

P.S.C. Ky. No. 3

Cancels P.S.C. Ky. No. 2

BLACK MOUNTAIN UTILITY DISTRICT  
OF  
HARLAN COUNTY, KENTUCKY

Rates, Rules and Regulations for Furnishing  
WATER AND SEWER SERVICE

AT

Harlan County, Kentucky area encompassed within the boundries of  
Black Mountain Utility District. This Rate change is for Water  
Service only. Waste Water rates remain the same as approved 2-15-88

Filed with PUBLIC SERVICE COMMISSION OF  
KENTUCKY

ISSUED August 31, 1994

EFFECTIVE August 31, 1994

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

AUG 31 1994

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

BY: Jordan C. Neel  
FOR THE PUBLIC SERVICE COMMISSION

ISSUED BY Black Mountain Utility District

(Name of Utility)

BY Eddie Penly

Chairman

5-96  
C

Form for filing Rate Schedules

For Harlan County, Kentucky  
Community, Town or City

P.S.C. NO. 3

SHEET NO. 1

CANCELLING P.S.C. NO. 2

SHEET NO. 1

Black Mountain Utility District  
Name of Issuing Corporation

CLASSIFICATION OF SERVICE

RATE  
PER UNIT

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 93-236 DATED AUGUST 30, 1994.

The following rates and charges are prescribed for the  
customers in the area served by Black Mountain Utility District.  
All other rates and charges not specifically mentioned herein shall  
remain the same as those in effect under authority of this  
Commission prior to the effective date of this Order.

Monthly Water Rates

First	2,000 gallons	\$13.27	Minimum Bill
Next	2,000 gallons	2.66	per 1,000 gallons
Next	2,000 gallons	2.36	per 1,000 gallons
Next	4,000 gallons	2.18	per 1,000 gallons
All Over	10,000 gallons	1.48	per 1,000 gallons

Connection Charge \$150.00

Charge for reconnection after dis-  
connection because of delinquency  
in payment of water bill \$ 25.00

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

DATE OF ISSUE August 31, 1994  
BY: Jordan C. Neal  
FOR THE PUBLIC SERVICE COMMISSION

DATE EFFECTIVE August 31, 1994

ISSUED BY Eddie Perry  
Name of Officer

TITLE Chairman, Black Mt. Utility D

Issued by authority of an Order of the Public Service Commission of Kentucky  
in Case No. 93-236 dated August 31, 1994

*Handwritten initials and date: 8-96*

BLACK MOUNTAIN UTILITY DISTRICT

**RULES AND REGULATIONS**

**RULES AND REGULATIONS  
BLACK MOUNTAIN UTILITY DISTRICT**

The following rules and regulations are hereby adopted, subject to change by the District Board of Commissioners (the "Commission") at any time, subject to approval of the Public Service Commission through the filing of revised tariff sheets with the PSC. These rules and regulations are intended to supplement the Bond Resolution, the Rate Resolution, and the By-Laws.

- A. All taps and connections to the water mains and sewer lines of the District shall be made by and/or under the direction and supervision of District personnel.
- B. Water service may be discontinued by the District for, upon 10 days' written notice (except that in the event of a violation under Item 7 below, water service may be terminated immediately), any violation of any rule, regulation, or condition, and especially for any of the following reasons:
  - 1. Misrepresentation in the application or contract as to the property or fixtures to be supplied or additional use to be made of water and/or sewer facilities.
  - 2. Failure to report to the District additions to the property or fixtures to be supplied or additional use to be made of water.
  - 3. Resale of water.
  - 4. Waste or misuse of water due to improper or imperfect service pipes and/or failure to keep such pipes in a suitable state of repair.
  - 5. Tampering with meter, water seal, service, or valves, or permitting such tampering by others.
  - 6. Connection, cross-connection, or permitting the same, of any separate water supply to premises which receive water from the District.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

AUG 31 1994

PURSUANT TO 807 KAR 5:01T,  
SECTION 9 (1)

BY: Jordan C. Neal  
FOR THE PUBLIC SERVICE COMMISSION



DATE OF ISSUE February 15, 1988  
Month Day Year

DATE EFFECTIVE February 15, 1988  
Month Day Year

ISSUED BY Arnold Gilbert  
Name of Officer Chairman,

Box 612, Evarts, KY 40828  
Title Address

*c 5-96*

RULES AND REGULATIONS

- 7. When a dangerous condition is found to exist on the customer's or applicant's premises, with reference to the continuation of water service, water service shall be cut off without notice or shall be refused, provided the District shall notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the correction action to be taken by the applicant or customer before service can be restored.
  
- C. Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in person or in writing at the business office of the District at least three (3) days prior to the date on which the customer desires to discontinue service, and the customer shall not be liable for water consumed beyond the date of discontinuance stated in such notice; if such notice in person or in writing is not given, a customer shall remain liable for all water used and service rendered to such premises by the District until such notice is received by the District.
  
- D. Bills and notices relating to the conduct of the business of the District will be mailed to the customer at the address listed on the user's agreement unless a change of address has been filed in writing with the District; and the District shall 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 said notice.
  
- E. 1. Bills for water and sewer service are due and payable at the office of the District, or to any designated agent, on the date of issue. The past due date shall be the tenth day after the date of issue. Bills will be dated and mailed on the first day of each month.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
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DATE OF ISSUE	February 15, 1988	AUG 31, 1994	DATE EFFECTIVE	February 15, 1988
	Month Day Year			Month Day
ISSUED BY	<u>Arnold Gilbert</u>	PURSUANT TO 807 KAR 5.011, SECTION 9(1)		Box 612, Evarts, KY 40828
	Name of Officer	BY: <u>Jordan C. Little</u>	Title	Address
		FOR THE PUBLIC SERVICE COMMISSION		

C5-96

**RULES AND REGULATIONS**

2. All bills not paid on or before the past due date shall be deemed delinquent. When a bill has been delinquent for a period of twenty days, the District shall serve a customer a written final notice of said delinquency, and of the intent of the District to discontinue service ten days after the date of such notice unless such bill is paid prior to the expiration of such ten days. If a delinquent bill is not paid within ten days after date of such final notice (thirty days from the past due date), the water supply to the customer may be discontinued without further notice; provided, however, if, prior to discontinuance of service, there is delivered to the District, or to its employee empowered to discontinue service, a written certificate signed by a physician, a registered nurse, or a public health officer that, in the opinion of the certifier, discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until ten (10) days elapse from the time of the District's receipt of said certification, whichever occurs first.

F. Where the water supply to the customer has been discontinued for non-payment of delinquent bills, a charge of \$25.<sup>00</sup> will be made for reconnection of water service, but the reconnection will not be made until all delinquent bills and other charges, if any, owed by the customer to the District have been paid.

G. The District reserves the right to request that a nominal amount be placed on deposit with the District for the purpose of establishing or maintaining any customer's credit, such amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer. Upon the payment of such deposit, the District shall issue to such customer a certificate of deposit, showing the name of the customer, the location of the initial premises occupied by the customer, and the date and amount of the deposit. The District will pay to such customer interest on such deposit at the rate of six percent (6%) per annum, until such deposit is reimbursed to the customer.

PUBLIC SERVICE COMMISSION  
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DATE OF ISSUE February 15, 1988  
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ISSUED BY Arnold Gilbert  
Name of Officer

Chairman, PERMITS TO 807 KAR 5011, SECTION 5.01, BOX 612, Evarts, KY 40828  
Title Address

BY: Jordan C. Paul  
FOR THE PUBLIC SERVICE COMMISSION

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**RULES AND REGULATIONS**

H. All meters shall be installed, renewed, and maintained at the expense of the District, and the District reserves the right to determine the size and type of meter used.

I. It shall be the policy of the District to test each water meter at least once every 12 months. In addition, upon written request of any customer, the meter serving such customer shall be tested by the District. Such test will be made without charge to the customer if the meter has not been tested within 12 months preceding the requested test; otherwise, a charge of \$2.00 will be made and then only if the test indicates meter accuracy within the limits of 2%.

If a meter is inaccurate in excess of 2%, whether upon periodic testing or upon requested testing, additional tests shall be made at once to determine the average error of the meter, and the adjustments shall be made in the customer's water bills as follows:

1. If the result of such tests shows an average error greater than 2% fast, the customer's bill for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. If the period during which the meter error existed cannot be determined, then the customer's bill shall be recomputed for one-half (1/2) of the elapsed time since the last previous test, but in no event to exceed 12 months; provided, however, that if time for the periodic test has overrun to the extent that 1/2 of the time elapsed since the last previous test exceeds 12 months, the refund shall be for the 12 months specified above, plus those months exceeding the periodic test period; provided, further, that such refund may be limited to the 12 month period if failure to make the periodic test was due to causes beyond the control of the District.

PUBLIC SERVICE COMMISSION  
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DATE OF ISSUE February 15, 1988      AUG 1984 DATE EFFECTIVE February 15, 1988  
Month      Day      Year      Month      Day

ISSUED BY Ainell Gilbert      PURSUANT TO 807 KAR 5.011,  
Name of Officer      Chairman SECTION 901,      Evarts, KY 40828  
BY: Jordan Titel      Address

FOR THE PUBLIC SERVICE COMMISSION

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**RULES AND REGULATIONS**

- 2. If the result of such tests shows an average error greater than 2% slow, the customer's bill for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. If the period during which the meter error existed cannot be determined, then the customer's bill shall be recomputed for one-half (1/2) of the elapsed time since the last previous test, but in no event to exceed 12 months.
- 3. If the result of such tests necessitates making a refund or back billing a customer, the customer shall be notified in writing of the percentage of error, fast or slow, the date(s) of testing, and the amount of charge or credit to be shown on the next bill of the customer.
- J. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed will be based upon an average of the prior six months consumption and the conditions of water service prevailing during the period in which the meter failed to register.
- K. The District shall make all reasonable efforts to eliminate interruption of service and when such interruptions occur will endeavor to reestablish service with the shortest possible delay. When the service is interrupted all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- L. The District shall in no event be held responsible for any claim made against it by reason of the breaking of any mains or service pipes or by reason of any other interruption of the supply of water caused by the failure of machinery or stoppage for necessary repairs. No person shall be entitled to damages nor for any portion of a payment refunded for any interruption of service which in the opinion of the District may be deemed necessary.

-PUBLIC SERVICE COMMISSION  
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DATE OF ISSUE February 15, 1988      <sup>AUG 31 1994</sup> DATE EFFECTIVE February 15, 1988  
 Month      Day      Year      Month      Day      Year

ISSUED BY Arnold Gilbert      PURSUANT TO 807 KAR 5.011,      SECTION 9(1)      Box 612, Evarts, KY 40828  
 Name of Officer      Chairman,      BY: Jordan Title      Address  
 FOR THE PUBLIC SERVICE COMMISSION

C-5-96

**RULES AND REGULATIONS**

- M. Customers having boilers and/or pressure vessels receiving a supply of water from the District must have a check valve on the water supply line and a vacuum valve on the stream line to prevent collapse in case the water supply from the District is discontinued or interrupted for any reason, with or without notice.
- N. The premises receiving a supply of water and all water and sewer service lines, meters and fixtures, including any fixtures within said premises, shall at all reasonable hours be subject to inspection by the District.
- O. Piping and sewers on the premises of a customer must be so installed that connections are conveniently located with respect to the District lines and mains. The customer shall provide a place for water metering which is unobstructed and accessible at all times.
- P. 1. An extension of fifty (50) feet or less to the District's water distribution main shall be made without charge (other than the prescribed standard connection charge) for a prospective customer who shall apply for and contract to use service for one (1) year or more and who provides a guarantee for such service.
- 2. For each extension to the District's water distribution main in excess of fifty (50) feet, the District shall require the customer to whose premises such extension is made to deposit with the District the total cost of the excessive footage over fifty (50) feet, based on the average estimated cost per foot of the total extension. Such deposit may be refundable to the customer in certain instances, in accordance with Title 807 KAR 5:066, Section 12(2)(b).

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Month Day Year | Month Day Year

ISSUED BY Arnold Gilbert | Jordan C. Neal | Box 612, Evarts, KY 40828

Name of Officer | Chairman, | Title | Address

C5-96



**RULES AND REGULATIONS**

- Q. If any loss or damage to the property of the District or any accident or other injury to persons or property is caused by or results from the negligence or wrongful action of the customer, member of his household, his agent, or employee, as determined by a court of law having jurisdiction over the parties, the cost of the necessary repairs or replacements shall be paid by the customer to the District, and any liability otherwise resulting shall be that of the customer.
- R. Water furnished by the District may be used for domestic consumption by the customer, member of his household, and employees only. The customer shall not sell the water to any other person.
- S. All customers shall grant or convey, or shall cause to be granted or conveyed, to the District a perpetual easement and right of way across any property owned or controlled by the customer wherever said easement or right of way is necessary for the District water and/or sewer facilities and lines so as to be able to furnish service to the customer.
- T. Complaints may be made to the operator of the system whose decision may be appealed to the Commission of the District within ten days; otherwise, the operator's decision will be final.

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SUED BY Arnold Gilbert Chairman,  
Name of Officer

Box 612, Evarts, KY 40828  
Title Address

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