SOUTHEAST DAVIESS COUNTY

WATER DISTRICT

P.S.C. KY NO. 2004-00495

CANCELLING P.S.C. KY NO. _____

SOUTHEAST DAVIESS COUNTY WATER DISTRICT

OF

3400 BITTEL ROAD

OWENSBORO, KENTUCKY, 42301

RATES & CHARGES

AND

RULES AND REGULATIONS

FOR FURNISHING

WATER SERVICE

AT

SOUTHEAST DAVIESS COUNTY
KENTUCKY

FILED WITH THE

PUBLIC SERVICE COMMISSION

OF

KENTUCKY

DATE OF ISSUE July 27, 2005
Month / Date / Year

DATE EFFECTIVE July 27, 2005
Month / Date / Year

ISSUED BY Jasper T. Elliott
(Signature of Officer)

TITLE Board Chairman

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
7/27/2005
PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

By _____
Executive Director

FOR Southeast Daviess County, Kentucky
Community, Town or City

P.S.C. KY. NO. 1

SHEET NO. 1

Southeast Daviess County Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO.

SHEET NO.

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TITLE Board Chairman

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

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JUN 01 2002

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

FOR Southeast Daviess County, Kentucky
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P.S.C. KY. NO. 1

Sheet NO. 1

Southeast Daviess County Water District
(Name of Utility)

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Sheet NO. 1

RATES AND CHARGES

A. MONTHLY RATES:

Non Users	$ 5.34	
First 2,000 Gallons	7.36	Minimum Bill
Next 8,000 Gallons	2.17	Per 1,000 Gallons
Next 10,000 Gallons	2.06	Per 1,000 Gallons
Next 20,000 Gallons	1.95	Per 1,000 Gallons
Over 40,000 Gallons	1.86	Per 1,000 Gallons

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TITLE Chairman

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By _____
Executive Director

FOR Southeast Daviess County
Community, Town or City

P.S.C. KY. NO. 1

1st Revised SHEET NO. 2

Southeast Daviess County Water District
(Name of Utility)

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RATES AND CHARGES

B. DEPOSITS:

Residential	$35.00
Commercial	2/12 of the average annual bill

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TITLE Board Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. 2002-00126 DATED July 2, 2002

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

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

BY Thomas M. Dorman
EXECUTIVE DIRECTOR

FOR neast Daviess County
Community, Town or City

P.S.C. KY. NO. 1

1st Revised SHEET NO. 3

Southeast Daviess County Water District
(Name of Utility)

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RATES AND CHARGES

C. METER CONNECTION/TAP-ON CHARGES:

5/8 Inch X 3/4 Inch	$490.00
1 Inch	650.00
1 1/2 Inch	1,455.00
2 Inch	1,730.00
All Larger Meters	Actual Cost

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P.S.C. KY. NO. 1

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Southeast Daviess County Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO.

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RATES AND CHARGES

D. SPECIAL NON-RECURRING CHARGES:

Disconnection of Delinquent Accounts Charge	20.00
Late Payment Penalty	10%
Meter Test Charge	10.00
Re-connection Charge	20.00
Re-connection Charge (After Hours)	80.00
Service Order Charge	35.00
Service Order Charge (After Hours)	80.00

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BY Stephen Bell
SECRETARY OF THE COMMISSION

FOR Southeast Daviess County, Kentucky
Community, Town or City

P.S.C. KY. NO. 1

Sheet NO. 5

Southeast Daviess County Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO. 1

Sheet NO. 5

RATES AND CHARGES

E. PURCHASED WATER RATES:

	Rate
Owensboro Municipal Utilities	$ 1.360 per 1,000 Gallons

F. WHOLESALE WATER RATES:

	Rate
City of Whitesville	$ 1.61 per 1,000 Gallons
East Daviess County Water Association	$ 1.61 per 1,000 Gallons

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Executive Director

FOR neast Daviess County
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P.S.C. KY. NO. 1

1st Revised SHEET NO. 6

Southeast Daviess County Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO.

SHEET NO.

RATES AND CHARGES

G. FIRE SPRINKLER SYSTEM RATES:

Meter Size	Monthly Charge
2 Inch Meter	$12.00
4 Inch Meter	$24.00
6 Inch Meter	$34.00
8 Inch Meter	$45.00
10 Inch Meter	$55.00
12 Inch Meter	$75.00

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TITLE Board Chairman

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FOR Southeast Daviess County, Kentucky
Community, Town, or City

P.S.C. KY NO. 2004-00495

SHEET NO. 6.1

CANCELLING P.S.C. KY NO. _____

SHEET NO. _____

Southeast Daviess County Water District
(Name of Utility)

PHILPOT PUMP STATION SURCHARGE
A surcharge in the amount of $ .26 per 1,000 gallons sold to all customers for a period not to exceed 24 months or until $ 273,996.00 is collected.

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TITLE Board Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. 2004-00495 DATED July 27, 2005

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
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SECTION 9 (1)

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Executive Director

FOR Southeast Daviess County, Kentucky
Community, Town or City

P.S.C. KY. NO. 1

1st Revised SHEET NO. 7

CANCELLING P.S.C. KY. NO.

SHEET NO.

Southeast Daviess County Water District
(Name of Utility)

RULES AND REGULATIONS

1. These rules and regulations are in addition to the rules of the Kentucky Public Services Commission, hereinafter referred to as the "Commission".

2. Any resident of the SOUTHEAST DAVIESS COUNTY WATER DISTRICT is eligible for water service from the District. The applicant shall be responsible for the cost of any main line extension in excess of 50 feet which is required to provide the requested service.

3. 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 or tariff provisions. The customer shall not be responsible for charges for service beyond the three (3) day notice period if the customer provides reasonable access to the meter during the notice period. If the customer notifies the utility of his request for termination by telephone, the burden of proof is on the customer to prove that service termination was requested if a dispute arises.

4. All applications for service, where the extension required for service does not exceed 50 feet, shall be accompanied by a meter connection charge.

5. Extension of service. (1) Normal Extension. An extension of fifty (50) feet or less shall be made by the District 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 and provides a guarantee for such service. (2) Other Extensions: (a) When an extension of the District's main to serve an applicant or group of applicants to more than fifty (50) feet per applicant, the District may, if not inconsistent with its filed tariff, require the total cost of the excessive footage over fifty (50) feet per customer to be deposited with the District by the applicant or applicants, based on the average estimated cost per foot of the total extension. (b) Each customer receiving service under such extensions will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for

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

Southeast Daviess County Water District
(Name of Utility)

RULES AND REGULATIONS

the purpose of this rule shall be the refund period, the District shall refund, to the customer or customers who paid for the excessive footage the cost of fifty (50) feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the District. After the end of the refund period, no refund will be required to be made. (3) An applicant desiring an extension to a proposed real estate subdivision will be required to waive the refund associated with the fifty (50) foot extension policy. In lieu of this refund the developer will not be charged for the testing and other expenses associated with establishing service to the subdivision. (4) Nothing contained herein shall be construed as to prohibit the District from making extensions under different arrangements that have been approved by the Commission. (5) Nothing contained herein shall be construed as to prohibit the District making at its expense greater extensions than herein prescribed, should its judgement so dictate, provided like free extensions are made to other customers under similar conditions. (6) Upon complaint to and investigation by the Commission, the District may be required to construct extensions greater than fifty (50) feet upon a finding by the Commission that such extension is reasonable 807 KAR 5:066, Section 11(6).

6. Where the customer's property is not contiguous to the main water line right-of-way, as in the case of being down a lane therefrom, the point of service shall be located as near the customer's property line as practicable. Prior to installation of the meter, the utility shall consult with the customer as to the most practical location.

FOR heast Daviess County, Kentucky
Community, Town or City

P.S.C. KY. NO. 1

1st Revised SHEET NO. 9

Southeast Daviess County Water District
(Name of Utility)

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RULES AND REGULATIONS

7. All meters, service connections and other equipment shall be and remain the property of the District. Customers shall provide a space for, and exercise proper care to protect the property of the District on its premises, and in the event of loss or damage to the District's property arising from the neglect of the customer to care for same, the cost of necessary repairs or replacement shall be paid by the customer.

8. The point of delivery of water is the point where the meter is located. All water lines, plumbing and equipment beyond the meter shall be maintained by the customer.

9. The District may require from any customer or applicant for service a minimum cash deposit or other guarantee to secure payment of bills of an amount not to exceed 2/12's of the estimated annual bill of the customer or applicant where the bills are rendered monthly or an amount not to exceed 3/12's of an estimated annual bill of such customer or applicant where bills are rendered bimonthly or an amount not to exceed 4/12's of the estimated annual bill of such customer or applicant where bills are rendered quarterly. (2) The District shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of the initial premises occupied, date and amount of the deposit.

10. If a deposit is held longer than eighteen (18) months, the deposit will be recalculated at the customer's request based on the customer's actual usage. If he deposit on the account differs from the recalculated amount by more than $10.00 for a residential customer of 10 percent for a nonresidential customer, the District may collect any underpayment and shall refund any overpayment by check or credit to the customer's bill. No refund shall be made if the customer's bill is delinquent at the time of the recalculation.

11. Interest on deposits will be paid annually either by refund or credit to the customer's bill, except that no refund or credit will be made if the customer's bill is delinquent on the anniversary date of the deposit.

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FOR Southeast Daviess County, Kentucky
Community, Town or City

P.S.C. KY. NO. 1

1st Revised SHEET NO. 10

Southeast Daviess County Water District
(Name of Utility)

CANCELLING P.S.C. KY. NO.

SHEET NO.

RULES AND REGULATIONS

12. Upon termination of service, the deposit, any principal amounts, and any interest earned and owing will be credited to the final bill with any remainder refunded to the customer.
13. Meters will be read and bills rendered monthly.
14. All bills are payable at any branch of the National City Bank, Owensboro, Kentucky; any branch of South Central Bank, Owensboro, Kentucky; or at the water district office at 3400 Bittel Road, Owensboro, Kentucky.
15. No more than one house or business may be connected to any one water meter. Violation of this rule bill result in discontinuance of water service.
16. Billing for water will be on the basis of the nearest ten (10) gallons as shown by the meter reading.
17. All water meters will be tested at periodic intervals as required by the Kentucky Public Service Commission.
18. Delayed Payment Charge: Fifteen (15) days will be allowed for payment of a bill. Five (5) days after due date (due date shown on the billing card), a late payment penalty will be added to the bill. The penalty may be assessed only once on any bill for rendered service.
19. Delinquent Procedure: After due date, and upon ten (10) days written notice, water service will be discontinued for non-payment of water service bill. (a) After service is discontinued, the customer shall pay his delinquent account plus a service charge to reconnect service during regular office hours.
20. Bill Adjustment Procedure:
    (1) If test results on a customer's meter show an average error greater than two (2) percent fast or slow, the utility shall immediately determine the period during which the error has existed, and shall 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. The utility shall readjust

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RULES AND REGULATIONS

the account based upon the period during which the error is known to have existed. If the period during which the error occurred cannot be determined with reasonable precision, the time period shall be 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 shall be used for comparison purposes in calculating the time period. In all instances of customer overbilling, the customer's account shall be credited or the overbilled amount refunded at the discretion of the customer within thirty (30) days after final meter results. A utility shall not require repayment of any underbilling to be made over a period shorter than a period coextensive with the underbilling except that no customer shall be liable for unbilled service after two (2) years from the date of the service unless the customer obtained the service through fraud, theft, or deception. (See exception in subsection 2 of this section.)

(2) It shall be understood that when a meter is found to have an error in excess of two (2) percent fast or slow, the figure for calculating the amount of the refund or the amount to be collected by the District shall be that percentage of error as determined by the test, i.e., it is the duty of the District to maintain the accuracy of its measuring devices as near 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(3) The burden of maintaining measuring equipment so that it will register accurately is upon the District; therefore, if meters are found upon test to register fast, the refund shall be specified in subsection (1) of this section. However, the Commission may relieve the District from this requirement in any particular case in which it is shown that the failure to make periodic tests was due to causes beyond the District's control.

(4) The District shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity a test of the customer's meter shall be made and if the meter is found to

RULES AND REGULATIONS

register incorrectly of more than two (2) percent, the District shall recalculate the customer's bills in accordance with the forgoing provisions.

(5) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

"On _____, (date) the meter bearing identification number _____ 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 tested on _____(periodic, request, complaint) test. Based upon this, we herewith _____ (charge or credit) you with the sum of $_____ which amount has been noted on your regular bill. If you desire a refund, rather than a credit to your account of the amount overbilled, you must notify this office in writing within seven (7) days of the date of this notice."

21. Meters will be tested by the Water District for a specified meter test charge. This will be done on a customer complaint test where the meter is tested and found to be within the Public Service Commission bounds of accuracy. This test is done by taking the meter out and placing it in a series with a meter tested by the Public Service Commission testing laboratory.

22. After having first obtained a test from the utility, any customer of the utility may request a meter test by the Commission upon written application. Such request shall not be made more frequently on one meter than once each twelve (12) months. The meter is then sent to a licensed state testing facility. If this meter test proves accurate, then the customer is required to pay for the test. If the meter is wrong, then an adjustment will be made.

FOR ..neast Daviess County, Kentucky
Community, Town or City

P.S.C. KY. NO. 1

1st Revised SHEET NO. 13

Southeast Daviess County Water District
(Name of Utility)

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SHEET NO.

RULES AND REGULATIONS

23. Monitoring of Customer Usage: At least once annually, the District will monitor the usage of each customer according to the following procedure:

a) The customer's annual usage for the most recent 12-month period will be compared with annual usage for the 12 months immediately preceding that period.

b) If the annual usage for the two periods are substantially the same or if any difference is known to be attributed to unique circumstances, such as unusual weather conditions, common to all customers, no further review will be done.

c) If the annual usage differs by 50% or more and cannot be attributed to a readily identified common cause, the Company will compare the customer's monthly usage records for the 12-month period with the monthly usage for the same months of the preceding year.

d) If the cause for the usage deviation cannot be determined from analysis of the customer's meter reading and billing records, the District will contact the customer by telephone or in writing to determine whether there have been changes such as different number of household members or work staff, additional or different appliances, changes in business volume, or known leaks in the customer's service line.

e) Where the deviation is not otherwise explained, the District will test the customer's meter to determine whether it shows an average error greater than 2 percent fast or slow.

f) The District will notify the customers of the investigation, its findings, and any refunds or backbillings in accordance with 807 KAR 5:006, Section 10 (4) and (5).

In addition to the annual monitoring, the District will immediately investigate usage deviations brought to its attention as a result of its ongoing meter reading or billing processes or customer inquiry.

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ISSUED BY Joseph T. Elliott
(Signature of Officer)

TITLE Board Chairman

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

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

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

24. **UNMETERED PRIVATE FIRE PROTECTION SERVICES:**

The Customer shall install a double-acting backflow preventer and valve vault at each unmetered private fire protection line. The Customer shall install the backflow preventer assembly in accordance with the District's "Fire Protection Line Double Check Valve and Vault" Detail as set forth in this tariff. Normal assembly and vault installation shall be within ten (10) feet of the fire line connection point to the District's water main.

Customer shall test and service the backflow preventer at least once during calendar year. Testing and maintenance occurring within six (6) months of a prior test and maintenance event shall not be considered as a testing and maintenance event for purposes of this rule. Customer shall report to the District all tests and servicing on a "Test and Maintenance Form" as shown in this regulation. Reports shall be filed with the District within 21 days of the test. The Customer shall perform all repairs and maintenance deemed necessary as a result of the inspection within 14 days of the inspection.

Only qualified individuals shall perform inspections, testing and maintenance on a backflow preventer. For purposes of this regulation, a "qualified individual" is a licensed plumber or licensed fire protection sprinkler contractor.

Customer shall provide to and ensure that authorized District personnel have access to the backflow preventer and vault at all reasonable times to inspect for compliance with the District's rules and regulations. Customer shall further provide access to backflow preventer and vault during any emergency.

The Customer is responsible for all costs related to the installation, operation, testing and maintenance of each of its backflow preventer assemblies.

FOR SOUTHEAST DAVIESS COUNTY

P.S.C. KY. NO.

SHEET NO. 9

SOUTHEAST DAVIESS COUNTY WATER DISTRICT

CANCELLING P.S.C. KY NO.

SHEET NO. 9

RULES AND REGULATIONS

SOUTHEAST DAVIESS COUNTY WATER DISTRICT
3400 BITTEL ROAD OWENSBORO KY 42301

FIRST CLASS MAIL
U.S. POSTAGE PAID
OWENSBORO KY
PERMIT NO 101
FIRST CLASS PRESORT

XXXXXXXXXXXXXXXXXXXXXX

ACCOUNT NO.: 11-2600 BILL DATE: 11/29/94 DUE DATE: 12/15/94

ITEM	AMOUNT	CODE	READING DATE	PREVIOUS READING	CURRENT READING	USAGE	UC	MR	AMOUNT
WATER	100.67	WT	10/07-11/07	621960	679760	57800			100.67
LINE-EXT	19.07	EXT							19.07
FIRE-PROT	30.00	FP							30.00
SEWER	78.03	SWR							78.03
SCHOOL	3.59					SCHOOL UTILITY TAX			3.59
TAXES	10.90							TAXES	10.90

FOR SERVICE AT: P O BOX 1999

NET BILL DUE NOW 242.26 COMMERCIAL GROSS AMOUNT DUE AFTER DUE DATE 252.33 NET BILL DUE NOW 242.26

P O BOX 1999
WYNDALL'S FINER FOODS #8

GROSS BILL 252.33
DUE AFTER 12/15/94
ENTER AMOUNT

11-2600
WYNDALL'S FINER FOODS #8
P O BOX 1999
OWENSBORO KY 42302

RETURN STUB WITH PAYMENT

AFTER 15TH, 10% WILL BE ADDED. CAN PAY AT NAT. CITY OR LIBERTY

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 05 1995

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Jackie C. Neal
FOR THE PUBLIC SERVICE COMMISSION

DATE OF ISSUE NOVEMBER 22, 1994
MONTH DATE YEAR

DATE EFFECTIVE NOVEMBER 22, 1994
MONTH DATE YEAR

ISSUED BY Joseph E Elliott
SIGNATURE OF OFFICER

BOARD CHAIRMAN
TITLE

3232 South Hampton Rd.
Philpot, KY 42366
ADDRESS

FOR SOUTHEAST DAVIESS COUNTY

P.S.C. KY. NO. _____

SHEET NO. 10

SOUTHEAST DAVIESS COUNTY WATER DISTRICT

CANCELLING P.S.C. KY NO. _____

SHEET NO. 10

RULES AND REGULATIONS

Office Hours: M-F 8:00-5:00 Telephone:(502)685-5594

ENCLOSE THIS STUB
WHEN PAYING BY MAIL
FOR PROPER CREDIT

PUBLIC SERVICE HOTLINE
1-800-772-4636

CODES:
- WT = WATER
- SWR = SEWER
- GS = GAS
- FP = FIRE PROTECTION
- TP = TRASH PICK-UP
- BC = BAD CHECK CHARGE
- SC = SERVICE CHARGE
- CF = CONNECTION FEE
- CR = CREDIT BALANCE
- AR = PAST DUE BALANCE
- TX = TAXES
- EA = ESTIMATION ADJUSTMENT
- EF = ESTIMATION FEES
- RA = RATE ADJUSTMENT

UC (USAGE CODES):
- E = ESTIMATED
- M = METER CHANGE

APPROVED BY STATE BOARD OF ACCOUNTS

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PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 05 1995

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: Gordon C. Neal
FOR THE PUBLIC SERVICE COMMISSION

DATE OF ISSUE NOVEMBER 22, 1994
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MONTH DATE YEAR

ISSUED BY Joseph T. Elliott
SIGNATURE OF OFFICER

BOARD CHAIRMAN
TITLE

3232 South Hampton Rd.
Philpot, KY 42366
ADDRESS

WATER SHORTAGE RESPONSE PLAN

Southeast Daviess County Water District

Section 1. Purpose. The purpose of this Plan is to provide for the declaration of official phases of water supply shortages and the implementation of voluntary and mandatory water conservation measures throughout the Southeast Daviess County Water District in the event a shortage is declared.

Section 2. Definitions. These terms are applicable only for this Plan unless specifically noted.

(a) "Customer" shall mean any person or entity using water for any purpose from the Southeast Daviess County Water District water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.

(b) "Raw Water Supplies" shall mean all water potentially available to persons in the Southeast Daviess County Water District

(c) "Treated Water" shall mean water that has been introduced by the Southeast Daviess County Water District into its water distribution system, including water offered for sale. Uses of treated water are classified as follows:

Essential Water Uses (Class 1):

The following uses of water, listed by site or user type, are essential.

Domestic:

- water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Health Care Facilities:

- patient care and rehabilitation, including related filling and operation of swimming pools.

Water Hauling:

- sales of domestic use where not reasonably available elsewhere.

Public Use:

- firefighting,

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- health and public protection purposes, if specifically approved by health officials.

Socially or Economically Important Uses (Class 2):

The following uses of water, listed by site or user type, are socially or economically important.

Domestic:

- personal, in-house water use including kitchen, bathroom and laundry.

Water Hauling:

- non-domestic, when other sources are not reasonably available elsewhere.

Commercial and Civic Use:

- commercial car and truck washes,
- laundromats
- restaurants, clubs and eating places.
- schools, churches, motels/hotels and similar commercial establishments.

Outdoor Non-Commercial Watering:

- minimal watering of vegetable gardens,
- minimal watering of trees where necessary to preserve them.

Outdoor Commercial or Public Watering (using conservation methods and when other sources of water are not available or feasible to use):

- agricultural irrigation for the production of food and fiber or the maintenance of livestock,
- watering by arboretums and public gardens of national, state, regional or community significance where necessary to preserve specimens,
- watering by commercial nurseries at a minimum level necessary to maintain stock,
- watering at a minimum rate necessary to establish or maintain revegetation or landscape plantings required pursuant to law or regulation,

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- watering of woody plants where necessary to preserve them,

- minimal watering of golf course greens.

Recreational:

- operation of municipal swimming pools and residential pools that serve more than 25 dwelling units.

Air Conditioning:

- refilling for startup at the beginning of the cooling season,

- makeup of water during the cooling season,

- refilling specifically approved by health officials where the system has been drained for health protection or repair services.

Non-Essential Uses (Class 3):

Any waste of water, as defined herein, is non-essential. The following uses of water, listed by site or user type, are non-essential.

Public Use:

- use of fire hydrants (excluding Class 1 and Class 2 uses), including use of sprinkler caps, testing fire apparatus and fire department drills,

- flushing of sewers and hydrants except as needed to ensure public health and safety as approved by health officials.

Commercial and Civic Use:

- serving water in restaurants, clubs, or eating places, except by customer request,

- failure to repair a controllable leak,

- increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.

Ornamental Purposes:

- fountains, reflecting pools and artificial waterfalls.

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Outdoor Non-Commercial Watering:

- use of water for dirt control or compaction,
- watering of annual or non-woody plants, lawns, parks, golf course fairways, playing fields and other recreational areas,
- washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas,
- washing down buildings or structures for purposes other than immediate fire protection,
- flushing gutters or permitting water to run or accumulate in any gutter or street.

Outdoor Commercial or Public Watering:

- expanding nursery facilities, placing new irrigated agricultural land in production, or planting of landscaping except when required by a site design review process,
- use of water for dirt control or compaction,
- watering of lawns, parks, golf course fairways, playing fields and other recreational areas,
- washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas,
- washing down buildings or structures for purposes other than immediate fire protection,
- flushing gutters or permitting water to run or accumulate in any gutter or street.

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Recreational uses other than those specified in Class 2.

Non-commercial washing of motor and other vehicles.

Air Conditioning (see also Class 2 purposes):

- refilling cooling towers after draining.

(d) "Base Entitlement" shall mean the monthly usage for a customer during the same month of the preceding calendar year or the average per customer usage for each class of service during the same month of the preceding year.

(e) "Curtailed Entitlement" shall mean the monthly usage for a customer after any curtailment percentage has been applied.

(f) "Curtailment" shall mean the reduction in entitlement by some percentage to meet anticipated water shortages.

(g) Water Shortage Response Phases:

"Advisory" shall mean that conditions exist which indicate the potential for serious raw or treated water supply shortages.

"Alert" shall mean the raw or treated water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

"Emergency" shall mean that raw or treated water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

(h) **"Rationing"** shall mean that procedures must be established to provide for the equitable distribution of critically-limited raw or treated water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

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Section 3. Applicability. The provisions of this Plan shall apply to all retail and wholesale customers of the Southeast Daviess County Water District When implemented, this Plan becomes Southeast Daviess County Water District Water Shortage Response Regulation.

Section 4. Entitlements. Entitlements shall be established for each customer by adjusting the base entitlement to reflect any known change in usage pattern.

Section 5. Determination of Water Shortage. Water supply and usage shall be monitored on a continuous basis. Unrestricted demand shall be projected from past records and adjusted for changes such as new developments and weather conditions on a regular basis. (Note: A sample calculation page is attached as Appendix A to assist in determining overall water levels. It is important that accurate water measurements be used.) Water shortages generally occur for two reasons, a reduction in available supplies or a system failure. Each of these has a distinct influence on the nature and duration of the conservation program implemented. Official declaration of a water shortage stage and implementation of the measures necessary to curtail water use shall be approved by the Southeast Daviess County Fiscal Court & Southeast Daviess County Water District.

Section 6. Term of Water Shortage Declaration. Any water shortage declaration shall remain in effect until water supplies of service conditions have returned to normal. A final determination as to terminating a water shortage declaration shall be made by the Chairman of Southeast Daviess County Water District.

Section 7. Water Shortage Stage, Criteria, Conservation and Curtailment Measures.

A. Advisory Stage:

(1) Criteria: A water advisory shall be declared when the amount of treated water or raw water available for treatment is projected to be up to 0 % below demand, or there are periods of low water pressure in one or more areas of the distribution system due to system failure or inadequacies or the State Division of Water issues a Water Shortage Watch which includes the areas from which the Southeast Daviess County Water District draws water. (Note: Additional conditions may be added based on local conditions.)

(2) Conservation and Curtailment Measures:

(a) Declare a Water Shortage Advisory.

(b) Provide proper notice to all customers and to all local news media.

(c) Eliminate all water leaks.

(d) Request voluntary conservation of all non-essential (Class 3) water use.

(e) Request wholesale customers also issue request for voluntary conservation by their customers of all non-essential (Class 3) water use.

B. Alert Stage:

(1) Criteria: A water alert shall be declared when the amount of treated water available is projected to be up to 10% below demand, or raw water supplies are consistently below seasonal averages and if they continue to decline, may not be adequate to meet normal needs. (Note: Additional conditions may be added based on local conditions.)

(2) Conservation and Curtailment Measures:

(a) Declare Water Shortage Alert.

(b) Provide proper notice to all customers and to all local news media.

(c) Eliminate all water leaks.

(d) Prohibit all non-essential (Class 3) water uses.

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(e) Curtail entitlements to all customers by the same percentage as the projected shortage.

(f) Begin billing all customer water usage in excess of curtailed entitlement at the normal rate plus an excess usage charge of $3.00 per 1,000 gallons.

C. Emergency Stage:

1. Criteria: A Water Emergency shall be declared when the amount of treated water available is projected to be up to 20% below demand, or there are periods of no water in one or more areas of the distribution system due to low water supply or raw water supplies below the level necessary to meet normal needs. (Note: Additional conditions may be added based on local conditions.)

2. Conservation and Curtailment Measures:

(a) Declare Water Shortage Emergency.

(b) Provide proper notice to all customers and to all local news media.

(c) Eliminate all water leaks.

(d) Prohibit all Class 3 uses of water.

(e) Prohibit all Class 2 uses of water except Domestic uses for kitchens, bathrooms and laundries.

(f) Curtail all commercial and industrial entitlements (except Health Care Facilities) by 100%.

(g) Curtail Residential entitlements by the same percentage as the projected shortage.

(h) Curtail entitlements to all wholesale customers by the same percentage as the projected shortage.

(i) Begin billing all customer water usage in excess of curtailed entitlement at the normal rate plus an excess usage charge of $7.00 per 1,000 gallons.

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D. Rationing Stage:

1. Criteria: Treated water available is greater than 40% below demand or raw water supplies are below

the level necessary to meet essential needs, and in the opinion of Southeast Daviess County Water mandatory rationing is required to insure adequate water is available to maintain public health and safety.

2. Conservation and Curtailment Measures:

(a) Declare Water Shortage Rationing.

(b) Provide proper notice to all customers and to all local news media.

(c) Eliminate all water leaks.

(d) Prohibit all Class 3 and Class 2 uses of water.

(e) Curtail all commercial and industrial entitlement (except Health Care Facilities) by 100%.

(f) Curtail all residential and wholesale entitlements by the same percentage as the projected shortage.

(g) Implement service interruptions to portions of system in accordance with approved published schedule. The schedule shall be provided to all local media.

(h) Begin billing customer water usage in excess of curtailment entitlement at the normal rate plus an excess usage charge of $15.00 per 1,000 gallons.

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Section 8. Enforcement of Water Restriction. Any person who violates the provisions of this Plan, who fails to carry out the duties and responsibilities imposed by this Plan, or who impedes or interferes with any action undertaken or ordered pursuant to this Plan shall be subject to the following:

(a) If the utility official charged with implementation and enforcement of this Plan learns of any violation of any water use restriction imposed, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within 48 hours.

(b) The notice will inform the customer of his or her right to appeal by requesting a hearing before the utility's designee. If a hearing is requested by the customer, he or she shall be given full opportunity to be heard

before termination. The governing body shall make findings of fact and decide whether service should continue or terminate.

(c) Any customer whose water service is terminated for violating provisions of this water curtailment plan shall be subject to the approved reconnection fee prior to reconnection of service.

(d) The excess usage charge billing provisions of this Plan shall not be put in effect if a county or city ordinance containing penalty provisions is in effect to assist enforcement of this Plan.

Section 9. Request for Exception.

(a) Exception to water use restrictions: If compliance with any curtailment measure authorized herein would cause a customer to bear extraordinary hardship, that individual or entity may apply to the Southeast Daviess County Water District for an exception. For these purposes, "extraordinary hardship" shall be defined as a condition which may threaten health and safety, or cause property or economic losses, each of which must be shown to be substantially more severe than the sacrifices borne by other users. If extraordinary hardship is found to exist, then an exception shall be granted and a written waiver issued to the customer. If an appeal is made, water service shall be continued until a decision is announced. Any person aggrieved by the decision may file a complaint with the Public Service Commission.

(b) Exception to curtailment surcharge: Exceptions to excess use charges shall not be considered or granted.

Section 10. Severability. If any provision of this Plan is declared invalid by the courts, the remainder of the Plan and its applicability to other persons and circumstances shall not be affected by that declaration.

Section 11. Effective Date. This Plan shall take effect immediately upon approval by the Public Service Commission.

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