

JONATHAN CREEK WATER ASSOCIATION INC.

OF

P.O. Box 396 Marshall Co. Ky

Benton, Kentucky 42025

RATES FOR FURNISHING WATER SERVICES,

At

SOUTHEASTERN PORTION OF MARSHALL COUNTY KY from
FAIRDEALING KY to AURORA Ky, on Ky Lake.

CHECKED
Public Service Commission
MAY 18 1982
by *B. Jones*
RATES AND TARIFFS

FILED WITH THE UTILITY REGULATORY COMMISSION OF KY

Issued April 20, 1982

Effective April 6, 1982

Issued By: Jonathan Creek Water Assoc.

By: *James L. Gay*

C-3-90

P.S.C. NO. ~~8359~~ 8359

SHEET NO. 1

CANCELLING P.S.C. NO.

SHEET NO.

JONATHAN CREEK WATER ASSOCIATION INC.
Name of Issuing Corporation

CLASSIFICATION OF SERVICE

		RATE PER UNIT
<u>RESIDENTIAL and COMMERCIAL</u>		
5/8" meters 5/8" x 3/4" meters		(I)
<u>Gallage Block</u>	<u>Monthly Rate</u>	
First 1,200 gallons	\$7.40 (Minimum)	
Next 23,800 gallons	2.55 per 1000 gallons	
Next 15,000 gallons	1.35 per 1000 gallons	
Next 40,000 gallons	1.15 per 1000 gallons	
Over		
<u>Minimum Bills for larger Meters*</u>		
3/4 inch meter	First 1200 gal. \$11.00 Minimum	<div style="border: 2px solid red; padding: 5px;"> <p style="color: red; font-weight: bold; margin: 0;">CHECKED</p> <p style="color: red; font-weight: bold; margin: 0;">Public Service Commission</p> <p style="color: red; font-weight: bold; margin: 0;">MAY 18 1982</p> <p style="color: red; font-weight: bold; margin: 0;">B. Jones</p> <p style="color: red; font-weight: bold; margin: 0;">RATES AND TARIFFS</p> </div>
1-inch meter	First 1200 gal. 17.50 Minimum	
1-1/2 inch Meter	First 1200 gal. 25.75 Minimum	
2-inch Meter	First 1200 Gal. 37.50 Minimum	
3-inch meter	First 1200 gal. 73.75 Minimum	
4-inch meter	First 1200 gal. 110.00 Minimum	
Usage in excess of 1200 gallons will be billed at the same rates as for the 5/8-inch meters.		
<u>SPECIAL RATE FOR KENLAKE STATE RESORT 6" meter.</u>		
<u>Gallage Block</u>	<u>Monthly Rate</u>	
First 1200 gallons	\$150.00 Minimum.	
All over 1200 gallons	1.15 per 1000 gal.	
TAP ON FEE, 5/8 inch meters.	\$100.00	(I)

DATE OF ISSUE April 6, 1982

DATE EFFECTIVE April 6, 1982

ISSUED BY JAMES L. GAY
Name of Officer

TITLE SECY TREAS.

Issued by authority of an Order of the Public Service Commission of Kentucky in Case No. 8359 dated April 6, 1982

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Southeastern portion of Marshall
FOR County.

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Jonathan Creek Water Assoc.

RULES AND REGULATIONS

FIRE HYDRANTS

NONE



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	Month	Day	Year		Month	Day	Year
ISSUED BY	<u>Charlie E. York</u>		<u>Chairman</u>			<u>C 3-90</u>	
	Name of Officer		Title			Address	

FOR Southeastern portion of Marshall
County

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Jonathan Creek Water Assoc.

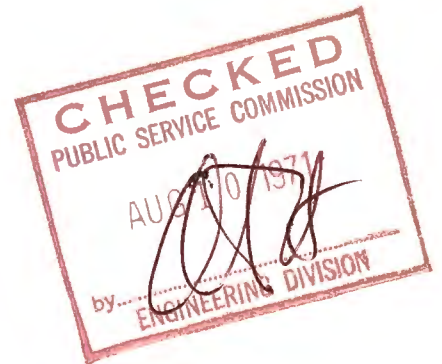
RULES AND REGULATIONS

FARM CONNECTIONS

NONE

FIELD CONNECTIONS

NONE



DATE OF ISSUE 7 31 71 DATE EFFECTIVE 8 1 71
Month Day Year Month Day Year

ISSUED BY Charlie E. York Chairman. C 3-90
Name of Officer Title Address

Jonathan Creek Water Association

P.O. Box 396, Benton, Kentucky 42025

DIRECTORS:
CHARLIE E. YORK
GILBERT BAKER
W. L. CANNON
R. L. Hamby
EARL LOVETT

FILED

MAR 07 1986

RULES AND REGULATIONS

PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JAN 01 1986

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

BY: *J. Deayhagen*

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Jonathan Creek Water Association

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RULES AND REGULATIONS

These Rules and Regulations govern the furnishing of water service by Jonathan Creek Water Association hereinafter referred to as the Association and apply to all service received from the Association. No employee or individual Commissioner of the Association is permitted to make an exception to these Rates, Rules, or Regulations. These Rules and Regulations are to be in effect so long as they are not in conflict with the Kentucky Public Service Commission's Rules and Regulations (807 KAR 5:001-5:076). The Association is subject to all Rules and Regulations of the Kentucky Public Service Commission even though not Contained herein.

1. Scope

This Schedule of Rules and Regulations is a part of all contracts for receiving water service from the Association, and applies to all service received from the Association whether the service is based upon contract, agreement, signed application, or otherwise. A copy of this schedule, together with a copy of the Association's Schedule of Rates and Charges shall be kept open to inspection at the office of the Association. The rules are promulgated under direction and authority granted pursuant to Chapter 5 of Kentucky Administrative Regulations (807 KAR 5). The aforesaid rules and regulations are hereby adopted and included the same as if herein written.

2. Revisions

These Rules and Regulations may be revised, amended, supplemented, or otherwise changed from time to time by either of the two (2) following methods:

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

BY: J. Loaghegan

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Month Day Year

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ISSUED BY Charlie E. Carr
Name of Officer

President
Title

P.O. Box 396, Benton, Ky.
Address

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A. By order of the Kentucky Public Service Commission upon formal application by the Association, and after hearing as provided by Commission Regulation set forth in 807 KAR 5:011.

B. By issuing and filing on at least twenty (20) days notice to the Kentucky Public Service Commission and the public all proposed changes in the Rules and Regulations, as provided by Commission Regulations set forth in 807 KAR 5:011.

3. Conflict

In case of conflict between any provisions of any rate schedule and the schedule of rules and regulations, the rate schedule shall apply. Also, should the rules contained herein conflict with rules in effect under 807 KAR 5, the provisions of 807 KAR 5 shall take precedence over those contained herein.

4. Application for Service

Any person, firm, agency or governmental entity within the current boundary of the Association may request service. Applications for service must be in writing on a form approved by the Association.

Each applicant for service shall be required to execute and sign the Association's standard application for water service before service is supplied by the Association. Under Kentucky Public Service Commission Order, dated September 1, 1981, Case No. 8248, a 5/8" X 3/4" meter shall be "the standard customer service

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Month Day Year

ISSUED BY Chello E. Yone President P.O. Box 396, Benton, Ky.
Name of Officer Title Address

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FOR Marshall County

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meter and should be installed at all points of service unless the customer provides sufficient justification for the installation of a larger meter."

5. Non-Standard Service

Each prospective customer requiring a non-standard service (i.e., other than a 5/8" X 3/4" meter) shall present to the Association sufficient justification for same. Insofar as prospective customer requirement may meet those non-standard service presently in effect by Association same be applied.

6. Point of Delivery

The point of delivery is the point where the meter or vault is located on the customer's premises. All water lines, plumbing, and equipment beyond the meter shall be installed and maintained by the customer. The Association reserves the right to determine the location of point of delivery with full regard to those wishes of the prospective customer.

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Name of Officer Title Address

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Jonathan Creek Water Association

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7. Customer's Service Line

All service lines beyond the metering point should be installed of material consisting of copper, galvanized, PVC or PE pipe with rating not less than 200 psi. The size of service line beyond the point of delivery should not be less than 3/4". The Association will not set a meter on the customer's service line at a point that does not deliver 30 psig at the meter.

Should an applicant for service desire a higher pressure due to his location or need, he may make provision for an individual pressure booster system. The manner of connection, location cross-connection protection and type is subject to approval by the Association. The Association reserves the right to require discontinuance and disconnection should the private booster system have a detrimental effect on Association's system.

8. Ownership of Mains, Services & Appurtenances

All mains, fire hydrants, valves, crossings and other appurtenances are and shall remain the property of the Association, whether installed by the Association or the customer.

All service lines from main to meter with appurtenances shall be and remain the property of Association, whether installed by the Association or the customer.

The customer shall install, own and maintain his service line from meter and/or point of delivery as defined herein.

9. Discontinuance of Service by Association

Water service may be discontinued by the Association for any violation of any rule, regulation, or condition, and especially for any of the following reasons.

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ISSUED BY

Charlie E. Hill
Name of Officer

President
Title

P.O. Box 396, Benton, Ky.
Address

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- A. Misrepresentation in the application or contract as to the property or fixtures to be supplied or additional use to be made of water.
- B. Resale of water.
- C. 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.
- D. Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.
- E. Connection, cross-connection, or permitting the same, of any separate water supply to premises which receive water from the Association.
- F. Non-payment of bills.
- G. 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 Association shall notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

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BY: J. Deoghegan

10. Billing

Bills and notices relating to the conduct of the business of the Association 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 Association; and the Association 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.

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ISSUED BY	<u>Charles A. Gou</u>			Title	<u>P.O. Box 396, Benton, Ky.</u>		
	Name of Officer				Address		

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Bills for water service are due and payable at the office of the Association, or to any designated agent on the date of issue. The past due date shall be the twenty (20th) day after the date of issue. Bills will be dated and mailed on or about the twenty-third (23rd.) of each month.

A bill 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 Association shall serve the delinquent customer a written final notice of said delinquency, and of the intent of the Association 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 Association, or 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 of 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 Association receipt of said certification, whichever occurs first.

11. Discontinuance of Service by Customer

Any customer having fulfilled their contract terms and desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the business office of the Association at least three (3) days prior to the

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date on which the customer desires to discontinue service. If such notice in writing is not given, a customer shall remain liable for all water used and service rendered to his premises by the Association until said notice is received by the Association.

12. Reconnection Fee

Where the water supply to the customer has been discontinued for non-payment of delinquent bills, a charge of \$15.00 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 Association have been paid.

13. Deposit

The Association reserves the right to require that a nominal amount be placed on deposit with the Association for the purpose of establishing or maintaining any customer's credit. The deposit will not exceed two-twelfths (2/12) of the customer's estimated annual bill. Upon payment of deposit, the Association shall issue to the 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 Association will pay interest on the customer's deposit at the rate of six percent (6%) per annum, until the date of its refund to the customer.

14. Adjustment Relative to Erroneous Meter

If a meter is inaccurate in excess of $\pm 2\%$ 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:

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Name of Officer

President P.O. Box 396, Benton, Ky.
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Jonathan Creek Water Association

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A. 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 ($\frac{1}{2}$) of the elapsed time since the last **periodic test**, but in no event to exceed 12 months. If however, the time for a periodic test has overrun to the extent that $\frac{1}{2}$ of the time elapsed since the last periodic test exceeds 12 months, the refund shall be for the 12 months specified above, plus those months exceeding the periodic test period. The Kentucky Public Service Commission may not require a refund for the overrun period if failure to make the periodic test was due to causes beyond the control of the Association.

B. 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 ($\frac{1}{2}$) of the elapsed time since the last test, but in no event to exceed 12 months.

C. 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.

15. Meters

All meters shall be installed, renewed, and maintained at

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Name of Officer

President P.O. Box 396, Benton, Ky.
Title Address

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the expense of the Association, and the Association reserves the right to approve the size and type of meter used. It shall be the policy of the Association to test each water meter pursuant to Public Service Commission Regulation 807 KAR 5:066 Section 16. In addition, upon written request of any customer, the meter servicing such customer shall be tested by the Association, pursuant to Public Service Commission Regulation 807 KAR 5:006, Section 20.

16. Failure of Water Meter

Where a meter is found to be in error, the customer's bill will be adjusted in accordance with Section 14 herein per Kentucky Public Service Commission Regulation 807 KAR 5:006, Section 9. Where a meter has ceased to register, the Association will estimate the monthly bill of the customer for the month that the meter is replaced. The estimated bill will be based upon the previous six month's usage.

17. Right of Access

The customer must agree to permit the Association to lay, maintain, repair, or remove its water lines that are located on the customer's property with the right of ingress-and-egress over customer's property. The Association's duly authorized representative and/or other duly authorized employee of the State Health Department bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of these Rules and Regulations.

18. Interruption of Service

The Association will use reasonable diligence in supplying

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water service, but shall not be liable for loss, injury, or damage to persons or property resulting from interruptions in service, excessive or inadequate water pressure. The Association does hereby explicitly state that its system is one for rural domestic consumption and that its allowance of connections to its system for fire protection whether by design or implication is only for such benefit as a customer may be able to derive from such connection.

The Association's system is not designed nor intended for use for fire protection in any manner whatsoever. Any customer using same for fire protection does so at their own full and sole responsibility.

The Association shall in no event be held responsible for any claim made against it by reason of 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 Association may be deemed necessary.

The Association shall make all reasonable efforts to eliminate interruption of service and when such interruption occur will endeavor to restore 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.

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19. Boilers and/or Pressure Vessels

Customers having boilers and/or pressure vessels receiving

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a supply of water from the Association must have a check value on the water supply line and a vacuum valve on the stream line to prevent collapse in case the water supply from the Association is discontinued or interrupted for any reason, with or without notice. It is the responsibility of the customer to make provisions for protection of his equipment in case of interrupted or intermittant service.

20. Backflow Preventors

Special services and fire connections shall have backflow preventors of a type approved by the Association, installed at the cost of the customer or applicant for service.

21. Cross-Connection

Kentucky Department of Health, Kentucky Public Service Commission and these Rules and Regulations do hereby explicitly state that cross-connection of the Association's system with any other source is hereby prohibited.

22. Relocation of Water Facility

Association may, at the request of a customer or other person relocate, change or modify existing Association owned equipment, mains or appurtenances. Same shall reimburse Association for such changes at actual cost including appropriate legal, administrative, engineering and overhead cost.

23. Damage to ASSOCIATION'S Water System

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 Association's water works. Any person violating this

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provision shall be subject to immediate arrest and/or discontinuation of water service and shall pay the cost of repairing or replacing the pipe or appurtenance.

Any person, firm or organization involved in work around or near Association's distribution mains or appurtenances may request the Association to indicate location of same. However, indication by Association of same does not relieve such person of complete responsibility and liability for any and all damages, liability and loss resulting from any act of such person or his assigns and/or agent.

24. Additional Load

The service connection supplied by the Association for each customer has a definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of the Association. Failure to give notice of additions or changes in load, and to obtain the Association's consent for same, shall render the customer liable for any damage to any of the Association's lines or equipment caused by the additional or changed installation.

25. Notice of Trouble

The customer shall notify the Association immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble or accidents affecting the supply of water.

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26. Water Main Extensions

Any person desiring an extension to Association system shall request in writing, in a form approved by the Association, for such extension. Any requested extension may be provided under one of the following options:

OPTION I - Association shall contract water main extensions under the authority and procedure stipulated in Public Service Commission Regulation 807 KAR 5:066, Section 12; A copy is attached hereto as Appendix I any extension made under this option shall be subject to refund as outlined in said regulation.

OPTION II - Applicant may construct and donate to Association, the extension, as a contribution in aid of construction, meeting all Association's specifications and approval. Association reserves right to stipulate applicable engineering, legal and administrative factors. Applicant shall pay all cost of Association as a contribution in aid of construction. Any extension made under this option shall not be eligible for refund.

The applicant or group of applicants shall have the right to elect the option by which said extension shall be made. In either case applicant must execute a contract and agreement for line extension of form approved by Association.

Extendor applicant is hereby notified that regardless of option selected all other rules, rates and schedules of fees applicable to size and type of service requested shall be paid in addition to cost of extension.

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SECTION 9 (1)

BY: J. Deaghegan

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Month Day Year

DATE EFFECTIVE 1 1 86
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ISSUED BY

[Signature]
Name of Officer

President
Title

P.O. Box 396, Benton, Ky.
Address

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FOR Southeastern portion of
Marshall County

P.S.C. Ky. No. 2

~~original~~ Sheet No. 14

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Jonathan Creek Water Association

RULES AND REGULATIONS

27. Complaints

Complaints may be made to the operator of the system whose decision may be appealed to the Association Commissioners. Such appeal shall be in writing within ten (10) days of date of decision by operator, stating the nature of the complaint and supporting evidence. Decisions of the Association's Commissioners or operator may be brought before the Public Service Commission in accordance with 807 KAR 5:001 Section 11 and 12.

28. Sale of Water

Water furnished by the Association may be used for domestic consumption by the customer's household or business, subject to special service agreements. The customer shall not sell, donate, give or allow use of such water to any authorized or unauthorized party.

29. Special Charges

Special charges may be assessed to the customer for returned checks, meter rereads, and meter tests at the specified charges shown below:

- A. A charge of \$5.00 will be made for each check returned to the Association by the bank.
- B. A charge of \$10.00 will be made to reread a meter at the customer's request unless such reread reveals that the initial reading was erroneous. No charge shall be made if the initial reading was erroneous.

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BY: J. Leaghogan

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Name of Officer

President
Title

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Address

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Jonathan Creek Water Association

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C. A charge of \$15.00 will be made for a meter test when such test is made at the customer's request unless the meter is found to be faulty. No charge shall be made for a faulty meter, but appropriate adjustments shall be made in accordance with Section 14 of these Rules and Regulations.

30. Special User Agreements for Nonstandard Service

Each applicant for nonstandard service shall execute to the Association an agreement for special service.

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RULES AND REGULATIONS

SCHEDULE OF SPECIAL SERVICE CHARGES

The following charges for special services shall be made:

1. Service Reconnection Charge. A charge of \$15.00 shall be made for all service reconnections made during regular working hours, except that there shall be no connection charges made for service on the original installation of facilities. If service is reconnected other than during regular working hours, the charge shall be \$20.00.
2. Meter Reading Recheck Charge. A charge of \$10.00 shall be made for a trip to recheck a meter reading when the customer requests the meter to be rechecked for a correct reading and the meter was not misread.
3. Meter Test. Upon request and payment of \$15.00 a customer may have his meter tested provided request by the customer is not more frequent than once each twelve months. If such test shows the meter to be more than two percent fast, a refund of the \$15.00 charge shall be made and the bill adjusted accordingly. If the periodic testing requirement of 807 KAR 5:066 (17) has not been met for the meter tested, no charge will be made for the test regardless of the results of the test.
4. PSC Meter Test Complaint. Any customer of the Association may request a meter test by written application to the Kentucky Public Service Commission.
5. Contribution in Aid of Construction. The established contribution fee is based on the size of the installed metering equipment as noted below:

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5/8 inch meter-----\$400.00

1 inch and larger meters-----Actual Cost of
Installation

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Jonathan Creek Water Association

RULES AND REGULATIONS

APPENDIX I
Rules and Regulations of the
Jonathan Creek Water Association

CHAPTER 5

807 KAR 5:066. Water

Section 12. Extension of service.

(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 and provides a guarantee for such service.

(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 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 utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

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(b) Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility 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

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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 utility. 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 may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall 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 additional customer connected during the year but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension, no refund will be required to be made.

(4) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the Commission.

(5) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed, should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(6) Upon complaint to and investigation by the commission a utility may be required to construct extensions greater than fifty (50) feet upon a finding by the commission that such extension is reasonable.

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Jonathan Creek Water Association
P.O. Box 414, Benton, Kentucky 42025

DIRECTORS:
CHARLIE E. YORK
GILBERT BAKER
R. L. HAM by
RAY TURNER
EARL LOVETT

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WATER SHORTAGE RESPONSE PLAN
JONATHAN CREEK WATER ASSOCIATION

AUG 09 1988

PUBLIC SERVICE
COMMISSION

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 Association 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 Association 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 Association.
- (c.) "Treated Water" shall mean water that has been introduced by the Association 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,
- health and public protection purposes, if specifically approved by health officials.

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DIRECTORS:

CHARLIE E. YORK
GILBERT BAKER
RAY. TURNER
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Socially or Economically Important Uses (Class2):

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, motel/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,
- watering of woody plants where necessary to preserve them,
- minimal watering of golf course greens.

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DIRECTORS:
CHARLIE E. YORK
GILBERT BAKER
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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 nonessential. 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.

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,

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P.O. Box 414, Benton, Kentucky 42025

DIRECTORS

CHARLIE E. YORK
GILBERT BAKER
RAY TURNER
R. L. HAMBY
EARL LOVETT

- washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas,
- washing down building 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.

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.

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P.O. Box 414, Benton, Kentucky 42025

DIRECTORS:
CHARLIE E. YORK
GILBERT BAKER
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(g.) Water Shortage Response Phases:

"ADISORY" 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 perserve public health and safety.

Section 3. Applicability. The provisions of this Plan shall apply to all retail and wholesale customers of the Association. When implemented, this Plan becomes Jonathan Creek Water Association 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. 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 Commissioners.

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 Commissioners of Jonathan Creek Water Association.

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

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DIRECTORS:

CHARLIE E. YORK
GILBERT BAKER
RAY TURNER
R. L. HAMBY
EARL LOVETT

be up to 20% 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 Association draws water.

(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 30% 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.

(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.
- (e) Curtail entitlements to all customers by the same percentage as the projected shortage.
- (f) Begin billing all customers water usage in excess of curtailed entitlement at the normal rate plus and excess usage charge of \$5.00 per 1,000 gallons.

C. Emergency Stage:

1. Criteria: A Water Emergency shall be declared when the amount of

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DIRECTORS:

CHARLIE E. YORK
GILBERT BAKER
RAY TURNER
R. L. HAMBY
EARL LOVETT

treated water available is projected to be up to 40% 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.

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 customers water usage in excess of curtailed entitlement at the normal rate plus and excess usage charge of \$2.00 per 1,000 gallons.

D. Rationing Stage:

1. Criteria: Treated water available is greater than 60% below demand or raw water supplies are below the level necessary to meet essential needs, and in the opinion of the President of the Association, 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.

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Jonathan Creek Water Association

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DIRECTORS:

CHARLIE E. YORK
GILBERT BAKER
RAY TURNER
R. L. HAMBY
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- (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 systems in accordance with approved published schedule. The schedule shall be provided to all local media.
- (h) Begin billing customers water usage in excess of curtailment entitlement at the normal rate plus an excess usage charge of \$10.00 per 1,000 gallons.

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 Association 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

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P.O. Box 44, Benton, Kentucky 42025

DIRECTORS:

CHARLIE E. YORK
GILBERT BAKER
RAY TURNER
R. L. HAMBY
EARL LOVETT

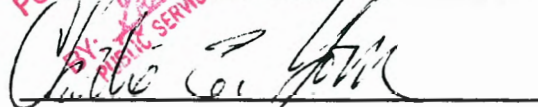
severe than the sacrifices borne by other users. If extraordinary hardship is found to exist, then an exception shall be granted and a written waiver issued to the customer. If an appeal is made, water service shall be continued until a decision is announced. Any person aggrieved by the decision may 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.

JONATHAN CREEK WATER ASSOCIATION



President of Board
Charlie E. York

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