

Kennebunk, Kennebunkport and Wells Water District

TERMS AND CONDITIONS

The following rules and regulations made by the Kennebunk, Kennebunkport and Wells Water District and filed with the Public Utilities Commission will, upon application for or acceptance of service, constitute a contract between the customer and the District, and the customer will be considered to express his consent to be bound thereby, and to take water only for purposes stated in the application and at the established rates.

1. Application for Service. Applications for service are to be made on forms which will be provided by the District.

The customer's portion of the service pipe shall be installed in accordance with the District's materials and construction standards.

2. Utility Jobbing. Applications for such work shall be made in writing on forms provided by the District.

Temporary shutoff and resumption of service outside of normal working hours and for the convenience of the customer will be considered utility jobbing and will be charged to the customer.

3. Unauthorized Use of Water. No customer shall supply water to another, nor shall he use it for any purposes not mentioned in his application without District approval. No customer or his agent shall obtain water from any hydrant or other fixture of the District without the previous consent of the District.

4. Seasonal Customer. A seasonal customer is one who regularly takes service for only a portion of the year from either a summer or year-round service. Except as provided below, a seasonal customer will be subject to the rules and charges of seasonal rates in effect. A customer regularly vacating his premises for three months or less may, however, elect in writing to be classified as an annual customer subject to the District's annual rate schedule all 12 months of the year, notwithstanding any requested temporary suspension of service.

5. Maintenance and Plumbing. To prevent leaks and damage, all customers shall maintain, at their own expense, the plumbing and fixtures within their own premises in good repair and protect them from freezing. In the event of a frozen service, the District will inspect and determine where the service line is frozen. All costs associated with inspecting and thawing a frozen service line on private property shall be borne by the customer.

6. Fluctuation of Pressures by Customer's Apparatus. No customer shall install or use water consumption apparatus which will affect the District's pressure or operating

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conditions so as to interfere with the service of another customer. Where a customer has or proposes to install apparatus which requires water in sudden and/or material quantities, impairing the pressure to the detriment, damage, or disadvantage of other customers, the District reserves the right to require such customer to install devices or apparatus which will confine such fluctuation of demand or reduction of pressure within reasonable limits determined by the District.

If the customer, after receiving written notice from the District, fails to present an acceptable remedial plan within a time limit set by the District, service will be discontinued pursuant to provision of Chapter 810.

7. **Safeguarding Direct Pressure Water Devices and Systems Supplied by Automatic Feed Valves.** All customers having direct pressure water devices, including but not limited to hot water tanks or secondary systems supplied by automatic feed valves should have installed and maintained in operating condition appropriate vacuum, temperature and pressure relief valves or cutouts in the water system and/or secondary system to prevent damage to the water device or secondary system or their appurtenances should it become necessary to shut off the watermain or service or should a pressure failure occur for any other reason. Water service supplied to any customer not providing such protective devices will be strictly at the risk of the customer and the District will not be held liable for damage resulting from the lack of or failure of such protective devices.

8. **Winter Construction.** No new service or extension of mains will be installed for the convenience of a customer during winter conditions which increase the cost of the work for the District unless the customer assumes all extra expense over ordinary construction costs.

9. **Responsibility for Water Charges.** Except as provided in Chapter 810, where there is more than one occupant of a building supplied with water, the plumbing must be so arranged by the owner as to permit separate connections with shutoffs and meters in locations acceptable to the utility, for each place of business or abode, unless the owner of the premises makes application for service and thereupon assumes responsibility for payment of all charges for water service rendered to the property.

10. **Billing Procedures.** Annual metered charges shall be rendered quarterly except that the District reserves the right to render bills monthly if it so desires. (Minimum meter charges for annual metered service may be billed in advance and water used in excess of that allowed under the minimum charge shall be due and payable at the end of the billing quarter.)

Seasonal minimum meter charges for seasonal metered service shall be rendered immediately after the meter is set for the season and shall then become due and payable. Bills for water used in excess of that allowed for seasonal water service under the minimum meter charge shall be rendered immediately after the final reading for the

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season and shall then become due and payable, except that the utility reserves the right to render bills quarterly for excess water used by seasonal customers.

Public and private fire protection charges shall be due and payable in advance, each year, on an annual, quarterly or monthly basis.

All bills shall be payable at the office of the District. Failure of the customer to receive his bill does not relieve him of the obligation of its payment nor for the consequences of non-payment.

11A Restoration of Service and Related Fees. The District will charge a customer a reconnection fee to restore services at the customer's premises if service was disconnected for non-payment of bills, fraudulent use of water, dangerous conditions on the customer's premises, violation of these Terms and Conditions, violation of Commission rules or at the customer's request.

The reconnection charge is \$33.00 for each resumption of service made during the normal business hours of 7:30 am to 3:30 pm, Monday through Friday. The charge during other than normal business hours is \$49.50 per hour with a minimum one and one half hour charge.

The District reserves the right to waive the reconnection charge in the case of a customer request to reconnect service during normal business hours following repairs to private plumbing.

11B. Collection Trip Fee. If District personnel visit the customer's premises to disconnect service for non-payment and in lieu of actual disconnection the customer pays or makes a payment arrangement for the entire past due balance, the District will charge the greater of \$10.00 or the maximum collection fee allowed by the MPUC.

11C. Credit and Collection Procedures. All credit and collection procedures for residential customers will be based upon Chapter 810 and 870 of the Commission's Rules. The District may demand a deposit from any residential customer if it has proof (as defined in the Regulations) that the customer is likely to be a credit risk or will damage the District's property. The amount of a deposit shall not exceed a reasonably estimated bill for two (2) average billing periods. The interest rate on customer deposits shall be the rate set from time to time by the Commission.

All procedures for nonresidential customers will be based upon Chapters 860 and 870 of the Commission's Rules and Regulations.

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11D. Disconnection of Leased or Rented Property. Before disconnecting a leased or rented single-meter, multi-unit residential property, the District shall:

- 1. Comply with the notice requirements in Chapter 810 of the Commission's Rules and Regulations; and**
- 2. Assess, against the landlord, a collection fee of \$300.00 in addition to any applicable reconnection fee set forth in Section 11A of these Terms and Conditions; and**
- 3. At the District's option, the District may separately meter or cause to be separately metered each dwelling unit within the property at the landlord's expense; and**
- 4. Apply any existing deposit to the current account balance; and**
- 5. File a lien authorized by Title 35-A M.R.S.A. Sec. 6111; and**
- 6. Notify the Commission of the actions taken pursuant to these Terms and Conditions and their results.**

12. Liability. If, by reason of temporary shortage of supply or for the purpose of making repairs, extensions, connections, placing or replacing meters, discontinuance of service for non-payment or for any reason beyond the control of the District, it becomes necessary to shut off water in a main or service, the District will not be responsible for any damages occasioned by such shut off.

The District will not be responsible for damage caused by discolored water or unsatisfactory water service which may be occasioned by cleaning of pipes, reservoirs, or standpipes, or the opening or closing of any valves or hydrants, or any abnormal condition, unless caused by the lack of reasonable care on the part of the District. The District will not be responsible for meeting unusually high water quality standards for specialized or industrial customers.

The District will only be liable for any damages arising from claims to the extent liability is provided in the Maine Tort Claims Act, as set forth in Title 14, Chapter 741 of the Maine Revised Statute Annotated. The District makes no representations or warranties about the suitability of the water for any particular purpose.

12A. Service Interruption. The District will provide notice of any planned shut-off to affected customers at least 24 hours in advance of the interruption of service. The District will give notice of any unplanned shut-off when practicable. If a customer requests, the District will make a pro rata reduction in the customer's minimum bill if

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service is interrupted for longer than 48 hours and the interruption is not the customer's fault.

13. Meters

A. Submetering. If additional or auxiliary meters are desired by the customer for showing subdivision of the supply, he shall furnish, install, read and maintain them at his own expense.

B. All tests will be at the sole expense of the District unless the customer requests tests more frequently than once in (eighteen) 18 months, in which case the District may require the customer to make a deposit in the amount of \$25.00 to cover the cost of the test.

14. Fire Hydrants. Fire hydrants may not be used for any purpose other than the extinguishment of fires or for such other purposes as may be agreed to by the District and the municipality or owner of a private hydrant. In no case shall fire hydrants be opened by any person other than an agent of the District or a duly authorized representative of the municipality or owner.

15. Private Fire Protection. Customers desiring private fire protection should first consult with the District as to the nature of service available. Such service will be rendered in accordance with applicable rules of the Public Utilities Commission and the District, and the provisions of rate schedules in effect.

Determination of required quantity and available supply shall be the sole responsibility of the customer.

Fire service will be installed under the direction of the District at the customer's expense within the limits of the right-of-way. After installation, the District will own and maintain that portion within the right-of-way limits. The District does not guarantee any available quantity of water or pressure for fire protection purposes.

16. No Tampering with Utility Property. There shall be no tampering with District property. No valve, meter, shutoff, hydrant or standpipe, which is the property of the utility, will be opened or closed or otherwise operated, by other than persons authorized by the utility.

17. Main Extension Requests. Requests for water main extensions shall be treated in accordance with Chapter 650 of the Rules of the Maine Public Utilities Commission, and as set forth herein. Upon request by a prospective customer for a main extension, the District will review the requested main extension to determine if it is routine or complex. If routine, the District will prepare an estimate at no cost to the proposed customer. If the District determines that the main extension is complex, the District will advise the proposed customer and, based on the District's actual cost, prepare a preliminary

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estimate of the costs of the proposed main extension, along with an estimate of the cost of preparing a detailed estimate and preliminary design. Should the proposed customer wish to proceed with the main extension request, the proposed customer must pay the estimated cost of the detailed estimate and preliminary design. Upon payment, the District will proceed to perform the necessary fieldwork, engineering and design and produce a detailed estimate of the cost of the main extension.

18. Charge For Returned Checks. The District will charge the customer's account for any check returned by the bank for reason of non-payment. The charge is the greater of \$5.00 per check or the amount the bank charges the District, not to exceed \$15.00. The District will furnish the Customer with proof of any bank charges in excess of \$5.00.

19. Late Payment Charges. The District will impose the maximum late payment charge permitted by the Maine Public Utilities Commission under Chapter 870 Rules and Regulations on all bills not paid by the due date of the bill. The due date for the bill shall be *at least 25* days after the bill has been mailed.

20. Charges for Replacement of Damaged Water Meters. The charges to customers for costs incurred for the repair or replacement of meter(s) damaged due to improper care by customers are as follows:

The customer will be charged a labor rate of \$33.00 per hour during normal business hours of 7:30 am and 3:30 pm, Monday through Friday, and \$49.50 per hour with a minimum one and one half hour charge for other than normal business hours and holidays for the cost of removing or replacing a damaged meter, plus a meter replacement fee based upon the actual purchase price of a replacement meter.

21. Charge To Flow Test Hydrants. For flow tests for non-municipal purposes, including but not limited to flow tests performed for new or proposed projects, the charge for a single hydrant shall be the greater of \$50 per hydrant or \$40.00 per District person per hour during normal business hours. The charge for other than normal business hours shall be \$60.00 per hour per person.

22. Metering Policy for Multi-Unit Developments. The Trustees of the Kennebunk, Kennebunkport & Wells Water District (the "District") adopt this metering policy for application to units in multi-unit developments in the District's service territory. With the specific exception of hotels and motels and as otherwise specifically excluded herein, this policy applies to all multi-unit developments, including condominiums, apartments, mobile home parks, cottages, commercial and retail units and other similar units within residential and commercial developments. This policy also applies to all conversions of an existing building or buildings to multi-unit residential or commercial developments. The purpose of this policy is to promote water conservation, to bill customers based upon their individual water usage and to ensure fairness in collection.

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The District's policy is to require that each residential or commercial unit in a multi-unit development be individually metered, including units in a single building and units in multiple buildings in a larger development. In most cases the water service shall remain private and it shall be owned and maintained by the owner of the multi-unit development complex or building, or in the case of a condominium development by the condominium association. Design and construction of the system, including the sizing, location and installation of meters, associated valves and backflow prevention devices shall comply with all District specifications and construction standards.

In the case of multi-unit, time-share developments, each unit shall be individually metered, but all meters within the same time-share development complex shall be billed to the complex owner, association, corporation or other responsible entity.

As an exception to this policy, the District will consider, on a case by case basis, at the request of the owner(s), the master metering of multi-unit or multi-site campgrounds and RV parks that are principally used by transient campers or guests utilizing mobile tents, campers, recreational vehicles, motor homes or similar equipment that is easily moved from a site and is not designed or used for long-term use at a single site. Campgrounds and RV parks that are master metered and subsequently add or convert individual sites or units to non-transient or long-term use shall have all such sites or units individually metered.

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