Test Charge	50.00
Re-connection Charge	50.00
Re-connection Charge (After Hours)	92.00*
Returned Check Charge	25.00

*NOTE—Regular working hours for the utility's Maintenance Staff is 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Upon customer request, and subject to availability of Maintenance Staff, services may be performed outside regular working hours at the after hours rate.

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BY: Stephan Bue
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 9

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

The following are the rules and regulations of the North Marshall Water District. The schedule of rates prescribed herein will be uniformly charged to all customers of the utility. No one will receive or be entitled to free service by the utility. No employee or individual commissioner of the utility is permitted to make an exception to these rates, rules, or regulations. These rules and regulations are subject to change by the utility at any time, subject to the approval of the Public Service Commission.

A. Service Information.

1. Upon request the utility will give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient, and continuous service. The utility will inform its customers of any change made or proposed in the character of its service that might affect the efficiency, safety, or continuity of operation.
2. The utility will obtain the approval of the Public Service Commission prior to making any substantial change in the character of the service furnished that would affect the efficiency, adjustment, speed, or operation of the equipment or appliances of any customer. The application will show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.
3. The utility will inform each applicant for service of each type, class, and character of service available at his/her location.
4. Upon request the utility will provide the following information to any applicant/customer:
 - a) Characteristics of Water. A written description of chemical constituents and bacteriological standards of the treated water as required by the Natural Resources Cabinet.

DATE OF ISSUE December 26, 2001
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ISSUED BY B.W. Jamell
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TITLE Chairman

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PUBLIC SERVICE COMMISSION
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PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Stephan B. B...
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 10

CANCELLING P.S.C. KY. NO. _____

_____ SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

- b) Rates. A schedule of rates for water service applicable to the service to be rendered to the customer.
- c) Reading Meters. Information about the method of reading meters.
- d) Bill Analysis. A statement of the past readings of a customer's meter for a period of two (2) years.

B. Special Rules or Requirements.

- 1. The utility cannot establish any special rule or requirement without first obtaining the approval of the Public Service Commission.
- 2. A customer that has complied with Public Service Commission rules and regulations cannot be denied service for failure to comply with the utility's rules that have not been approved by the Public Service Commission.
- 3. Each prospective customer desiring water service will be required to sign the utility's Water Service Contract before service is supplied by the utility.
- 4. No customer is allowed to resell water except under the terms of a special contract executed by the utility and approved by the Public Service Commission.

C. Billings, Meter Readings, and Related Information.

- 1. Information on bills. Each bill issued by the utility will clearly show the following, if applicable: class of service; present and last preceding meter readings; date of the present reading; number of units consumed; net amount for service rendered; all taxes; any adjustments; and the gross amount of the bill. The date after which a late payment penalty applies to the gross amount will also be indicated. Estimated or calculated bills will be distinctly marked as such. The rate schedule under which the bill is computed will be furnished by publishing it in a newspaper of general circulation once each year.

DATE OF ISSUE December 26, 2001
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DATE EFFECTIVE February 21, 2002
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TITLE Chairman

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OF KENTUCKY
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PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)
BY: Stephan Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 11

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

2. Bill format. A copy of the utility's billing form will be included in the utility's tariff.
3. Frequency of meter reading. Unless prevented by reasons beyond the utility's control, meter readings will be taken beginning on the first day of each even numbered month of the year. Records will be kept by the utility to insure that this information is available to Public Service Commission staff and any customer requesting this information. If, due to reasons beyond its control, the utility is unable to read a meter in accordance with this subsection, the utility will record the date and time the attempt was made, if applicable, and the reason the utility was unable to read the meter.
4. Related Information.
 - a) Bills and notices related to the utility's business will be mailed to the customer at the address listed on the Water Service Contract unless a change of address has been filed with the utility in writing. The utility will not otherwise be responsible for delivery of any bill or notice nor will the customer be excused from the payment of any bill or any performance required in the notice.
 - b) Water service will be billed bimonthly with bills mailed on or about the 20th of each even numbered month.
 - c) Bills are payable and due on the date of issuance.
 - d) Payment must be received, not postmarked, before the close of business on the tenth day of the odd numbered months of the year (except when the tenth falls on a weekend or holiday); otherwise, the delinquent bill will be assessed the late payment penalty approved and on-file with the Public Service Commission
 - e) The late payment penalty will be assessed on the delinquent amount of the bill, less taxes and any prior penalty amounts. Pursuant to 807 KAR 5:006 Section 8 (3)(h), a penalty may be assessed only once on any bill for rendered services.

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Month / Date / Year

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TITLE Chairman

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PUBLIC SERVICE COMMISSION
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FEB 01 2002

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Stephan D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 12

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

- f) With the exception of existing connections, the existence of a special contract, or unusual circumstances requiring approval of the utility, a single meter can serve no more than one residential or commercial unit on and after the effective date of this tariff.
- g) Family Tie-ins. If an immediate family member (mother, father, sister, brother, daughter, son) is living in a non-permanent structure (trailer, mobile home, etc.) on a present customer's property, they may both use the same meter. However, if a non-family member takes residence in that structure, a tap-on fee must be paid in order to set a separate meter for that structure.
- h) For existing connections, special contracts, or other utility approved situations, where two or more units are being served by one meter, the following rules will apply:
- 1) One bill per meter will be sent to the customer that signed the Water Service Contract.
 - 2) The customer that signed the Water Service Contract will be fully and solely responsible for the charges associated with the connection, including payment for all water passing through the meter, regardless of which unit is responsible for the water consumption.

D. Deposits.

1. Deposits to secure payment. The utility may require a minimum cash deposit or other guaranty to secure payment of bills.
2. Amount of Deposit. The deposit for a 5/8 x 3/4 inch meter is listed in the Rates and Charges section of this tariff. Deposits for larger size meters will be based on the average annual bill. Deposit amounts will not exceed three-twelfths (3/12) of the average annual bill.

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FOR Benton, Kentucky
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P.S.C. KY. NO. 4

Original SHEET NO. 13

North Marshall Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

3. Refund of deposits. The utility retains the deposit for twelve (12) months. Refunds will be made by check except that the utility will not refund any deposit if the customer's bill has been delinquent 2 or more times during the twelve (12) month period.
4. Waiver of Deposits. The District will charge a deposit for all new customers. This deposit will not exceed three-twelfths (3/12) of the estimated annual bill for that customer. The District will waive the deposit for previous or current customers with good payment histories or with a credit reference letter from a former water utility where they were a customer for at least one full year and had a good payment history.
5. Additional deposit requirement. If a deposit has been waived or returned and the customer fails to maintain a satisfactory payment record, the utility may require that a deposit be made. The utility may require a deposit in addition to the initial deposit if the customer's classification of service changes or if there is a substantial change in usage.
6. Receipt of deposit. The utility will issue a receipt to every customer that pays a deposit. The receipt will show the name of the customer, location of the service, date, and amount of deposit. If deposit amounts change, the utility will issue a new receipt of deposit to the customer.
7. Deposits as a condition of service. Service may be refused or discontinued if payment of requested deposit is not made.
8. Interest on deposits. Interest will accrue on all deposits at the rate prescribed by law beginning on the date of the deposit. Interest accrued will be refunded to the customer on an annual basis, except that the utility will not be required to refund or credit interest on deposits if the customer's bill is delinquent on the anniversary of the deposit date. Upon termination of service, the deposit and interest earned and owing will be credited to the final bill with any remainder refunded to the customer.

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PURSUANT TO 807 KAR 5011,
SECTION 9 (1)

BY: Stephen O. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 14

CANCELLING P.S.C. KY. NO. _____

_____ SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

E. Special Non-recurring Charges:

1. The utility will collect for special nonrecurring charges to recover customer-specific costs incurred which would otherwise result in monetary loss to the utility or increased rates to other customers to whom no benefits accrue from the service provided or action taken. The utility may establish or change any special nonrecurring charge by applying for Public Service Commission approval of such charge in accordance with the provisions of 807 KAR 5:011, Section 10.
2. Special nonrecurring charges will be applied uniformly throughout the area served by the utility. Such charges will relate directly to the service performed or action taken and only yield enough revenue to pay the expenses incurred in rendering the service.
3. The utility will assess a charge for the following non-recurring services:
 - a) Connection/Turn-on Charge: Will be assessed for new service turn-ons, seasonal turn-ons, temporary service, or transfer of service. The charge will not be made for initial installation of service where a meter connection/tap-on charge is applicable.
 - b) Field Collection Charge: Will be assessed when a utility representative visits the premises of the service connection to terminate service, and the customer is on-site and pays the bill in full to avoid termination of service. This fee may only be charged once per billing period.
 - c) Late Payment Penalty: Will be assessed on the delinquent amount of the bill, less taxes.
 - d) Meter Reinstallation Charge: Will be assessed to reinstall a meter that has been temporarily removed from the yoke.

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P.S.C. KY. NO. 4

Original SHEET NO. 15

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

- e) Meter Relocation Charge: Will be assessed when a customer or other authorized person requests that a meter be relocated, changed, or modified. Those requesting a change must reimburse the utility for the actual costs incurred, including but not limited to appropriate legal, administrative, engineering, overhead, or other related costs.
- f) Meter Re-read Charge: Will be assessed when a customer requests the utility to re-read the customer's meter and the re-read proves that the original meter reading was correct.
- g) Meter Test Charge: Will be assessed when a customer requests the utility perform a test on the customer's meter to check for accuracy, and the test shows the customer's meter is not more than two percent (2%) fast.
- h) Reconnection Charge: Will be assessed to reconnect service that has been terminated for non-payment of service or for violation of Utility or Public Service Commission rules and regulations, and will include the cost of the service trip for both the disconnection and the reconnection.
- i) Returned Check Charge: Will be assessed when a customer's check is returned, either due to insufficient funds or other reason due to customer fault.

F. Customer Complaints to the Utility. Upon complaint to the utility by a customer at the utility's office, by telephone, or in writing, the utility will make a prompt and complete investigation and advise the complainant of its findings. If the complainant is not satisfied with the utility's decision, the utility will provide written notice to the complainant of his/her right to appeal the utility's decision by filing a complaint with the Public Service Commission. The utility will also

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ISSUED BY B.W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Stephen D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 16

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(Name of Utility)

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provide the customer with the address and telephone number of the Public Service Commission. The utility will keep a record of all written complaints. This record will show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition of the complaint. Records will be maintained for two (2) years from the date of resolution of the complaint.

G. Bill Adjustments:

1. Fast or slow reading meters:

- a) If upon periodic test, requested test, or complaint test, a meter in service is found to be more than two (2) percent fast, additional tests will be made to determine the average error of the meter. The tests will be made in accordance with Public Service Commission rules and regulations applicable to the type of meter involved.
- b) If test results on a customer's meter show an average error greater than two (2) percent fast or slow, or if a customer has been incorrectly billed for any other reason, except in an instance where a utility has filed a verified complaint with the appropriate law enforcement agency alleging fraud or theft by a customer, the utility will immediately determine the period during which the error has existed, and will recompute and adjust the customer's bill to either provide a refund to the customer or collect an additional amount of revenue from the underbilled customer. Any adjustment to the customer's account will be in accordance with the rules and regulations of the Public Service Commission pursuant to 807 KAR 5:066 Section 9(c).
- c) The utility will readjust the account based upon the period during which the error is known to have existed. If the period during which the error existed cannot be determined with reasonable precision, the time period will be

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PUBLIC SERVICE COMMISSION
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FEB 01 2002

PURSUANT TO 807 KAR 5011,
SECTION 9 (1)
BY Shirley D. Bell
Secretary of the Commission

FOR Benton, Kentucky
Community, Town or City

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estimated using such data as elapsed time since the last meter test, if applicable, and historical usage data for the customer. If that data is not available, the average usage of similar customer loads will be used for comparison purposes in calculating the time period. If the customer and the utility are unable to agree on an estimate of the time period during which the error existed, the Public Service Commission will determine the issue. In all instances of customer overbilling, the customer's account will be credited or the overbilled amount refunded at the discretion of the customer within thirty (30) days after final meter test results. A utility will not require customer repayment of any underbilling to be made over a period shorter than a period coextensive with the underbilling.

2. Meter read failure. When a meter has ceased to register, or a meter reading cannot be obtained, the quantity of water to be billed will be based upon an average of twelve-months' consumption. If said meter readings are not available for an entire twelve-month period, the water bill will be estimated by the utility, subject to an upward or downward adjustment once a twelve-month average of actual meter readings can be calculated.
3. Monitoring usage. The utility will monitor a customer's usage at least annually in such a way to draw the utility's attention to unusual deviations in a customer's usage. If a customer's usage is unduly high or low and the deviation is not otherwise explained, the utility will test the customer's meter to determine whether the meter shows an average error greater than two (2) percent fast or slow.
4. Usage investigation. If the utility's procedure for monitoring usage indicates that an investigation of a customer's usage is necessary, the utility will notify the customer in writing. If knowledge of a serious situation requires more expeditious notice, the utility will notify the customer by the most expedient means available.

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PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Stephan D. Bell
SECRETARY OF THE COMMISSION

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5. **Customer notification.** If a meter is tested and it is found necessary to make a refund or back bill a customer, the customer will be notified in substantially the following form:

On _____, 19____, the meter bearing identification No. ____ installed in your building located at _____ (Street and Number) in _____ (city) was tested at _____ (on premises or elsewhere) and found to register _____ (percent fast or slow). The meter was tested on _____ (Periodic; Request, Complaint) test.

Based upon this we herewith _____ (charge or credit) with the sum of \$____, which amount has been noted on your regular bill. If you desire a cash refund, rather than a credit to your account, of any amount overbilled, you must notify this office in writing within seven (7) days of the date of this notice.

H. **Status of Customer Accounts during Billing Disputes.** With respect to any billing dispute, customer accounts shall be considered to be current while the dispute is pending as long as the customer continues to make undisputed payments and stays current on subsequent bills.

I. **Customer's Request for Termination of Service.**

1. Any customer desiring service terminated or changed from one address to another shall give the utility three (3) working days' notice in person, in writing, or by telephone, provided such notice does not violate contractual obligations. The customer will not be responsible for charges for service beyond the three- (3) day notice period if the customer provides proper notification and reasonable access to the meter during the notice period. If the customer notifies the utility of his/her request for termination by telephone, the burden of proof is on the customer to prove that service termination was requested if a dispute arises.
2. Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility will charge the applicant a reconnect fee as set out in this tariff and approved by the Public Service Commission

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PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: Stephen O. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
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J. Customer Relations.

1. Display of customer rights. The utility will prominently display in the office in which payment is received a copy of Customer's Rights. If a customer indicates to any utility personnel that he is experiencing difficulty in paying a current utility bill, that employee will refer the customer to the designated representative for explanation of the customer's rights.
2. Partial payment plans. The utility shall negotiate and accept reasonable partial payment plans at the request of residential customers who have received a termination notice for failure to pay, except that a utility is not required to negotiate a partial payment plan with a customer who is delinquent under a previous partial payment plan. Partial payment plans must be mutually agreed upon. Plans which extend for a period longer than thirty (30) days will be in writing and will advise customers that service may be terminated without additional notice if the customer fails to meet the obligations of the plan. Service will not be disconnected if 25% partial payment has been made and a written agreement of payment intent has been signed. Failure of the customer to pay according to a written agreement will result in termination of service with no additional notice to the customer. Service will be reconnected when the bill and reconnect fees are paid in full.
3. Utility inspections of service conditions prior to providing service. The utility will inspect the condition of the meter and service connections before providing service to a new customer so that prior or fraudulent use of the facilities will not be attributed to the new customer. The new customer will be afforded the opportunity to be present at such inspections. The utility will not be required to render service to any customer until any defects in the customer-owned portion of the service facilities have been corrected.
4. Prompt connection of service. The utility will reconnect existing service within twenty-four (24) hours, and will install and connect new service within seventy-two (72) hours, when the cause for refusal or discontinuance of service has been corrected and the rules and regulations of the utility and Public Service Commission have been met.

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PURSUANT TO 807 KAR 5:011,
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BY: Stephan D. Bell
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5. Advance termination notice. When advance termination notice is required, the termination notice will be mailed or otherwise delivered to the last known address of the customer. The termination notice will be in writing, distinguishable and separate from any bill. The termination notice will plainly state the reason for termination.

K. Refusal or Termination of Service.

1. The utility may refuse service to a customer under the following conditions:

- a) For noncompliance with utility or Public Service Commission rules and regulations. The utility cannot refuse service to any customer for noncompliance without first having made a reasonable effort to obtain customer compliance. After such effort by the utility, service may be refused only after the customer has been given a written notice of refusal stating the reasons for refusal of service.
- b) For dangerous conditions. If a dangerous condition exists which could subject any person to imminent harm or result in substantial damage to the property of the utility or others is found to exist on the customer's premises, then service will be refused. The utility will notify the customer in writing and, if possible, orally for the reasons for refusal of service. Such notice will be recorded by the utility and will include the corrective action to be taken by the customer before service can be provided.
- c) For refusal of access. When a customer refuses or neglects to provide reasonable access to the premises for installation, operation, meter reading, maintenance or removal of utility property, the utility may refuse service. The utility will notify the customer in writing and, if possible, orally for the reasons for refusal of service. Such notice will be recorded by the utility and will include the corrective action to be taken by the customer before service can be provided.
- d) For outstanding indebtedness. The utility will not furnish service to any customer who is indebted to the utility until that customer has repaid the indebtedness.

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PURSUANT TO 807 KAR 5011,
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BY Stephen D. Bell
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FOR Benton, Kentucky
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- e) For noncompliance with state, local, or other codes. The utility may refuse service to a customer if the customer does not comply with state, municipal or other codes, rules, and/or administrative regulations applying to such service. The utility will notify the customer in writing and, if possible, orally for the reasons for refusal of service. Such notice will be recorded by the utility and will include the corrective action to be taken by the customer before service can be provided.

2. Utility Initiated Termination of Service.

- a) The termination notice requirements stated herein will not apply if termination notice requirements to a particular customer or customers are otherwise dictated by the terms of a special contract between the utility and customer which has been approved by the Public Service Commission.
- b) When advance termination notice is required, the termination notice shall be mailed or otherwise delivered to the last known address of the customer. The termination notice shall be in writing, distinguishable and separate from any bill. The termination notice shall plainly state the reason for termination.
- c) The utility may terminate service to a customer under the following conditions with an advance termination notice:
- 1) For noncompliance with utility or Public Service Commission rules and regulations. The utility cannot terminate service to any customer for noncompliance without first having made a reasonable effort to obtain customer compliance. After such effort by the utility, service may be terminated only after the customer has been given at least ten (10) days written termination notice.

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BY: Stephan D. Bell
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- 2) For refusal of access. When a customer refuses or neglects to provide reasonable access to the premises for installation, operation, meter reading, maintenance, or removal of utility property, the utility may terminate service. Such action will be taken only when corrective action negotiated between the utility and customer has failed to resolve the situation and after the customer has been given at least ten (10) days' written notice of termination.
 - 3) For noncompliance with state, local, or other codes. The utility may terminate service to a customer that does not comply with state, municipal, and/or other codes, rules, and regulations that apply to such service. A utility may terminate service only after ten (10) days' written notice of termination is provided unless ordered to terminate immediately by a governmental official.
 - 4) For nonpayment of bills. The utility may terminate service for nonpayment of charges incurred for utility services. The utility may terminate service only after five (5) days' written notice of termination is provided, and after twenty (20) days have elapsed since the mailing date of the original unpaid bill.
- d) The utility may terminate service to a customer if the following conditions exist without an advance termination notice. Within twenty-four (24) hours after such termination, the utility shall send written notification to the customer of the reason(s) for termination upon which the utility relies, and of the customer's right to challenge the termination by filing a formal complaint with the Public Service Commission. The utility will not restore service until the customer agrees to comply with all rules and regulations of the utility and Public Service Commission.
- 1) For illegal use or theft of service. The utility may terminate service to a customer without advance notice if it has evidence that a customer has obtained unauthorized service by illegal use or theft. This right of termination

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PURSUANT TO 807 KAR 5:011,
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BY: Stephen O. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
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is separate from and in addition to any other legal remedies that the utility may pursue for illegal use or theft of service.

- 2) For dangerous conditions. If a dangerous condition relating to the utility's service which could subject any person to imminent harm or result in substantial damage to the property of the utility or others is found to exist on the customer's premises, then service will be terminated immediately. Upon termination the utility will leave notification at the customer's dwelling and, if possible, orally contact the customer to inform him/her of the reasons for the termination. Such notice will be recorded by the utility and will include the corrective action to be taken by the customer or utility before service can be restored.
- 3) Unapproved Extensions and/or Additions. Any extension or additions to an existing service connection that have not been approved by the utility will be considered theft of service, and will constitute grounds for termination of service. This right of termination is separate from and in addition to any other legal remedies that the utility may pursue for illegal use or theft of service.
- 4) Misrepresentation. Any misrepresentation in the application or contract as to the property or fixtures to be supplied or additional use to be made of water will constitute grounds for termination of service, and the customer shall be liable for any damage to any of the utility's facilities or equipment.
- 5) Failure to Report Changes. Failure to notify the utility of additions to the property or fixtures to be supplied or additional use to be made of water will constitute grounds for termination of service.

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PURSUANT TO 807 KAR 5011,
SECTION 8 (1)

BY: Stephen O. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
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- 6) Resale of Water. Under no circumstances will a customer be allowed to resell or give away water except under the terms of a special contract executed by the utility and approved by the Public Service Commission. Failure to comply with this rule will constitute grounds for termination of service.
 - 7) Waste or Misuse. Waste or misuse of water due to improper or imperfect service pipes and/or failure to keep said pipes in suitable state of repair will constitute grounds for termination of service.
 - 8) Tampering with meter, meter seal, service, valves, or other system facilities, or permitting such tampering by others will constitute grounds for termination of service.
 - 9) Connections, cross-connections, or permitting the same, of any separate water supply to premises that receive water from the utility will constitute grounds for termination of service.
- e) The utility will not terminate service to a customer if the following conditions exist:
- 1) If payment for services is made. Service will not be terminated to a customer that was sent a termination notice if the customer delivers full payment to the utility prior to the actual termination of service.
 - 2) If a partial payment agreement is in effect. Service will not be terminated for nonpayment if the customer and the utility have entered into a partial payment plan and the customer is meeting the requirements of the plan.

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BY Stephen O. Bell
SECRETARY OF THE COMMISSION

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- 3). If a medical certificate is presented. Service will not be terminated for thirty (30) days beyond the termination date if a physician, registered nurse or public health officer certifies in writing that termination of service will aggravate a debilitating illness or infirmity on the affected premises. The utility may refuse to grant consecutive extensions for medical certificates past the original thirty (30) days unless the certificate is accompanied by an agreed partial payment plan. The utility will not require a new deposit from a customer to avoid termination of service for a thirty (30) day period who presents to the utility a medical certificate certified in writing by a physician, registered nurse or public health officer.

L. Meter Testing.

1. Water meters will be tested before being installed for use by any customer. The water meter will be in good working order and adjusted as close to the optimum operating tolerance as possible, in accordance with 807 KAR 5:022, Section 8(3)(a), 807 KAR 5:041, Section 17(1)(a)-(c) and 807 KAR 5:066, Section 15(2)(a)-(b).
2. The utility may have all or part of its meter testing performed by another utility or agency approved by the Public Service Commission. The utility will notify the Public Service Commission of the make, type, and serial number of standards used for testing.
3. The utility cannot place in service any basic measurement standard unless the Public Service Commission has approved the calibration. The Public Service Commission will be notified promptly of the adoption or deletion of any basic standards requiring approval of the calibration.

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PURSUANT TO 807 KAR 5:011,
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BY: Stephan O. Bell
SECRETARY OF THE COMMISSION

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4. Meter testers must be certified by the Public Service Commission. Certified meter testers will perform tests as necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the rules and regulations of the Public Service Commission.

M. Meter Test Records.

1. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations will be recorded by the meter tester. Such record will include: information to identify the unit and its location; date of tests; reason for such tests; readings before and after test; statement of "as found" and "as left" accuracies sufficiently complete to permit checking of calculations employed; notations showing that all required checks have been made; statement of repairs made, if any; identifying number of the meter; type and capacity of the meter; and the meter constant. The complete record of tests of each meter will be continuous for at least two (2) periodic test periods and will in no case be less than two (2) years.
2. The utility will keep numerically arranged and properly classified records for each meter owned, used and inventoried by the utility. The identification number, date of purchase, name of manufacturer, serial number, type, rating, and name and address of each customer on whose premises the meter has been in service with date of installation and removal will be included in the records. These records will also contain condensed information concerning all tests and adjustments including dates and general results of such adjustments. The records will reflect the date of the last test and indicate the proper date for the next periodic test required by the applicable Public Service Commission rule and/or regulation.
3. Upon completion of adjustment and test of any meter pursuant to Public Service Commission rules and regulations, the utility will affix to the meter a suitable seal in such a manner that adjustments or registration of the meter cannot be altered without breaking the seal.

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N. Customer Requested Meter Tests.

1. The utility will make a test of any meter upon written request of any customer if the request is not made more frequently than once every twelve- (12) months. The customer shall be given the opportunity to be present at the requested test. If the test shows that the meter was not more than two (2) percent fast, the utility will make a reasonable charge for the test, the amount being approved by the Public Service Commission and set out in the utility's tariff.
2. After having first obtained a test from the utility, any customer of the utility may request a meter test by the Public Service Commission upon written application. Such request shall not be made more frequently on one (1) meter than once every twelve- (12) months.

O. Access to Property.

1. The utility shall at all reasonable hours have access to meters, service connections, and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation, replacement or removal of its property at the time service is terminated. Any employee of the utility whose duties require him/her to enter the customer's premises will wear a distinguishing uniform or other insignia identifying him/her as an employee of the utility, or show a badge or other identification which will identify him/her as an employee.
2. Obtaining easements and right-of-ways necessary to extend service will be the responsibility of the utility.
3. All customers must grant, convey, or cause to be granted or conveyed to the utility a perpetual easement and right-of-way across any property owned or controlled by the customer wherever necessary for the utility's facilities in order to provide service.

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4. The utility cannot require a prospective customer to obtain easements or rights-of-way on property not owned by the prospective customer as a condition for providing service. However, the cost of obtaining easements or rights-of-way will be included in the total per foot cost of an extension, and will be apportioned among the utility and customer in accordance with the applicable extension administrative regulation.
- P. Location of Records. All records required by Public Service Commission rules and regulations will be kept in the office of the utility and will be made available to representatives, agents or staff of the Public Service Commission upon reasonable notice at all reasonable hours.
- Q. Safety Program. The utility will adopt and execute a safety program, appropriate to the size and type of its operations. At a minimum, the safety program will:
1. Establish a safety manual with written guidelines for safe working practices and procedures to be followed by utility employees.
 2. Instruct employees in safe methods of performing their work.
 3. Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.
- R. System Inspections.
1. The utility will adopt inspection procedures to assure safe and adequate operation of its facilities and compliance with Public Service Commission rules and regulations. These procedures will be filed with the Public Service Commission for review.
 2. Upon receipt of a report of a potentially hazardous condition at any utility facility made by a qualified employee, public official, or customer, the utility will inspect all portions of the system which are the subjects of the report.

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DATE EFFECTIVE February 01, 2002
Month / Date / Year

ISSUED BY B.W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 6011,
SECTION 9 (1)
BY: Stephen D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 29

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

3. Appropriate records will be kept by the utility to identify the inspection made, deficiencies found and action taken to correct the deficiencies.
4. Inspections. The utility will make systematic inspections of its system in the manner set out below to insure that the Public Service Commission's safety requirements are being met. These inspections will be made as often as necessary but not less frequently than is set forth below for various classes of facilities and types of inspection.
 - a) The utility will annually inspect all structures pertaining to source of supply for their safety and physical and structural integrity, including dams, intakes, and traveling screens. The utility will semiannually inspect supply wells, their motors and structures, including electric power wiring and controls for proper and safe operation.
 - b) The utility will annually inspect all structures pertaining to purification for their safety, physical and structural integrity and for leaks, including clear wells; chemical feed equipment; pumping equipment and water storage facilities, including electric power wiring and controls; hydrants, mains, and valves.
 - c) The utility will monthly inspect construction equipment and vehicles for defects, wear, operational hazards, lubrication, and safety features.

S. Reporting of Accidents, Property Damage, or Loss of Service.

1. Within two (2) hours following discovery the utility will notify the Public Service Commission by telephone or electronic mail of any utility related accident which results in:
 - a) Death; or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization;
 - b) Actual or potential property damage of \$25,000 or more; or

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ISSUED BY B.W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 8011,
SECTION 9(1),
BY: Stephanie G. ...
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 32

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

7. A cross-connection of the utility's system with any other source is strictly prohibited.
8. A well that has or is being used on the premises must be inspected by utility personnel to verify disconnection and separation.
9. All service lines on the customer's side of the meter must consist of copper or PVC pipe with a rating of no less than 200 psi, and should not be less than 3/4 inches.
10. Absolutely no galvanized pipe or fittings can be used in the installation.
11. The utility will not set a meter on a customer's service line at a point that does not deliver 30 psig at the meter.
12. If the applicant/customer's point of usage is at a higher elevation than the meter, the customer should consult with a reputable engineering firm to properly size the service line from the meter to the point of usage.
13. Should an applicant/customer desire a higher pressure due to location or other need, provisions must be made by the applicant for an individual pressure booster system. The manner of connection, location cross-connection protection and type is subject to approval by the utility. The utility reserves the right to require discontinuance and disconnection should the private booster system have a detrimental effect on the utility's system.
14. Piping on the premises of the applicant/customer must be installed so that connections are conveniently located with respect to the utility's lines and mains. A place must be provided for metering that is unobstructed and accessible at all times.
15. The utility may require the applicant/customer may, at his/her own expense, to install a back-flow preventer and/or pressure regulator.
16. All meters will be installed, renewed, and maintained by the utility, and the utility reserves the right to approve the size and type of meter used.

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TITLE Chairman

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PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 80.11,
SECTION 9 (1)
BY: Stephen D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 31

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

V. Service Lines & Connections.

1. The utility will furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service connection from its main to and including the meter and meter box. The utility will recoup this expense from the customer in accordance with KRS 278.0152.
2. In areas where the distribution system follows well-defined streets and roads, the customer's point of service will be located at that point on or near the street right-of-way or property line most accessible to the utility from its distribution system. In areas where the distribution system does not follow streets and roads, the point of service will be located as near the customer's property line as practicable. Prior to installation of the meter the utility will consult with the customer as to the most practical location.
3. Depth of service line. All service lines must be laid at a sufficient depth (a minimum of 30 inches) to prevent freezing during the coldest weather.
4. A plumbing permit from the appropriate regulatory agency is required before the utility can set the meter.
5. The applicant/customer must furnish and lay the necessary pipe to make the connection from the point of service to the point of usage and be financially responsible for all costs associated with the installation and maintenance of his/her service line plumbing, including a shut-off valve and one-way check valve (if meter yoke does not have a backflow preventer) installed on his/her property beginning at the outlet side of the water meter. The service line must be kept in good repair and in accordance with utility and Public Service Commission rules and regulations.
6. The installation and maintenance of the water service line must be in accordance with the rules and regulations of the Kentucky Department of Health.

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IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY Stephen O. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 33

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SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

17. All taps and connections to the mains of the utility must be made by utility personnel or the utility's plumbing contractor and will incur a meter connection/tap-on charge, an amount that has been approved by the Public Service Commission for such service. Payment of this fee is for the privilege of connecting to the water system and the payment of the fee does not constitute the purchase of a water meter.
18. Should an applicant requesting a 5/8" x 3/4" meter require service on the opposite side of the road from the water main, the utility will provide the service at no additional cost to the customer other than the standard meter connection/tap-on charge. All larger size meters will be charged the actual cost of installing the meter, including, when applicable, the additional costs for crossing the road.
19. Any customer having boilers and/or pressure vessels that receive water from the utility must have a check valve on the water supply line and a vacuum valve on the steam line in order to prevent a collapse were the water supply from the utility be interrupted or discontinued.
- W. Leak Adjustments. A customer may make a request for a bill adjustment in the event of a leak under the following conditions:
1. The customer must request a leak adjustment in writing to the utility.
 2. The customer's bill will be based on two components. The first step will be to calculate the customer's average monthly usage over a twelve-month period. The second step will be to deduct the customer's average monthly usage (as calculated in the above) from the total amount of water that passed through the meter. The usage calculated in step one will be billed at the utility's regular rates, while the remaining usage will be charged at the per thousand gallon leak adjustment rate, which is calculated based on the total cost less debt service, depreciation, and administration and general expense as shown on the PSC annual report. All water passing through the meter must be accounted and paid for by the customer.

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PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 8011,
SECTION 9(1)

BY: Stephan D. Davis
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 34

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

So the customer will owe the amount of his/her average bill plus the per thousand gallon leak adjustment rate for the remainder of the water that passed through the meter.

3. If meter readings are not available for an entire twelve-month period, the water bill will be estimated by the utility, subject to an upward or downward adjustment once a twelve-month average of actual meter readings can be calculated.
4. Only one (1) leak adjustment will be made per twelve-month period.

X. Ownership of Mains, Services, and Appurtenances:

1. All mains, fire hydrants, valves, crossings, and other appurtenances are and shall remain the property of the utility, whether installed by the utility or the customer.
2. All service lines from the main to the meter with appurtenances are and shall remain the property of the utility, whether installed by the utility or the customer.
3. The customer shall install, own, and maintain his/her service line from the meter (or point of delivery) to the point of usage.

Y. Notification of System Problems. The customer shall notify the utility immediately should the service be unsatisfactory for any reason, or should there be any defects, problems, trouble, or accidents affecting the water system.

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OF KENTUCKY
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FEB 01 2002

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: Stephen D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

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North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

Z. Legal Disclaimers.

1. The utility shall in no event be held responsible for any claims made against it for reasons of system failure or interruption of service. No persons shall be entitled to damages nor for any portion of a payment refunded for any system failure or interruption of service which in the opinion of the utility is deemed necessary.
2. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure appurtenance or equipment which is a part of the utility's water system. Any person violating this provision will be subject to immediate arrest and/or discontinuance of water service and shall pay the cost of repairing or replacing the utility's facilities.
3. If any loss or damage to the property of the utility or any accident or other injury to persons or property is caused by or results from the negligence or wrongful action of a customer, members of his/her household, his/her agent or employee, the cost of necessary repairs or replacements shall be paid by the customer of the utility and any liability otherwise resulting shall be that of the customer.
4. For purposes of fire protection, including any customer's fire protection system, the utility cannot guarantee a water supply at any particular flow rate or pressure. The fire flow may vary depending upon other water demands on the system, various water facility limitations, or other circumstances. The customer will indemnify and hold harmless the utility and its employees from and against all claims, damages, losses, and expenses incurred as a result of insufficient water supply or deficient system facilities.

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PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: Stephan D. Blue
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

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North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

AA. Fire Departments. For the purpose of off-setting fifty percent or more of its operation expenses, any fire department not receiving public funds from the Commonwealth of Kentucky, or any political subdivision thereof, may withdraw water from the utility's facilities at no charge, for the extinguishing of fires or the training of firemen. A fire department making such withdrawals shall provide an estimate of its withdrawals to the utility at the end of each month.

AB. Fire Hydrants:

1. In accordance with 807 KAR 5:066 Section 10(2)(b), a new fire hydrant will not be installed unless:
 - a) A professional engineer with a Kentucky registration has certified that the system can provide a minimum fire flow of 250 gallons per minute, and
 - b) The system supporting this flow has the capability of providing this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate.
2. Fire hydrants will not be installed unless in accordance with Division of Water regulations.
3. The location, installation, and the responsibility for maintenance of fire hydrants, public and private fire protection facilities, connecting mains, and their ownership may be subject to negotiation between the utility and the applicant/customer. Fire hydrants and public and private fire protection facilities shall be installed as required by the utility and if owned by the utility shall be subject to any conditions the Public Service Commission may impose, based upon the compensation received for this service.

AC. Requirements for New Water Connections.

1. The water line must be buried in a ditch that is at a minimum of 30 inches in depth.
2. The water line must be a minimum of 200 psi.
3. A shut-off valve must be installed on customer's side within 24 inches of the meter.

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PURSUANT TO 807 KAR 5.011,
SECTION 9(1)
BY: Stephen D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

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North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

4. A one-way check valve may be required as prescribed by the utility.
5. A pressure regulator may be required as prescribed by the utility.
6. There shall be absolutely no galvanized pipe or fittings used in the installation.
7. The water line must be visually inspected by the Kentucky State Plumbing inspector or by the utility.
8. If a well is being used, it must be disconnected and the utility must inspect to verify separation.

AD. Water Main Extensions.

1. Normal extension. An extension of fifty (50) feet or less shall be made by a utility to its existing distribution main without charge for a prospective customer who shall apply for and contract to use service for one (1) year or more.
2. Other extensions.
 - a) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than fifty (50) feet per applicant, the utility may require the total cost of the excessive footage over fifty (50) feet per applicant/customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.
 - b) When an extension of the utility's main to serve an applicant or group of applicants amounts to more than fifty (50) feet per applicant, the utility will require the applicant(s) to sign an agreement between the utility and the property owner (applicant/customer) that specifically define the responsibilities of each party with regards to the extension.

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(Signature of Officer)

TITLE Chairman

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PUBLIC SERVICE COMMISSION
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FEB 01 2002

PURSUANT TO 807 KAR 5011,
SECTION 9 (1)
BY: Stephen D. Bell
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

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SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

- c) Each customer who paid for service under such extension will be reimbursed under the following plan:

For a period of ten (10) years after construction of the extension, each additional customer whose service line is directly connected to the extension installed, and not to extensions or laterals therefrom, will be required to contribute to the cost of the extension based on a recomputation of both the utility's portion of the total cost and the amount contributed by the customers. The utility will refund to those customers that have previously contributed to the cost of the extension that amount necessary to reduce their contribution to the currently calculated amount for each customer connected to the extension. All customers directly connected to the extension for a ten- (10) year period after it is placed in service must contribute equally to the cost of construction of the extension. In addition, each customer must pay the approved tap-on fee applicable at the time of his/her application for the meter connection. The tap-on fee will not be considered part of the refundable cost of the extension and may be changed during the refund period. After the ten- (10) year refund period expires, any additional customer will be connected to the extension for the amount of the approved tap-on fee only.

3. An applicant desiring an extension to proposed real estate subdivision may be required to pay the entire cost of the extension. Each year, for a refund period of ten (10) years, the utility will refund to the applicant who paid for the extension a sum equal to the cost of fifty (50) feet of the extension installed for each new customer connected during the year whose service line is directly connected to the extension installed by the developer, and not to extensions or laterals therefrom. Total amount refunded will not exceed the amount paid to the utility. No refund will be made after the refund period ends.

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TITLE Chairman

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PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Stephan O. Burt
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 39

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

4. Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements if such arrangements have received the prior approval of the Public Service Commission.
5. Upon complaint to and investigation by the Public Service Commission a utility may be required to construct extensions greater than fifty (50) feet upon a finding by the Public Service Commission that such extension is reasonable and that an extension of fifty (50) feet or less is unreasonable under the circumstances.

AE. Extension Procedures for Developers and/or New Subdivisions.

1. Nothing contained herein shall be construed to prohibit the utility from contracting to make extensions under different arrangements if such arrangements have received the prior approval of the Public Service Commission.
2. An applicant desiring an extension to a real estate subdivision may be required to pay the entire cost of the extension subject to the approval of the District with respect to reasonableness of the cost. Under this plan, annually for a refund period of ten (10) years, the utility will refund to the applicant who paid for the extension a sum equal to the cost of fifty (50) feet of the extension installed for each new customer connected during the year whose service line is directly connected to the extension installed by the developer, and not to extensions or laterals therefrom. Total amount refunded will not exceed the amount paid to the utility. No refund will be made after the refund period ends.

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DATE EFFECTIVE February 04, 2002
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ISSUED BY B.W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

RULES AND REGULATIONS

SPECIFICATIONS FOR WATER MAIN EXTENSION

1. The developer shall obtain all required permits and approvals. It shall be the responsibility of the developer to contact all public utilities to verify the location of all underground facilities. All costs arising from applicable permits and any damages to public shall be borne by the developer.
2. The developer shall be responsible for all materials, workmanship, and backfill for a period of one (1) year from the date of final acceptance by the District.
3. If PVC piping is used, it must be NSF approved and manufactured in accordance with ASTM standards. PVC plastic pipe shall have rubber ring couplings, conform with the latest ASTM standards and shall be SDR-26 160 PSI minimum. Six (6) inch minimum pipe size will be required unless hydraulic analysis indicates the six (6) inch pipe is not feasible. The hydraulic analysis must be done by a registered engineer approved by the district. A request for a variation from the six- (6) inch requirement must be made in writing to the district and will be considered on a case by case basis. In no case will a pipe size less than four (4) inches be approved. All turns, bends, plugs, caps, and changes of direction shall be blocked with concrete against undisturbed soil. All fixtures such as elbows, tees, plus, etc. shall be mechanical joint type.
4. All dead end lines must be provided with a properly sized blow-off assembly, flush hydrant or fire hydrant (minimum 2-½ inch diameter outlet) for flushing purposes. Flush hydrants shall comply with the latest AWWA specs and shall be similar to Mueller A-24058, 3-inch inlet size. The minimum size of water main for providing fire protection and serving fire hydrants shall be six-inch diameter. Larger size mains will be required, if necessary, to allow the withdrawal of the required fire flow while maintaining the minimum residual pressure. Hydrants on lines less than six inches in diameter or served by other lines less than six-inches in diameter shall be for flushing purposes only.

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ISSUED BY Bennie W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 10 2003

PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

BY Charles L. Dean
EXECUTIVE DIRECTOR



FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 38

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North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

- c) Each customer who paid for service under such extension will be reimbursed under the following plan:

For a period of ten (10) years after construction of the extension, each additional customer whose service line is directly connected to the extension installed, and not to extensions or laterals therefrom, will be required to contribute to the cost of the extension based on a recomputation of both the utility's portion of the total cost and the amount contributed by the customers. The utility will refund to those customers that have previously contributed to the cost of the extension that amount necessary to reduce their contribution to the currently calculated amount for each customer connected to the extension. All customers directly connected to the extension for a ten- (10) year period after it is placed in service must contribute equally to the cost of construction of the extension. In addition, each customer must pay the approved tap-on fee applicable at the time of his/her application for the meter connection. The tap-on fee will not be considered part of the refundable cost of the extension and may be changed during the refund period. After the ten- (10) year refund period expires, any additional customer will be connected to the extension for the amount of the approved tap-on fee only.

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OF KENTUCKY
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FEB 01 2002

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: Stephan D. Burt
SECRETARY OF THE COMMISSION

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

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CANCELLING P.S.C. KY. NO. _____

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North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

4. Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements if such arrangements have received the prior approval of the Public Service Commission.
5. Upon complaint to and investigation by the Public Service Commission a utility may be required to construct extensions greater than fifty (50) feet upon a finding by the Public Service Commission that such extension is reasonable and that an extension of fifty (50) feet or less is unreasonable under the circumstances.

AE. Extension Procedures for Developers and/or New Subdivisions.

1. Nothing contained herein shall be construed to prohibit the utility from contracting to make extensions under different arrangements if such arrangements have received the prior approval of the Public Service Commission.
2. An applicant desiring an extension to a real estate subdivision may be required to pay the entire cost of the extension subject to the approval of the District with respect to reasonableness of the cost. Under this plan, annually for a refund period of ten (10) years, the utility will refund to the applicant who paid for the extension a sum equal to the cost of fifty (50) feet of the extension installed for each new customer connected during the year whose service line is directly connected to the extension installed by the developer, and not to extensions or laterals therefrom. Total amount refunded will not exceed the amount paid to the utility. No refund will be made after the refund period ends.

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ISSUED BY B.W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. 4

Original SHEET NO. 40

CANCELLING P.S.C. KY. NO. _____

_____ SHEET NO. _____

North Marshall Water District
(Name of Utility)

RULES AND REGULATIONS

3. The utility may also, upon Public Service Commission approval, contract privately with owners and/or developers of subdivisions for the installation of water service for the subject subdivision. The owners/developers, pursuant to these contracts, extend mains and install water service at their expense. The utility would not accept nor receive any contribution, cost reimbursement, or deposit from any customer (lot owner) in this circumstance and as contemplated by 807 KAR 5:066 Section 11 (2)(a), and therefore, 807 KAR 5:066 Section 11 (2)(b) (1) or (2) or (3) would not apply to the utility with regard to newly-developed subdivisions.
4. The utility may elect to install the extension using the resources that can perform the installation more economically than the owner/developer. The utility has the sole right to make this determination and the owner developer will be responsible for the total cost of the extension.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

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PURSUANT TO 807 KAR 5:011,
SECTION 9(1)

BY: Stephan D. Bell
SECRETARY OF THE COMMISSION

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Community, Town or City

P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

RULES AND REGULATIONS

SPECIFICATIONS FOR WATER MAIN EXTENSION

1. The developer shall obtain all required permits and approvals. It shall be the responsibility of the developer to contact all public utilities to verify the location of all underground facilities. All costs arising from applicable permits and any damages to public shall be borne by the developer.
2. The developer shall be responsible for all materials, workmanship, and backfill for a period of one (1) year from the date of final acceptance by the District.
3. If PVC piping is used, it must be NSF approved and manufactured in accordance with ASTM standards. PVC plastic pipe shall have rubber ring couplings, conform with the latest ASTM standards and shall be SDR-26 160 PSI minimum. Six (6) inch minimum pipe size will be required unless hydraulic analysis indicates the six (6) inch pipe is not feasible. The hydraulic analysis must be done by a registered engineer approved by the district. A request for a variation from the six- (6) inch requirement must be made in writing to the district and will be considered on a case by case basis. In no case will a pipe size less than four (4) inches be approved. All turns, bends, plugs, caps, and changes of direction shall be blocked with concrete against undisturbed soil. All fixtures such as elbows, tees, plus, etc. shall be mechanical joint type.
4. All dead end lines must be provided with a properly sized blow-off assembly, flush hydrant or fire hydrant (minimum 2-½ inch diameter outlet) for flushing purposes. Flush hydrants shall comply with the latest AWWA specs and shall be similar to Mueller A-24058, 3-inch inlet size. The minimum size of water main for providing fire protection and serving fire hydrants shall be six-inch diameter. Larger size mains will be required, if necessary, to allow the withdrawal of the required fire flow while maintaining the minimum residual pressure. Hydrants on lines less than six inches in diameter or served by other lines less than six-inches in diameter shall be for flushing purposes only.

DATE OF ISSUE _____
Month / Date / Year

DATE EFFECTIVE _____
Month / Date / Year

ISSUED BY Bennie W Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 10 2003

PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

BY Charles E. Dyer
EXECUTIVE DIRECTOR

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

RULES AND REGULATIONS

5. Drainage shall be provided at the base of the flush hydrants by placing coarse gravel or crushed stone mixed with coarse sand from the bottom of the trench to at least six-inches above the waste openings of the hydrant to a distance of one foot around the elbow. A concrete kicker block shall be poured at the hydrant.
6. Continuous tracer wire of #12 AWG stranded copper shall be laid with the main at the same depth.
7. A minimum pressure of 30 psi must be available on the discharge side of all meters.
8. Trenches shall be open cut and pipe must be buried to a minimum depth of 42 inches to the top of the installed pipe.
9. Water mains shall be laid at least 10 feet horizontally from any existing or proposed sewer. A sewer is defined as any conduit conveying fluids other than potable water. The distance shall be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division of Water may allow deviation on a case-by-case basis, if supported by data from the design engineer. Such deviation may allow installation of the water main closer to a sewer, provided that the water main is laid in a separate trench or on an undisturbed shelf located on one side of the sewer at such an elevation that the bottom of the water main is at least 18-inches above the top of the sewer. This deviation will not be allowed for force mains.

Water mains crossing sewers shall be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer. This shall be the case where the water main is either above or below the sewer. At crossings, one full length of the water pipe shall be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required.

DATE OF ISSUE _____
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DATE EFFECTIVE _____
Month / Date / Year

ISSUED BY Bennie W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 19 2003

PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

BY Charles W. Dorn
EXECUTIVE DIRECTOR

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. _____

_____ SHEET NO. _____

North Marshall Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

10. Hydrants shall be set plumb and connected to the main with a cast iron tee of the same size as the main to which it is being connected. Drainage shall be provided at the base of the hydrant by gravel or crushed stone from the bottom of the trench to at least six inches above the waste openings of the hydrants and to a distance of one foot around the elbow. A concrete kicker shall be poured at each hydrant.
11. Excavations will be completely backfilled with the excavated material and seeded.
12. After water has been placed in the lines, any breaks or leaks that occur shall be repaired with new joints of pipe only at no cost to the district. No repair clamps shall be used on this project.
13. After pipe has been laid it shall be subjected to a full pressure and leak test by the water district representative.
14. Upon completion of construction, disinfection shall be strictly in accordance with the procedure designated in the State Regulations, which read as follows:

"A water distribution system, including storage distribution tanks, repaired portions of existing systems or all extensions to existing systems, shall be thoroughly disinfected before being placed into service. A water distribution system shall disinfect with chlorine or chlorine compounds, in amounts as to produce a concentration of at least fifty (50) PPM and a residual of at least twenty-five PPM at the end of the twenty-four (24) hours and the disinfection shall be followed by a thorough flushing."

DATE OF ISSUE _____
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DATE EFFECTIVE _____
Month / Date / Year

ISSUED BY Bernie W Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 19 2003

PURSUANT TO 807 KAR 5.011
SECTION 9 (1)

BY Charles L. Dorn
EXECUTIVE DIRECTOR

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

RULES AND REGULATIONS

15. An alternate acceptable method for storage tank disinfection is as follows:
- Fill tank with enough water (containing a free chlorine concentration of at least 250mg/l) to spray all inside tank surfaces with the chlorinated water. Repeat the spraying again at no less than 1.0 hour from the end of the first spraying. Drain the tank no less than 30 minutes from the end of second spraying before filling for use.
16. The interior coating system for the proposed storage tank must be of a type approved by the Division of Water for use in contact with potable water.
17. The overflow and the main drain for the proposed tank must extend 10 feet from the base of the tank and discharge into a 2-ft. X 2-ft. X 2 ft. crushed stone pit or onto a splash pad. The outlet must be equipped with a non-corrodible screen installed within the pipe at a location least susceptible to damage by vandalism.
18. A minimum free chlorine residual of 0.2 PPM must be maintained throughout the distribution system. If this residual cannot be maintained, booster chlorination facilities must be provided. If chlorination is used, a minimum combined residual of 0.5 PPM must be maintained throughout the distribution system.
19. At high points in water mains where air can accumulate, provisions shall be made to remove the air by means of hydrants or air relief valves. Automatic air relief valves shall not be used in situations where flooding of the manhole or chamber may occur.
20. The ground level storage tanks and standpipes shall be equipped with separate inlet-outlet pipes installed on opposite sides of the tank. A check valve shall be installed in the outlet pipe to insure the water turnover. The inlet pipe shall be installed near the overflow elevation without interference with the overflow discharge.

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ISSUED BY Bennie W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 19 2003

PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

BY Charles L. Dorn
EXECUTIVE DIRECTOR

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. _____

_____ SHEET NO. _____

North Marshall Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

21. The storage tank vent shall be screened to prevent the ingress of birds, animals and insects and shall be of a design to prevent freezing that may restrict the airflow.
22. Water lines within a 200-foot radius of oil or gasoline lines, underground storage tanks, petroleum storage tanks or pumping stations shall be constructed of ductile iron pipe. Pipe joint materials that are resistant to permeation of the petroleum products shall be used within the 200-foot radius.
23. During the process of tapping the asbestos concrete main, the contractor shall conform to OSHA regulations governing the handling of hazardous waste.
24. Pieces of asbestos concrete resulting from the tap shall be double bagged, placed in a rigid container and disposed of in an approved landfill.
25. The chlorine storage room shall be provided with separate switches for the fan and lights located outside. The ventilating fan is to be installed near flow level, with a capacity of one complete air change per minute. Panic hardware shall also be provided on chlorine room doors.
26. For underwater crossing greater than 15 feet in width the following shall be provided:
 - a. The pipe shall be of special construction, having flexible water tight joints, except if concrete encased;
 - b. Valves shall be provided at both ends of water crossings so that the section can be isolated for testing or repair; the valves shall be easily accessible, and not subject to flooding; and the valve closest to the supply source shall be in a manhole; and,
 - c. Permanent taps shall be made on each side of the valve within the manhole to allow insertion of a small meter to determine leakage and for sampling purposes.

DATE OF ISSUE _____
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DATE EFFECTIVE _____
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ISSUED BY Bennett W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 19 2003

PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

BY Thomas G. Dineen
EXECUTIVE DIRECTOR

FOR Benton, Kentucky
Community, Town or City

P.S.C. KY. NO. _____

SHEET NO. _____

North Marshall Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

SHEET NO. _____

RULES AND REGULATIONS

- d. Upon completion of this project, the developer shall submit "as built plans" and a written certification to the District and the water supply facilities have been constructed and tested on accordance with the approved plans and specification and the above stipulations. Such certification shall be signed by a registered professional engineer.

DATE OF ISSUE _____
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DATE EFFECTIVE _____
Month / Date / Year

ISSUED BY Bennie W. Darnell
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION.
IN CASE NO. _____ DATED _____

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

SEP 19 2003

PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

BY Charles H. Dyer
EXECUTIVE DIRECTOR

ATTACHMENT
B

PROPOSED NEW CONTACT DRAFT

NORTH MARSHALL WATER DISTRICT WATER MAIN EXTENSION CONTRACT FOR SUBDIVISION DEVELOPMENT

This contract is entered into by and between the **NORTH MARSHALL WATER DISTRICT** and _____ Developer(s) for the purpose of extending a water main into a subdivision at the following location:

In the following covenants and agreements set forth, both parties do agree and bind themselves as follows:

The Developer is required to confirm that the District has the capacity required for _____ linear feet of a _____ inch water main and appurtenances prior to State Division of Water approval. All approved design prints and any documents pertaining to this extension shall be signed by the District's approved representative. In all cases, the design shall be at least equal to the standards established by good engineering practices and the District's specifications.

It is further agreed that the total cost of the water main extension shall be the responsibility of the Developer and installed by _____ as approved by the District at a total cost of _____.

The District hereby agrees to refund the Developer a sum equal to 50 feet of the extension installed for each new customer connected during the year whose service line is directly connected to the extension installed by the Developer and not to extensions or laterals therefrom. Total amount refunded shall not exceed the amount paid for the original extension. The refund shall be figured as follows:

The total cost of the original extension will be divided by the total footage to arrive at a cost per foot. The District will be obligated to pay 50 feet multiplied by the cost per foot for each customer. These refunds will continue for a period of 10 years.

It is hereby agreed that the Developer will guarantee the performance and maintenance of the water main for a period of one year after the acceptance date by the District. Upon completion of this project, the Developer shall submit "as built plans" and a written certification to the District and the Division of Water that the above referenced water supply facilities have been constructed and tested in accordance with the approved plans and specifications and the above stipulations. Such certification shall be signed by a registered professional engineer.

This approval has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this approval does not relieve the applicant from the responsibility of obtaining any other approvals, permits, or licenses required by this Cabinet and other state, federal and local agencies.

The Developer shall repair all leaks within 24 hours or the District will have the necessary repairs performed and bill the Developer. If a major leak occurs, the District shall repair it immediately to conserve water and prevent property damage. The Developer shall be billed for such repairs.

This contract is binding upon the District by and through the District Commissioners of North Marshall Water District. This contract binds upon the Developer, their heirs and assigns.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 01 2002

PURSUANT TO 807 KAR 5011,
SECTION 9 (1)

BY: Stephan Bue
SECRETARY OF THE COMMISSION

BY: 5

Customer History Report
 Select Customer By: Account Range: From 102480 To 102480
 Status: All Accounts
 Transaction Types:

Date	Type	Cls	Amount	Paid	Reference	Usage	Balance
Account: 102480 KY DAM VILLAGE STATE							
Location: 06-95300 COMPOUND/TURBO MTRS							
10/20/99	WATER	WAT	6,302.39	6,302.39	54387400-57619500 M8/	3232100	6,302.39
10/20/99	UTILITY TAX	TXU	126.05	126.05			6,428.44
10/21/99	WATER	WAT	8,581.04	8,581.04	57619500-62423400 M8/	4368500	15,009.48
10/21/99	UTILITY TAX	TXU	171.62	171.62			15,181.10
10/21/99	ADJUSTMENT	ADJ	-6,428.44		DATA COV ERROR		8,752.66
11/08/99	PAYMENT	CHK	-8,752.66				0.00
12/23/99	WATER	WAT	9,408.18	9,408.18	62423400-62727900 M12	4799300	9,408.18
12/23/99	UTILITY TAX	TXU	188.16	188.16			9,596.34
01/06/00	PAYMENT	CHK	-9,596.34				0.00
01/24/00	WATER	WAT	3,901.62	3,901.62	62727900-62790800 M2/	1931300	3,901.62
01/24/00	UTILITY TAX	TXU	78.03	78.03			3,979.65
03/04/00	PAYMENT	CHK	-3,979.65				0.00
04/21/00	WATER	WAT	6,802.93	6,802.93	62790800-62978100 M4/	3442400	6,802.93
04/21/00	UTILITY TAX	TXU	136.06	136.06			6,938.99
05/03/00	PAYMENT	CHK	-6,938.99				0.00
06/22/00	WATER	WAT	9,736.69	9,736.69	62978100-63212300 M6/	4970400	9,736.69
06/22/00	UTILITY TAX	TXU	194.73	194.73			9,931.42
07/10/00	PAYMENT	CHK	-9,931.42				0.00
07/10/00	PAYMENT	OPK	-1,019.77				-1,019.77
08/16/00	WATER	WAT	13,911.92	13,911.92	63212300-63506500 M8/	7145000	12,892.15
08/16/00	UTILITY TAX	TXU	278.24	278.24			13,170.39
09/12/00	PAYMENT	CHK	-13,170.39				0.00
10/17/00	WATER	WAT	12,889.90	12,889.90	63506500-63746100 M10	6612700	12,889.90
10/17/00	UTILITY TAX	TXU	257.80	257.80			13,147.70
10/31/00	PAYMENT	CHK	-13,147.70				0.00
12/20/00	WATER	WAT	5,193.39	5,193.39	63746100-63914900 M12	2604100	5,193.39
12/20/00	UTILITY TAX	TXU	103.87	103.87			5,297.26
01/08/01	PAYMENT	CHK	-5,297.26				0.00
02/15/01	WATER	WAT	8,933.94	8,933.94	63914900-64200900 M2/	4552300	8,933.94
02/15/01	UTILITY TAX	TXU	178.68	178.68			9,112.62
02/28/01	PAYMENT	CHK	-9,112.62				0.00
04/17/01	WATER	WAT	5,796.85	5,796.85	64200900-64417100 M4/	2918400	5,796.85
04/17/01	UTILITY TAX	TXU	115.94	115.94			5,912.79
05/03/01	PAYMENT	CHK	-5,912.79				0.00
06/20/01	WATER	WAT	23,157.87	23,157.87	64417100-64770600 M6/	11960600	23,157.87
06/20/01	UTILITY TAX	TXU	463.16	463.16			23,621.03
06/27/01	ADJUSTMENT	COM	-11,838.72		METER MISREAD		11,782.31
06/27/01	ADJUSTMENT	TXU	-236.77		METER MISREAD		11,545.54
07/05/01	PAYMENT	CHK	-11,545.54				0.00



BY: 5

Customer History Report
 Select Customer By: Account Range: From 102480 To 102480
 Status: All Accounts
 Transaction Types:

Date	Type	Cls	Amount	Paid	Reference	Usage	Balance
Account: 102480 KY DAM VILLAGE STATE							
Location: 06-95300 COMPOUND/TURBO MTRS							
08/16/01	WATER	WAT	11,308.40	11,308.40	64770600-69774700 M8/	5789000	11,308.40
08/16/01	UTILITY TAX	TXU	226.17	226.17			11,534.57
08/30/01	PAYMENT	CHK	-11,534.57				0.00
10/10/01	WATER	WAT	8,884.78	8,884.78	69774700-77399700 M10	4526700	8,884.78
10/10/01	UTILITY TAX	TXU	177.70	177.70			9,062.48
10/29/01	PAYMENT	CHK	-9,062.48				0.00
12/19/01	WATER	WAT	6,947.31	6,947.31	77399700-85611800 M12	3517600	6,947.31
12/19/01	UTILITY TAX	TXU	138.95	138.95			7,086.26
12/26/01	PAYMENT	CHK	-7,086.26				0.00
02/19/02	WATER	WAT	6,663.15	6,663.15	85611800-92247800 M2/	3369600	6,663.15
02/19/02	UTILITY TAX	TXU	199.89	199.89			6,863.04
02/28/02	PAYMENT	CHK	-6,863.04				0.00
04/16/02	WATER	WAT	7,945.71	7,945.71	92247800-96915700 M4/	4037600	7,945.71
04/16/02	UTILITY TAX	TXU	238.37	238.37			8,184.08
04/29/02	PAYMENT	CHK	-8,184.08				0.00
06/21/02	WATER	WAT	9,782.38	9,782.38	96915700-102595600 M6	4994200	9,782.38
06/21/02	UTILITY TAX	TXU	293.47	293.47			10,075.85
07/03/02	PAYMENT	CHK	-10,075.85				0.00
08/19/02	WATER	WAT	12,504.56	12,504.56	102595600-108814800 M	6412000	12,504.56
08/19/02	UTILITY TAX	TXU	375.14	375.14			12,879.70
09/03/02	PAYMENT	CHK	-12,879.70				0.00
10/23/02	WATER	WAT	15,127.28	15,127.28	8814800-16902500 M10/	7778000	15,127.28
10/23/02	UTILITY TAX	TXU	453.82	453.82			15,581.10
11/11/02	PAYMENT	CHK	-15,581.10				0.00
12/23/02	WATER	WAT	9,804.08	9,804.08	16902500-17050800 M12	5005500	9,804.08
12/23/02	UTILITY TAX	TXU	294.12	294.12			10,098.20
01/15/03	PAYMENT	CHK	-10,098.20				0.00
02/17/03	WATER	WAT	8,516.14	8,516.14	17050800-17149300 M12	4334700	8,516.14
02/17/03	UTILITY TAX	TXU	255.48	255.48			8,771.62
03/04/03	PAYMENT	CHK	-8,771.62				0.00
04/16/03	WATER	WAT	16,542.13	16,542.13	17149300-17322200 M4/	8514900	16,542.13
04/16/03	UTILITY TAX	TXU	496.26	496.26			17,038.39
04/30/03	ADJUSTMENT	WLK	-3,427.57		LEAK ADJUST		13,610.82
04/30/03	ADJUSTMENT	TXU	-100.82				13,510.00
05/06/03	PAYMENT	CHK	-12,427.26				1,082.74
05/13/03	ADJUSTMENT	LTF	58.65	58.65	LATE CHARGE		1,141.39
05/14/03	PAYMENT	CHK	-1,080.74				60.65
06/18/03	WATER	WAT	2,403.82	2,403.82	17322200-17544800 M6/	1151200	2,464.47
06/18/03	UTILITY TAX	TXU	72.11	72.11			2,536.58
07/03/03	PAYMENT	CHK	-2,475.93				60.65



BY: 5

Customer History Report
 Select Customer By: Account Range: From 102480 To 102480
 Status: All Accounts
 Transaction Types:

Date	Type	Cls	Amount	Paid	Reference	Usage	Balance
Account: 102480 KY DAM VILLAGE STATE							
Location: 06-95300 COMPOUND/TURBO MTRS							
08/08/03	PAYMENT	CHK	-60.65				0.00
08/08/03	PAYMENT	OPK	-240.38				-240.38
08/18/03	WATER	WAT	13,569.01	13,569.01	17544800-17800800 M8/	6966400	13,328.63
08/18/03	UTILITY TAX	TXU	407.07	407.07			13,735.70
08/29/03	PAYMENT	CHK	-13,735.70				0.00
10/14/03	WATER	WAT	27,262.64	27,262.64	17800800-26465000 M10	14098500	27,262.64
10/14/03	UTILITY TAX	TXU	817.88	817.88			28,080.52
11/06/03	ADJUSTMENT	CNT	-9,137.28		ERROR IN BILL		18,943.24
11/06/03	ADJUSTMENT	TXU	-274.12				18,669.12
11/13/03	ADJUSTMENT	LTF	1,785.12	1,785.12	LATE CHARGE		20,454.24
11/14/03	ADJUSTMENT	LTF	-1,785.12		NO PENALTY		18,669.12
11/17/03	PAYMENT	CSH	-18,669.12				0.00
12/18/03	WATER	WAT	7,701.10	7,701.10	26465000-31796000 M12	3910200	7,701.10
12/18/03	UTILITY TAX	TXU	231.03	231.03			7,932.13
01/09/04	PAYMENT	CHK	-7,932.13				0.00
02/20/04	WATER	WAT	6,665.26	6,665.26	31796000-36202700 M2/	3370700	6,665.26
02/20/04	UTILITY TAX	TXU	199.96	199.96			6,865.22
03/08/04	PAYMENT	CHK	-6,865.22				0.00
04/22/04	WATER	WAT	5,246.19	5,246.19	36202700-39600000 M4/	2631600	5,246.19
04/22/04	UTILITY TAX	TXU	157.39	157.39			5,403.58
05/04/04	PAYMENT	CHK	-5,403.58				0.00
06/17/04	WATER	WAT	11,810.58	11,810.58	39600000-47809000 M6/	5267600	11,810.58
06/17/04	UTILITY TAX	TXU	354.32	354.32			12,164.90
07/02/04	PAYMENT	CHK	-12,164.90				0.00
08/18/04	WATER	WAT	20,141.76	20,141.76	47809000-56797600 M8/	9054500	20,141.76
08/18/04	UTILITY TAX	TXU	604.25	604.25			20,746.01
08/30/04	PAYMENT	CHK	-20,746.01				0.00
10/20/04	WATER	WAT	21,485.96	21,485.96	56797600-66316300 M10	9665500	21,485.96
10/20/04	UTILITY TAX	TXU	644.58	644.58			22,130.54
10/29/04	PAYMENT	CSH	-22,130.54				0.00
12/20/04	WATER	WAT	11,463.42	11,463.42	66316300-71180300 M12	5109800	11,463.42
12/20/04	UTILITY TAX	TXU	343.90	343.90			11,807.32
01/04/05	PAYMENT	CHK	-11,807.32				0.00
02/17/05	WATER	WAT	7,345.24	7,345.24	71180300-76172000 M2/	3237900	7,345.24
02/17/05	UTILITY TAX	TXU	220.36	220.36			7,565.60
03/08/05	PAYMENT	CHK	-7,565.60				0.00
04/18/05	WATER	WAT	7,570.30	7,570.30	76172000-81675100 M4/	3340200	7,570.30
04/18/05	UTILITY TAX	TXU	227.11	227.11			7,797.41
05/03/05	PAYMENT	CHK	-7,797.41				0.00
06/20/05	WATER	WAT	7,920.98	7,920.98	81675100-87317400 M6/	3499600	7,920.98



BY: 5

Customer History Report
 Select Customer By: Account Range: From 102480 To 102480
 Status: All Accounts
 Transaction Types:

Date	Type	Cls	Amount	Paid	Reference	Usage	Balance
Account: 102480 KY DAM VILLAGE STATE Location: 06-95300 COMPOUND/TURBO MTRS							
06/20/05	UTILITY TAX	TXU	237.63	237.63			8,158.61
07/06/05	PAYMENT	CHK	-8,158.61				0.00
08/22/05	WATER	WAT	12,160.16	12,160.16	87317400-95038300 M8/	5426500	12,160.16
08/22/05	UTILITY TAX	TXU	364.80	364.80			12,524.96
09/06/05	PAYMENT	CHK	-12,524.96				0.00
10/20/05	WATER	WAT	10,126.70	10,126.70	95038300-101857000 M1	4502200	10,126.70
10/20/05	UTILITY TAX	TXU	303.80	303.80			10,430.50
11/01/05	PAYMENT	CHK	-10,430.50				0.00
12/21/05	WATER	WAT	30,148.68	30,148.68	101857000-116151300 M	13603100	30,148.68
12/21/05	UTILITY TAX	TXU	904.46	904.46			31,053.14
01/11/06	ADJUSTMENT	WLK	-11,053.44		LEAK ADJUST		19,999.70
01/11/06	ADJUSTMENT	TXU	-345.10				19,654.60
01/12/06	ADJUSTMENT	WLK	-450.00		TRANSPosed #S		19,204.60
01/12/06	PAYMENT	CHK	-19,204.60				0.00
02/17/06	WATER	WAT	8,426.98	8,426.98	106233200-111154300 M	3729600	8,426.98
02/17/06	UTILITY TAX	TXU	252.81	252.81			8,679.79
03/03/06	PAYMENT	CHK	-8,679.79				0.00
04/21/06	WATER	WAT	9,445.80	9,445.80	11154300-16017800 M4/	4192700	9,445.80
04/21/06	UTILITY TAX	TXU	283.37	283.37			9,729.17
05/15/06	ADJUSTMENT	LTF	944.58	944.58	LATE CHARGE		10,673.75
05/16/06	PAYMENT	CHK	-9,729.17				944.58
06/22/06	WATER	WAT	14,673.88	14,169.52	16017800-17977600 M6/	6569100	15,618.46
06/22/06	UTILITY TAX	TXU	440.22				16,058.68
07/13/06	ADJUSTMENT	LTF	1,467.39		LATE CHARGE		17,526.07
07/24/06	PAYMENT	CHK	-15,114.10				2,411.97
ENDING BAL							2,411.97

* Denotes an unposted transaction.

<< End of Customer History Report: 4 Page(s) >>

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Case 1