



DISTRICT RATE ORDER

Revised August 27, 2024

College Mound Special Utility District

12731 FM 429

Terrell, Texas 75161

(972) 563-1355

www.collegemoundwater.com

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SECTION A: AUTHORITY
Resolution 2024-05

This revised District Rate Order was adopted on this the 27th day of August 2024, by majority vote of the Board of Directors of the College Mound Special Utility District at a duly called and posted meeting.

President Maurice Pittman

Attested by:
Vice-President Thomas King
OR
Secretary/Treasurer Ann King

District Seal

**ORDER BY COLLEGE MOUND SPECIAL UTILITY DISTRICT ADOPTING
A SERVICE POLICY AND ESTABLISHING RATES, FEES, AND CHARGES,
AND ADOPTING RULES RELATING TO THE ADMINISTRATION OF ITS
UTILITY SERVICES AND PROVIDING FOR ENFORCEMENT FOR
VIOLATING THIS SERVICE POLICY**

WHEREAS, the College Mound Special Utility District (the “District”) operating under Chapter *(the chapter that applies)* and Chapter 49 of the Texas Water Code has provided facilities for the production and distribution of potable water to residential and business users within its authorized service areas;

WHEREAS, Section 49.212, Texas Water Code, authorizes the District to adopt and enforce all necessary charges, rates, fees, or rentals, and other terms and conditions for providing and District services;

WHEREAS, the Board of Directors has carefully considered the matter and is of the opinion that the following fees, charges, rates, rules, regulations, and enforcement procedures are necessary for the safe and efficient management of the Districts’ utility facilities and services;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF COLLEGE MOUND SPECIAL UTILITY DISTRICT, IN KAUFMAN COUNTY, TEXAS, that the following Service Policy is adopted and establishes the fees, charges, rules, and enforcement procedures for the Districts’ water/sewer services (“Service Policy”) and shall be effective on August 27, 2024.

Passed and approved this 27th, day of August 2024.

Maurice Pittman
President – Board of Directors

Ann King
Secretary/Treasurer – Board of Directors

District Seal

SECTION B: STATEMENTS

1. **Organization:** The College Mound Special Utility District is a Political Subdivision of the State of Texas organized under Chapters 49 and 65 of the Texas Water Code for the purpose(s) of furnishing potable water (and/or sewer utility) service. The management of the District is supervised by the Board of Directors which is responsible for adopting all District service policies, rates, and regulations. The members of the Board of Directors are elected by the registered voters residing within the Districts' boundaries.
2. **Non-Discrimination Policy:** Service is provided to all applicants who comply with the provisions of this Rate Order regardless of race, color, religion, national origin, disability, or sexual orientation.
3. **Policy and Rule Application:** These policies and rules apply to the water (and/or sewer) services provided by the District. Failure on the part of the customer or applicant to observe these policies and rules gives the District the authority to deny or discontinue service and to take any other action deemed appropriate according to the terms of this Policy.
4. **Fire Protection Responsibility:** The District generally does not provide, nor does it imply that fire protection is available throughout the distribution system, except where expressly specified and agreed to by the District. All hydrants or flush valves are for the operation and maintenance of the system and may be used for refill only by authorized fire departments. The District reserves the right to remove any hydrant, due to improper use or detriment to the system or to assign specific refill hydrants/valves as determined by the District, at any time without notice, refund, or compensation to any third party.
5. **Liability:** The District is not liable for damage(s) caused by service interruptions, events beyond its control, or for normal system failures. Nothing herein shall be construed to be a waiver of the Districts' governmental immunity.
6. **Information Disclosure:** The records of the District shall be kept in the Districts' office in Terrell, Texas. All information collected, assembled, or maintained by or for the District shall be disclosed to the public in accordance with the Texas Public Information Act except when an exception applies. A reasonable charge as established pursuant to the Texas Public Information Act may be assessed to any person requesting copies of the District records. **In no event and under no circumstances shall the District disclose the Social Security Number of any customer to any person other than an employee of the District for District purposes.** Chapter 182, Subchapter B of the Texas Utilities Code makes confidential a water utility customers' address, telephone number, account records, and information relating to the volume or units of utility usage, or the amounts billed to or collected from the individual for utility usage. However, an individual customer may request in writing that this information be released upon request. The District shall give its applicants and customers notice of their right to request disclosure of the information under this policy. The confidentiality provision in Chapter 182, Subchapter B of the Texas Utility Code does not prohibit the District from disclosing this information to an official of employee of the state or a political subdivision of the state acting in an official capacity or an employee of the District acting in connection with the employees' duties. Further, such customer confidentiality does not prohibit the District from disclosing the name and address of each customer entitled to vote on a list to be made available to the Districts' voting customers, or their agents or attorneys, in connection with a meeting of the District customers.

Section B

7. **Customer Notice Provision:** The District will give written notice of a water (and/or wastewater) rate change by publication on the Districts' website and by email, if applicable, and mail or hand delivery to all affected customers within thirty (30) days after the date on which the Board authorizes the new rate. The notice shall contain the old rates, new rates, effective date of the new rates, meaning the first date of the applicable billing cycle where the new rate will take effect, the date of Board authorization, and the location where additional information on rates can be obtained. Failure of the District to give the notice shall not invalidate the effective date of the change, the amount of the newly adopted rate, nor any charge incurred based on the new rate.
8. **Customer Service Inspection:** The District requires the completion of a Customer Service Inspection certification prior to providing water service to new construction and for all new customers as part of the activation of standard and Non-Standard water service. Customer Service Inspection are also required on any existing service when the District has reason to believe cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the customers' water distribution facilities. This inspection is limited to the identification and prevention of cross connections, potential contaminant hazards, and illegal lead materials. (30 TAC 290.46(j))
9. **Submetering Responsibility:** Submetering and non-submetering by master metered accounts may be allowed in the Districts' water distribution (or sewer collection) system provided the master metered account customer complies with [the Public Utility Commission of Texas \(PUC\) Chapter 24, Subchapter I](#) rules pertaining to submetering. The District has no jurisdiction over or responsibility to the tenants. Tenants receiving water under a master metered account are not considered customers of the District. Any interruption or impairment of water service to the tenants is the responsibility of the master metered account customer. Any complaints regarding submetering should be directed to the PUC.

Note: The District will check with the Master Metered Account Customer to:

- See if they have registered with the [PUC, \(Texas Water Code Chapter 13 M\)](#)
- Protect the Systems' CCN. Should the Master Metered Account Customer violate these or other State regulations, the District will request a Cease and Desist Order from PUC. ([Texas Water Code Section 13.252 and PUC Rules, Chapter 24 Section 24.118.](#))

10. **Prohibition Against Resale of Water/Wastewater:** The meter and/or sewer connection is for the sole use of the customer and is to provide service to only one (1) dwelling or one (1) business. Extension of pipe(s) to share or resell water and/or sewer facilities to any other person, dwellings, businesses, or property, etc., is prohibited.

SECTION C: DEFINITIONS

Applicant - A person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity applying for service with the District. A person must have reached age of majority (18) in Texas to apply for service. ([Section 129.001, Civil Practice & Remedies Code](#))

Authorized Representative or District Representative - The General Manager of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed by the Policy pursuant to either general or specific authorization to do so from the General Manager or the Board of Directors of the District.

Base Rate - The monthly charge assessed each Customer for the opportunity of receiving service. The Base Rate is a fixed rate based upon the meter size as set forth in the equivalency chart in [Section G](#).

Board of Directors - The governing body of the District elected by the registered voters within the Districts' boundaries in accordance with the applicable election laws.

Certificate of Convenience and Necessity (CCN) – The authorization granted under [Chapter 13 Subchapter G of the Texas Water Code](#) for College Mound Special Utility District to provide water and/or sewer utility service within a defined territory. College Mound Special Utility District has been issued Certificate Number(s) 10825. Territory defined in the CCN shall be the Certificated Service Area.

Construction Meter - The rental of a meter for the purposes of obtaining water from a fire hydrant for construction purposes. ([see Section G\(12\)](#))

Customer - Any person, corporation, organization, government or governmental subdivision or agency, business trust, estate, partnership, association, or any other legal entity receiving Districts' service at any specified premises designated to receive service.

Debt Owed to District – All debts accrued by an individual customer that shall include but not be limited to past due bills from the current or other/former service locations(s) of the customer, deferred payment agreements, fees and penalties incurred in accordance with this Service Policy, disconnect/reconnect fees, District assessments, and any other monetary amount accrued and owed to the District under this Service Policy and pursuant to the laws governing the District.

Dedicated Fire Line - A waterline within the private property of a business, RV Park, etc... that is solely intended for the purpose of filling a fire apparatus. The line must be installed in a manner that it cannot be locked for non-payment, as per the Kaufman County Fire Marshall. ([see Section G\(14\) Dedicated Fire Line Meter Fee.](#))

Defined Service Area - That area within which water (and/or sewer) services are provided to customers and that includes the area within the Districts' boundaries (and/or the area described within CCN Number 10825).

Deposit - A non-interest-bearing refundable fee as set by the Board of Directors based upon the size of the water meter or customer class, which is held by the District as security for service being rendered.

Developer - Any person, partnership, cooperative corporation, corporation, agency, or public or private organization who owns land located within the District or Districts' service area(s) who has divided or proposes to divide the land into more than two parts for the purpose of laying out any subdivision or any

tract of land, or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent. *see* [Texas Water Code 13.2502\(e\)\(1\) & 49.052\(d\)](#).

Disconnection of Service - The discontinuance of water or wastewater service to a customer of the District.

District - The College Mound Special Utility District.

Districts' Sewer (Wastewater) System – The sanitary sewer collection, disposal, and treatment facilities constructed by the District and any sanitary sewer system or sewer extensions, which may be built within the District in the future.

Districts' Water System - The water production, treatment, and distribution facilities operated or to be constructed by the District as currently operating and any water system extensions or improvements which may be built within the District in the future.

Easement - A private perpetual right-of-way dedicated to the District for the installation of water (and sewer) pipelines and necessary facilities that allows access to property for future operation, maintenance, facility replacement, facility upgrades, and/or installation of additional pipelines (if applicable) for both service to a customer/applicant and system-wide service. This may also include restrictions on the adjacent area to limit the installation of sewer lines or other facilities that would restrict the use of any area of the easement. The District maintains and occasionally updates a standard easement which must be provided prior to service to a new customer or new service connection. (*see* [Form RUS-TX 442.8](#) or [Form RUS-TX 442.9](#)) The easement will be filed in the real property records of the appropriate county or counties.

Extreme Weather Emergency – A period beginning when the previous days' highest temperature recorded for the Districts' service area did not exceed 28 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports for that area. An extreme weather emergency is over on the second business day the temperature exceeds 28 degrees Fahrenheit.

Emergency Response Fee - A fee charged when District property is damaged causing customers to be without water or causing low water pressure. (*see* [Section G](#))

Final Plat - A complete and exact plan for subdivision of a tract of land which has been approved by all regulatory agencies having jurisdiction over approval of the design, planning, and specifications of the facilities of such subdivision or development.

Grinder Pump Station – The individual lift stations located at each commercial building or residence that are installed, owned, and maintained by the District as part of the Districts' low-pressure sewer system. The grinder pump station includes a pump, tank, controls, control panel, valves, piping, electric wiring and related facilities.

Hazardous Condition - A condition that jeopardizes the health and welfare of the customers of the District as determined by the District or regulatory authority with jurisdiction.

Impact Fee - A charge or assessment imposed by a District against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. (*See* [TWC Chapter 49, Section 49.212\(d\)](#)). A charge or fee by a District for construction, installation, or inspection of a tap or connection to District water, wastewater, or drainage facilities, including all necessary service lines and meters, or for wholesale facilities that serve

such water, sanitary sewer, or drainage facilities, shall not be deemed to be an impact fee if it does not exceed three times the actual and reasonable costs to the District for such tap or connection.

Installation Fee – A fee charged for all costs necessary for installation of the type of service requested. (See [Section G](#) for breakdown of costs included in the fee.)

Inactive Service - A discontinued service in which the District is not receiving revenue.

Master Meter - A meter used to measure for billing purposes, all water usage of an apartment house, condominium, multiple use facility, or manufactured home rental community, including common areas, common facilities, and dwelling units. (See [PUC rules Chapter 24 Subchapter H, Section 24.275\(c\)\(8\)](#)).

Meter Test Fee – A fee assessed by the District upon written request of the Customer for testing the accuracy of the meter. (See [Section G](#))

Mobile Home Park – A property on which spaces are rented for the occupancy of manufactured or mobile homes for non-transient residential use and for which rental is paid at intervals of one month or longer.

New Service Water Rates - Additional water rates charged to customers who obtain a new water service on or after July 1, 2023. The additional water rates shall consist of a \$5/monthly base rate and a .25/per 1000 gallons on usage. These rates shall be added to District’s normal water rates and shall be included in monthly bills. These rates shall stay in affect until such time District eliminates the debt for a new water source. (Effective July 1, 2023) (See [Section G](#))

Public Utility Commission (PUC) - State regulatory agency having jurisdiction over Certificates of Convenience and Necessity (CCN’s) and appellate jurisdiction for rates of utility districts.

Recreational Vehicle – A motor vehicle primarily designed as temporary living quarters for recreational camping or travel use, including a travel trailer, camping trailer, truck camper, and motor home. (See [Section 522.0044\(b\) Transportation Code](#))

Recreational Vehicle Park – A commercial property that is designated primarily for recreational vehicle transient guest use for which fees for site service connections are paid daily or longer. (See [Texas Water Code Section 13.087](#))

Re-Service - Providing service to an Applicant at a location at which service previously existed and where there is an existing setting for a meter. Costs of such re-servicing shall be as established in the Districts’ Service Policy or based on justifiable expenses in connection with such re-servicing.

Revenues - Any funds received for water (or sanitary sewer) service, tap fees, service charge fees, disconnect fees, reconnection fees or any and all other charges except for service deposits, that may be charged and collected by the District from the ownership and operation of its water (and/or sanitary sewer) systems.

Rural Utilities Service – An agency of the United States Department of Agriculture Rural Development Mission Area that provides loan and grant funds for development of rural water and sewer systems serving communities with a population of less than then thousand (10,000) people.

Seasonal Disconnect Request - A written request from the Customer to suspend service for a period of time not exceeding nine months within a twelve-month period. If service is not reestablished after the ninth month, then service will be in accordance with the re-service requirements set forth in [Section E](#).

Seasonal Reconnect Fee – The fee charged for resumption of service at location where the customer has voluntarily suspended service, in a written request, for a period of time not exceeding nine months within a twelve-month period. The fee is based on the total months for which service is suspended multiplied by the amount of the monthly minimum fee the District charges active customers.

Service Application and Agreement - A written agreement on the current service application and agreement form between the Applicant and the District defining the specific type of service requirements requested and the responsibilities of each party regarding the service to be provided on property designated to receive service.

Service Investigation Fee – A fee for costs associated with determining if service is available and determining cost of service.

Service Trip Fee – A fee charged for any service call or trip to the Customers’ tap as a result of a request by the Customer for response to damage of the Districts’ or another Customers’ facilities; for customer service inspections due to suspicion of meter tampering, bypass or diversion of service; or for the purpose of disconnecting or collecting payment for services.

Service Unit - The type of water service required by an applicant as may be determined by the District based on specific criteria such as usage, meter size, demand, type application, and other relevant factors related to the applicants’ request. The base unit of water or sewer service used by the District in facilities design and ratemaking in this Rate Order is a 5/8” X 3/4” water meter and/or a standard 4” wastewater service tap. (See [Section G](#))

Standby Fee - As authorized by [TWC Section 49.231](#), means a charge, other than a tax, imposed on undeveloped property for the availability of water, wastewater, or drainage facilities and services. Standby fee does not mean an impact fee, tap fee, or a connection fee.

Subdivide - To divide the surface area of land into lots or tracts ([Local Government Code, Section 232.021\(11\) Definitions](#)).

Subdivider or Person who Subdivides Land - An individual, firm, corporation, or other legal entity that directly or indirectly subdivides land into lots for sale or lease as part of a common promotional plan in the ordinary course of business. ([Local Government Code, Section 232-021\(12\) Definitions](#))

Subdivision - An area of land that has been subdivided into lots or tracts. ([Local Government Code, Section 232.021\(13\) Definitions](#))

Tap Fee – All current labor and materials necessary to provide individual metered water or wastewater service.

Temporary Service - The classification assigned an applicant that is in the process of construction. This could also apply to service for uses other than permanent, (agricultural, road construction, drilling, livestock, etc...). The Board of Directors will set the length of time associated with this classification. This classification will change to permanent service after requirements in [Section E](#) are met.

Texas Commission on Environmental Quality (TCEQ) - State regulatory agency having general supervision and oversight of water districts, including:

- a. Monitoring water district activities and their compliance with state laws.
- b. Providing information to district customers, consultants, board members, and employees.
- c. Reviewing applications and petitions for appointment to district boards.
- d. Reviewing the issuance of bonds that finance certain district infrastructure.

Usage - Amount billed for water and/or sewer service based on actual or estimated usage.

- a. **Actual Usage** - Amount billed or to be collected based on actual meter reading.
- b. **Estimated Usage** - Amount billed or to be collected based on either the customers' historical average usage for the prior month or for the same month of the prior year where data is available. (See [Section E](#); also see [PUC rules 16 TAC 24.125\(i\)](#) regarding estimated bill.)

Water Conservation Penalty – A penalty that may be assessed under Section H of this Policy to enforce customer water conservation practices during drought contingency or emergency water demand circumstances. (See [Section H](#))

SECTION D: GEOGRAPHIC AREA SERVED

To Provide Water Service Under Texas Water Code and
Texas Commission on Environmental Quality Substantive Rules

Certificate No. 10825

I. Certificate Holder

Name: College Mound Special Utility District
Address: 12731 FM 429, Terrell, Texas 75161
PO Box 2008, Terrell, Texas 75160

II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 7 miles east of Terrell, Texas on FM 429. The service area is generally bounded on the east by CR 120, on the south by FM 1836, on the west by FM 2728, and on the north by Hwy 80 in Kaufman County, Texas.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commissions' official service area map, WRS-255, maintained in the offices of The Public Utility Commission, 701 N. Congress Ave, PO Box 13326 Austin, Texas 78711-3326 with all attendant privileges and obligations.

This certificate is issued under Application No. 30999-C and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Dated: November 1979

ATTEST: Philip F. Ricketts
For the Commission

College Mound CCN Boundary 2011



SECTION E: DISTRICT SERVICE RULES

1. **Service Entitlement:** An applicant requesting service within the boundaries of the District or the Districts' defined service area shall be considered qualified and entitled to water (and/or sewer) utility service when proper application has been made, terms and conditions of service have been met and continue to be met, and all fees have been paid as prescribed. An applicant requesting service outside the Districts' boundaries or defined service area shall be considered for service in accordance with current District policies on providing service outside the District boundaries or CCN service area.
2. **Application Procedures and Requirements**

For the purposes of this Rate Order, service requested by the Applicant(s) shall be for real estate designated to receive the service provided by the District. Service shall be through a meter or sewer tap located on that designated real estate unless otherwise approve by the Board. Service shall be divided into the following two classes:

 - a. **Standard Service** is defined as service on a specific property designated to receive service on an existing pipeline where pipeline or service facility extensions are not required and special design and/or engineering considerations are not necessary. Typically, this would include 5/8" X 3/4" sized water meter services set on existing pipelines or 4" gravity wastewater taps, or pressure collection facilities installed or connected to collection lines no more than five feet in depth.
 - b. **Non-Standard Service** is defined as any service request which requires a larger meter service, service to a master metered account (see [E\(2\)\(iv\)](#)), an addition to the supply, storage and/or distribution/collection system, or where special design and/or engineering considerations are necessary to provide service. The service requirements as prescribed by [Section F](#) of this District Rate Order shall be required of the Non-Standard Service Applicant prior to providing service. The District shall make a determination as to the appropriate size and type of meter to serve Non-Standard applicants.
 - c. **Requirements for Standard and Non-Standard Service** (*also see [Section F](#)*)
 - i. District follows and requires the current "real road frontage" Kaufman County requires for 911 addresses.
 - ii. 911 address must be obtained from Kaufman County prior to application for water/wastewater service.
 - iii. The Districts' Service Application and Agreement Form shall be completed in full and signed by the Applicant. ID DOCUMENTS REQUIRED WITH APPLICATION: A valid and current US Drivers' License, or a valid and current US Government issued photo ID, or a current and valid Visa, AND a valid social security card. (Copies will be made and kept in customers' file.)
 - iv. A Right-of-Way Easement Form, Sanitary Control Easement, or other such easement form, approved by the District, must be provided by the Applicant (property executed by the person or persons having legal authority to convey an easement) for purposes of providing water and/or wastewater service to the Applicant and to facilitate current and future system-wide service ([Texas Water Code 49.218\(d\), \(f\)](#)). *See also [Uniform Partition of Heirs Property Act, Property Code Chapter 23A](#)*.

- v. As set forth in [Section B\(9\)](#) of this District Rate Order, the District shall install individual meters owned by the District in an apartment house, manufactured home rental community, multiple use facility, or condominium on which construction begins after January 1, 2003, unless the District determines installation of individual meters is not feasible. If the District determines that installation of individual meters is not feasible, the property owner or manager shall install a plumbing system that is compatible with the installation of submeters or individual meters. The District shall be entitled to the payment of costs, including the costs of individual meter installations, as provided in [Section G\(5\)](#) of the District Rater Order. The cost of individual meter installation shall be prepaid by the property owner as well as the cost of any additional facilities or supply occasioned by the total water/wastewater service demand represented by full occupancy of the property, as determined under application provisions of [Section G](#) of this District Rate Order.
- vi. The District may consider master metering of water service to apartments, condominiums, RV Parks, business centers or other similar type enterprises installed prior to January 1, 2003, or at an applicants' request provided the total number of unites to be served are:
 - a. Owned by the same person, partnership, cooperative, corporation, agency, public or private organization of any type but not including a family unit; and
 - 1. considered a commercial enterprise, i.e. for business, rental, or lease purposes; or
 - 2. not directly accessible to the public right-of-way (such as but not limited to gated communities).
- vii. *Individual metering for multiple use facilities.* On request by the property owner or manager, the District shall install individual meters owned by the District in apartments, manufactured home rental communities, multiple use facilities, or condominiums on which construction began after January 1, 2003, unless the District determines that installation of individual meters is not feasible. If installation of individual meters is not feasible, the District shall have no obligation to install meters until the property owner or manager installs a plumbing system, at the property owner or managers' expense that is compatible with the installation and service of meters. Each individual meter will require a Service Application and Agreement pursuant to this Rate Order.
- viii. The District shall install a master meter for recreational vehicle parks (RV Parks) and charge the same rate as other commercial businesses that service transient customers and receive non-submetered master metered utility service. Eight (8) recreational vehicle or cabin sites at a recreational vehicle park, whether occupied or not, are equivalent to one (1) residential metered connection unless a variance has been provided by the TCEQ. (*See Texas Water Code Section 49.2122(a-1); Texas Health and Safety Code Section 41-0315; Texas Water Code Section 13.152*)
- ix. The District shall post on its website or provide to each service applicant a copy of the Disclosure of Personal Information Request Form. (*See Texas Utilities Code Section 182-052(c)*).

- x. Notice of application approval and costs of service determined by the District shall be presented to the Applicant in writing and shall remain in effect for a period not to exceed thirty (30) days. After that time the Applicant must re-apply for service.
- xi. If the water main has been located in the public right-of-way and is adjacent to the Applicants' property due to the current or previous landowners' refusal to grant an easement to the District for the purpose of installing the water main and appurtenances, and the District has documentation of such refusal, the Applicant, prior to receiving the requested service, shall grant the easement(s) required under this Rate Order and in addition to the normally required fees for new customer service, shall pay such sums as are reasonably necessary to cap the existing line in the right-of-way ROW and construct the appropriate line(s) within those easements for the Districts' system-wide service.

3. *Activation of Standard and Non-Standard Service*

- a. **New Tap:** The District shall charge a non-refundable service Tap Fee and a refundable deposit as required under [Section G](#) of this Rate Order. The service Tap Fee shall be quoted in writing to the applicant. When re-service is requested by an applicant owing any delinquent charges on previous service at any location served by the District, any debt owed to the District must be paid before re-servicing procedures can begin. All fees shall be paid in advance of installation ([30 TAC 291.86\(a\)\(1\)\(A\)](#)).
- b. **Re-Service:** On property where service previously existed and has not been removed, the District shall charge the deposit fee and other costs necessary to restore service. When re-service is requested by an applicant owing any delinquent charges on previous service at any location served by the District, any debt owed to the District must be paid before re-servicing procedures can begin. In no event will a capital improvement or capital impact fee be charged for a re-service event.
- c. **Performance of Work:** After approval is granted by proper authorities, all taps and equipment installations specified by the District shall be completed by the District staff or designated representative. No person, other than the properly authorized agent of the District, shall be permitted to tap or make any connection to the mains or distribution pipes of the Districts' water system, or make any repairs or additions to or alterations in any tap, pipe, or any other fixture connected with the water service pipe. The tap for a standard service request shall be completed within five (5) working days whenever practicable, but not later than ten (10) working days after approval and receipt of payment of quoted fees on the property designated to receive service. This time may be extended for installation of equipment for Non-Standard Service Request (*see* [Section F](#) of this District Rate Order; [16 TAC 24.161\(a\)\(4\)](#)).
- d. **Inspection of Customer Service Facilities:** The Facilities at the service connection shall be inspected to ensure compliance with state required Minimum Acceptable Operating Practices for Public Drinking Water Systems as promulgated by the Texas Commission on Environmental Quality or successor agency. The customer must, at his/her expense, properly install and provide certification of maintenance on any backflow prevention device required by the District ([30 TAC 290.46\(j\)](#)).

4. *Ownership of Equipment*

All water meters, equipment and materials required to provide water or wastewater service to the point of customer connection; water meter or service tap, is the property of the District upon installation, and shall be maintained by the District only.

5. *Changes in Service Classification*

If at any time the District determines that the customer service demands have changed from those originally applied for to a different service classification and the District determines that additional or different facilities are necessary to provide adequate service, the District shall require the customer to re-apply for service under the terms and conditions of this Rate Order. Customers failing to comply with this provision shall be subject to the disconnection with notice provisions of this Rate Order, [Section E\(12\)\(a\)](#).

6. *Denial of Service*

The District may deny service for the following reasons:

- a. Failure of the applicant to provide all required easements and forms and/or to pay all required fees and charges;
- b. Failure of the applicant to comply with rules, regulations, and policies of the District;
- c. Existence of a hazardous condition at the Applicants' property which could jeopardize the welfare of other customers of the District upon connection;
- d. Failure of the Applicant to provide representatives or employees of the District reasonable access to property for which service has been requested;
- e. Applicants' service facilities are known to be inadequate or of such condition that satisfactory service cannot be provided;
- f. Failure of Applicant to comply with applicable regulations for on-site sewage disposal systems if the District has been requested to deny service by the TCEQ or the TCEQ's designated representative under [Chapter 366 of the Texas Health and Safety Code](#);
- g. Failure of the Applicant to pay any previous outstanding delinquent account(s) in full. This could be delinquencies resulting for the same account location or other service location(s) within the system where the Applicant received service.

7. *Applicants' Recourse*

In the event the District refuses to serve an applicant under the provisions of this Rate Order, the District must notify the applicant, in writing, of the basis of its refusal. The applicant may file an appeal, in writing, with the Board of Directors of the District.

8. *Insufficient Grounds for Refusal of Service*

The following shall not constitute sufficient cause for the refusal of service to an Applicant:

- a. Delinquency in payment for service by a previous occupant of the premises to be served;
- b. Violation of the Districts' rules pertaining to operation of Non-Standard equipment or unauthorized attachments that interfere with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said rules;

- c. Failure to pay the bill of another customer at the same address except where the change of customer identity is made to avoid or evade payment of a utility bill;
- d. Failure to pay a bill of another customer as guarantor thereof, unless the guarantee was made in writing to the utility as a condition precedent to service;
- e. Failure to comply with regulations or rules for anything other than the type of utility service specifically requested including failure to comply with septic tank regulations or wastewater hookup requirements;
- f. Failure to pay for the restoration of a tap removed by the utility at its option or removed as the result of tampering or delinquency in payment by a previous customer;
- g. The service applicant or customer chooses to use a type of backflow prevention assembly approved under [30 TAC 290.44\(h\)](#) (related to Water Distribution) even if the assembly is not the one preferred by the utility.

9. ***Charge Distribution and Payment Application***

- a. **The Base Rate** - Billed on a monthly basis. Charges shall be prorated for meter installations and service terminations falling during the billing period.
- b. **Gallonge Charge** - Shall be billed at the rate specified in [Section G](#) of this Rate Order and billing shall be calculated in one hundred (100) gallon increments. Water charges are based on monthly meter readings and are calculated from reading date to reading date. Readings used in all billing calculations shall be taken by Districts' employee or designated representative.
- c. **Posting of Payments:** All payments shall be posted against previous balances prior to posting against current billings.
- d. **Forms of Payment:** The District will accept the following forms of payments: Cash, personal check, cashiers' check, money order, credit card, or debit card. Automatic payments may be initiated on Districts' website. The District will not accept two-party checks, pay checks, or any other instrument of payment that is not made out to the District. The District reserves the right to require exact change and may refuse to accept payments made using more than \$1.00 in coins. For credit/debit card charges, or automatic debit on customers' bank account (available on Districts' website), the District may collect a reasonable fee to recoup the costs incurred by the District to process the credit/debit card or automatic debit on customers' bank account payment. The fee may be collected by the third-party processing company in lieu of District collecting the fee.

10. ***Due Dates, Delinquent Bills, and Service Disconnection Date***

- a. The District shall mail all bills on or about the 25th of the month. All bills shall be due and payable upon receipt and are past due beyond the 10th of the following month, after which time a penalty shall be applied as described in [Section G](#) of this District Rate Order. A bill is delinquent if not paid on or before the past due date notated on the bill. Payments made by mail will be considered delinquent if payment is not received in the District Office by the 10th of each month. All payments must be received prior to the District Office opening on the next business day after the 10th day of the month or payment will be considered delinquent. Final notices shall be mailed allowing ten (10) additional days for payment prior to disconnection. The ten (10) additional days shall

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begin on the day the final notice is deposited with the U.S. Postal Service with sufficient postage. For all disputed payment deadlines, the due date printed on the bill will determine the beginning of each billing cycle or final notice mailings. District shall not apply penalties to delinquent accounts when extreme weather exists, (the previous days' temperature did not reach 28 degrees and the National Weather Service predicts the temperature to remain at or below 28 degrees for the next 24-hours). (see [TWC Sec 13-151\(a\)\(b\)](#))

- b. **Service Disconnection Due to Delinquent Bills** - Payments for delinquent bills are due on the 24th of the month. Accounts will be charged the Delinquency Fee if payments have not been received in the District Office by 8:00 am on the 25th of the month. ([Section G](#) of the District Rate Order)
- c. Upon written request, any residential customer 60 years of age or older who occupies the entire premises of a dwelling receiving water utility service from the District, shall receive an extension of the past due date without penalty. The extension shall not exceed ten (10) days beyond the usual fifteen (15) day payment period for a total of no more than twenty-five (25) days from the date the bill is issued. The request may specify an extension of the late payment periods for current and subsequent billings (See [Texas Utilities Code Section 182.001 – 182.005](#)).
- d. All insufficient fund checks, accounts closed, or money orders that have had a “stop payment order” issued for payment of a water bill will be deemed delinquent as if no payment was received and the meter is subject to disconnection with notice on the regular disconnection day.

11. *Excluded Flow and Waste*

- a. No waste material, which is not biologically degradable, will be permitted to be discharged into the Districts' facilities, including mud and debris accumulated during service line installation or construction of private facilities.
- b. No industrial wastes other than domestic sewage shall be discharged into the Districts' sewer system unless approved in writing by the Board of Directors. No toxic wastes, wastes which would damage the collection and treatment facilities or wastes which would interfere with the waste treatment process shall be discharged into the Districts' sewer system.
- c. Industrial waste shall not be diluted by unnecessary use of process water, or by adding unpolluted water, before discharging into the Districts' sewer system. No unpolluted cooling water shall be discharged into the Districts' sewer system.
- d. No downspouts, yard or street drains, or gutters will be permitted to be connected into the Districts' sewer system.
- e. No ground water drains, foundation drains, or other subsurface drains shall be connected in the Districts' sewer system.
- f. No effluent drains from existing and/or abandoned septic tanks or field lines will be permitted to remain in service.

12. *Deferred Payment Agreement*

The District may offer a written payment schedule to a customer who unable to pay an outstanding balance in full due to a high bill caused by a leak and is willing to pay the balance in reasonable installments as determined by the General Manager, including any late penalty fees or interest on the monthly balance to be determined as per the agreement. General Manager shall utilize the customers' account history to include length of time as an active account and payment history, penalties, disconnections, etc..., when determining the number of installments for the payment agreement. In the event the requestor is a tenant of rental property, the payment agreement shall not exceed a total of two times the deposit on record for the dollar amount to be included in the payment agreement; and the agreement shall not extend past the expiration date on a current rental or lease agreement on the property unless the property owner takes written responsibility for any unpaid balance. The District shall notify the property owner of the deferred payment schedule. Late penalties shall be applied to the account if monthly installments are paid past the 10th of each month. In the event of termination of service due to non-payment, as per the Payment Plan Agreement terms, the Payment Plan Agreement shall be void and the remaining balance shall be paid in full prior to restoration of service.

The District shall offer a deferred payment schedule for bills due during an Extreme Weather Emergency for at least 30 days from the date an Extreme Weather Emergency ends. The Customer must accept the deferred payment schedule within seven (7) days from receipt of the written deferred payment schedule from the District. Failure to make the required and timely payments as provided in an deferred payment schedule will void that agreement and service will be discontinued.

13. *Rules for Disconnection of Service*

The following describes the rules and conditions for disconnection of service. Notwithstanding any language to the contrary in the Service Application and Agreement Form, the District may only discontinue service for the reasons set forth in this Section. For the purposes of disconnecting wastewater service under these policies, water service will be terminated in lieu of disconnecting wastewater service. In instances of nonpayment of wastewater service or other violations by a customer who is not a water customer, the District has the option to disconnect the wastewater tap or take other appropriate actions.

- a. **Disconnection with Notice** - Water utility service may be disconnected for any of the following reasons after proper notification has been given.
 - i. **Returned Checks:** The District shall mail, via the U.S. Postal Service, a notice requiring redemption of the returned instrument within ten (10) days of the date of the notice to be made in the District Office. Redemption of the returned instrument shall be made by cash, money order, or certified check. Failure to meet these terms shall initiate disconnection of service. Any such instruments returned as insufficient or non-negotiable for any reason for any two billing periods within a 12-month period shall be considered evidence of bad credit risk by the District. The customer in violation shall be placed on a "cash-only" basis for a period of 12 months.
NOTE: "Cash-only" means certified check, money order, or cash.
 - ii. Failure to pay a delinquent account for utility service, failure to timely provide a deposit or failure to comply with the terms of a deferred payment agreement.
 - iii. Violation of the Districts' rules pertaining to the use of service in a manner which interferes with the service of others or the operation of non-standard equipment if

a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation.

- iv. Failure of the customer to comply with the terms of the Districts' Service Application and Agreement, service policy, or special contract provided that the District has given notice of said failure to comply and customer has failed to comply within a specified amount of time after notification.
- v. Failure to provide access to the meter under the terms of this Rate Order or to property at which water service is received when there is reason to believe that a hazardous condition or policy violation exists for which access is necessary to verify. Conditions that may hinder access include, but are not limited to, fences with locked gates, vehicles or objects placed on top of meters or meter boxes, and unrestrained animals.
- vi. Misrepresentation by any applicant of any fact on any form, document, or other agreement required to be executed by the District.
- vii. Failure of customer to re-apply for service upon notification by the District that the customer no longer meets the terms of the Service Classification originally applied for under the original Service Application.
- viii. Violation of any applicable regulation or statute pertaining to on-site sewage disposal systems if the District has requested in writing to disconnect service by the TCEQ or the TCEQ's designated representative under [Chapter 366 of the Texas Health and Safety Code](#).
- ix. Failure to pay charges arising from a Service Trip Fee as defined in [Section G\(20\) Service Trip Fee, Meter Re-read Fee, or Feter Read Fee](#).
- x. Failure by a customer to pay for all repair or replacement costs resulting from the customer damaging system facilities including, but not limited to water or wastewater lines, service taps, meter boxes, valves, or meters by engaging in activities such as property excavations, installment of a driveway or roadway requiring encasements, lowering or re-routing of lines or system components, or by any other action. The notice will detail the extent of the damage, the location of the damage, the cost of the repair, and whether the damage occurred on private property or on a public right-of-way. Failure to pay the cost of repair or replacement will result in the customers' service being disconnected. Service will remain disconnected until payment is received, or an acceptable payment plan is approved.
- xi. Failure to disconnect or secure additional service tap(s) for an RV or other service connection after notification by the District of violation of the prohibition of multiple connections. ([E\(20\) of the District Rate Order](#))
- xii. Failure to maintain private roads to the point they become impassable, and District is unable to reasonably access District property.
- xiii. Failure to pay for sewer/wastewater or solid waste utility service provided by another utility provider pursuant to the Districts' agreement said utility provider. ([16TAC 24.167\(e\)](#), [24.165\(g\)](#); [TWC 13.147](#), [13.250\(b\)\(2\)](#))

b. Disconnection Without Notice

Water utility service may be disconnected without notice for any of the following conditions:

- i. A known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a violation under [Chapter 341.011 or 343.011 of the Health and Safety Code](#); [Section E\(3\)\(d\), E\(22\), E\(23\) of the District Rate Order](#); or [30 TAC 290.46\(j\)](#)). If there is reason to believe a dangerous or hazardous condition exists, the District may conduct a Customer Service Inspection (CSI) to verify the hazardous condition and may notify the local county health office. The District will disconnect without notice if the customer refuses to allow access for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition ([30 TAC 290.46\(j\)](#)). Service will be restored when a CSI confirms no health hazard exists, the health hazard has been removed or repaired, or the health hazard has been isolated from the Districts' water system by the installation of a Reduced Pressure Zone Assembly (RPZ).
- ii. A line break on the customers' side of the meter is considered a potential hazardous condition under [Section E\(12\)\(b\)\(i\) of the District Rate Order](#). If the District conducts a CSI and discovers the line break has created a hazardous condition, the District will lock-off the water service immediately. Once the line break has been repaired the District will unlock the water service.
- iii. Service is connected without authorization or has been reconnected without authorization following termination of service for non-payment; and
- iv. Tampering with the Districts' water meter/wastewater tap or equipment, bypassing the meter or equipment, or other unauthorized diversion of water or wastewater service as set forth in [Section E\(18\) of the District Rate Order](#).
- v. When a returned check is received on an account that was scheduled for disconnection, service shall be immediately disconnected.

NOTE: Where reasonable, based on the circumstances of the disconnection without notice, a written statement providing notice of disconnection and the reason therefore shall be posted at the place of common entry or upon the front door of each affected residential until after service has been disconnected.

c. Disconnection Prohibited - Utility service may not be disconnected for any of the following reasons:

- i. Failure of the customer to pay for merchandise or charges for non-utility service provided by the District, unless an agreement exists between the applicant and the District whereby the customer guarantees payment of non-utility service as a condition of service;
- ii. Failure of the customer to pay for a different type or class of utility service unless a fee for such service is included in the same bill;
- iii. Failure of the customer to pay charges arising from an underbilling occurring due to any misapplication of rates more than six (6) months prior to the current billing;

- iv. Failure of the customer to pay the account of another customer as guarantor thereof, unless the District has in writing the guarantee as a condition precedent to service;
- v. Failure of the customer to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such under billing charges are due under the inoperative meters [Section E\(16\)](#) of this District Rate Order;
- vi. Failure of the customer to pay estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the District is unable to read the meter due to circumstances beyond its control;
- vii. Failure of the customer to pay a bill due during an Extreme Weather Emergency if the customer has requested, accepted, and is in compliance with the terms of a deferred payment schedule under this District Rate Order. ([16 TAC 24.173](#))

d. ***Disconnection on Holidays and Weekends***

Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on a day, or on a day preceding a day, when personnel of the District are not available to the public for the purpose of taking collections and reconnecting service.

e. ***Disconnection Due to Utility Abandonment***

The District may not abandon a customer or a certificated service area without written notice to its customers and all similar neighboring utilities and approval from the PUC.

f. ***Disconnection for ill Customers***

The District may not discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person at that residence will become seriously ill or more seriously ill if service is discontinued. To avoid disconnection under these circumstances, the customer must provide a written statement from a physician to the District prior to the stated date of disconnection. Service may be disconnected in accordance with [Subsection \(a\) of this Section](#), if the next months' bill and the past due bill are not paid by the due date of the next months' bill, unless the customer enters into a deferred payment agreement.

g. ***Disconnection of Master-Metered Accounts***

When a bill for water utility service is delinquent for a master-metered service complex, (defined as a complex in which a single meter serves two (2) or more residential dwelling units), the following shall apply:

- i. The District shall send a notice to the customer as required. This notice shall also inform the customer that notice of possible disconnection will be provided to the tenants of the service complex in five (5) days if payment is not rendered before that time.
- ii. At least five (5) days after providing notice to the customer and at least five (5) days prior to disconnection, the District shall post notices stating "Termination

Notice” in public areas of the service complex notifying the residents of the scheduled date for the disconnection of service.

- iii. The tenants may pay the District for any delinquent bill on behalf of the owner to avert disconnection or to reconnect service to the complex.

h. ***Disconnection of Temporary Service:***

When an applicant with a temporary service fails to comply with the conditions stated in the Service Application and Agreement Form or other rules of this District Rate Order, service may be terminated with notice.

- i. **Seasonal Disconnection** – A customer may, in a written request, voluntarily suspend service for a period not exceeding nine months within a twelve-month period. If service is reestablished before the end of the ninth month, the customer will be assessed for a Season Reconnect Fee. If service is not reestablished after the ninth month, then service may be reestablished in accordance with the reservice requirement set forth in [Section E\(3\)\(b\)](#) of this District Rate Order.

14. Billing Cycle Changes

The District reserves the right to change its billing cycles if the workload requires such practice. After a billing period has been changed, the billings shall be sent on the new date unless otherwise determined by the District.

15. Back Billing

The District may back-bill a customer for up to forty-eight (48) consecutive months for meter error, misapplied meter multiplier, incorrect meter readings, or error in computing a customers’ bill. Failure to pay the most recent six (6) months billing will result in disconnection of service. (See [16 TAC 24-165\(h\)](#))

16. Estimated Billing

If the District has estimated usage because the District is unable to access the meter due to circumstances beyond the Districts’ control, such as a natural disaster, or because access is hindered or denied by a Customer, the District shall adjust the bill once access has been regained and actual usage is determined. (see [Section 12\(a\)\(vi\)](#))

17. Disputed Bills

In the event of a dispute between the customer and the District regarding any bill, the District shall make and conduct an investigation as required by the particular case and report the results in writing thereof to the customer. All disputes under this [Subsection](#) must be submitted to the District, in writing, prior to the due date posted on said bill.

18. Inoperative Meters

Water meters found inoperative will be repaired or replaced within a reasonable time. If a meter is found not to register for any period, unless by-passed or tampered with, the District shall make a charge for units used, but not metered, for a period not to exceed three (3) months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years. If the meter is inoperative due to bypassing or tampering, the District will proceed with disconnection. (See also [Section E\(19\)](#) of the District Rate Order.)

19. Bill Adjustment Due to Meter Error

The District shall test any customers' meter upon written request of the customer. In the event the meter tests within the accuracy standards of [The American Water Works Association \(AWWA\)](#), a test fee as prescribed in [Section G](#) of this District Rate Order shall be imposed. In the event the test results indicate the meter is faulty or inaccurate, the test fee shall be waived, the meter shall be calibrated or replaced, and a billing adjustment may be made as far back as six (6) months. The billing adjustment shall be made to the degree of the meters' inaccuracy as determined by the test. The customer shall complete a meter test request form prior to the test.

20. Meter Tampering and Diversion

- a. For purposes of the Section, the term "Tampering" shall mean meter-tampering, bypassing, or diversion of the Districts' water or wastewater meter or equipment causing damage or unnecessary expense to the utility, bypassing the same, or other instances of diversion, including:
 - i. removing a locking or shut-off device used by District to discontinue service;
 - ii. physically disorienting the water meter or wastewater tap;
 - iii. attaching objects to the water meter or wastewater tap to divert service or to bypass;
 - iv. inserting objects into the water meter or wastewater;
 - v. other electrical or mechanical means of tampering with, bypassing, or diverting service;
 - vi. connection or reconnection of service without District authorization;
 - vii. connection into the service line of adjacent customers of the District; and
 - viii. preventing the water supply or wastewater discharge from being correctly registered by a water metering device or wastewater tap due to adjusting the valve so that flow is reduced below metering capability.

The burden of proof of Tampering is on the District. Law enforcement reports, photographic evidence or any other reliable and credible evidence may be used; however, any evidence shall be accompanied by a sworn affidavit by the Districts' staff when any action regarding Tampering is initiated. A court finding of Tampering may be used instead of photographic or other evidence, if applicable. Unauthorized users of services of the District shall be persecuted to the extent allowed by law under the [Texas Penal Code Section 28.03; 12.21 and 12.22](#).

- b. If the District determines under [Subsection \(a\)](#) of this Section, that tampering has occurred, the District shall disconnect service without notice as set forth in [Section E\(12\)\(b\)](#) of this District Rate Order, and charge the account associated with the tampering the total actual loss to the District, including the cost of repairs, replacement of damaged facilities, and lost water revenues. Any person who destroys, defaces, damages or interferes with District property will be charged the total actual loss to the District, including but not limited to the cost of repairs, replacement of damaged facilities, and lost water revenues.

The District will also prosecute the offending party to the extent allowed under law pursuant to [Texas Water Code Section 49.228](#) and other applicable laws. For purposes of this section, "offending party" means the person who committed the tampering or damaged the property.

- c. In addition to actual damages charged under [Subsection \(b\)](#), the District may assess a penalty against the person who committed the Tampering. The penalty may not exceed \$10,000, as per [Texas Water Code Section 49.004](#).

NOTE: See [TWC Section 65.207](#) regarding requirements for publication of new penalty provision and [TWC Section 49.004](#) for penalty limits for Districts.

21. *Service Facility Relocation*

Relocation of service facilities on the same property shall be allowed by the District provided that:

- a. An easement for the proposed location has been granted to the District; and
- b. The customer pays for the actual cost of removing and relocation of the meter plus administrative fees.

22. *Prohibition of Multiple Connections to a Single Tap*

- a. No more than one (1) residential, commercial, or industrial service connection, either directly or indirectly, is allowed per each meter. The District may consider allowing an apartment building, mobile home rental community, or RV park to apply as a “master metered account” and have a single commercial meter, (*see* [Section E\(2\)\(c\)\(vi-vii\)](#)). Any unauthorized submetering, sharing, or diversion of service, either directly or indirectly, shall be considered a multiple connection and subject to disconnection of service. If the District has sufficient reason to believe a multiple connection exists, the District shall discontinue service under the disconnection without notice provisions of this District Rate Order. (*see* [30 TAC 290.44](#))
- b. For purposes of the section, the following definitions shall apply:
 - i. A “**multiple connection**” is the connection to any portion of a customers’ water or sewer system that is connected to a primary delivery point already servicing one residence, one commercial or industrial facility or a water or sewer line serving another residence or commercial or industrial facility. Water or sewer lines to outbuildings, barns or other accessory structures shall not be considered a multiple connection if: (i) those structures are located on the same tract as the primary delivery point and (ii) such structures are not used as a residence or as a commercial or industrial facility.
 - ii. A “**primary delivery point**” shall mean the physical location of a meter or sewer tap that is installed in accordance with this District Rate Order and applicable law and which provides water or sewer service to the residence or commercial or industrial facility of a customer.
 - iii. “**Residential**” or “**residence**” shall mean any structure found to be occupied for human habitation or other evidence of habitation as defined by the District.
 - iv. “**Commercial**” facility shall mean any structure or combination of structures at which any business, trade, occupation, profession, or other commercial activity is conducted. A business conducted within a customers’ residence or property that does not require water in addition to that provided to the customers’ residence shall not be considered a separate commercial facility.

- v. **“Industrial”** facility shall mean any structure or combination of structures at which the manufacture or processing of any product, commodity or article is performed. An industrial activity conducted within a customers’ residence or property that does not require water in addition to that provided to the customers’ residence shall not be considered a separate industrial facility.
- c. The District agrees to allow customers in good standing to share water usage with a visitor on their property with a recreational vehicle (RV) or travel trailer for a period of no longer than three months. If the RV/travel trailer is being used for a permanent residence, this District Rate Order requires an additional water meter installation. If the customer routinely has more than one visitor at a time with RV’s or travel trailers or has multiple visitors throughout the year, the District may require that a second or additional meter(s) be installed. The customer must submit a written request to the Districts’ business office at least five (5) business days prior to sharing District water with a visitor. The District has the right to refuse or deny the shared usage for any reason. The District also has the right to inspect the premises for any potential cross-connection issues as outlined in the Customer Service Inspection requirements. and to ensure that the meter is properly sized for the additional usage at the time of total peak water demand. These requirements pertain to visitors ONLY. No commercial usage where fees for water are charged is allowed. If a customer is found to violate these conditions, the customer will be sent a letter of notice stating that water service will be cut off in ten (10) days if the situation is not corrected.

23. *Customers’ Responsibility*

- a. The customer shall provide access to the meter as per the easement and Service Agreement. If access to the meter is hindered or denied preventing the reading of the meter, an estimated bill shall be rendered to the customer for the month and a notice shall be mailed to the effect that access could not be gained. If access is denied for three (3) consecutive months after proper notification to the customer, then service shall be discontinued, and the meter removed with no further notice. (Section E(3)(d) of this Rate Order). Conditions that may hinder access include, but are not limited to, fences with locked gates, vehicles or objects placed on top of meters or meter boxes, and unrestrained animals. (*see Section E(3)(d)*)
- b. The customer shall be responsible for all charges on all accounts in their name. If a customer has multiple accounts and refuses to pay for charges on one of their accounts, the District shall move the bad debt to any other accounts in their name in an effort to receive payment. If District moves a bad debt to another account and customer refuses to pay the bad debt, District will terminate customers’ service as set forth in Section E(12)(a)(ii) of this District Rate Order.
- c. The customer shall be responsible for compliance with all utility, local and state codes, requirements, and regulations concerning on-site service and plumbing facilities.
 - i. All water service connections shall be designed to ensure against back-flow or siphonage into the Districts’ water supply. In particular, livestock water troughs shall be plumbed above the top of the trough with air space between the discharge and the water level in the trough. (30 TAC 290.46) (*Texas Health & Safety Code Chapter 366*)
 - ii. The use of pipe and pipe fittings that contain more than .25% lead or solder and flux that contains more than 0.2% lead is prohibited for any plumbing installation

or repair of any residential or non-residential facility providing water for human consumption and connected to the Districts' facilities. Customer service pipelines shall be installed by the applicant. The service pipeline must be installed from the meter to the place of consumption and the Customer is required to keep the service pipeline in good repair. The Customers' responsibility shall begin at the discharge side of the meter. (30 TAC 290.46; 16 TAC 24.163(a); RUS-TX Bulletin 1780-9 (rev. 05/17))

- iii. All wastewater and potable water service pipelines, including Districts' main water pipelines, installations must be a minimum of nine feet (9') apart and meet all applicable plumbing standards for crossings, etc. All pipe and fittings used by the Customer to convey sewage from its source to the sewer line must be a minimum of D-3034, SDR-35 or equivalent, 4-inch diameter pipe. No DWV (drain waste and vent) pipe or fittings will be allowed. All joints must be watertight, and pipe must be installed to the recommended grade. All nonhousehold sewer customers who have potential for dirt, grit, sand, grease, oil, or similar substances must install and maintain a trap ahead of their entrance to the Districts' sewer collection piping. A double cleanout is required at the property line and recommended at the house. The District may impose other site-specific requirements.

Requirements for Traps:

1. Discharges to the Districts' sewer system requiring a trap include but are not limited to:
 - i. grease or waste containing grease in amounts that will impede or stop the flow in the public wastewater lines;
 - ii. oil, flammable wastes; and
 - iii. sand and other harmful ingredients.
2. Any person responsible for discharges requiring a trap shall, at his/her own expense, and as required by the District:
 - i. Provide equipment and facilities of a type and capacity approved by the District;
 - ii. locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
 - iii. maintain the trap in effective operating condition.
3. Approving Authority Review and Approval (by Board or agency):
 - i. If pretreatment or control is required, the District shall review and approve design and installation of equipment and process.
 - ii. The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances, and other laws.

25. *Connection of Water Service*

- a. Applications for water service connections shall be filed with the District on Districts' Service Application and Agreement forms made available from the District. Applicants seeking water service shall meet all District requirements for service including the granting of any necessary easements (as determined by the District) to service the connection and to enable the District to provide system wide service. In addition, the District shall install a customer service isolation valve at the expense of the service applicant.
- b. No person, other than the properly authorized agent of the District, shall be permitted to tap or make any connection with the mains or distribution pipes of the Districts' water system, or make any repairs or additions to or alterations in any tap, pipe, or other fixture connected with the water service pipe.
- c. The customer must allow his/her property to be inspected for possible cross-connections and other undesirable plumbing practices. These inspections will be conducted by the District or its designated agent prior to initiating service and may be conducted periodically thereafter. All inspections will be conducted during the Districts' normal business hours.
- d. The customer must, at his/her expense, properly install any backflow prevention device required by the District.
- e. Customer must have all existing accounts in their name current. If a customer has had an account in their name that was closed with a bad debt, customer must pay the bad debt in full before service will be granted.
- f. Water line extensions. As of the effective date of this District Rate Order, the cost of the installation of water lines beyond the existing service lines or the cost of upsizing line (when necessary) of the District to any residential or commercial user or any undeveloped area within the District shall be the sole responsibility of the property owner and/or developer requesting services.

26. *Standards for Water Service Lines*

- a. In addition to compliance with this District Rate Order, all connections shall comply with the rules and regulations for public water systems issued by the Texas Commission on Environmental Quality (TCEQ), set forth in [30 TAC 290](#). In the event of a conflict between this District Rate Order and TCEQ Rules, the more stringent rule shall apply.
- b. Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials.
- c. Customers' water service lines and wastewater service lines shall not be less than three feet (3') apart horizontally and shall be separated by undisturbed or compacted earth.
- d. Water service lines or any underground water pipe shall not be run or laid in the same trench with non-metallic sewer or drainage piping unless all three of the following conditions are met:
 - i. The bottom of the water service line at all points shall be at least twelve inches (12") above the top of the wastewater line.

- ii. The water service line shall be placed on a solid shelf excavated at one side of the common trench and the two lines shall be separated by a minimum of eighteen inches (18”).
 - iii. The water service line shall be installed with watertight joints tested to a minimum of 150 psi.
- e. A minimum of four feet (4’) of type “L” soft copper pipe or other approved material shall be installed at the end of the water service line at the connection to the water meter.
 - f. Water service lines shall be bedded in washed sand or native soil of same characteristics to provide six inches (6”) of cushion below the line. The trench bottom and walls shall be cleared of all protruding rocks which could damage the pipe before the sand bedding is placed.
 - g. A District-owned water meter and a District approved meter box shall be installed by a District representative.
 - h. Potable water supply piping, water discharge outlets, backflow prevention devices, or similar equipment shall not be located so as to make possible the submergence of such equipment in any contaminated or polluted substance.
 - i. Lawn sprinkling systems shall be equipped with a Reduced Zone-Pressure Assembly device (RPZ), installed in the discharge side of each of the last valves. The RPZ shall be installed at least twelve inches (12”) above the surrounding ground and above a sufficient number of heads so at no time will the RPZ be subjected to back pressure or drainage.
 - j. The Districts’ water system shall be protected from swimming pool makeup water by means of an approved backflow preventer or an adequate air gap.
 - k. Upon the installation of a service line, a request for inspection shall be made to the Districts’ Office forty-eight (48) hours in advance for request of inspection by its agents or employees. No back filling of the lines may be made until inspection has been made by the District.
 - l. Back filling of service line trenches must be accomplished within twenty-four (24) hours of inspection and approval. No debris will be permitted in any service line trench.
 - m. All backflow devices installed on a customers’ service line for the isolation of a potential health hazard shall, at the customers’ expense, have annual inspections of backflow device by a person licensed by the State of Texas as a BPAT inspector. Annual inspection shall be performed by District at the customers’ expense as per Section [G\(9\)\(a\)](#) of this District Rate Order or annual reports shall be supplied to District and inspector shall be registered with District as a valid licensed inspector with current annual gauge inspection certifications on file, [Section G\(9\)\(b\)](#) of this District Rate Order.

27. Standards for Wastewater Service Lines

The following rules govern the installation of sewer service lines to residences or commercial buildings within the District:

- a. After the effective date of this Rate Order, all new residential or commercial connections to the Districts’ sewer system shall be made in accordance with Subsection (29) of this section and shall provide for the installation of a low-pressure sewer system and the

granting of an easement by the property owner for such installation by the District, its agents, or employees.

- b. The following types of piping and fitting material are approved for constructing service line from the foundation of a residence or commercial building to the grinder pump station:
 - i. Service pipe extending from the foundation of a residence or commercial building to the grinder pump station shall be Polyvinyl Chloride (PVC) Pipe, SDR 26, as defined in [ASTM D-3034](#), push-on type with factory pre-molded gasketed joints. All fittings shall be PVC scheduled 40 solvent weld joints.
 - ii. Minimum size of service lines should be as follows:
 - a. Residential – 4 inches minimum diameter
 - b. Commercial – 6 inches in diameter
 - iii. Minimum grades for service lines shall be as follows:
 - a. 4” pipe – one-foot drop per hundred feet (1%)
 - b. 6” pipe – six inches drop per hundred feet (0.5%)
 - c. 8” pipe – four inches drop per hundred feet (0.33%)
 - iv. Maximum grades for service lines shall be as follows:
 - a. 4” pipe – two and one-half feet drop per hundred feet (2.5%)
 - b. 6” pipe – one and one-half feet drop per hundred feet (1.5%)
 - c. 8” pipe – one-foot drop per hundred feet (1%)
 - v. Service lines shall be constructed to true alignment and grade, and warped and sagging lines will not be permitted.
- c. Water-tight adapters of a type compatible with the materials being joined shall be used at the point of connection of the service line to the residence or commercial building plumbing. No cement grout material shall be permitted.
- d. Fittings and cleanouts for service lines shall be as follows:
 - i. No bends or turns at any point shall be greater than 45 degrees.
 - ii. Each horizontal service line shall be provided with a cleanout at its upper terminal; and each such run of piping which is more than ninety (90) feet or fraction thereof, in length of such piping.
 - iii. Each cleanout shall be installed so that it opens in a direction opposite to the flow of the waste and, except in case of “wye” branch and end-of-the-line cleanouts, cleanouts shall be installed vertically above the flow line of the pipe.
 - iv. Each cleanout shall be made with an airtight mechanical plug.
- e. All residential or commercial building drains and sewers leading to the Districts’ sewer system shall be maintained so as to exclude any ground or surface water from entering the sewer system. The District shall require the owner of these facilities to immediately correct at his/her own cost and expense any leaks or other conditions allowing the entry of ground water into the sewer system. This provision shall apply whether such leaks or

conditions existed prior to the effective date of this District Rate Order or occur at a later date.

- f. Upon installation of a service line, a request for inspection shall be made to the Districts' office forty-eight (48) hours in advance of inspection, and no back filling of the lines may be made until inspection has been made by the District, its agents, or employees.
- g. Back filling of service line trenches must be accomplished within twenty-four (24) hours of inspection and approval, and no debris will be permitted in any service line trench.
- h. As herein above stated, the physical connection to the Districts' sewer main line will be made by the District, its agents, or employees.

28. *Connection of Wastewater Service*

- a. Applications for wastewater service connections shall be filed with the District upon application forms made available from the District. Applicants for wastewater service shall meet all District requirements for service including the granting of any necessary sewer easements (as determined by the District) to serve the connection and to enable the District to provide systemwide service. The property owner shall be required to construct the service line from the foundation of the residence or commercial building to the sewer tap.
- b. The District shall construct all sanitary wastewater service facilities from the wastewater tap for a residence or commercial building to the Districts' sanitary wastewater line which installation shall include the low-pressure sewer system, all sanitary sewer piping, and all electrical services requirements.
- c. A property owner shall provide the easement required by the District and such access to their property as may be reasonably necessary to the District in order to install and maintain the grinder pump station and low-pressure sewer system to serve the residence or commercial building. The location of the low-pressure wastewater system and concurrently the location of the easement shall be with the consent and approval of the District.
- d. The installation of the low-pressure wastewater system by the Districts' personnel or by the duly authorized agents or employees may result in the removal of grass, bushes, shrubs, soil, or other fixtures. The removal of any soil to the extent necessary may be used to backfill over existing wastewater lines and facilities, and the balance of such fill material may be utilized by the property owner for other requirements. The District shall not be obligated to remove or dispose of any fill material removed and not used for backfill in the installation of the low-pressure wastewater system or otherwise used by the owner. Further, the District nor its personnel, authorized agents or employees will be responsible for the replacement or replanting of any removed grass, bushes, trees, shrubs, or other vegetation.
- e. The District shall make all physical connections of a residence or commercial building to the Districts' sanitary wastewater system, and such physical connection may only be made by the District, its agents or employees.
- f. After the effective date of this Rate Order, the property owner shall be responsible for the payment of the following fees and charges relative to the connection of wastewater lines:

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- i. All costs for the acquisition or installation of the low-pressure wastewater system from the grinder pump station located at each property to the Districts' main wastewater line located within the easement granted by the property owner to the District including but not limited to, sewer pumps, tanks, fittings, valves, piping, and electrical service;
 - ii. The monthly electrical costs to provide electrical service to the grinder pump station located at the residence or commercial building of a property;
 - iii. A tap fee for connection of the low-pressure wastewater system to the main wastewater line of the District which connection shall be made solely by the District, its agents or employees, and at such costs may be assessed from time to time by the District;
 - iv. The cost of the installation of additional sanitary wastewater lines beyond the existing service lines of the District to newly developed areas within the District shall be the responsibility of the property owner and/or developer of property requesting service from the District.
- g. The placement of each grinder pump station shall be within fifty (50) feet from the foundation of the residence or commercial building. In so much as possible, each property owner shall be consulted as to the final location of the grinder pump station; however, the final location of each grinder pump station shall be made solely by the District, its agents or employees based on the practical limitations of construction.

29. Billing for Recreational Vehicle Parks

Billing for recreational vehicle parks shall be based upon actual water usage recorded by the Districts' metering system only.

30. Leak Adjustment Policy

Upon request for a leak adjustment, the following policy shall be followed:

- a. The leak must be caused by an act of Mother Nature;
- b. Damage caused by negligence, vandalism, or anything other than Mother Nature will not qualify for a leak adjustment;
- c. The leak must be repaired within forty-eight (48) hours of discovery of leak by customer or notification by District and must be verified by District personnel;
- d. An average usage will be calculated by using the sum of the last twelve (12) months and dividing by twelve (12). If a twelve (12) month history does not exist, the average will be calculated by the available usage of no less than three months;
- e. The usage caused by the leak must be greater than three (3) times the twelve (12) month average to qualify for an adjustment;
- f. The customer shall pay for the number of gallons based on the twelve (12) month average, at the Districts' current rate schedule. All gallons over the twelve (12) month average shall be paid by the customer at the second tier per thousand-gallon rate;

- g. One leak adjustment per three (3) year period shall be allowed per service. If the leak occurs in two consecutive months due to meter reading, both months' usage may be considered for an adjustment provided the leak is repaired within forth-eight (48) hours upon discovery by customer or notification by District, ([Section E\(30\)\(c\)](#) of this District Rate Order). The total of both months' usage will be used in determining the qualifying twelve (12) month average.

31. *Inactive Service*

If at any time a service becomes inactive for a period of five years or more, District shall pull the meter to the main. A new service to the property will be required if service is requested after such time the meter is pulled and all current Tap Fees and Deposit will be required to obtain service. (Effective July 1, 2023)

32. *Accounts Closed With a Bad Debt*

The District will take all measures in accordance with this policy and State law in an effort to collect a bad debt, including but not limited to termination of service to other accounts in customers' name and utilizing the justice system. All costs the District may incur during Districts' collection attempts will be charged to the customer. District reserves the right to report bad debts to Credit Bureaus.

SECTION F: DEVELOPER, SUBDIVISION, AND NON-STANDARD SERVICE REQUIREMENTS

Part I. General Requirements

1. *Districts' Limitations*

All applicants shall recognize the District must comply with local, state, and federal rules and regulations as promulgated from time to time, and with the covenants of current indebtedness. Kaufman County Developmental Services holds a meeting with all involved parties for a development, ie: water, electrical, County Engineer, OSS representative, and the Fire Marshall. As there are specific requirements for development in Kaufman County, Developer must contact Developmental Services before moving forward to request water/wastewater service(s). <https://www.kaufmancounty.net/development-services/about/>

2. *Purpose*

It is the purpose of this Section to define the process by which the specific terms and conditions for all kinds of nonstandard service, including specifically for nonstandard service to subdivisions and the respective developers and sub-dividers, are determined, including the Non-Standard Service Application and the districts' respective costs.

3. *Application of Rules*

This Section sets forth the terms and conditions pursuant to which the additions to subdivisions, additions to subdivisions, developments, or whenever additional service facilities are required for a single tract of property. Examples of Non-Standard service for a single tract of property include but are not limited to, road bores, extensions to the distribution system, meters larger than 5/8" x 3/4" residential meter, water service lines exceeding 3/4" diameter and exceeding feet in length, or sewer service or collection lines exceeding 4" diameter and exceeding feet in length. For the purposes of this service policy, applications subject to this section shall be defined as nonstandard. In cases of service to a single tract, the General Manager shall determine whether or not an applicants' service shall be subject to all or part of the conditions of this Section. Non-Standard service to subdivisions is governed by this Section.

- a. The District maintains a minimum 6" waterline requirement when installation of waterlines are required. District Engineer will determine the necessary new waterline size to accommodate the service(s) requested and will ensure the addition of the new service(s) will not significantly negatively impact the existing system.
- b. Where private roads/new roads are required to obtain water service, roads must be reasonably accessible by District. (see District Rate Order [Section E\(2\)\(c\)\(i\)](#) and [Section E\(12\)\(a\)\(xii\)](#))

4. *Nonstandard Service Feasibility Study*

All nonstandard services shall require a Feasibility Study by District engineer to determine what, if any, improvements that must be made to obtain services being requested by Applicant. The Feasibility Study will be completed prior to Non-Standard Contract. Applicant/Developer shall submit the following to District to implement Feasibility Study:

- a. Feasibility application detailing the number of lots water and/or sewer service is being requested;
- b. Preliminary Site/Utility Plans; and

- c. Payment for Nonstandard Investigation Fee and Feasibility Study Fee.

Feasibility study shall be completed by District engineer and returned to Developer within 30 days of submitting all the above.

5. *Nonstandard Service Application*

The applicant shall meet the following requirements prior to the initiation of nonstandard service or the execution of nonstandard service contract by District:

- a. The applicant shall provide the District a completed Nonstandard Service Application. The applicant shall specify any additional special service needs that were not provided in the Feasibility Study, such as large meter size, size of subdivision or multi-use facility, or the required level of fire protection requested, including the flow and pressure requirements by Kaufman County Fire Marshall. The specific infrastructure needs such as line size and system capacity needs will be provided in the Feasibility Study.
- b. The applicant must be authorized to enter into a contract with the District setting forth terms and conditions pursuant to which nonstandard service will be furnished to a property, subdivision, RV park, community mobile home park, multi-family housing, campgrounds, or commercial business. The specific terms and conditions pursuant to which the District will provide nonstandard service in response to any request will depend upon the nature of such request and may be set forth in a legally enforceable, contractual agreement to be entered into by the District and the service applicant. A nonstandard service contract may not contain any terms or conditions that conflict with this section.
- c. A plat acceptable to the District must accompany the application showing the applicants' requested service area. (*see Section C. Definition of Final Plat*). The plat must be approved by all governmental authorities exercising jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities. Plans, specifications, and special requirements of such governmental authorities shall be submitted with the plat. Applicants for single taps involving extension or upsizing of facilities shall be required to submit maps or plans detailing the location of the requested extension and details of demand requirements.
- d. A nonstandard service Investigation Fee shall be paid to the District in accordance with the requirements of [Section G](#) for purposes of paying initial administrative, legal, and engineering fees. The District shall refund any balance that remains after it has completed its service investigation and has completed all legal and engineering services associated with processing a request. In the event such fee is not sufficient to pay all reasonable expenses incurred by the District, the applicant shall pay to the District all remaining expenses that have been or will be incurred by the District and District shall have no obligation to complete processing of the request until all remaining expenses have been paid.
- e. If after the service investigation has been completed, the District determines that the applicants' service request is for property located, in whole or in part, outside the area described in the Districts' defined service area, service may be extended provided that:
 - i. The service location is not in an area receiving similar service from, or within the Certificate of Convenience and Necessity (CCN) of another retail public utility, unless applicant has filed with the TCEQ the applicable documentation to

remove the property from the other retail public utility's service area, and expedited decertification has been granted ([Texas Water Code Section 13.254](#))

- ii. The Districts' defined service area shall be amended to include the entirety of applicants' property for which service is requested. Applicant shall pay all reasonable costs incurred by District for amending its CCN, including but not limited to engineering and professional fees. The District may extend service prior to completing the amendment to fully support such amendment (including but not limited to payment of all professional fees, including administrative, legal, surveying, and engineering fees incurred by District in securing the amendment).

6. *Design*

Upon receipt of a complete nonstandard service application and Investigation Fee, the District shall study the design requirements of the applicants' required facilities prior to initiation of nonstandard service contract by adopting the following schedule:

- a. The District engineer shall design, or review and approve plans for all on-site and off-site service facilities for the applicants' requested level and manner of service within the Districts' specifications, incorporating any applicable municipal or other governmental codes and specifications.
- b. The engineers' fees shall be paid out of the Nonstandard Service Investigation Fee under [Section 4](#) above.
- c. The engineer shall submit to the District a set of detailed plans, specifications, and cost estimates for the project.
- d. The Districts' Engineer shall ensure all facilities for any applicant are of proper size and type to meet the level and manner of service specified in the nonstandard service application. The District reserves the right to upgrade design of service facilities to meet future demands provided however, that the District shall pay the expense of such upgrading in excess of what is reasonably and directly allocable to the applicants' facility requirements.
- e. The Districts' engineer will determine the fire flow design for any nonstandard service request, including new subdivisions, based on Kaufman County Fire Marshall existing policies.

7. *Nonstandard Service Contract*

Applicants requiring nonstandard service may be required to execute a nonstandard service contract, drawn up by the Districts' attorney, in addition to submitting the Districts' Nonstandard Service Application. Service to any subdivision shall require a nonstandard service contract. Said contract shall define the terms, including the level and manner of service and the date for commencing service, prior to construction of any facilities. The nonstandard service contract may include, but is not limited to:

- a. Specifying the costs for contract administration, the design, construction, and inspection of facilities, securing additional water supply/contracting for additional sewer treatment capacity, and terms by which these costs are to be paid.
- b. Procedures by which the applicant shall accept or deny a contractors' bid, thereby committing to continue or discontinue the project.

- c. Terms by which service capacity adequate to the level and manner of service requested shall be reserved for the applicant following construction of facilities and duration of reserved service taking into consideration the impact the applicants' service demand will have upon the Districts' overall system capability to meet other service requests, as well as assessment of any base rate following the construction of facilities (if applicable).
- d. Terms by which the District shall administer the applicants' project with respect to:
 - i. Design of the on-site and off-site facilities;
 - ii. Securing and qualifying bids;
 - iii. Requirements for executing the nonstandard service contract;
 - iv. Selection of a qualified bidder for construction;
 - v. Dispensing funds advanced prior to initiation of construction;
 - vi. Inspecting facilities and closing the project.
- e. Terms by which the applicant shall indemnify the District from all third-party claims or lawsuits in connection with the project.
- f. Terms by which the applicant shall convey facilities to the District and by which the District shall assume operation and maintenance responsibility, including any enforcement of warranties in connection with construction of the applicants' project.
- g. Terms by which the applicant shall grant title or easements for use of property during construction and for ongoing service thereafter.
- h. Terms by which the General Manager shall review and approve the nonstandard service contract pursuant to current rules, regulations, and District Rate Order.
- i. Agreement to enforceable remedies in the event applicant fails to comply with all contract obligations, including specific performance.

In the event that the applicant undertakes any construction of any such facilities prior to execution of a nonstandard contract with the District, the District may refuse to provide service to the applicant or to any portion of the applicants' property (or require payment of all costs for replacing/repairing any facilities constructed without prior execution of a contract from any person requesting service within the applicants' service area, such as a person buying a lot or home within the subdivision), require that all facilities be uncovered by the applicant for inspection by the District, require that any facilities not approved by the District be replaced, or take any lawful action determined appropriate by the Board of Directors of the District.

8. *To receive meter installations*, Developer must submit:

- a. ***(for RV Parks, Campgrounds, Apartments, and Commercial Projects)***
 - i. Full payment for connection fees per meter installation estimate; and
 - ii. Completed Service Application, and Contract specific to type of facility.

b. *(for Subdivisions and projects requiring acceptance of CMSUD infrastructure)*

- i. 2-year maintenance bond for 20% of cost of the infrastructure being accepted by CMSUD;
- ii. Affidavit of bills paid;
- iii. PDF of as-builts for development (after PDF is received, CMSUD must issue an acceptance letter for this phase of the development prior to any meter sets); and
- iv. Full payment of connection fee per the Nonstandard Contract.

9. *Service to Commercial Businesses*

Commercial Service is defined as anything non-single family residential, including but not limited to churches, retail facilities of any type, mechanical shops, dealerships, venues, mud bogs, multi-family housing, medical/dental facilities, hospitals or short/long term care facilities, car washes, service stations, manufacturing facilities, schools, sports facilities, restaurants, and RV/Mobile Home Parks.

10. *Service to RV Parks, Community Mobile Home Parks, and Campgrounds*

In determining the water meter size required to supply service to an RV Park, Community Mobile Home Park, or Campground, District will use the AWWA maximum continuous flow specifications equivalents. ([Section G\(13\)\(a\) Base Rate of this District Rate Order](#)). All existing RV Parks, Community Mobile Home Parks, and Campgrounds will be grandfathered by their existing Agreement; however, any additions to the park or campground will fall under the guidelines as set forth below adopted by the Board of Directors on February 23, 2021. (*see* District Ordinance 2021-01) (*Revised May 30, 2023 – [District Ordinance 2023-02](#)*)

- a. In compliance with the [Texas Administrative Code \(TAC\) Title 290.38](#), District shall require eight single-family home equivalents per space/lot for RV Parks and Campgrounds. (Example: 100 RV/ Campground spaces/lots will require a meter(s) sized to equal 13 single-family homes.) District reserves the right to determine the combination of compound meters necessary to provide water service to the RV Park or Campground. (Example: 100 RV/ Campground spaces/lots will require a 3” compound water meter.)
- b. In compliance with the [Texas Administrative Code \(30 TAC\) Title 290.38\(16\)](#), Tiny Homes/Park Model Homes will be treated as long-term residents and will require one meter equivalence per Tiny Home/Park Model Home.
- c. Each building inside a Park or Campground will require an additional single-family home equivalent. (Example: each restroom, laundry facility, store, office, etc...)
- d. ***Mobile Homes inside or outside Community Mobile Home Parks***
Mobile homes, inside or outside of a community mobile home park shall be treated as a single-family home. Additionally, Districts’ Engineer shall determine if a larger size meter or system improvements will be required based on Kaufman County Fire Marshalls’ flow requirement for RV Park or Campground and TCEQ and/or PUC requirements.

11. *Service to Multi-Family Housing*

Each unit contained in a multi-family housing complex, (apartments, two-plex, four-plex, and condo style housing), shall have one meter per unit, or one-meter equivalent per unit. ([\(TAC\) Title 290, Subchapters D and F](#))

All existing Multi-Family Housing complexes will be grandfathered by their existing Agreement; however, any additions or new complexes will fall under the guidelines as set forth below adopted by the Board of Directors on February 23, 2021.

12. *Service to a Dedicated Fire Line and hydrants within a private property*

Installation, replacement, and/or maintenance of a “dedicated fire line” and/or any fire hydrants on the line will be the responsibility of the property owner; however, any connection to District main waterlines must be made by District or Districts’ authorized agent. (See District Rate Order [Section C](#) and [Section G\(13\)\(f\)\(g\)](#)).

13. *Property and Right-of-Way Acquisition*

With regard to construction and subsequent maintenance and operation of facilities, the District shall require exclusive easements or title to property as appropriate.

- a. If the District determines that easements or facility sites outside the applicants’ property are required, the applicant shall secure such easements or title to facility sites exclusively for the District. All easements and property titles shall be researched, validated, and filed by the District at the expense of the applicant. No facilities shall be constructed in the public right-of-way without prior written consent of the District in its sole discretion.
- b. In the event the applicant is unable to secure any easements or title to any sites required by the district, and the District determines in its sole discretion to acquire such easements or title by eminent domain, all reasonable costs incurred by the District shall be paid by the applicant, including administrative, legal fees, appraisal fees, court costs, and the condemnation award.
- c. The District shall require exclusive dedicated easements on the applicants’ property as appropriate for the level and manner of service required by the applicant and system-wide service by the District. All such easements shall be adequate to authorize the District to construct, install, maintain, replace, upgrade, inspect, or test any facility necessary for service to the applicant as well as system-wide service within the District generally. Easements for subdivisions also must be sufficient for service throughout the subdivision when the subdivision is fully occupied. Title to any portion of applicants’ property required for on-site facilities will be provided and exclusive to the District.
- d. Easements and facilities sites shall be prepared for the construction of all District facilities in accordance with the Districts’ requirements at the expense of the applicant.

14. *Dedication of Water System Extension/Improvement to District*

- a. Upon proper completion of construction of all on-site and off-site service facilities (the “Facilities”) to meet the level and manner of service requested by the applicant, the facilities shall become the property of the District. The facilities shall thereafter be owned and maintained by District subject to the warranties required of applicant under Subsection (b). Any connection of individual customers to the Facilities shall be made by the District.
- b. Upon transfer of ownership of the facilities, applicant shall warrant materials and performance of the Facilities constructed by applicant or applicants’ designated contractor for twenty-four (24) months following the date of the transfer.

15. Bids for Construction

The Districts' consulting engineer shall solicit or shall advertise for bids for the construction of the applicants' proposed facilities in accordance with law and generally accepted practices or the District at its discretion choose to install the waterline at the expense of applicant. Plans and specifications shall be made available, with or without charge, to prospective bidders should bids be solicited or advertised. Although the District reserves the right to reject any bid or contractor, the District shall generally award the contract to the lowest and best bidder in accordance with the following criteria:

- a. The applicant shall execute the nonstandard service contract evidencing willingness to proceed with the project and shall pay all costs in advance of construction associated with the project;
- b. The contractor shall provide an adequate bid bond under terms acceptable to the District;
- c. The contractor shall secure adequate performance and payment bonding for the project under terms acceptable to the District;
- d. The contractor shall supply favorable references acceptable to the District;
- e. The contractor shall provide adequate certificates of insurance as required by the District.

16. Pre-Payment for Construction and Other Costs

As a general rule, applicant shall be required to pay all anticipated costs of construction, easement and title acquisition, legal and engineering fees, and other costs associated with extending nonstandard service prior to these costs being incurred by District. District shall promptly remit and all unexpended prepaid funds, without interest, upon completion of the nonstandard service extension and commencement of service. While the District will make every reasonable effort to work with applicant, prepayment of costs shall be provided in a manner acceptable to District.

17. Construction

- a. All roadwork pursuant to state, county and/or municipal standards (as applicable) shall be completed prior to facility construction to avoid future problems resulting from road right-of-way completion and excavation. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage or applicants' facilities during construction.
- b. The District shall, at the expense of the applicant, inspect the facilities to ensure compliance with District standards.
- c. Construction plans and specifications shall be strictly adhered to, but the District reserves the right to change-order any specifications, due to unforeseen circumstances during the design phase, to better facilitate construction or operation of the applicants' facility. All change-order amounts shall be charged to the applicant.

Part II. Request for Service to Subdivided Property

This section contains additional requirements for applicants that are developers as defined in [Section C Definitions](#).

1. ***Sufficient Information*** – Applicants shall provide the District sufficient information describing the level and manner of service requested and the timeline for initiation of this service. The following is the minimum information needed for an engineering evaluation of the requested service to the property described in the application.
 - a. Completion of requirements described in [Section F. Part I](#), including *Nonstandard Service Application*.
 - b. Applicant shall provide the District with details concerning access to the property during evaluation of application.
 - c. Applicant shall be notified in writing by the District or designated representative the timeframe within which the requested service can be provided and the costs for which the Applicant will be responsible, in accordance with the details described on the Applicants' request for service.

2. ***Service within Subdivisions***

The Districts' obligation to provide service to any customer located within a subdivision governed by this section is strictly limited to the level and manner of the service specified by the applicant developer for that subdivision. The applicant developer is responsible for paying for all costs necessary for nonstandard service to a subdivision as determined by the District under the provisions of this Rate Order and specifically the provisions of this section. If the applicant developer fails to pay these costs, the District has the right to require payment of these costs by any one or more of the persons purchasing lots or homes within such subdivision before the District is obligated to provide retail utility service to any customer service applicant within the subdivision. In addition, District may elect to pursue any remedies provided by the nonstandard service contract if one has been executed. Applicant developer is advised that purchasers of lots also may have legal recourse to the applicant developer under Texas law, including but not limited to [Section 13.257, Texas Water Code](#), and the [Texas Deceptive Trade Practices-Consumer Protection Act Chapter 17, Subchapter E, Business and Commerce Code](#).

- a. The applicant developer must provide all information otherwise required under this section and must ensure that the District has been provided complete information sufficient to determine whether the level and manner of service requested by the applicant developer can be provided within the timeframe specified by the applicant developer and to determine what capital improvements, including expansion of capacity of the Districts' water, treatment and/or storage facilities and/or general transmission facilities properly and directly allocable to the requested level and manner of service, will be needed. At a minimum, and in addition to information otherwise required under this section, the applicant developer must provide:
 - i. Map and legal description of the area to be service complying with the map requirements of [PUC Rules, Chapter 24, Subchapter G. Section 24.257\(a\)\(1-4\)](#).

- ii. Timeframe for:
 - a. Initiation of service; and
 - b. Service to each additional or projected phase following the initial service.
 - iii. Detailed description of the nature and scope of the project/development for:
 - a. Initial service; and
 - b. Phased and final needs, including map showing each phase, and the projected land uses that support the requested level of service for each phase.
 - iv. Flow and pressure for anticipated level of fire protection requested, including line size and capacity as required by [Kaufman County Fire Marshall](#);
 - v. Copies of all required approvals, reports and studies done by or for the applicant developer to support the viability of the proposed subdivision;
 - vi. The proposed improvements to be constructed by the applicant developer including timelines for the construction of these improvements;
 - vii. A map or plat of the subdivision depicting each phase and signed and sealed by a licensed surveyor or registered professional engineer;
 - viii. Intended land use of the development, including detailed information concerning types of land use proposed;
 - ix. The projected water and/or sewer demand of the development when fully built out and occupied, the anticipated water/sewer demands for each type of land use, and a projected schedule of build-out;
 - x. A scheduled of events leading up to the anticipated date upon which service from the District will first be needed;
 - xi. A proposed calendar of event, including design, plat approval, construction phasing and initial occupancy; and
 - xii. Any additional information requested by the District necessary to determine the capacity and the costs for providing the requested service.
- b. Applicant developer must establish that current and projected service demands justify the level and manner of service being requested.
 - c. The applicant developer must advise the District that he/she may request expedited decertification from the PUC.
 - d. The application will be processed on a timeframe that should ensure final decision by the District within ninety (90) days from the date of the nonstandard service application and the payment of all fees required by this section.

- i. Upon payment of all required fees, the District shall review applicant developers' service request. If no additional information is required from applicant developer, the District will prepare a written report on applicant developers' service request, subject to any final approval by the Districts' General Manager or governing body (if applicable) which must be completed within the ninety (90) days from the date of application and payment of the required fees. The Districts' written report will state whether the requested service will be provided, whether the requested service can be provided within the timeframe specified by the applicant developer, and the costs for which the applicant developer will be responsible (including capital improvements, acquisition of any additional water supply/sewer treatment capacity, easements and land acquisition costs, and professional fees).
- ii. In the event the Districts' initial review of the applicant developers' service application shows that additional information is needed, the District will notify applicant developer of the need for such additional information. Notice of the need for additional information will be made in writing within thirty (30) days of the date the District receives the applicant developers' payment of the required fees and completed application for nonstandard service. Applicant developer should respond to the Districts' request for additional information within fifteen (15) days of receipt of the Districts' written request. In any case, the District will provide the written report, including any final approval by the Districts' Board (if applicable) within ninety (90) days from the date of the initial written application and payment of all required fees.
- iii. By written mutual agreement, the District and the applicant developer may extend the time for review beyond the ninety (90) days provided for expedited petitions to the PUC. The applicant developer is advised that failure to timely provide the information required by this section, including this Subsection, may cause the PUC to reject any subsequent petition for decertification of applicant developers' property. The applicant developer is further advised that if the applicant developer makes any change in level or manner of service requested, the timeframe for initiation of service or the level or manner or timeframe for any phase of service, the applicant developers' original application for nonstandard service will be deemed withdrawn, and the change may be considered a new application for nonstandard service for all purposes, including the times specified herein for processing.
- iv. Following ninety (90) days and final approval by the District and acceptance of the Districts' terms for service by the applicant, a nonstandard service contract will be executed, and the District shall provide service according to the conditions contained in the nonstandard service contract.

SECTION G: RATE AND SERVICE FEE ORDER

UNLESS SPECIFICALLY DEFINED IN THIS DISTRICT RATE ORDER, ALL FEES, RATES, AND CHARGES AS STATED HEREIN SHALL BE NON-REFUNDABLE.

1. *Classes of Users*

All users of the Districts' water and/or sewer services shall be classified as either standard or nonstandard service, as further defined in [Section E](#) and [Section F](#) of this District Rate Order. Either class of user may be further classified into customer classes according to the type of service, cost, or risk associated with each individual customer class. ([Texas Water Code 49.2122](#))

2. *Service Investigation Fee*

The District shall conduct a service investigation for each service application submitted to the District. An initial determination shall be made by the District, without charge, as to whether the service request is standard or nonstandard. An investigation shall then be conducted, and the results reported under the following terms:

- a. All Standard service requests shall be investigated without charge and all applicable costs for providing service shall be quoted in writing to the applicant within twenty-four (24) hours, excluding weekends and holidays, of application for service.
- b. All Nonstandard service request shall be subject to fees, appropriate to each project, of sufficient amount to cover all administrative, legal, and engineering fees required by the District to:
 - i. provide cost estimates of the project;
 - ii. develop detailed plans and specifications as per final plat;
 - iii. advertise and accept bids for the project;
 - iv. execute a nonstandard service contract with the applicant; and
 - v. provide other services as required by the District for such investigation.
- c. *Engineering Feasibility Study and Fees*

An engineering feasibility study is required for all nonstandard service requests to determine the system's available capacity for the development. The initial feasibility study will include:

 - i. Cost estimates of the project;
 - ii. Determine any off-site improvements required for requested nonstandard service;
 - iii. Prepare map showing proposed necessary improvements;
 - iv. Provide summary letter report of findings.

Engineering Feasibility Study Fees

Feasibility study fees will be based on the number of lots requested in the nonstandard service application. Fees will be paid to District in advance of District forwarding the applicant developers' Nonstandard Service Application to engineer. (see Section F)

- i. Individual splitting lot (up to two lots) \$850
- ii. Small residential development (3 to 10 lots) \$1400
- iii. Medium residential development (11 to 49 lots) \$2000
- iv. Large residential development (50 to 99) \$3650
- v. Mega residential development (100 lots and over) TBD
- vi. Commercial development/building requesting fire flow (up to two lots or less than 10 acres) \$1400
- vii. Commercial development (3 lots or more, or 10 acres or more) TBD

The following are available but are not included in the Feasibility Study:

- i. Design of off-site and on-site plans;
- ii. Advertise and accept bids for the project;
- iii. Provide other services as required by the District.

3. Deposit

- a. At the time the application for service is approved, applicant shall pay an account deposit which will be held by the District without interest until settlement of the Customers' final bill. The deposit will be used to offset final billing charges of the account. In the event that five dollars (\$5.00) or more of the deposit remains after final billing is settled, the balance will be paid to the customer within forty-five (45) days, provided the District is given a suitable forwarding address. All requests for refunds shall be made in writing and should be filed within ninety (90) days of discontinuance of service. In the event an outstanding balance exists after the deposit is applied, the District shall attempt to collect the outstanding balance by all lawful means available.
 - i. The deposit for Standard water service is **\$250** for each service requested by a property owner with a fee simple title.
 - ii. The deposit for a Standard water service requested by a leaser, renter, or other non-owner of property without a fee simple title is **\$375**.
 - iii. The deposit for Non-Standard services including oversized or master metered account shall be based on multiple of meter size equivalence. (see Section G(14) of this District Rate Order.
- b. If the District is not provided with a suitable address to mail the balance of a deposit or if after sending the balance it is returned by the postal service, the District will hold the funds for the customer to claim for a period of three years. After the three-year holding period has expired, the District will turn the money over to the Texas Comptrollers' Office. The customer may still claim their deposit once deposited with the Comptrollers' Office, by contacting the Texas Comptrollers' Office.

4. Easement Fee

When the District determines dedicated easements and/or facility sites are necessary to provide service to the applicant, the applicant shall be required to make good faith efforts to secure the necessary easements and/or sites on behalf of the District and/or pay all costs incurred by the District in validating, clearing, and retaining such easements or sites in addition to tap fees otherwise required pursuant to the provisions of this District Rate Order. The costs may include all legal fees and expenses necessary to attempt to secure such easements and/or facility sites on behalf of the District or Applicant.

a. Easement Filing Fee \$45.

When District files easements for record at the Kaufman County Courthouse. Easements are obtained with every new application for service and when system improvements are necessary to supply water for development. Easement filing fees are not charged when District makes system improvements for District purposes.

5. Installation Fee (Tap Fee)

The District shall charge an installation fee for service that does not exceed the actual and reasonable cost as follows:

a. Standard Service shall include:

- i. Tap Fees - all current labor, materials, engineering, legal, customer service inspection, administrative costs necessary to provide individual metered water or wastewater; and
- ii. Engineering Fees;
- iii. Legal Fees;
- iv. Customer Service Inspection Fees;
- v. Administrative Costs; and
- vi. any additional site-specific equipment or appurtenances necessary to provide water or wastewater service.

b. Standard Service fees shall be charged per service unit as follows:

Meter Size	Tap Fee (effective 7/1/23)
5/8" X 3/4"	\$6,500
3/4"	\$9,750
1"	\$16,250
2" compound	\$52,000

c. Non-Standard Service shall include:

- i. Facility improvement costs: including but not limited to tanks, piping, main lines, hydrants and other labor materials necessary to provide service at the level required by water code and as requested by the applicant;
- ii. line and facility inspection fees;
- iii. administrative costs, including but not limited to, contract administrative costs, processing invoices, disbursement of checks to contractors;

- iv. legal fees, including but not limited to, contract development, easements, water rights, permits, and CCN amendments for the area;
- v. engineering fees; and
- vi. any additional site-specific equipment or appurtenances necessary to provide water or wastewater service as determined by the District under the terms of [Section F](#) of this District Rate Order (*see also* [Section G Tap Fees](#)).

All fees will be determined by the District under the rules of [Section F](#) of this District Rate Order.

d. *Standard and Non-Standard Service Installations* shall include all costs of any pipeline relocations as per [Section E\(2\)\(c\)\(xi\)](#) of this District Rater Order, or other system improvements.

e. *Relocation Fee \$2,190*

Shall be charged when a meter is relocated within the same property. Water meters cannot be relocated from one property to another.

6. *Re-Service Fee*

a. *Where a meter exists on property \$135 (without installation of customer cut-off) \$300 (with installation of customer cut-off)*

Re-Service requires a Customer Service Inspection (CSI) before service will be restored. The Re-Service Fee includes:

- i. Administrative Fee;
- ii. CSI (Customer Service Inspection) Fee; and
- iii. unlocking the meter.
- iv. If an additional service trip is required, a Service Trip Fee will be required. [Section G\(20\)](#) of this District Rate Order.

b. *Where a meter does not exist on the property \$1,790*

This includes:

- i. The installation of a water meter;
- ii. CSI (Customer Service Inspection) Fee; and
- iii. Administrative Fee.
- iv. If an additional service trip is required, a Service Trip Fee will be required. [Section \(G\)\(20\)](#) of this District Rater Order.

7. Road Bore Fee

A road bore is required when the District does not have a distribution water line on the same side of the road as the property where service is requested. County Road Bores and County Road Cutting Fees, for a single residential service, **begin at \$1,600** for a bore of 100'. Fee is contingent upon:

- a. Actual pricing if outside boring contractor is required;
- b. length of road bore;
- c. and county and state requirements.
- d. Road Bore Fees for FM Roads and State Highways will be quoted on a case-by-case basis.

8. Backflow Device Test Fee

- a. The District shall charge a fee of **\$125** for the inspection and testing of a backflow device, (RPZ, Double Check, SVB, and PVB).
- b. Contractors licensed to test backflow devices must pay an annual **\$25 registration fee** to the District.
All inspectors/testers must provide:
 - i. A copy of their current Texas BPAT license;
 - ii. and a copy of a current inspection certificate for all gauges used for testing on Districts' system.
 - iii. District will not accept tests from persons without a current Texas BPAT license and current gauge inspection/calibrations certificates on file.

9. Sprinkler System/Irrigation System Permit Fee

Prior to installation of a sprinkler or irrigation system on Districts' system, application for a permit must be made with District.

- a. District shall charge a **\$25** permit fee.
- b. A **\$250 penalty** will be accessed to the customers' account if a permit is not obtained prior to the installation of the sprinkler or irrigation system and may result in disconnection of service until penalties are paid and the required backflow device has been properly installed.

10. Construction Meter Install Fee

The District shall charge a fee of **\$150** for the installation of a construction meter. This fee shall include:

- a. The installation of the meter;
- b. testing of the RPZ; and
- c. collection of the meter and final reading.

- d. For each additional time the meter is reinstalled or relocated to another location, the RPZ will be tested and an additional fee of **\$100** will be charged.

11. Construction Meter Deposit and Fees

- a. The District shall charge a refundable deposit of \$3,000 for the use of a construction meter with expected usage up to 100,000 gallons.
- b. An additional \$1,000 deposit will be required for each 100,000 gallons anticipated use in excess of the first 100,000 gallons.
- c. A nonrefundable fee of \$544 plus actual usage will be billed monthly at the highest water rate.

12. Administration Fee

The District shall charge an Administrative Fee when new services are requested. The Administrative Fee is **\$35** and is already calculated into the total amount for a Reservice Fee.

13. Monthly Charges

- a. **Base Rate - Water service** – The monthly charge for standard metered water service is for a 5/8” X 3/4” meter. The 5/8” X 3/4” meter charge is used as a base multiplier for larger Non-Standard meters in accordance with the following chart base on American Water Works Association maximum continuous flow specifications:

METER SIZE	5/8” x 3/4” METER EQUIVALENTS	MONTHLY RATE	NEW SERVICE RATE July 1, 2023
5/8” x 3/4”	1.0	\$37.50	\$42.50
3/4”	1.5	\$56.25	\$63.75
1”	2.5	\$93.75	\$106.25
1 1/2”	5.0	\$187.50	\$212.50
2”	8.0	\$300.00	\$340.00
3” CMPD.	16.0	\$600.00	\$680.00
4” CMPD.	25.0	\$937.50	\$1,062.50
6” CMPD.	50.0	\$1,875.00	\$2,125.00
8” CMPD.	80.0	\$3,000.00	\$3,400.00

NEW SERVICE RATE: Applies to NEW services beginning July 1, 2023

NOTE: Certain customer classes, such as customers receiving fire flow that require a higher cost of service to the District for that class may be charged a higher Base Rate as set forth in [Subsection G](#).

b. *Water Gallonage Charge*

In addition to the Base Rate, a gallonage charge shall be added using the following rates for usage during any 1 (one) billing period.

\$9.45 per 1,000 gallons for usage up to 3,000 gallons
\$12.20 per 1,000 gallons for usage between 3,001 to 5,000 gallons
\$13.20 per 1,000 gallons for usage between 5,001 to 7,000 gallons
\$14.20 per 1,000 gallons for usage between 7,001 to 10,000 gallons
\$15.20 per 1,000 gallons for usage over 10,000 gallons

NEW SERVICES on or after July 1, 2023 (effective 7/01/2023)

\$9.70 per 1,000 gallons for usage up to 3,000 gallons
\$12.45 per 1,000 gallons for usage between 3,001 to 5,000 gallons
\$13.45 per 1,000 gallons for usage between 5,001 to 7,000 gallons
\$14.45 per 1,000 gallons for usage between 7,001 to 10,000 gallons
\$15.45 per 1,000 gallons for usage over 10,000 gallons

c. *Wastewater Service*

Wastewater service is available for the following subdivisions and will be included on the monthly water bill of each person within these subdivisions:

i. *Post Oak Mobile Home Community*

Wastewater Monthly Base Rate: \$35 plus \$8/per 1,000 gallons of water usage each month.

d. *Regulatory Assessment Fee*

The District shall, as required by [Texas Water Code Section 5.701](#), collect from each of its retail customers a regulatory assessment fee equal to one-half of one percent (.005) of the charge for retail water service. This charge shall be collected in addition to other charges for utility service. This fee is collected on all charges, water/wastewater service, pertaining to [Section G\(13\)](#) of this District Rate Order.

e. *Voluntary Contributions*

The District, as a part of its billing process, collects voluntary contributions on behalf of:

- i. College Mound Volunteer Fire Department;
- ii. Elmo Volunteer Fire Department; and
- iii. Emergency Medical Service (*see* [Subsection F](#))

f. *CareFlite*

The District, as part of its billing process, collects \$1.00 per billing account for CareFlite Services. Customer must “opt out” of this service if they choose not to participate in the CareFlite Services.

Agreement is between customer and CareFlite and District assumes no responsibility nor agrees to be the liaison between Customer and CareFlite.

g. *Dedicated Fire Line Meter Fee and Usage*

- i. The District, as part of its billing process, shall collect **\$100 each month** for the purpose of maintaining, reading, and replacement of the fire line meter for customers with a “dedicated fire line” within their private property. This fee will be added to the “base rate” as indicated in [Subsection A](#).

ii. ***Dedicated Fire line Meter Usage***

All usage on a meter for a “dedicated fire line” shall be billed at the Districts’ highest rate tier unless proof of usage was for the sole purpose of extinguishing a fire.

Proof must be in the form of a written report from a local Fire Depts’ Fire Chief.

14. *Standby Fee*

An annual charge equal to twelve (12) times the Base Rate for undeveloped property (a tract, lot or reserve in the District to which no vertical improvements and water connections have been made to serve the property and for which water facilities and services are available) within the District for availability of water service. The Standby Fee is separate from any other fee that may be charged to the property or any part of the property for actual service.

- a. The Standby Fee is a personal obligation of the person owning the property assessed on January 1st of each year and must be paid by that person to the District the year it is assessed, even if title to that property subsequently transfers to another person. The Standby Fee must be paid by January 31st of each year.
- b. Upon failure to pay the Standby Fee:
 - i. The District will charge interest at the rate of one percent (1%) per month; and
 - ii. The District will refuse to provide service to the property, or to any portion of the property, until all delinquent Standby Fees (including all accrued interest) have been paid.
 - iii. In addition, the District may file suit to enforce the lien for the unpaid amount that attaches to the property on January 1st following the assessment of the Standby Fee and accrued interest. In addition to recovery of the amount secured by the lien, the District will request assessment of its reasonable costs, including attorneys’ fees, not to exceed twenty percent (20%) of the delinquent fee and the accrued interest.

Note: A Standby Fee must be approved by the TCEQ under [30 TAC Sections 293.141-.150](#)

15. *Late Payment Fee (Penalty)*

Once per billing period, a penalty of **\$15.00** shall be applied to delinquent bills. This penalty shall not be applied to any balance to which the penalty was applied in a previous billing but shall be applied to any unpaid balance during the current billing period.

16. *Returned Check Fee*

In the event a check, draft, or any other similar instrument is given by a person, firm, District, or partnership to the District for payment of services provided for in this District Rate Order, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the account for which the instrument was issued shall be assessed a Return Check Fee of **\$50.00**.

17. *Service Termination Fee*

The District shall charge a fee of **\$100** for reconnecting service after the District has previously disconnected the service for any reason provided in this District Rate Order except for activation of service. See [Section E\(3\)\(b\) Re-service](#) of this District Rate Order.

18. Delinquency Fee

The District shall charge a fee of **\$100** for non-payment of a delinquent bill prior to 8:00 am on the 25th of the month, unless prior arrangements have been made and approved by Management. (See [Section E\(11\)\(b\)](#))

NOTE: When a Delinquency Fee is assessed, a Service Termination Fee or Reconnect Fee will not be assessed.

19. Service Trip Fee**a. During normal business hours**

The District may charge a Service Trip Fee of **\$100** for the following:

- i. Meter rereads due to billing disputes;
- ii. Locating and marking water/sewer meter;
- iii. Each additional trip to customers' property when the following cannot be completed on the first trip due to noncooperation of customer:
 1. Customer Service Inspection (CSI);
 2. Backflow device testing;
 3. Multiple connection inspection;
 4. Suspected cross contamination connection.

b. After normal business hours, weekends, and holidays

The District shall charge a Service Trip Fee of **\$150/per hour** with a minimum of two (2) hours for any service call or trip to the Customers' tap as a result of a request by the customer or resident after normal business hours, unless the service call is in response to damage of the Districts' or another customers' facilities. (See [Subsection 20 Emergency Response Fee](#))

20. Emergency Response Fee

An Emergency Response Fee will be charged when District property is damaged causing customers to be without water or causing low water pressure to exist. (Example: any person hitting a main waterline due to failure to call 811 for line locates prior to digging, or digging within 18" of marked waterlines; damage to fire hydrants, flush valves, isolation valves, etc...) The Emergency Response Fee shall be a **minimum of \$500 and \$250/per hour, plus all necessary parts to make the repair, and water loss.**

- a. Water loss shall be determined by using the psi on the waterline, the size of the waterline, the amount of time the water ran, including flushing of the line after the repair is made, and any samples taken; and/or by the amount of water held in any tank that is damaged.
- b. Contractor fees will be included for repairs made for damages outside District's ability to repair.
- c. Collection and/or attorney fees will be included if refusal of payment for damages occurs.

21. Fee for Unauthorized Actions

If the Districts' facilities or equipment have been damaged by tampering, by-passing, installing unauthorized taps, reconnecting service without authority, or other service diversion, a fee shall be charged equal to the actual costs for all labor, material, and equipment necessary for repair or replacement of the Districts' facilities and shall be paid before service is re-established.

The fee shall also include the actual costs for the following:

- a. All labor, material, equipment, and other actions necessary to correct service diversions, unauthorized taps, or reconnection of service without authorization.
All components of this fee will be itemized, and a statement shall be provided to the customer.
- b. If the Districts' facilities or equipment have been damaged due to unauthorized use of the Districts' equipment, easements, or meter shut-off valve or due to other unauthorized acts by the customer for which the District incurs losses or damages, the customer shall be liable for all labor and material charges incurred as a result of said act(s) or negligence. (see also [Subsection 22. Meter Tampering and Diversion Penalty](#))
- c. ***Payment of this fee will not preclude the District from requesting appropriate criminal prosecution.***

22. Meter Tampering and Diversion Penalty

In addition to the Fee for Unauthorized Actions, the District may charge a **\$1,000 penalty** for "Tampering" as defined in [Subsection 21](#) of this District Rate Order.

The penalty will be assessed against the account associated with the property where the tampering occurred.

23. Meter Test Fee

The District shall test a customers' meter upon written request of the customer. Under the terms of [Section E](#) of this District Rate Order, a charge of **\$225** shall be imposed on the account attached to the meter in question.

24. Customer Service Inspection Fee

A fee of **\$100** will be assessed each applicant before permanent continuous service is provided or if an additional inspection is required in addition to the initial inspection included with the installation or Tap Fee, (see [Section G. Tap Fee](#))

25. Additional Assessments

In the event any federal, state, or local governments imposes on the District a "per meter" fee or an assessment based on a percent of water/sewer use or charges, this fee or assessment will be billed and collected as a "pass through" charge to the customer.

26. Seasonal Reconnect Fee

The fee charged for resumption of service at a location where the customer has voluntarily suspended service, in a written request, for a period not exceeding nine (9) months within a twelve (12) month period.

The fee will be based on the total months for which service is suspended, not to exceed nine (9) months, multiplied by the amount of the monthly base rate the District charges active customers.

27. Other Fees

The actual and reasonable costs for any services outside the normal scope of utility operations the District is compelled to provide at the request of a customer shall be charged to the customer.

SECTION H: WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN and WATER CONSERVATION PLAN

INTRODUCTION

The goal of this plan is to cause a reduction in water use in response to drought or emergency conditions so the water availability can be preserved. Since emergency conditions can occur rapidly, responses must also be enacted quickly. This plan has been prepared in advance considering conditions that will initiate and terminate the rationing program.

Because College Mound Special Utility District purchases treated water from NTMWD, the Board has adopted the Model Water Conservation Plan and the Water Resource and Emergency Management Plan of NTMWD. These entire plans are available upon request at the District office and on the District website www.collegemoundwater.com

NTMWD controls the Stage of the outside watering restrictions due to drought conditions, however; College Mound SUD will trigger different stages of the plan if system emergencies warrant restrictions. Each stage of the plan is outlined as follows:

Stage 1

The goal for water use reduction under Stage 1 is a five percent (5%) reduction in the amount of water produced by NTMWD from the previous annual payment period prior to drought restrictions.

If circumstances warrant or if required by NTMWD, the General Manager or official designee can set a goal for greater or lesser water use reduction.

The General Manager or official designee may order the implementation of any or all the actions listed below, as deemed necessary to achieve a five percent (5%) reduction. Measures described as “required notification to TCEQ” impose mandatory requirements on customer.

The District must notify TCEQ and NTMWD within five (5) business days if these measures are implemented:

- a. Continue action in the water conservation plan.
- b. Notify wholesale customers of actions being taken and request them to implement similar procedures.
- c. Initiate engineering studies to evaluate alternatives should conditions worsen.
- d. Further accelerate public education efforts on ways to reduce water use.
- e. Halt non-essential water use of College Mound SUD. (Vehicle washing, etc...)
- f. Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- g. All users are encouraged to reduce the frequency of draining and refilling swimming pools.

Requires Notification to TCEQ

- a. Limit landscape watering with sprinklers or irrigation systems at each service address to no more than two days per week on designated days between April 1 to October 31 before 10 am or after 6 pm, provided no runoff occurs.
- b. Limit landscape watering with sprinklers or irrigation systems at each service address to once every week on designated days between November 1 to March 31.

Exceptions are as follows:

- i. An exception is allowed for landscape associated with new construction that may be watered as necessary for thirty (30) days for the installation of new landscape features.
- ii. An exemption is allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems from the designated outdoor water use days limited to no more than two days per week. ET/Smart irrigation and drip irrigation systems are, however, subject to all other restrictions applicable under this stage.
- iii. An exception for additional watering of landscape may be provided by handheld hose with shutoff nozzle, use of dedicated irrigation drip zones, and/or soaker hose provided no runoff occurs.
- iv. Foundations, new landscaping, new plantings (first year) of shrubs, and trees (within a ten-foot (10') radius of its trunk) may be watered by a handheld hose, a soaker hose, or a dedicated zone using a drip irrigation system provided no runoff occurs.

Requires Notification to TCEQ

- a. Initiate a rate surcharge for all water use over a certain level.
- b. Landscape watering of parks, golf courses, and athletic fields using potable water are required to meet the same reduction goals and measures outlined in this stage. Exception for golf course greens and tee boxes which may be hand watered as needed.

Stage 2

Requires Notification to TCEQ

- a. Initiate a rate surcharge for all water use over a certain level.
- b. Landscape watering of parks, golf courses, and athletic fields using potable water are required to meet the same reduction goals and measures outlined in this stage. Exception for golf course greens and tee boxes which may be hand watered as needed.

Stage 3

The goal for water use reduction under Stage 3 is a reduction of whatever amount is necessary in the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions.

If circumstances warrant or if required by NTMWD, the General Manager or official designee can set a goal for greater or lesser water use reduction.

The General Manager or official designee may order the implementation of any or all the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on member cities and customers.

The District must notify TCEQ and NTMWD within five (5) business days if these measures are implemented.

- a. Continue or initiate any actions available under Stages 1 and 2.
- b. Notify wholesale customers of actions being taken and request them to implement similar procedures.
- c. Implement viable alternative water supply strategies.

Requires Notification to TCEQ

Initiate mandatory water use restrictions as follows:

- a. Hosing and washing of paved areas, buildings, structures, windows, or other surfaces are prohibited except by variance and performed by a professional service using high efficiency equipment.
- b. Prohibit operation of ornamental fountains or ponds that use potable water except where supporting aquatic life or water quality.
- c. Prohibit new sod, hydro seeding, hydro mulching, and sprigging.
- d. Prohibit the use of potable water for the irrigation of new landscaping.
- e. Prohibit all commercial and residential landscape watering, except that foundations and trees (within a ten foot (10') radius of its trunk) may be watered for two hours one day per week with a handheld hose, a dedicated zone using a drop irrigation system and/or soaker hose before 10 am or after 6 pm, provided no runoff occurs.
ET/Smart irrigation system and drip irrigation system are **not** exempt from this requirement.
- f. Prohibit washing of vehicles except at commercial vehicle wash facilities.
- g. Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for golf course greens and tee boxes which may be hand watered as needed. Variances may be granted by College Mound SUD under special circumstances.
- h. Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk. Existing pools may add water to replace loss from normal use and evaporation. Permitting for new swimming pools, wading pools, Jacuzzi and hot tubs is prohibited.
- i. Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or splash pads that are maintained for public recreation.
- j. Require all commercial water users to reduce water use by a percentage established by the General Manager or official designee.
- k. If NTMWD has imposed a reduction in water available to Member Cities and Customers, impose the same percent reduction on wholesale customers.
- l. Initiate a rate surcharge for all water use over normal rates for all water use.

Procedures for Granting Variances to the Plan

The General Manager or official designee may grant temporary variances for existing water uses otherwise prohibited under this Water Resource and Emergency Management Plan if one or more of the following conditions are met:

- a. Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- b. Compliance with this plan cannot be accomplished due to technical or other limitations.

- c. Alternative methods that achieve the same level of reduction in water use can be implemented.
- d. Variances shall be granted or denied at the discretion of the General Manager or official designee.
All petitions for variances should be in writing and should include the following information:
 - i. Name and address of the petitioners;
 - ii. Purpose of water use;
 - iii. Specific provisions from which relief is requested;
 - iv. Detailed statement of the adverse effect of the provision from which relief is requested;
 - v. Description of the relief requested;
 - vi. Period of time for which the variance is sought
 - vii. Alternative measures that will be taken to reduce water use; and
 - viii. Other pertinent information

Procedures for Enforcing Mandatory Water Use Restriction

Mandatory water use restrictions may be imposed in Stage 1, Stage 2, and/or Stage 3 of the Water Resource and Emergency Management Plan stages.

The penalties associated with the mandatory water use restrictions shall be determined by the College Mound Special Utility District Board of Directors when enforcement becomes necessary.