

# Hardin County Water District No. 2

of

**Elizabethtown, KY**

**RATES, RULES, AND REGULATIONS FOR PROVIDING**

**Sewer Service**

in

**Hardin County, Kentucky**

**FILED WITH THE PUBLIC SERVICE COMMISSION OF  
KENTUCKY**

ISSUED: April 16, 2019

EFFECTIVE: July 1, 2019

ISSUED BY: Hardin County Water District No. 2

BY: /s/ Michael L. Bell, Chairman

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director



EFFECTIVE

**7/1/2019**

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

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Executive Director

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**7/1/2019**

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

	AREA <u>Hardin County, Kentucky</u>
	PSC KY NO. <u>1</u>
	<u>1<sup>st</sup> Revision</u> SHEET NO. <u>1</u>
Hardin County Water District No. 2	CANCELLING PSC KY NO. <u>1</u>
(NAME OF UTILITY)	<u>Original</u> SHEET NO. <u>1</u>

***MONTHLY RATES***

**Metered Usage\***

First 2,000 Gallons	\$30.90	Minimum Bill	(I)
Over 2,000 Gallons	\$0.01045	Per Gallon	(I)

\*All references to “Metered Usage” refer to metered water usage.

DATE OF ISSUE January 02, 2025  
MONTH / DATE / YEAR

DATE EFFECTIVE December 1, 2024  
MONTH / DATE / YEAR

ISSUED BY /s/ Shaun Youravich  
SIGNATURE OF OFFICER

TITLE General Manager

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. 2024-00383 DATED December 03, 2024

<b>KENTUCKY</b> <b>PUBLIC SERVICE COMMISSION</b>
<b>Linda C. Bridwell</b> Executive Director 
<b>EFFECTIVE</b> <b>12/1/2024</b> PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 2

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## ***CAPACITY FEE***

### **METER SIZE\***

### **AMOUNT**

5/8" x 3/4"	\$ 500.00	(N)
1"	\$ 800.00	(N)
1 1/2"	\$1,300.00	(N)
2"	\$5,000.00	(N)
3" and larger	To Be Based Upon Actual Water Usage	

The City of Elizabethtown will charge the District a one-time Capacity Fee for each Customer that connects to the District's sewer system. The Capacity Fee is based upon the amount of Wastewater Treatment Capacity that will be utilized by a particular Customer. The District shall "pass-through" the Elizabethtown Capacity Fee to the District's Customer without any mark-up. This amount must be paid before a Customer connects to the District's sewer system.

To encourage potential sewer customers to connect to the District's sewer system, the District will use Project funds to pay the Capacity Fee for any customer who signs an Application for Sewer Service and Sewer User Agreement within 30 days after sewer service is made available to that customer. In addition, the customer must actually connect to the sewer system on or before December 31, 2019.

\* "Meter size" means the size of the water meter serving the premises to receive sewer service

DATE OF ISSUE April 16, 2019  
MONTH / DATE / YEAR

DATE EFFECTIVE July 1, 2019  
MONTH / DATE / YEAR

ISSUED BY /s/ Michael L. Bell  
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

<b>KENTUCKY</b> <b>PUBLIC SERVICE COMMISSION</b>
<b>Gwen R. Pinson</b> Executive Director 
<b>EFFECTIVE</b> <b>7/1/2019</b> PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 3

Hardin County Water District No. 2  
(NAME OF UTILITY)

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\_\_\_\_\_ SHEET NO. \_\_\_\_\_

***SPECIAL CHARGES***  
***(NON-RECURRING CHARGES)***

DESCRIPTION	AMOUNT	
New Service Fee	\$10.00	(N)
Reconnect Fee	\$10.00	(N)
Termination Charge	\$10.00	(N)
Service Call/Investigation Charge	\$25.00	(N)
Late Payment Penalty	10%	
Insufficient Funds Charge	\$15.00	(N)
Inspection Fee	\$100.00	(N)

See Section 31.0 for a description of each Special Charge.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 4

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***INTRODUCTION***

This schedule of Rules and Regulations governs the furnishing of and maintaining sewer service by Hardin County Water District No. 2 (the “DISTRICT”). These Rules and Regulations shall be incorporated by reference into all agreements for receiving sewer service from the District.

### ***DEFINITIONS***

“Application” shall mean the document attached as **Exhibit A** and captioned as “Application for Sewer Service and Sewer User Agreement.”

“Control Authority” shall mean the District’s designee that manages and enforces the sewer pretreatment requirements of the City of Elizabethtown’s Sewer Use Ordinance.

“Customer in Good Standing” shall mean a customer that has incurred no more than two (2) Late Payment Penalties within the previous 12 months.

“District” shall mean Hardin County Water District No. 2.

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

AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 5

Hardin County Water District No. 2  
(NAME OF UTILITY)

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\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

“Point of Service” shall mean the point where the customer’s sewer service line ends and the District’s lateral line begins. The Point of Service can be easily identified because this is the point where the clean-out fitting is located. The customer shall be responsible for maintaining his or her plumbing and the sewer service line from the house or premises where sewer service is provided up to, but not including, the Point of Service (clean-out fitting). The District shall be responsible for maintaining the clean-out fitting, its sewer lateral line, its sewer collection main, and all other facilities which comprise its sewer collection and conveyance system. The Point of Service will typically be located at the edge of the utility easement or the edge of the public right-of-way.

“POTW” shall mean Public Owned Treatment Works.

“User Agreement” shall mean the document attached as **Exhibit A** and captioned as “Application for Sewer Service and Sewer User Agreement.”

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 6

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 1.0: APPLICATION FOR SEWER SERVICE***

- A. All persons, corporations, firms, agencies, or governmental entities desiring sewer service must make written application on forms provided by the District, setting forth in said Application all purposes for which sewer can be used upon the premises.
- B. Any change in the identity of the contracting customer at the premises will require a new Application and the District may, after reasonable notice, discontinue the water supply until such new Application has been made and accepted, but the former applicant or customer of sewer service shall remain liable for sewer services furnished to said premises until he or she has given notice in writing to the District to discontinue the sewer service. It is the customer's responsibility to notify the District if the identity of the person responsible for paying for service changes. See Section 15.0 CUSTOMER RESPONSIBILITY.

### ***SECTION 3.0: BILL FORMAT***

A copy of a typical bill is attached as **Exhibit B**.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 7

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 5.0: BILLING PROCEDURE***

Except for those instances in which a customer does not have public water service or a bill must be estimated, the sewer customer shall be billed based on the readings obtained from his or her water meter. The water meters shall be read monthly and each customer shall receive a bill showing his or her usage in gallons used during the previous period. Payments must be received by the District on or before the due date printed on the customer's bill or the customer shall be deemed delinquent, and a Late Payment Penalty shall be assessed. If the due date falls on a weekend or holiday, the District's office must have received the payment by the beginning of the next business day or a Late Payment Penalty shall be assessed. Any other fees or charges assessed by the Control Authority to meet pretreatment guidelines shall be handled in the same manner. See **Exhibit C** for a sample of the Reminder Notice that will be mailed to all customers who have not paid their bill by the due date.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 8

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 7.0: BILLS AND NOTICES***

- A. Bills and notices relating to the conduct of the business of the District shall be mailed to the customer's address that is listed on the User Agreement unless a change of address has been filed in writing with the District. A customer shall not be excused from the payment of any bill, nor the performance required by any notice, because of a failure to receive the bill or notice.
- B. A bill not paid on or before the due date shall be deemed delinquent. The District shall mail the delinquent customer a reminder notice of said delinquency, and the District shall discontinue service without further notice ten (10) days after the date of such notice, unless the bill is paid prior to the expiration of such ten (10) days. If a delinquent bill is not paid within ten (10) days after the date of such notice, the sewer service to a customer shall be discontinued without further notice.
- C. Customers are responsible for furnishing the District with their correct addresses. Failure to receive bills will not be considered an excuse for non-payment nor permit an extension of the date when the account would be considered delinquent. All bills will be sent to the address entered in the Application unless the District is notified in writing by the customer of any change of address.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 9

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 9.0: ELECTRONIC BILLS***

- A. In lieu of receiving a paper bill delivered via the U.S. Postal Service, a customer may request an electronic bill ("E-Bill") as his or her form of billing. The E-Bill will be sent to the email address shown on the customer's User Agreement, New Service Form, or E-Bill Enrollment Form. A customer may enroll for E-Billing, change his or her email address, or cancel his or her request to utilize E-Billing by either physically signing his or her name to the appropriate document or by using his or her electronic signature.
- B. E-Bill customers who do not make a payment on or before the due date shall be deemed delinquent. The District shall mail, via the U.S. Postal Service, or otherwise deliver to the last known address of the delinquent customer an advance termination notice which complies with the applicable PSC regulations. If a delinquent bill is not paid within ten (10) days after the date of the advance termination notice, the District shall discontinue service to the delinquent customer without further notice. Under no circumstances shall service be terminated before twenty-five (25) days after the issuance date of the original, unpaid E-Bill.
- C. A customer shall not be excused from the payment of any bill or E-Bill, nor the performance required by any notice, because of a failure to receive the bill, E-Bill, or notice.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 10

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 11.0: CLASSIFICATION OF SERVICE***

All customers receiving sewer service from the District shall be classified as receiving Residential Customer Service, Commercial Customer Service, or Industrial Customer Service. The classification of a customer shall be marked on the User Agreement (attached as **Exhibit A**). The classifications are as follows:

#### **A. Residential Customer Service**

Residential Customer Service consists of those customers who receive sewer service for a:

1. Single Family Dwelling; or
2. Multi-unit Residential Rental Facility or Mobile Home Park.

The customers listed above shall not be charged Kentucky State Sales Tax.

#### **B. Commercial Customer Service**

Commercial Customer Service consists of those customers who receive sewer service for a:

1. Place of business or trade (i.e., retail);
2. Church;
3. Barn or any building not used for housing; or
4. Service other than Residential or Industrial.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 11

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### C. Industrial Customer Service

Any customer who receives sewer service in connection with the manufacturing or assembling of a product for sale to the public.

### ***SECTION 13.0: COMPLAINTS***

Complaints may be made to the General Manager or designee, whose decision may be appealed to the District's Board of Commissioners. Such appeal shall be in writing within ten (10) days of the date of the decision and shall state the nature of the complaint and contain supporting evidence. Decisions of the District's Board of Commissioners may be brought to the attention of the Public Service Commission in accordance with 807 KAR 5:006, Section 10. Complaints may also be made directly to the Public Service Commission in accordance with the provisions of 807 KAR 5:001, Section 20 and 21.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 12

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 15.0: CUSTOMER RESPONSIBILITY***

- A. Each prospective customer desiring sewer service shall be required to sign the District's standard Application for Sewer Service and Sewer User Agreement before the District will provide service. See **Exhibit A**.
- B. The customer shall be responsible for notifying the District of the identity of the person responsible for paying for service changes.
- C. The customer shall be responsible for all plumbing installed on his or her property beginning at the Point of Service. This installation shall be in accordance with local, state, and federal rules and regulations. The customer shall be responsible for maintenance of the service lateral until it reaches the Point of Service.
- D. The customer shall provide reasonable protection for the District's equipment installed on his or her premises and shall not tamper or interfere with the District's property or permit others to do so. Customers shall allow the District's duly authorized representatives access to the District's property. Failure to do so may result in loss of sewer service or restitution for damages.

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AREA Hardin County, Kentucky

PSC KY NO. 1

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Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

### RULES AND REGULATIONS

- E. No connections shall be made to the District's sewer main except by, or under the supervision of, a duly authorized officer, agent or employee of the District. The customer shall schedule the connection with the District and allow access to the customer's property for connection work.
- F. The customer shall give immediate notice to the District of any irregularities, unsatisfactory service, or defects known to the customer that might affect his or her sewer service or that of the District's collection system.

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AREA Hardin County, Kentucky

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Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 17.0: DISCONTINUANCE OF SERVICE FOR NON-PAYMENT AND OTHER REASONS***

A. The District may refuse or terminate sewer service to a customer under any of the following conditions by terminating water service:

1. For the violation or noncompliance of any Rule or Regulation set forth in this Tariff;
2. For noncompliance with the rules and regulations of the Kentucky Public Service Commission;
3. During temporary vacancy upon written request of the customer and upon payment of all charges due as provided in this Tariff;
4. If a dangerous condition exists on a customer's premises;
5. For refusal to provide reasonable access;
6. For illegal use or theft of water or sewer service;
7. For non-payment of bills;

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 15

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

### RULES AND REGULATIONS

8. For non-payment of any other indebtedness owed to the District;
9. For connecting more than one user to a connection;
10. Residence is deemed not fit for human occupancy by local, state, or federal housing authorities; or
11. Customer does not adhere to the pre-treatment program as defined by the District's Control Authority.

B. If service is terminated for non-payment of a bill, the customer shall be given at least ten (10) days written notice, separate from the original bill, of the District's intent to terminate. Service shall not be terminated before twenty-five (25) days after the mailing of the original unpaid bill, unless another condition listed in this section exists. The District shall not be responsible for a customer who does not receive his or her bill as long as the address matches the address on the User Agreement. See SECTION 7.0  
BILLS AND NOTICES.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 16

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

- C. The District may deny service to an applicant who is a member of a delinquent household where the delinquent customer continues to live and uses the service.
- D. When sewer service to a premise has been terminated for any reason, it will be renewed only after the conditions, circumstances, or practices which caused the sewer service to be discontinued are corrected to the satisfaction of the District, and upon payment of all charges due and payable by the customer in accordance with this Tariff.

### ***SECTION 19.0: EASEMENT***

All customers shall grant or convey to the District a perpetual easement and right-of-way across any property owned or controlled by the customer whenever said easement or right-of-way is necessary for the installation and maintenance of the District's sewer lines, clean-out, manholes, and other facilities necessary to furnish sewer service to the customer.

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IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director



EFFECTIVE

**7/1/2019**

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

AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 17

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 21.0: EXTENSIONS OF SERVICE***

- A. Sewer Extensions:** If sewer service is desired, but no sewer is available at the location, the applicant can pay for extending the sewer main in accordance with the construction specifications of the District. If existing downstream sewer system facilities do not have adequate capacity for the proposed extension, the entire cost to upgrade existing facilities as required to accommodate the proposed extension shall also be paid by the applicant. The applicant must obtain the District's written approval of all sewer plans and the approval of the local, state, and federal authorities as applicable before any construction is performed. The District will perform construction inspection while all work is being performed. No connection to the sewer will be made along the extended section of sewer until all engineering, inspection, and connect fee charges are paid in full. The applicant shall pay for all construction cost and design engineering in addition to reimbursing the District for inspection cost.
- B. Relocation of Sewer Facilities:** The District may, at the request of a customer, relocate or change existing District-owned equipment. Applicant shall reimburse District for such changes at actual cost, including appropriate overhead.

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ISSUED BY /s/ Michael L. Bell  
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 18

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 23.0: INTERRUPTION OF SERVICE***

- A. The District shall use reasonable diligence in providing sewer service, but shall not be liable for loss, injury, or damage to persons or property resulting from interruptions in service.
- B. The District 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 providing sewer service caused by failure of pumps or other machinery or stoppage for necessary repairs. No person shall be entitled to damages nor have any portion of a payment refunded for an interruption of service that the District deems necessary.

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TITLE Chairman

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IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director



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

AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 19

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 25.0: SEWER BILL ADJUSTMENT POLICY***

A. If a customer incurs a water leak in his or her plumbing that results in additional water flow entering the sewer system, no sewer adjustment will be offered. If a customer incurs a water leak in his or her plumbing that does not result in additional water flow into the sewer system, a customer may be entitled to an adjustment. An adjustment shall be subject to the following conditions:

1. The customer must request an adjustment;
2. The leak must be repaired or the problem does not continue;
3. If there is a leak, a customer shall provide reasonable proof that the excess water did not enter the sewer system;
4. The District shall determine the excess water usage by comparing the usage during the period(s) while there was a leak or problem with the usage during the customer's normal usage. The customer's normal usage will be determined by computing the customer's average water usage for the twelve (12) months billing period immediately prior to the problem. If a twelve (12) month usage history is not available, the District will use the available usage history and other relevant factors to determine a

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PSC KY NO. 1

Original SHEET NO. 20

Hardin County Water District No. 2  
(NAME OF UTILITY)

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- reasonable estimate of the customer's normal usage. The difference between the usage while there was a problem and the normal usage is the excess usage;
5. The customer's normal usage will be billed at the rate shown in the District's approved tariff;
  6. The customer's excess usage will be adjusted off the sewer bill;
  7. Each adjustment may only cover up to the first two (2) billing periods after the leak or catastrophic problem occurred;
  8. Only one (1) adjustment will be permitted at a particular service installation during each calendar year and no more than three (3) adjustments will be permitted on a particular account for a period of 10 years;
  9. This adjustment policy is applicable to all Customers in Good Standing;
  10. If this leak or problem would be a great financial burden to the customer, the District may allow this charge to be paid in installment payments that would be mutually agreed upon, but would not exceed a period of 12 months.

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**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

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Executive Director



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PSC KY NO. 1

Original SHEET NO. 21

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

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B. If a customer incurs a heavy water demand on his or her water service that does not result in additional water flow into the sewer system, the customer may be entitled to a sewer bill adjustment. An adjustment shall be subject to the following conditions:

1. An example of heavy water demand on the water service that does not enter the sewer system is the filling of swimming pools.
2. Swimming Pool Adjustment:
  - i. The term "swimming pool" is defined as any fixed-in-place, in-ground or above-ground pool intended for swimming which contains, is designed to contain, or is capable of containing water more than 36 inches deep at any point. Filling any portable structure of inflatable, soft-sided, or rigid-sided material will not be deemed as a fixed-in-place pool and will not qualify for an adjustment. An adjustment of the volume billed for residential sewer customers may be made upon the customer's request whenever water is used for filling swimming pools provided the following conditions are met:
    1. Any customer who has both sewer and water service with the District may request a swimming pool adjustment on his or her sewer bill once in a calendar year (January through December billings) provided the request is made within two (2) months of the service being billed.

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Executive Director



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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 22

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

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### RULES AND REGULATIONS

2. The amount of the sewer adjustment shall be based on a comparison to twelve (12) months average usage before the pool filling.
  3. The maximum adjustment to the sewer portion will be limited to 25,000 gallons. The adjustment will appear as a credit to the customer's account but cannot result in a refund or an amount less than the minimum monthly sewer bill.
  4. An adjustment is available only to residential customers. If a 12 month usage history is not available, the District will use the available usage history or other factors such as residential customer class averages to determine a reasonable estimate of the customer's normal usage.
- 
3. The customer must request the adjustment in writing before the time of the event;
  4. The District will estimate the amount of water used for the event, in good faith, and adjust the sewer bill by the amount.

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**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
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PSC KY NO. 1

Original SHEET NO. 23

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(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

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## RULES AND REGULATIONS

### ***SECTION 27.0: POINT OF SERVICE AND SERVICE LINES***

**A. Point of Service:** The Point of Service is the clean-out fitting. All sewer lines, plumbing, and equipment beyond the Point of Service shall be installed and maintained by the customer at his or her own expense in a safe and efficient matter in accordance with the District's Rules and Regulations and with the Regulations of the Department of Health. The District reserves the right to determine the location of the Point of Service with full regard to those wishes of the prospective customer.

**B. Customer's Sewer Service Line:** The customer's sewer service line shall at all times be and remain the property of the customer. It is understood that the customer will, at his or her own expense, pay for the actual physical connection from the customer's sewer service line to the District's collection main. The customer's sewer service line is to be installed only by a licensed plumber and the work must be inspected by the authorized plumbing inspector before the line is backfilled. In certain cases a representative of the District may also make an inspection. The customer and the installer making a connection to the District's collection main shall hold the District harmless from any loss or damage that may directly or indirectly be occasioned by making this connection. The entire customer sewer service line and the connection to the District's collection main shall be installed in accordance with the District's specifications.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 24

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### RULES AND REGULATIONS

- C. **Service Line Material:** The customer's sewer service line shall be constructed of materials approved in advance by the District and more particularly described in the District's Standard Sewer Line Construction Specifications.
- D. **Service Line Infiltration:** The customer shall correct or repair his or her sewer service line to eliminate any extraneous water from entering the sewer system within ten (10) days after written notice by the District.
- E. **Service Line Test:** All service lines must be tested and witnessed by the authorized plumbing inspector or an employee of the District. Normally a smoke test or water exfiltration test will be required.
- F. **Connection to Sewer Main:** No connection to the District's collection main shall be made except by a licensed plumber under the observation of the District.
- G. **Septic Tank Disconnection:** No septic tanks shall be tied into a sewer service line connected to the sanitary sewer.
- H. **Grease and Oil Traps:** Service stations, restaurants, and others who discharge grease and oil shall be required to install approved grease and oil traps or other acceptable methods of removal before the sewage enters the POTW as defined by the District's Control Authority.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 25

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CANCELLING PSC KY NO. \_\_\_\_\_

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## RULES AND REGULATIONS

- I. **Maintenance of Customer's Sewer Service Line:** All costs and expenses related to the maintenance of the customer's sewer service line shall be borne by the property owner, including removal of any obstructions, except where it can be shown to the satisfaction of the District that the sewer service line has physically collapsed or is defective between the Point of Service and the District's collection main. The costs and expense of repairing the collapsed or defective sewer service line between the Point of Service and the District's collection main will be borne by the District.
- J. **Manhole Cover Removal:** No person shall remove any manhole cover or permit any storm water, ground water, roof run-off, sub-surface drainage, cooling water, or unpolluted industrial process waters to be discharged into the sanitary sewer system.
- K. Each customer's sewer service line shall be independent from any other property or source. Only one user per sewer service line.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 26

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(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

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## RULES AND REGULATIONS

### ***SECTION 29.0: RIGHT OF ACCESS***

- A. The customer shall permit the District to lay, maintain, repair, or remove sewer lines owned by the District and located on the customer's property. The District's duly authorized representative shall be permitted to enter upon all properties for the purpose of repairing, upgrading, inspection, observation, measurement, sampling, and testing, in accordance with the provisions of these Rules and Regulations.
- B. The customer shall convey, or cause to be conveyed, a perpetual easement and right-of-way to the District across any property owned or controlled by the customer whenever said easement or right-of-way is necessary to enable the District to furnish sewer service to the customer.
- C. The customer shall also permit the District's duly authorized representative to access the premises, upon reasonable notice and at reasonable times, to inspect for possible sources of Inflow and Infiltration into the District's sanitary sewer system.

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**KENTUCKY  
PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 27

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

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## RULES AND REGULATIONS

### ***SECTION 31.0: SPECIAL CHARGES***

A. Purpose: Pursuant to the provisions of 807 KAR 5:006, Section 8, the District has adopted the following Special Charges to cover certain costs incurred for a specific customer. The purposes of these Special Charges are to keep from increasing rates to other customers who do not receive any benefits from the service provided or the action taken.

B. Specific Special Charges

1. ***New Service Fee.*** A turn-on charge shall be assessed for a new service turn-on, seasonal turn-on, or temporary service.
2. ***Reconnect Charge.*** A reconnect charge shall be assessed to reconnect a service which has been terminated for non-payment of bills or violation of the District's Rules and Regulations or the Public Service Commission's Regulations.

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AREA Hardin County, Kentucky

PSC KY NO. 1

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3. **Termination.** A charge shall be assessed when a District representative makes a trip to the premises of a customer for the purpose of terminating service. The charge shall be assessed if the District representative actually terminates service.
4. **Service Call/Investigation Charge.** A charge per trip shall be assessed, when a customer requests the onsite presence of District personnel to investigate a service problem and the problem is a result of the customer's own plumbing facilities beyond the Point of Service or not caused by failure of the District's facilities. Any maintenance and repair of the facilities beyond the District's Point of Service is the responsibility of the customer.
5. **Insufficient Funds Charge.** In those instances where a customer renders payment to the District by check, credit or debit card, Automated Clearing House (ACH), e-check, or other means of electronic funds transfer and the customer's bank or other financial institution does not honor the payment, the customer will be assessed an Insufficient Funds Charge.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 29

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## RULES AND REGULATIONS

6. ***Late Payment Penalty.*** A penalty will be assessed if a customer fails to pay a bill for services by the due date shown on the customer's bill. The penalty shall be assessed only once on any bill for rendered services. Any payment received shall first be applied to the bill for services rendered. Additional penalty charges shall not be assessed on unpaid penalty charges.

7. ***Inspection Fee.*** The customer shall be charged an inspection fee for the District's representative to witness and inspect the construction of the customer's sewer service line and connection to the District's collection system by the duly licensed plumber selected and paid by the customer.

C. The amount of each Special Charge shall be the amount approved by the Public Service Commission. These amounts are set forth on page 3 of these Rules and Regulations.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 30

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CANCELLING PSC KY NO. \_\_\_\_\_

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## RULES AND REGULATIONS

### ***SECTION 33.0: PROHIBITED CONNECTIONS***

As a condition of continued service and for customers to be allowed to continue discharging into the District's collection main, each customer must agree to avoid the following discharges, activities, or construction:

- A. Floor, basement, or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet, which is lower than six (6) inches above the top of the lowest of the two adjacent sanitary sewer manholes, will be connected by direct drainage to the building sanitary sewer.
- B. No customer shall make connection of roof down spouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to the sanitary sewer. Any such connections, which already exist on the effective date of this Tariff, will be completely and permanently disconnected.

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Executive Director



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PSC KY NO. 1

Original SHEET NO. 31

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- C. The discharge of any wastewater into the District's collection main by any customer is not allowed unless in compliance with the provisions of this Tariff, and any more stringent State or Federal Standards promulgated pursuant to the Clean Water Act (formerly Federal Water Pollution Control Act), the 1972 and 1977 amendments to said Act and any other subsequent amendments, and 40 CFR 403.
- D. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.
- E. No customer will contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

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## RULES AND REGULATIONS

### ***SECTION 35.0: PROHIBITED DISCHARGES***

- A. All parties shall comply with Elizabethtown's Sewer Use Ordinance and Pre-Treatment Program as codified in City of Elizabethtown Ordinance No. 11-2002, and any subsequent amendments thereto.
- B. The District shall adopt and enforce rules and regulations that prohibit its customers from discharging any clean water to any wastewater lateral line or wastewater collection line. Such rules and regulations shall further prohibit the District's customers from making discharges from sump pumps, roof runoffs, area drains, other drains, surface runoffs, or any other source that become an inflow to the District's wastewater collection system. The District shall strictly enforce such rules and regulations. The District further agrees to take all actions reasonably necessary to prevent or disconnect any such discharge source.
- C. The District will not connect or commit to connect any new Industrial User or Commercial User to its wastewater collection system until officials from both the City of Elizabethtown and the District have thoroughly reviewed the characteristics of the proposed discharge, the estimated daily quantity of flow, and the compatibility of the proposed discharge to the treatment process utilized at the City-owned and operated wastewater treatment plant.

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**KENTUCKY**  
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**Gwen R. Pinson**  
Executive Director



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Hardin County Water District No. 2  
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D. The District shall not permit a new Industrial User or Commercial User to make any discharge into the District's wastewater collection system until the District and the new Industrial User or Commercial User have executed a written User Agreement governing the new Industrial User or Commercial User's proposed wastewater discharge and the User Agreement has been approved by the City of Elizabethtown.

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AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 34

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

### ***SECTION 37.0: LIABILITY OF THE DISTRICT***

- A. The District shall not in any way or under any circumstances be held liable or responsible to any person or persons for any loss or damage resulting from the sewer service, due to any cause whatsoever. The District will undertake to use reasonable care and diligence in order to prevent and avoid interruptions and fluctuations in the service, but it cannot and does not guarantee that such will not occur.
- B. The District will make every effort to maintain its sewer collection system that is required for reasonable service, but it does not guarantee to furnish service at all times.
- C. The District shall not be responsible for accidents or damages resulting from the discontinuance of service, nor by reason of the breaking of any main, sewer pipe, fixture, or appliance whether owned by the District or customer, and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service. The District will exercise every care in this matter, and in the event of the necessity of turning off water service or discontinuing sewer service, every reasonable effort will be made to notify the customer.

DATE OF ISSUE April 16, 2019  
MONTH / DATE / YEAR

DATE EFFECTIVE July 1, 2019  
MONTH / DATE / YEAR

ISSUED BY /s/ Michael L. Bell  
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director



EFFECTIVE

**7/1/2019**

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

AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 35

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

## RULES AND REGULATIONS

D. The District shall not be considered in any manner an insurer of property or persons. The District agrees to furnish such sewer service as shall then be available and not other or greater, and it shall be free and exempt from any and all claims for damages on account of any injury to property or persons for any other cause whatsoever.

### ***SECTION 39.0: MISCELLANEOUS***

A. No person shall connect to or disconnect from the District's collection main without the consent of the District. Penalties provided by law for any such action will be rigidly enforced.

B. No employee or agent of the District shall have the right or authority to bind it by any promise, agreement, or representation contrary to the letter or intent of these Rules and Regulations.

C. All Rules and Regulations of the District are subject to the approval of the Public Service Commission of the State of Kentucky, or its successor, and if any part thereof should be adjudged to be in violation of any rule or order made by the Commission, then that particular part shall be ineffective but without in any way affecting the other portions thereof.

DATE OF ISSUE April 16, 2019  
MONTH / DATE / YEAR

DATE EFFECTIVE July 1, 2019  
MONTH / DATE / YEAR

ISSUED BY /s/ Michael L. Bell  
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director



**EFFECTIVE**

**7/1/2019**

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

AREA Hardin County, Kentucky

PSC KY NO. 1

Original SHEET NO. 36

Hardin County Water District No. 2  
(NAME OF UTILITY)

CANCELLING PSC KY NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

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## RULES AND REGULATIONS

### ***SECTION 41.0: REVISIONS***

These Rules and Regulations may be revised, amended, supplemented, or otherwise changed from time to time, subject to approval of such revisions by the Kentucky Public Service Commission.

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DATE OF ISSUE April 16, 2019

MONTH / DATE / YEAR

DATE EFFECTIVE July 1, 2019

MONTH / DATE / YEAR

ISSUED BY /s/ Michael L. Bell

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director



EFFECTIVE

**7/1/2019**

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

# EXHIBIT A

**KENTUCKY**  
PUBLIC SERVICE COMMISSION

**Gwen R. Pinson**  
Executive Director



EFFECTIVE

**7/1/2019**

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

## Application for Sewer Service and Sewer User Agreement

**[To be Filed Later]**

**KENTUCKY**  
PUBLIC SERVICE COMMISSION

**Gwen R. Pinson**  
Executive Director



EFFECTIVE

**7/1/2019**

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



# EXHIBIT B

**KENTUCKY**  
PUBLIC SERVICE COMMISSION

**Gwen R. Pinson**  
Executive Director




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**7/1/2019**

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

# FRONT SIDE OF BILL



## Hardin County Water District No. 2

**Name:** JOE CUSTOMER  
**Service Address:** 123 GLENDALE-HODGENVILLE RD  
**Statement Date:** 11/28/17

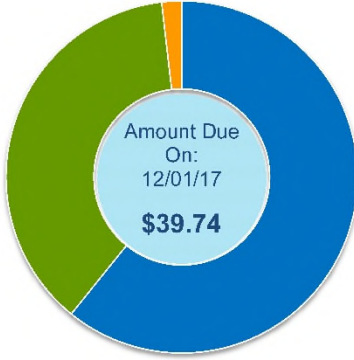
**Account Number:** 99999999  
**Due Date:** 12/01/17

**WATER** \$24.17

**SEWER** \$14.84

**OTHER** \$0.73

**TOTAL:** \$39.74



Amount Due On: 12/01/17  
**\$39.74**

■ \$24.17 ■ \$14.84 ■ \$0.73  
*Breakdown of charges on reverse*

**BILLING SUMMARY**

Previous Balance	\$28.99
Payments as of 10/10/17	(\$28.99)


Current Reading	Previous Reading	Consumption (Gallons)
2636100	2633000	3100

Service Date: 09/20 to 10/20      Days Billed: 30

**Special Message**

Our office will be closed December 22 and 25, 2017 for the Christmas Holiday.

Please detach and return lower portion if paying by mail. KY12345F




**HARDIN COUNTY WATER DISTRICT NO. 2**  
PO BOX 970 • 360 RING ROAD  
ELIZABETHTOWN KY 42702  
*Return Service Requested*

**Account Number:** 99999999

**AMOUNT DUE** \$39.74

**Due Date:** 12/01/17  
**Amount After Due Date:** \$43.71

**PAY NOW!**



123456789012345678901234567890

**HARDIN COUNTY WATER DISTRICT NO. 2**  
PO BOX 950149  
LOUISVILLE KY 40295-0149

123456789012345678901234567890

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director

*Gwen R. Pinson*

**EFFECTIVE**  
**7/1/2019**  
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

**JOE CUSTOMER**  
12345 SOUTH MAIN ST.  
ELIZABETHTOWN KY 42701

**1**

Your Water Professionals

# REVERSE SIDE OF BILL



**Hardin County Water District No. 2**  
Po Box 970 • 360 Ring Road  
Elizabethtown KY 42702

Phone: 270.737.1056 • Fax: 270.737.2301  
www.hardincountywater2.org

Hours: 8:30 am - 4:30 pm  
Monday - Friday

Account Number: 99999999

Water-HCWD2	\$24.17
New Service Fee	
Adjustment 1	
Adjustment 2	
Adjustment 3	
<b>Total Water</b>	<b>\$24.17</b>

Sewer-HCWD2	\$14.84
Sewer-Etown	
Adjustment 1	
Adjustment 2	
Adjustment 3	
<b>Total Sewer</b>	<b>\$14.84</b>

Water-School Tax	\$0.73
Water Sales Tax	
Sewer-Sales Tax D2	
Adjustment 1	
Adjustment 2	
<b>Total Other</b>	<b>\$0.73</b>

**TOTAL: \$39.74**



When paying by mail, make sure you allow sufficient time to insure your bill is received by our office BEFORE the due date. The District is not responsible for lost or slow mail. Mail payments to HCWD #2 P.O. Box 970, Elizabethtown, KY 42702.



You can set your account to automatically draft from your bank account each month as a free service from the District. An authorization form is located below for your convenience. Contact our office at 270.737.1056 or visit our web site at www.hardincountywater2.org for more details.



The District accepts Visa/MasterCard, American Express and Discover. You may call us at 270.737.1056 and use our IVR system to make a payment 24/7. There will be a transaction fee of \$2.50 if you choose to pay with a Debit/Credit Card or by E-Check.



You may stop by our office at 360 Ring Road in Elizabethtown Monday - Friday 8:30 am to 4:30 pm. Our night drop is located by the drive-up window at our office located at 360 Ring Road in Elizabethtown.

To avoid a penalty, bills must be received in our office by 4:30 on the due date. If due date falls on a weekend or holiday, payments must be in our office by 8:30 the next business day. For a complete list of payments options available, please check the back of your bill.

A complete copy of the District's tariffs and rates are available at our office.

## SEWER ISSUES



If your bill states "Sewer-Etown" then you are a city of Elizabethtown Sewer Customer. Should you have service issues, please call 270.765.6121.

If your bill states "Sewer-HCWD2" then you are our Sewer Customer. Should you have service issues, please call our 24/7 number at 270.737.1056.

## MESSAGE CENTER

Test Message.

I (we) hereby authorize Hardin County Water District #2 to initiate debit entries to my (our) account indicated below at the depository named below. **Sign me up for:** ☐ Easy Pay ☐ E-Bill

Name \_\_\_\_\_  
District Account Number \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Financial Institution's Name \_\_\_\_\_  
Checking Account Number \_\_\_\_\_ Routing Number \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_



If signing up for Easy Pay, please enclose a void check or copy of a check for our records. Please verify your checking account number with your bank. When calling your bank, let them know you are signing up for Bank Draft, because some banks will add or subtract numbers on your account for automated drafts. This will insure proper payment. \*\*One-time credit applies for enrolling into e-billing.

*Your Water Professionals*

**KENTUCKY  
PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director

*Gwen R. Pinson*

EFFECTIVE

**7/1/2019**

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

# EXHIBIT C

**KENTUCKY**  
PUBLIC SERVICE COMMISSION

**Gwen R. Pinson**  
Executive Director



EFFECTIVE

**7/1/2019**

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

Phone: 270.737.1056  
Fax: 270.737.2301  
www.hardincountywater2.org



Hours: 8:30 am - 4:30 pm  
Monday - Friday

## Hardin County Water District No. 2

Po Box 970 • 360 Ring Road  
Elizabethtown KY 42702

### Reminder Notice

**Name:** JOE CUSTOMER  
**Account Number:** 99999999  
**Service Address:** 123 GLENDALE-HODGENVILLE RD  
**Statement Date:** 11/28/17

#### Have you overlooked your bill?

Our records indicate we have not received your payment. If you have made a payment on this account, please disregard this notice or you may contact our office at 270.737.1056 or review your account online at www.hardincountywater2.org.

Otherwise, please pay the total amount of this invoice by **99/99/99**. Should your services be disconnected for nonpayment, there will be an additional \$50.00 service fee to restore your services. Payments made to restore services after 9:00 pm will be turned on the next business day.

Payments can be made 24-hours a day on our website at www.hardincountywater2.org or by phone by calling 270.737.1056 then press 4. Payments may also be placed in our night drop at our office located at 360 Ring Road next to the drive-up window.



We offer a wide range of payment methods to meet your needs. Automatic payments, whether Easy Pay or recurring online payments means less worries.

#### Easy Pay



Please detach and return lower portion if paying by mail.

KY12345F



**HARDIN COUNTY WATER DISTRICT NO. 2**  
**PO BOX 970 • 360 RING ROAD**  
**ELIZABETHTOWN KY 42702**  
*Return Service Requested*

**PAY NOW!**



JOE CUSTOMER  
12345 SOUTH MAIN ST.  
ELIZABETHTOWN KY 42701

Account Number: 99999999

**AMOUNT DUE**

**\$39.74**

Amount After Due Date: \$43.71

**HARDIN COUNTY WATER DISTRICT NO. 2**  
**PO BOX 950149**  
**LOUISVILLE KY 40295-0149**

123456789012345678901234567890

*Your Water Professionals*

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson**  
Executive Director

EFFECTIVE

**7/1/2019**

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