

TITLE 5

CUSTOMER RELATIONS

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CHAPTER 5.01

APPLICATION FOR SERVICE

Sections:

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5.01.005 Definitions The following definitions will apply to all other chapters of the District Code where the terms are used whether capitalized or not:

- “Agent” is the person(s) or entity authorized by the property owner to manage his/her property.
- “Applicant” is a person(s) or entity in whose name service is rendered for a particular account as evidenced by the authorized signature on the application for service.
- “Co-Signer” is a person who enters into a contract agreeing to be equally and severally responsible for full payment of the applicant’s bill in lieu of the applicant paying a deposit. The co-signer must be a current customer with at least 24 consecutive months of service who is in good credit standing with the District.
- “Customer” is the person(s) or entity in whose name service is rendered for a particular account as evidenced by the authorized signature(s) on the application for service.
- “Property Owner(s)” is that person or entity who legally owns a property served by the District or has applied for service from the District and may or may not be the customer.
- “Renter/Tenant” is the person(s) or entity who is authorized by a property owner to occupy their property.

5.01.010 Requirements

5.01.010.1 General Each applicant for electric and/or water service from the District shall complete the necessary application for service and meet the requirements established by the District.

5.01.010.2 Property Owner(s) Applicants who are property owners who wish to become customers of the District are required to provide documentation showing ownership of the property. Required documentation must be provided prior to service being rendered.

5.01.010.3 Renter(s)/Tenant(s) An applicant(s) who wishes to become a customer(s) of the District is required to provide documentation showing authorization to occupy the property where service is to be provided. Required documentation must be provided prior to service being rendered.

5.01.010.4 All applicants for service must agree to pay the applicable rates, fees and charges and abide by the resolutions, ordinances, rules and regulations of the District or other governing agencies as a condition of receiving service.

5.01.010.5 An applicant for service who owes any amounts for previous utility service(s) provided by the District, either directly or indirectly, under their name or any other name must make arrangements for payment prior to utility service being rendered.

5.01.010.6 Applicants for service will be billed service transfer fees as established in the Miscellaneous Fee Schedule.

5.01.010.7 Applicants who have met the District’s requirements for service will be billed for electric and/or water service in accordance with Sections 5.24 Electric Rates and 5.32 Water Rates. Determination of the applicable rate is at the sole discretion of the District.

CHAPTER 5.02

DEPOSITS

Sections:

5.02.005	Definitions
5.02.010	Residential Customer Deposits
5.02.020	Commercial Deposits
5.02.025	Project Review and Inspection
5.02.027	Project Documentation Deposit (As-built Drawings)
5.02.030	Employee Utility Deposits

5.02.005 Definitions The following definitions will apply to all other chapters of the District Code where the terms are used whether capitalized or not:

- “Establishing credit” is defined as at least two years of service with the District or a prior utility with a history of paying promptly (see definition below).
- “Good credit” is defined as no more than two late notices in the past 24-month period, no returned checks or declines and no prior disconnects for non-payment in the last 24 months. Final bills must be paid within 30 days of the final billing date in order to maintain good credit.
- “Promptly/prompt” is defined as no more than two late notices in the past 24 month period, no returned checks or declines and no prior disconnects for non-payment in the last 24 months.
- “Qualifying credit record” is derived from the applicant’s overall payment history, which includes unpaid balances to other utilities, as determined through a credit reporting agency.

5.02.010 Residential Customer Deposits

5.02.010.1 5.02.010.1 A deposit, equal to two times the highest monthly bill within the last 24 months, will be required of all customers before electric and/or water service is supplied. In cases where no billing history has been established, customers will be required to pay a minimum deposit that is based upon customers with similar services.

Waiver of deposits shall be determined by the District and may be based on multiple factors

including, but not limited to the following:

5.02.010.1(A) Customers who maintain a qualifying credit record based on information from a credit reporting agency, will not be required to pay a deposit, unless they have failed to maintain good credit in the past or fail to maintain good credit in the future according to District's credit and collection policies.

5.02.010.1(B) Customers who utilize the District's automated payment program will be eligible for deposit waiver. If a non-sufficient funds event or credit card decline occurs, a deposit will be required and will be automatically added to the customer's bill

5.02.010.1(C) Customers may have another party sign on their account as a co-signer in order to have their deposit waived. Co-signers are equally and severally responsible for the balance owing on an account including a closing balance even if the co-signer was not aware of the unpaid balance. A co-signer must be a current customer in good credit standing with the District.

5.02.010.2 A deposit will be required of all new construction customers before electric and/or water service connections are scheduled. The minimum deposit will be estimated based upon customers with similar services. New construction customers who have met the credit requirements in Section 5.02.010.4 below will not be required to pay a deposit.

5.02.010.3 Customers moving from one residence to another within the District who have met the credit requirements in Section 5.02.010.4 below will not be required to pay a deposit.

5.02.010.4 Credit may be established by a customer if he/she has had service in their name for at least 24 months, has paid their bills promptly and has maintained good credit for the last 24 months of this period.

5.02.010.5 Former customers of the District may use prior payment history with the District to establish credit provided the lapse in service was not greater than 24 months.

5.02.010.6 Customers or their agents who request to have services reconnected for inspections (See Chapter 5.12.050.3) shall be required to pay a minimum deposit. Customers with balances owing shall also be required to pay the entire balance owing prior to reconnect

5.02.010.7 Deposits will be retained for a minimum period of 24 months. If the customer has established good credit with the District, he/she will be refunded their deposit with interest. The deposit and interest credit will be applied to the customer's account.

5.02.010.8 Interest paid on deposits will be the average rate paid by local banking

institutions on regular savings accounts and will be adjusted quarterly.

5.02.010.9 Upon termination of service, any retained deposit and accrued interest will be applied against unpaid bills of the customer and, if any balance remains after such application, said balance shall be refunded to the customer of record.

5.02.020 Commercial Deposits

5.02.020.1 A deposit or suitable guarantee equal to two times the highest monthly bill within the last 24 months will be required of any customer before electric and/or water service is supplied.

5.02.020.2 For a new commercial service or a new business, the customer will be required to pay a deposit equal to an estimated amount based on the load requirements of the service or a comparable commercial business use.

5.02.020.3 Customers moving their business (under the same name and ownership) from one location to another within the District, who have met the credit requirements in 5.02.020.4 below, will not be required to pay a deposit.

5.02.020.4 Commercial credit may be established by a customer if he/she has had the commercial service in their name for at least 24 months, has paid their bills promptly and has maintained good credit for the last 24 months of this period. Any new business type, even though opened under an established name, will require a new deposit.

5.02.020.5 Deposits will be retained for a minimum period of 24 months. If the customer has established good credit with the District, he/she will be refunded his/her deposit with interest. The deposit and interest credit will be applied to the customer's account.

5.02.020.6 Interest paid on deposits will be the average rate paid by local banking institutions on regular savings accounts and will be adjusted quarterly.

5.02.020.7 Upon termination of service, any retained deposit and accrued interest will be applied against unpaid bills of the customer and, if any balance remains after such application, said balance shall be refunded to the customer of record.

5.02.025 Project Review and Inspection

5.02.025.1 Project application review deposit - A deposit of \$1,000 per utility (depending on the size of the project) will be required of a project proponent to defray the cost of review by the District staff, legal consultant and engineering consultant.

5.02.025.2 Project inspection fees - Projects shall be subject to a deposit to cover the actual costs of construction inspection. The amount of the inspection deposit will be based on the characteristics of the project such as the number of services to be installed, the length of the pipeline to be installed and any other overhead or underground facilities to be installed. Such deposits shall be made prior to the beginning of construction.

5.02.025.3 Only actual costs will be levied against the deposits. If the costs incurred are less than the deposit, a refund (less administrative costs) will be issued.

5.02.025.4 If costs incurred are in excess of the deposit, a billing for the amount over the deposit will be rendered.

5.02.025.5 All charges must be paid prior to the District's acceptance of project systems.

5.02.027 Project Documentation Deposit (As-Built Drawings)

5.02.027.1 At the time that a developer signs the Development Agreement, the District shall impose a Project Documentation Deposit equal to five (5) percent of the construction cost of water and/or electric facilities to serve the project. The minimum deposit shall be \$1,000. This deposit shall be held by the District and refunded to the developer upon successful completion of the as-built drawings. The developer shall not be due any interest on monies held by the District.

See District Policy Regarding As-Built Drawings in Appendix B.

5.02.030 Employee Utility Deposits Any full time, regular employee of the District who has not established credit with the District, whose full time residence lies within the District, who is served water and/or electric power by the District shall not be required to make a deposit unless he/she fails to maintain good credit. If the employee fails to maintain good credit, he/she will be required to pay the full deposit in order to continue receiving service from the District.

5.02.030.1 If an employee's employment with the District is terminated prior to establishing credit, he/she shall be required to pay the full deposit in order to continue receiving service from the District.

CHAPTER 5.04

CREDIT

Sections:

- 5.04.010 Establishment of Credit**
- 5.04.020 Re-establishment of Credit**

5.04.010 Establishment of Credit Each applicant for service will be required to establish appropriate credit by advancing the deposit prescribed in Chapter 5.02.

5.04.020 Re-establishment of Credit

5.04.020.1 An applicant who has at any time had service disconnected for non-payment of bills, made arrangements to amortize the amount due, asked for an extension to pay a past due amount, voluntarily disconnected service with unsatisfactory credit or who has not paid a final bill within 30 days of the final billing date, shall pay any unpaid balances due the District prior to restoration of service and re-establish credit by making the deposit prescribed in Chapter 5.02.

5.04.020.2 A customer whose service has been disconnected for non-payment of bills, shall pay any unpaid balance due the District prior to restoration of service and may be required to pay a reconnection charge as prescribed in the Miscellaneous Fee Schedule. Such customer shall re-establish credit by making the deposit prescribed in Chapter 5.02.

5.04.020.3 Customers who receive greater than two Final Notices of Termination (48 Hour Notice) in a trailing twelve month period shall be required to re-establish credit by paying a deposit or upgrading their deposit as prescribed in Chapter 5.02. The customer will be notified by mail of the deposit requirement and the deposit will be automatically added to the customer's bill.

5.04.020.4 Payments on final and auto transfer billings must be made within 30 days of the final billing date in order to maintain good credit with the District. Failure to pay within 30 days may require a new deposit.

5.04.020.5 If there is a history of disconnects for non-payment and/or unpaid bills resulting in write-off for specific rental properties, the District may require that the service be placed in the name of the property owner and may require a deposit as prescribed in Chapter 5.02.

5.04.020.6 In the event a residential or commercial customer declares bankruptcy and requests to continue service, the District will close the customer's existing account(s) as of the bankruptcy filing date. The District will continue service to the customer under a new account number provided the customer re-establishes the account by completing a new application for service and re-establishes credit with the District by paying a new deposit. Any deposit held on the previous account will be applied to the final bill upon closing.

Moved to 5.08.010.9(C)

CHAPTER 5.08

BILLING

Sections:

5.08.010 Billing Procedure

5.08.020 Billing Procedure - Local, State or Federal Agencies

5.08.010 Billing Procedure

5.08.010.1 Bills will be rendered monthly and shall be paid at the District office, by other payment options offered by the District, or at other locations designated by the District.

5.08.010.2 Failure to receive bills will not release customers from their payment obligation.

5.08.010.3 The due date for payment of bills will be 19 days after the day bills are mailed to the customers.

5.08.010.4 Should the due date of bills fall on a Saturday, Sunday or District recognized holiday, the bills will be due the following business day.

5.08.010.5 If at the time of billing, a customer has a previous balance, a late payment fee will be charged at the rate established by the most recently adopted Miscellaneous Fee Schedule

5.08.010.6 A fee will be charged to customers for each payment transaction returned for reasons such as, but not limited to, non-sufficient funds, closed bank account, incorrect bank account number or incorrect bank routing number. In the event a Notice to Comply is delivered due to a returned item, a trip charge will be added to the customer's account. Upon receipt of a second returned item in a trailing 12 month period, the account shall be placed on a cash only basis. Refer to the Miscellaneous Fee Schedule for current charges on returned items and trip charges.

5.08.010.7 For customers with a hardship or other special extenuating circumstances, special financial counseling is available. When requested by a customer, the District may arrange for a customer to pay the bill in installments.

5.08.010.8 In some instances, the District may install a power limiting device.

5.08.010.9 Monthly water billings for any existing water service, once activated, are to continue in an owner's name or a qualified renter or tenant's name. Except for a disconnect qualifying under Section 5.12.040.1(E), billing will not be discontinued for a customer requested disconnection, disconnections for non-payment or for repair of customer lines.

5.080.010.9(A) Monthly water billings for homes in foreclosure shall remain in the name of the owner of record based on county records until such time as a bank, mortgage company or new owner files a change in title or the customer provides evidence that they are no

longer the legal owner of the property. Once new ownership of the property is established, the water account will be transferred into the name listed on the county record as of the property sale or transfer date.

5.08.010.9(B) Monthly electric and/or water billings for properties in the foreclosure process or on a “short sale” may be transferred into the name of a realtor or property manager provided the realtor/property manager completes a service application for said property and meets the deposit and credit requirements established in Chapters 5.02 and 5.04. The realtor/property manager will be required to put all services (electric and water) into their name. Transfer/connection fees as established by the most recently adopted Miscellaneous Fees Schedule shall apply.

5.08.010.9(C) In the event a residential or commercial customer declares bankruptcy and vacates the property, a new account will be opened as of the bankruptcy declaration date and water billings will continue in that customer’s name until a new property owner or customer can be established. (Moved from 5.04.020.6)

5.08.010.10 In the event of fire or other catastrophic event which makes a residence or business uninhabitable, water billings will be waived for a maximum of 1 year from the date the building becomes uninhabitable. Should the building become habitable prior to 1 year, water billings will begin as of the date, determined by the District, that the building became habitable. The District may begin billing for water within one year for any of the following reasons:

- Usage recorded by the water meter
- Certificate of Occupancy issued
- Sale/transfer to new customer
- Mailing address change to residence
- Information from customer/District personnel indicating occupancy
- Electric usage indicates occupancy

5.08.010.10(A) Where a residence or business has been demolished specifically for purpose of rebuild or remodel (not due to fire or other catastrophic event) water charges will continue to be billed on a monthly basis.

5.08.010.11 Water billings for new construction of residential dwellings and commercial properties shall begin on the day the water meter is installed. Meters will be installed based on plans submitted by the owner, builder or developer. The District holds no responsibility for the accuracy of these plans and cannot guarantee that the meters actually serve the units described in these plans. Discrepancies shall be the responsibility of the owner,

5.08.020 Billing Procedure - Local, State or Federal Agencies Due to the cumbersome procedures that are required of local, state and federal agencies to process their accounts payable and the fact that their bills are paid monthly and the fact that the District has never had a write-off for a local, state or federal agency, the following procedure will be followed:

5.08.020.1 All local, state and federal agencies will be exempt from late charges.

5.08.020.2 Collection notices will be mailed in a timely manner and collection procedures will be followed as usual.

5.08.020.3 Should a local, state or federal agency reach the disconnect for non-payment step in the collection procedure, the account will be referred to the Customer Services Manager for special handling.

CHAPTER 5.09

OWNER/RENTER RESPONSIBILITIES - SERVICE TRANSFERS

Section:

5.09.010 Owner/Renter Responsibilities

5.09.010 Owner/Renter Responsibilities

5.09.010.1 Each person who signs the District's service application, and is accepted by the District, becomes the District's customer and is individually responsible for all charges regarding water and electric service provided to the requested service address.

5.09.010.1(A) Services may be denied for the following reasons:

- Failure to provide qualifying photo ID or valid social security information for validation
- The District believes an account transfer is made to fraudulently avoid payment of a prior balance
- The applicant or other persons who are listed on the lease have failed to pay balances on prior accounts

5.09.010.2 Customers are responsible for making payments to the correct account number. Failure to utilize the correct account number could result in late payment penalties and/or collection activities on the unpaid account.

5.09.010.3 In the event a customer desires to transfer service into another person's name, such that the transferee is to become the District's customer, the transferee must make a separate service application and post the appropriate deposit with the District. Written or verbal notice by a customer that he or she desires to transfer service into another person's name will not be recognized by the District, and that customer shall continue to be individually responsible for all utility charges until such time as a new service application is completed and accepted, and the appropriate deposit received.

5.09.010.4 In the event a customer desires to terminate their responsibility for payment of utility charges, they must personally request that the utility service be disconnected.

5.09.010.5 A property owner or his/her agent may authorize that service to their property be continued (automatic transfer) in the event that the current customer requests service be taken out of their name or be disconnected. The property owner or his/her agent shall remain responsible for all utility service charges whether or not the tenant has vacated the premises. Auto transfer customers must maintain good credit with the District in order to be able to continue with this service.

5.09.010.6 The District assumes no responsibility for enforcing or interpreting any agency or rental agreement between its customers and their tenants or agents.

5.09.010.6 (A) Owners wishing to have service disconnected must make their request in writing.

5.09.010.7 It is the customer's responsibility to keep mailing and phone number information up-to date. Failure to receive a bill or notices due to incorrect mail information does not eliminate the customer's responsibility for payment.

5.09.010.8 It is the customer's responsibility to notify the District when their residential status changes.

CHAPTER 5.12

DISCONNECTION AND RECONNECTION OF SERVICE

Sections:

5.12.010	Termination for Non-payment – Electric and/or Water Service
5.12.020	Customer's Request for Disconnection of Service – Electric and/or Water
5.12.040	Disconnection of Electric and/or Water Service by District
5.12.050	Reconnection of Electric and/or Water Service
5.12.060	Customer's Responsibility when Electric and/or Water Service is Disconnected

5.12.010 Termination for Non-payment – Electric and/or Water Service

5.12.010.1 A notice that service is subject to termination for non-payment will be by written notification from the District. This notice will be printed and mailed after a bill is generated that shows a previous balance on the account.

5.12.010.2 Written notice of termination (Late Payment Reminder Notice) shall be mailed by first class mail to customer at least 15 calendar days prior to the scheduled date of termination. This notice will also be mailed to a third party or a co-signer.

5.12.010.3 The Late Payment Reminder Notice will include:

5.12.010.3(A) The name and address of the customer whose account is delinquent.

5.12.010.3(B) The amount of the delinquency.

5.12.010.3(C) The date by which payment or arrangements for payment is required in order to avoid termination.

5.12.010.3(D) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that, if the bill for service contains a description of that procedure, the notice pursuant to Section 5.12.010.2 is not required to contain that information.

5.12.010.3(E) The procedure by which the customer may request amortization of the unpaid charges.

5.12.010.3(F) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

5.12.010.3(G) The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

5.12.010.4 The Final Notice of Termination of Service will include:

5.12.010.4(A) The District shall mail a 48-hour Final Notice of Termination of Service to the customer prior to disconnect. Additionally, the District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or personal contact. When telephone or personal contact cannot be accomplished, the District shall post in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination. A trip charge to deliver the 48-hour Final Notice of Termination of Service shall be added to the customer's account. Refer to the Miscellaneous Fee Schedule for current charges. Every notice of termination of service shall include items of information as listed in Sections 5.12.010.3 (A), (B), (C), (F) and (G) above. The 48-hour Final Notice of Termination of Service will also be mailed to third parties and co-signers.

5.12.010.4(B) The District shall make available to all its residential customers a third party notification service whereby the District will attempt, to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for third party

notification on a form provided by the District and shall include the written consent of the designated third party. Such notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

5.12.010.4(C) If the customer does not make a payment, notify the District of a dispute of a bill, or make other arrangements acceptable to the District by the last day for the payment, the District will proceed on schedule with the termination.

5.12.010.4(C)(1) Customers will not be allowed to make more than two (2) payment agreements within a calendar year.

5.12.010.4(C)(2) Customers unable to make payment by the due date of their Final Notice shall be allowed to review their account with a supervisor. Such review shall include consideration of whether the customer should be permitted to amortize the unpaid balance of his account over a reasonable period of time not to exceed 24 months. No termination of service shall be effected for any customer complying with an amortization agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period.

If the customer does not comply with the amortization agreement, it will be considered non-payment and the District will immediately mail a Final Notice of Termination to the customer and proceed with termination according to Section 5.12.010.4.

5.12.010.4(D) Payments made with uncollectible funds (i.e., non-sufficient funds, closed account, etc.) to avoid disconnection or in order to have service reconnected, will be considered non-payment and the service shall be subject to immediate termination without further notice. Customers who make payments with uncollectible funds to avoid disconnection or in order to have service reconnected will be placed on a cash only basis for a period of 12 months.

5.12.010.4(E) The employee carrying out the termination procedure will attempt to contact the customer at the service address prior to disconnecting service. A trip charge to disconnect electric and/or water service(s) shall be added to the customer's account regardless of whether or not the disconnect is actually performed. Refer to the Miscellaneous Fee Schedule for current charges.

5.12.010.4 (E)(1) No payment arrangements will be made in the field. All payments must be made through the District office either by phone or in person. Once a District employee is sent to terminate a service, the service will be disconnected until such time as the customer has made acceptable payment arrangements through the office.

5.12.010.4(F) Termination will not be made on any Saturday, Sunday, legal holiday or any time during which the business office of the District is not open.

5.12.010.4(G) In case of tenants whose electric and/or water service is in the landlord's name, the District shall make every good faith effort to inform the occupants by means of a

notice, when the account is in arrears, that service will be terminated in 10 days. In any such delinquent situation, the District will comply with California Public Utilities Code 16481 in implementing this termination of service procedure.

5.12.010.4(H) Customers who have been disconnected for non-payment, made payments against uncollectible funds (i.e. non-sufficient funds, closed account, incorrect bank information etc.) to avoid disconnection or to have service reconnected, have made arrangements to amortize the amount due or have asked for an extension to pay a past due amount, will be required to re-establish credit by paying the deposit required by Chapter 5.02.

5.12.010.4 (I) A customer who transfers service from one account to another and fails to pay his/her final bill within 30 days of the final billing date on the old account will be subject to the disconnect procedure at his/her new account.

5.12.020 Customer's Request for Disconnection of Service – Electric and/or Water

5.12.020.1 The District shall permit a physical disconnection from the electric system when necessary (1) to permit the customer to perform repairs, modifications or service upgrades on the customer premises or (2) when the customer wishes power to remain off for an extended period.

5.12.020.2 The District shall permit a physical water disconnection (shut off at the water box) on a temporary basis when necessary (1) to permit the customer to perform repairs, modifications or service upgrades on the customer premises or (2) when the customer premises is not equipped with an appropriate shut-off valve and physical disconnection is necessary to avoid frozen water pipes. A physical disconnect shall not be permitted for any other reason.

Customers may arrange for disconnection of service by giving advance notice to the District. Customers will not be billed for electric service while disconnected.

5.12.020.3 Disconnect and/or reconnect fees will be charged based on the Miscellaneous Fee Schedule for services performed under Section 5.12.050 Restoration of Electric and/or Water Service.

5.12.040 Disconnection of Electric and/or Water Service by the District

5.12.040.1 With Notice The District may disconnect electric or water service for any one or more of the reasons contained in this rule. Except as otherwise specifically provided here, Public Utilities Code Sections 16481, 16482 and 16483 and any subsequent amendments, shall apply regarding any disconnect of service. Except for a disconnect qualifying under Section 5.12.040.2(E), water billings will continue.

5.12.040.1(A) Non-payment of bills - the District may disconnect or refuse service if a

customer has not paid his/her bill for electric or water service rendered, reconnection charges, and/or cash deposit as required by the District. Refer to Section 5.12.010.4 Termination for Non-Payment.

5.12.040.1(A)(1) Default on amortization or payment agreements – the District may disconnect electric or water service if a customer has failed to meet the terms of said agreement.

5.12.040.1(B) Negligent or wasteful use of water, as determined by the District.

5.12.040.1(C) Where a customer receives electric and/or water service at more than one location and the bill or charges for service at any one location is not paid prior to delinquency, electric and/or water service at all locations may be disconnected.

5.12.040.1(D) Failure to provide documents or payment as requested by a Notice to Comply. Requested items may include, but are not limited to, service applications, signed payment agreement and payment by cash or money order for an item returned by the bank.

5.12.040.2 Without Notice A customer's electric or water service may be disconnected by the District without notice where:

5.12.040.2(A) Unsafe/hazardous condition or illegal apparatus - the District may disconnect electric and/or water service without notice or refuse service if any part of customer's wiring, piping or equipment or use thereof is either unsafe or in violation of law, until such apparatus is placed in a safe condition or the violation remedied. Water billings will continue regardless of the reason for disconnect.

5.12.040.2(B) Service detrimental or dangerous - the District may disconnect without notice or refuse service if in the District's judgment, the operation of the customer's equipment is or will be detrimental or dangerous to his/her own service or service of other customers.

5.12.040.2(C) Fraud - the District may disconnect service without notice or refuse service, if the customer's actions or the condition of his/her premises is such as to indicate intent to defraud the District.

5.12.040.2(D) Cross Connection - the District finds a dangerous unprotected cross-connection between the District's water supply and any unapproved source of water.

5.12.040.2(E) Inactive and foreclosed accounts – So long as all three of the conditions stated in 5.12.040.2(E)(1) through 5.12.040.2(E)(3) exist for a customer account, service may be disconnected and all future billings, including water, may discontinue. The District may discontinue billing upon becoming aware of those three conditions, however, it is the customer's responsibility to notify the District and provide sufficient evidence. Bills will not be adjusted retroactively and no refunds will be issued. A reconnect fee equivalent to time

and materials may be charged at the time of reconnection.

5.12.040.2(E)(1) The customer's service location is in the process of foreclosure, as evidenced by county records of a notice of default or notice of a trustee's sale.

5.12.040.2(E)(2) The service location is vacant and unoccupied.

5.12.040.2(E)(3) No electric and water use was recorded during the most recent billing period.

5.12.040.2(F) Failure to comply with the District's rules - the District may disconnect or refuse service if the customer does not comply with the District rules, regulations, and/or codes for receiving electric and/or water service.

5.12.040.2(G) Abandoned building or residence - the District may disconnect or refuse service to any building with the appearance of being abandoned (i.e., a look of being deserted, windows broken, doors in disrepair, or the general appearance of not being lived in, etc). Such disconnect will remain in effect until all conditions are met and fees are paid regarding a new service, and the service is inspected and approved by the proper building authorities.

5.12.040.2(H) Condemned building or residence - the District may disconnect or refuse service to any building that has been condemned by the proper state, county or governmental authorities. Such disconnection will remain in effect until all conditions are met and fees are paid regarding a new service, and the service is inspected and approved by the proper building authorities.

5.12.040.3 In those instances where the District disconnects electric or water service to any customer without notice, the District shall notify the customer of the reasons for the disconnection of service and the corrective action to be taken by customer before service can be reconnected.

5.12.050 Reconnection of Electric and/or Water Service

5.12.050.1 In those instances where the service to a customer has been disconnected, with or without notice, service shall not be reconnected until such time as the customer has taken any necessary corrective action, as determined by the District, and paid all bills and charges due the District, in addition to reconnection charges as established in the current Miscellaneous Fee Schedule.

5.12.050.1(A) Accounts that have been disconnected for non-payment of past due balances, failure to meet the terms of a payment agreement or failure to meet the terms of a Notice to Comply will not be eligible for reconnect on weekends, holidays or after 4:00 p.m. on regular business days. Arrangements to reconnect must be made through the business

office during regular business hours. Reconnection for accounts paid after 4:00 p.m. will be processed on the next business day.

5.12.050.1(B) Upon reconnect of the electric meter, the main breaker will be left in the off position to prevent possible damage to appliances. It is the customer's responsibility to move the main breaker to the on position.

5.12.050.2 Customers or their agents may request reconnection of electric and/or water services for a maximum 48 hour period in order to conduct inspections on a residence/business for sale. This temporary reconnection shall require a minimum deposit as prescribed in Chapter 5.02. New Account fees as established in the Miscellaneous Fees Schedule shall also apply. Customers with balances owing shall also be required to pay the entire balance owing prior to reconnect.

5.12.050.3 Within five years, same size service: If service of the same size is re-established within five years of the date of disconnect, the customer shall make normal application for service as per Title 6.04 and/or Title 7.12 and pay reconnect fees based on the Miscellaneous Fee Schedule provided the service has not been damaged. If the service has been damaged, the customer will be billed the actual cost to reconnect service.

5.12.050.4 Within five years, upgrade of service: If service is re-established within five years of the date of disconnect and the customer requests an upgrade of the service, the customer shall make normal application for service as per Title 6.04 and/or **Title 7.12**. Customer shall pay reconnect fees based on the Miscellaneous Fee Schedule provided the service has not been damaged. If the service has been damaged, the customer will be billed the actual cost to reconnect service. Additional connection fees may apply. Facilities fees shall be charged for an increase in size of the new service when compared to the previous service.

5.12.050.5 After five years: If service is re-established after five years from the date of disconnect, the customer shall make normal application for service as per Chapter 6.04 and/or **Title 7.12**. Customer shall be responsible for payment of current connection and facilities fees. No credit will be given for previous facilities fees paid. The General Manager is authorized to credit connection fees for existing and operational facilities.

5.12.050.6 If conditions require the use of a backhoe or other equipment to effect the disconnect and/or reconnect, the customer shall be required to pay the actual charges, including labor, material, equipment and applicable overheads in lieu of the customary fee set forth in the Miscellaneous Fee Schedule.

5.12.050.7 Should a customer decide to abandon the water service to a vacant parcel or to a parcel where the residence/building has been demolished, the customer shall sign a

statement indicating their decision and agreeing that, should they or a new owner/developer decide to reinstate the water service, they will be subject to paying any and all connection and facilities fees in place at the time of reinstatement. These accounts will be treated as new construction with no credits toward their prior fees. Where the water service has been abandoned, the parcel will be assessed a water standby charge until a new service is established with the District.

5.12.060 Customer's Responsibility when Electric and/or Water Service is Disconnected In the event a customer's electric and/or water service is disconnected as a result of voluntary termination, termination for failure to pay bills or any other reasons stated in Sections 5.12.040.1 or 5.12.040.2, it shall be the customer's responsibility to take necessary precautions against any and all damage to the customer's pipes, fixtures and appliances which could result from such termination. The District shall not be liable for any such damage.

CHAPTER 5.16

DISPUTES

Sections:

- 5.16.010 Disputed Bills – Electric or Water**
- 5.16.030 Appeal**

5.16.010 Disputed Bills – Electric or Water

5.16.010.1 A customer may request an investigation of their bill or request an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment. The request shall be reviewed by a manager of the District. Billing disputes exclude routine questions about consumption or payment agreements.

5.16.010.1 A customer may request an investigation of their bill or request an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment. The request shall be reviewed by a manager of the District. Billing disputes exclude routine questions about consumption or payment agreements.

5.16.010.2 After notification that a dispute exists, the District shall make an appropriate investigation and shall report the result to the customer within 10 working days. The review shall include consideration of whether the customer should be permitted to amortize the unpaid balance of his account over a reasonable period of time not to exceed 24 months. No termination of service shall be effected for any customer complying with an amortization

agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period.

If the customer does not comply with the amortization agreement, it will be considered non-payment and the District will immediately mail a Final Notice to the customer and proceed with termination according to Section 5.12.010.4(A) through (I) above.

No termination of service shall occur as a result of non-payment during a pending investigation of a customer dispute or complaint.

5.16.030 Appeals

5.16.030.1 Any applicant or customer who is dissatisfied with any determination made under these rules, may at any time within 30 days after such determination is made, appeal to the Board of Directors of the District by giving written notice to the Clerk of the District setting forth the matter upon which appeal is sought.

5.16.030.2 The General Manager shall then conduct an investigation and develop a staff report on the disputed matter.

5.16.030.3 At the next regular Board meeting, the General Manager shall agendaize an action item concerning this appeal and the results of the investigation. The Board shall make a determination of the appeal during the Board meeting, and its determination shall be final and conclusive.

5.16.030.4 Pending a decision pursuant to an appeal under this rule, regarding any dispute concerning amounts for charges, the customer taking such appeal shall pay the full amount of the charges which shall be deemed paid under protest. Any charge or amount previously paid under protest will be refunded if the Board of Directors determines that the charge was wrongfully made.

5.16.030.5 A copy of the above investigation and appeal procedures is available at the Customer Services counter or on the District's website.

CHAPTER 5.20

ELECTRIC FEES AND CHARGES

Sections:

5.20.010	Connection Fees - Temporary Service
5.20.020	Connection Fees - Permanent Service
5.20.030	Connection Fees - Permanent Service, Multiple (Single and Three Phase)
5.20.040	Facilities Fees – Moved to Section 5.26
5.20.050	Miscellaneous Service Fees
5.20.060	Expiration of Fees

5.20.010 Connection Fees - Temporary Service The District will provide two types of temporary service; one which will be removed and not become permanent, and one which will become a permanent service.

5.20.010.1 Temporary service The actual cost of temporary service installation (which will not result in a permanent electric service) and subsequent removal will include the material, labor, equipment, overhead, administrative costs and account set-up fees. The charge to be paid is a flat charge and is included in the most recent ordinance approved by the Board of Directors entitled “Electric Connection and Facilities Fees Charges”. The applicant will be required to pay the fee prior to the provision of service.

5.20.010.2 Temporary service for construction purposes The connection fee for temporary service (which will result in a permanent electric service) is a charge determined by the District to establish service to a temporary power pole for construction purposes which will later be converted to a permanent service. The connection fee for this temporary to permanent connection is a flat charge and is included in the most recent ordinance approved by the Board of Directors entitled “Amending the Electric Connection Charges”. This fee includes, but is not limited to, the cost of material, labor, equipment, overhead, meter, transformer, overhead conductor, permanent overhead/underground connection transfer, administrative costs and account set-up fees. See Chapter 7.20.010 for further detail.

5.20.020 Connection Fees - Permanent Service The connection fee is a charge determined by the District to establish a new service. It includes, but is not limited to, the costs of material, labor, equipment, overhead, administrative costs and account set-up fees to provide the service conductor and cable, metering, a proportionate share of the transformer costs, and the account set-up costs. The charge to be paid is included in the most recent ordinance approved by the Board of Directors entitled “Electric Connection and Facilities Fees Charges”.

5.20.030 Connection Fees - Permanent Service, Multiple (Single and Three Phase) In

the event that a service requires multiple metering, the original service will be governed by the connection fees for a permanent service. Subsequent connections made from the same service drop will be subject to the metering and account set-up costs in addition to the facilities fees if applicable.

5.20.050 Miscellaneous Service Fees Any customer requesting work for their sole convenience that is to be performed by the District, will be charged the actual cost of the service performed including material, labor, equipment, overhead, administrative costs and any appropriate facilities fees unless a flat fee has been established to provide the service (see Appendix E - Electric Connection & Fee Schedule).

5.20.060 Expiration of Fees Electric connection fees paid shall be effective for a period of two years from the date of application. Applicant shall be subject to payment of increased connection fees if the connection has not been made within two years of the date of application.

CHAPTER 5.24

ELECTRIC RATES

Sections:

- 5.24.010 Domestic Electric Rate Schedules - Permanent (P10) and Non-Permanent Residents (S10)**
- 5.24.020 Commercial Electric Rate Schedule - Small (15)**
- 5.24.030 Commercial Electric Rate Schedules - Medium (20) and Large (25)**
- 5.24.040 Miscellaneous Services**
- 5.24.050 District-Owned Plug-In Electric Vehicle (PEV) Public Access Charging Station End-User Rates**

Electric Rates Determination of the applicable rate is at the sole discretion of the District and is based on the following sections in this chapter.

5.24.010 Domestic Electric Rate Schedules - Permanent (P10) and Non-Permanent Residents (S10)

5.24.010.1 Electric rates as shown in Electric Retail Rates – Permanent (P10) and Non-Permanent (S10) shall be charged to all domestic (residential) customers.

5.24.010.2 An energy surcharge shall continue to be added to each bill as required by California law.

5.24.010.3 Permanent (P10) Rate - The permanent resident rate is currently billed to those customers who occupy their homes on a full-time basis.

5.24.010.4 Non-Permanent (S10) Rate - The non-permanent resident rate is billed to those customers who occupy their homes on a part time basis for vacations, weekends, ski leases, etc.

5.24.010.5 Determination of the applicable rate is at the sole discretion of the District. Customers requesting the permanent resident rate will be required to provide sufficient evidence documenting that they are a full-time resident of the District.

5.24.010.6 It is the customer's responsibility to notify the District and provide sufficient evidence documenting that they are a permanent resident per Section 5.24.010.3. The effective date of the change in rate from non-permanent to permanent will be the date the customer provides sufficient evidence that they are a permanent resident. No refunds will be issued.

5.24.010.7 In the event an error has been made by the District resulting in an account being billed on an incorrect rate, the District will refund to the customer the overcharge back to the date such error occurred.

5.24.020 Commercial Electric Rate Schedule Small (15)

5.24.020.1 Electric rates as shown in "Electric Retail Rates - Small Commercial Rates (15)" shall be charged to all commercial customers with a monthly demand of less than 50 kilowatts.

5.24.020.2 An energy surcharge shall continue to be added to each bill as required by California law.

5.24.030 Commercial Electric Rate Schedules Medium (20) and Large (25)

5.24.030.1 This policy shall be applicable to commercial service requirements within the District including power and lighting taken at one point of delivery with 50 kilowatts or more of demand. Medium commercial service is that service with monthly demand of 50 kilowatts or more and less than 200 kilowatts. Large commercial service is that service with monthly demand of 200 kilowatts or more.

5.24.030.2 Character of service - sixty-hertz alternating current. The District reserves the right to specify the voltage and phase of service supplied under this schedule.

5.24.030.3 Monthly rates shall be as set forth in "Electric Retail Rates - Medium Commercial Rates (20) and Large Commercial Rates (25)".

5.24.030.4 Measured demand - the maximum measured 15 minutes average kilowatt load during the billing period. If, at the discretion of the District, the customer's usage is

intermittent or highly fluctuating, then a shorter time interval may be used.

5.24.030.5 Billing demand shall be the current period's measured demand.

5.24.030.6 An energy surcharge shall continue to be added to each bill as required by California law.

The above rates are set by ordinance approved by the Board of Directors and can be found in Appendix G – Electric Retail Rates & Solar Initiative Customer Charge.

5.24.030.7 Terms of service Service under this schedule is subject to the District's rules, regulations and codes for receiving electric service.

5.24.040 Miscellaneous Services Fees and charges for miscellaneous services performed by the District are defined in the most recent Miscellaneous Fee Schedule.

5.24.050 District-Owned Plug-In Electric Vehicle (PEV) Public Access Charging Station End-User Rates

5.24.050.1 End-User Rates End-user rates as shown in “District-Owned Plug-In Electric Vehicle Public Access Charging Station End User Rates” shall be charged to PEV users who choose to charge at District-owned stations.

5.24.050.2 Payment Payment by PEV end-users will be made at the time of public access charging and will be via third-part payment system located at the District-owned PEV Public Access Charging Station.

CHAPTER 5.26

ELECTRIC AND WATER FACILITIES FEES

Sections:

5.26.010 Facilities Fees

5.26.020 Expiration of Fees

5.26.010 Facilities Fees

5.26.010.1 Legislative Findings

5.26.010.1(A) The District must expand its water and electric facilities in order to maintain current standards of public health if new development is to be accommodated without decreasing current standards of public health.

5.26.010.1(B) The imposition of facilities fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of water and electric facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

5.26.010.1(C) Connecting to the District water and/or electric system will create a need for the construction, equipping or expansion of water and electric facilities.

5.26.010.1(D) The fees established by Section 5.26.010.7 are derived from, are based upon and do not exceed the costs of providing additional water and electric facilities necessitated by the connection to the District's water and electric systems.

5.26.010.1(E) The report entitled "Water System Master Plan" sets forth a reasonable method and analysis for the determination of the impact of new development on the need for and costs for additional water facilities within the District.

5.26.010.1(F) The report entitled "Electric System Master Plan" sets forth a reasonable method and analysis for the determination of the impact of new development on the need for and costs for additional electric facilities within the District.

5.26.010.2 Short Title, Authority and Applicability

5.26.010.2(A) The adopting ordinance (No. 8903) shall be known and may be cited as the "Truckee Donner Public Utility District Water and Electric Facilities Fee Ordinance."

5.26.010.2(B) The Board of Directors of the District adopted the ordinance pursuant to the Public Utility District Act within the Public Utilities Code of the State of California.

5.26.010.2(C) The rules included herein which were adopted by ordinance shall apply within the boundaries of the District to parcels served by the District water and/or electric systems.

5.26.010.3 Intents and Purposes

5.26.010.3(A) These rules are intended to assist in the implementation of the District Master Plans.

5.26.010.3(B) The purpose of these rules is to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide water and electric facilities within the District service area.

5.026.010.4 Rules of Construction

5.26.010.4(A) These provisions shall be liberally construed so as to effectively carry out their purpose in the interest of the public health, safety and welfare.

5.26.010.4(B) For the purposes of administration and enforcement of this code, unless otherwise stated in this code, the following rules of construction shall apply to the text of this code:

- In case of any difference of meaning or implication between the text of this code and any caption, illustration, summary table or illustrative table, the text shall control.
- The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
- Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- The phrase “used for” includes “arranged for”, “designed for”, “maintained for”, or “occupied for”.
- The word “person” includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or” or “either...or”, the conjunction shall be interpreted as follows:
 - “And” indicates that all the connected terms, conditions, provisions or events shall apply.
 - “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- The word “includes” shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- “General Manager” means the General Manager of the District or the District representative that he/she may designate to carry out the administration of this code.

5.26.010.5 Definitions

- “Capital Equipment” is equipment with an expected use life of two years or more.

- “Connection to the Water and/or Electric System” is the physical connect of a building, structure or use of land to the District’s water and/or electric lines, no matter if such connection is made through or by intermediate lines.
- “Electric Facilities” are defined as the individual distinct components within the electric system such as transformers, poles, cable and conductor.
- “Electric System” is defined as the integrated network that distributes electricity throughout the District to its customers.
- “Applicant” is a person applying for connection to the District’s water and/or electric system.
- “Water Facilities” are defined as the individual distinct components within the system such as a source, storage tank, disinfection equipment, booster pump station or pipeline.
- “Water System” is defined as the integrated network that supplies, disinfects, transmits, stores and distributes water throughout the District to its customers.

5.26.010.6 Imposition of Water and Electric Facilities Fees

5.26.010.6(A) When computing a fee pursuant to this code, the District shall prepare and retain a written memorandum containing the following information:

- Identify the purpose of the fee.
- Identify the use of the fee. If the use is financing public facilities, the facilities shall be identified. The identification may, but need not, be made by reference to a capital improvement plan, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.
- Determine how there is a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

5.26.010.6(B) Any person who, after the effective date of this code seeks to connect to the District water system is hereby required to pay a water facilities fee in the manner and

amount set forth in this code.

5.26.010.6(C) Any person who, after the effective date of this code seeks to connect to the District electric system is hereby required to pay an electric facilities fee in the manner and amount set forth in this code.

5.26.010.7 Computation of the Amount of Water and Electric Facilities Fees

5.26.010.7(A) When computing a fee pursuant to this code, the District shall prepare and retain a written memorandum containing the following information:

- Identify the purpose of the fee.
- Identify the use of the fee. If the use is financing public facilities, the facilities shall be identified. The identification may, but need not, be made by reference to a capital improvement plan, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

5.26.010.7(B) At the option of the applicant, the amount of the water and/or electric facilities fee may be determined by the District's facilities fee schedules in effect at the time of application.

5.26.010.7(C) In the case of change of use, redevelopment or expansion or modification of an existing use which requires a new, replacement, or additional connection to the District's water system, the facilities fee shall be based upon the net increase in the size of the meter for the new connection over the size of the meter for the previous connection.

5.26.010.7(D) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires a new, replacement or additional connection to the District's electric system, the facilities fee shall be based upon the net increase in the amperage and voltage of the electrical panel for the new connection over the amperage and voltage of the previous electrical panel.

5.26.010.8 Payment of Fee

5.26.010.8(A) The applicant shall pay the water and electric facilities fee required by this code to the General Manager or his designee at the time of application to the District's water and/or electric system.

5.26.010.8(B) All funds collected shall be properly identified by and promptly transferred for deposit in the appropriate Water and Electric Facilities Fee Restricted Fund to be held in separate accounts as determined in Section 5.26.010.10 of this code and used solely for the purposes specified in this code.

5.26.010.9 Water and Electric Facilities Fees Restricted Funds Established

5.26.010.9(A) There are hereby established two (2) separate Facilities Fee Restricted Funds: (1) the Water Facilities Fee Restricted Fund and (2) the Electric Facilities Fee Restricted Fund.

5.26.010.9(B) Funds withdrawn from these accounts must be used in accordance with the provisions of Section 5.26.010.10 of this code.

5.26.010.10 Use of Funds

5.26.010.10(A) Funds collected from water and electric facilities fees shall be used solely for the purpose of acquiring, equipping and/or making capital improvements to water and electric facilities under the jurisdiction of the District and shall not be used for maintenance or operations.

5.26.010.10(B) Funds from the Water Facilities Fee Restricted Fund may only be used for water facilities purposes and funds from the Electric Facilities Fee Restricted Fund may only be used for electric facilities purposes. Funds shall be expended in the order in which they are collected.

5.26.010.10(C) In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which water and electric facilities fees may be expended, facilities fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Sections 5.26.010.10 A and B above.)

5.26.010.10(D) At least once every two years, the General Manager shall present to the Board of Directors a proposed capital improvement program for water and electric facilities, assigning funds, including any accrued interest, from the Water and Electric Facilities Fee Restricted Funds to specific water and electric facilities improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Water and Electric Facilities Fee Restricted Funds until the next fiscal period except as provided by the refund provisions of this code.

5.26.010.10(E) Funds may be used to provide refunds as described in Section 5.26.010.11.

5.26.010.10(F) Funds may be used to rebate developer costs for providing water and/or electric capital facilities in excess of the capacity required to the individual developer making the provision. Any rebates must be pursuant to a refunding agreement between the developer and the District after the effective date of this code. Prior refunding agreements may be re-negotiated in order to bring such agreements into accord with the provisions of this code.

5.26.010.11 Refund or Encumbrance of Fees Paid

5.26.010.11(A) Any funds not expended or encumbered by the end of the calendar quarter immediately following five (5) years from the date the water and/or electric facilities fee was paid shall, upon application of the then current landowner, be returned to such landowner, provided that the landowner submits an application for a refund to the General Manager of the District within one hundred eighty (180) days of the expiration of the five (5) year period.

5.26.010.11(B) The District may, however, encumber funds prior to the end of the calendar quarter immediately following five (5) years from the date the water and/or electric facilities fee was paid. The District may make determinations that, in the interest of proper system expansion, and in order not to replicate facilities, funds may be held in excess of five (5) years. Once said determinations are made, the District shall thereafter review said determinations on an annual basis.

5.26.010.12 Exemptions and Credits

5.26.010.12(A) The following shall be exempted from payment of the facilities fee:

- Alterations or expansion of an existing building where no additional or larger water connections are requested and where the use is not changed.
- Alterations or expansion of an existing building where no additional or greater capacity electrical panels are requested and where the use is not changed.
- The replacement of a building or structure with a new building or structure of the same size and use where no additional or larger water connections are requested and where the use is not changed.
- The replacement of a building or structure with a new building or structure of the same size and use where no additional or greater capacity electrical panels are requested and where the use is not changed.

Any claim of exemption must be made no later than the time of application for connection to the District's water and/or electric system. While it is inherently the applicant's responsibility

to claim an exemption, the District will make every effort to notify the applicant if he is subject to an exemption.

5.26.010.13 Review

5.26.010.13(A) The fees contained in Section 5.26.010.7 shall be reviewed by the Board of Directors every budget cycle and after the completion of a master plan (ref 3.01.01.1).

5.26.010.14 Enforcement Provision

5.26.010.14(A) The District shall have the power to sue in civil court to enforce the provisions of this code.

5.26.010.15 Severability

5.26.010.15(A) If any section, phrase, sentence or portion of this code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

5.26.010.16 Conflict

5.26.010.16(A) In the event of any conflict between this code and state law, including Government Code Sections 66000-66009, state law shall control.

5.26.010.17 Effective Date

5.26.010.17(A) This code became effective on December 6, 1989.

5.26.020 Expiration of Fees Facilities Fees paid will be effective for a period of five years from the date of application. Applicant may be subject to payment of increased fees if the connection has not been made within the specified time period.

CHAPTER 5.28

WATER FEES AND CHARGES

Sections:

5.28.010	Connection, Tapping and Facilities Fees
5.28.020	Miscellaneous Service Fees
5.28.030	Expiration of Fees

5.28.010 Connection, Tapping and Facilities Fees All applicants for water service are subject to three charges when applicable: a connection fee, tapping fee, and a facilities fee, in accordance with the current Water Connection and Facilities Fee ordinances as established by the Board of Directors.

5.28.010.1 Connection Fee The connection fee is a charge made by the District to establish a new service. It includes, but is not limited to, the costs of material, labor, equipment, overhead, administrative costs and account set-up fees.

5.28.010.2 Tapping Fee The tapping fee is a charge made by the District based upon the actual costs including material, labor, equipment, overhead and administrative costs to provide an applicant's service lateral pipe and connect it to the District's water mains.

5.28.010.3 Facilities Fee The facilities fee is a charge made by the District to cover the applicant's pro rata share of the cost of the existing supply facilities and any expansions or additions thereof which are required to serve the applicant. The cost of future source and storage facilities shall be included in the facilities fee in order to maintain an equitable distribution of benefits received between present and future service connections.

5.28.020 Miscellaneous Service Fees Any customer requesting work for their sole convenience to be performed by the District, will be charged the actual cost of the service performed, including material, labor, equipment, overhead, administrative costs and any appropriate facilities fees unless a flat fee has been established to provide the service (see –Appendix H - Water Connection & Fee Schedule).

5.28.030 Expiration of Fees Water Connection Fees paid will be effective for a period of two years from the date of application. Applicant may be subject to payment of increased fees if the connection has not been made within the specified time period.

CHAPTER 5.32

WATER RATES

Sections:

5.32.010	District Goal
5.32.011	Residential Water Rates
5.32.020	Commercial Water Rates
5.32.030	Terms of Service
5.32.040	Miscellaneous Services

5.32.010 District Goal It is the District's goal that all customers are equipped with a water

meter and billed volumetrically based upon their usage. It is the District's intent to install water meters on all water services and to transition to metered rates by January 1, 2013.

5.32.011 Water Rates Determination of the applicable rate is at the sole discretion of the District and is based on the following sections in this chapter.

5.32.011.01 Residential Water Rates

5.32.011.01(A) Metered Water Rates The Domestic Water Rates for single family properties, individual condominium units and townhouse units equipped with a meter shall consist of three components, a base charge, a commodity charge and a pump zone charge.

5.32.011.01(B) Unmetered Water Rates - The Domestic Water Rate for single family properties, individual condominium units and townhouse units not equipped with a meter shall consist of a fixed monthly rate and the appropriate zonal pumping costs.

5.32.020 Commercial Water Rates Commercial Water Rates for all other multiple dwelling units, trailer parks, public use, dedicated irrigation, single family properties with meters greater than 1" in size and other commercial establishments shall consist of three components, a base charge, a commodity charge and a pump zone charge.

These water rates are set by ordinance approved by the Board of Directors and can be found in Appendix J – Water Rates.

5.32.030 Terms of Service Service under this schedule is subject to the District's rules, regulations and codes for receiving water service.

5.32.040 Miscellaneous Services Fees and charges for miscellaneous services performed by the District are defined in the most recent Miscellaneous Fee Schedule.

CHAPTER 5.36

INFORMATION AVAILABLE TO THE PUBLIC

Sections:

- 5.36.010 General Information**
- 5.36.020 Electric Rate Information**

5.36.010 General Information

5.36.010.1 General information It is the intent of the District to follow State and Federal regulations regarding public information. The District maintains at its offices, pertinent information regarding electric and/or water service including:

5.36.010.1(A) Characteristics of electric and/or water source and service;

5.36.010.1(B) Policies - Copies of these policies, service area maps, and forms of contracts and applications relative to electric and/or water service;

5.36.010.1(C) Rates - Copies of the rates and fees for electric and/or water service.

5.36.010.2 Upon request, a customer will receive a statement of such customer's monthly kWh consumption or gallons of water consumed if the service is metered for the prior twelve month period. There is no charge for this service.

5.36.010.3 Requests for information may be made in person at the District office, fax, e-mail or by mail.

Information Available to the Public

5.36.010.4 Formal Requests of Public Records It is the District's policy to provide all members of the public access to its records and to promptly make the fullest possible disclosure of its records in accordance with the California Public Records Act. "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by District regardless of the manner in which the record has been stored. Requests to inspect or to obtain a copy of a public record should be made in writing to the Deputy District Clerk at Truckee Donner Public Utility District, 11570 Donner Pass Road, Truckee, CA 96161.

Files may be reviewed at Truckee Donner Public Utility District during normal business hours. Persons interested in reviewing or obtaining copies of public records are encouraged to make an appointment in advance. Persons with disabilities who require accommodation for obtaining access to District public records should notify the District of their accommodation needs in their written request.

5.36.020 Rate Information Upon request, the District will inform each applicant for service of the applicable rate schedules. Rate change information will also be advertised in a newspaper of general circulation and will be posted on the District's website.

CHAPTER 5.37

PUBLIC OUTREACH POLICY

Sections:

- 5.37.010 Policy Statement**
- 5.37.020 Definition of Important Issues**
- 5.37.030 Method of Public Communication**

5.37.010 Policy Statement It is the policy of the District to promote open communication with the customers of the District on issues of importance appearing on the agenda of the Board of Directors. To further this policy, there is hereby established a process by which the District shall initiate contact, informing the community of important issues that are appearing before the Board of Directors. This outreach shall occur early enough to permit thorough discussion of the issue prior to the Board taking formal action.

5.37.020 Definition of Important Issues Important issues are those that involve changes in monthly water and electric user charges, changes in the Miscellaneous Fees Schedule, changes in connection fees, changes in facilities fees, and changes in regulations covering new and retrofit residential and commercial construction. Changes in monthly water and electric user charges, changes in the Miscellaneous Fees Schedule or changes in connection fees shall normally occur as part of the Board budget discussion prior to adoption of the budget. Changes in facility fees shall normally occur as part of the five year Water/Electric Master Plan review or when the local General Plans are revised. Facility fee increases due to inflation, not resulting from District Master Plan or local General Plan review, shall be discussed as part of the Board budget sessions prior to adoption of the budget. Other issues will arise from time to time that are difficult to enumerate in this policy statement. Such issues shall be considered as important issues falling under the purview of this policy based on a review by the General Manager of the circumstances involved and the persons who may be impacted by adoption of the proposed action. Additionally, the Board of Directors may, by action at a board meeting, determine that an issue coming before it is an important issue falling under the purview of this policy.

5.37.030 Method of Public Communication The method of initial communication to the public will vary based on the kind of issue being discussed.

5.37.030.1 With respect to the consideration of changes of the monthly water and electric user charges or changes in the Miscellaneous Fees Schedule, a notice shall be printed on the utility bill going to customers of the District and a display ad notice shall be placed in a newspaper of general circulation in the District. These changes are generally associated with preparation and adoption of the District's annual or semi-annual budget.

5.37.030.2 With respect to the consideration of changes in water and electric connection charges or facilities fees (usually associated with adoption of the District's annual or semi-annual budget) or changes in regulations covering new and retrofit residential and commercial construction, a notice shall be sent by mail, fax or e-mail to the District stakeholders.

5.37.030.3 With respect to other important issues so designated by the General Manager or the Board of Directors, the method of initial communication shall be determined on a case by case basis.

CHAPTER 5.38

PUBLIC INFORMATION PROGRAM

Sections:

5.38.010	General Information
5.38.020	Items Covered by Program
5.38.030	Program Funding
5.38.040	Review and Approval of Program
5.38.050	Status of Program

5.38.010 General Information

5.38.010.1 The Public Information and Conservation Manager is the primary spokesperson for the District regarding public information.

5.38.010.2 The Public Information and Conservation Manager will develop, monitor and review an annual public information program with input from the General Manager and Board.

5.38.020 Items Covered by Program

5.38.020.1 The public information program developed by the Public Information and Conservation Manager will cover such matters as:

5.38.020.1(A) The District's mission, goals, services, activities, achievements, costs and plans.

5.38.020.1(B) Informing the community about major issues involving the water and electric industries which may impact the customers of the District.

5.38.020.1(C) Strategies for dealing effectively with the public's need to be informed about specific and timely issues as they arise.

5.38.030 Program Funding The annual or semi-annual District budget will reflect funding for the public information program.

5.38.040 Review and Approval of Program The annual public information program will be submitted to the Board for review and approval.

5.38.050 Status of Program The Public Information and Conservation Manager will report to the Board periodically regarding the status of the program.

CHAPTER 5.39

PUBLIC BENEFITS PROGRAM

Sections:

5.39.010 Development of Annual Public Benefits Program

5.39.020 Criteria for Annual Public Benefits Program

5.39.010 Development of Annual Public Benefits Program It is the policy of the District that a public benefits program be developed each year as part of the annual operating budget and that it be submitted to the Board for review, revision and adoption and be agendaized as a separate item for discussion.

5.39.020 Criteria for Annual Public Benefits Program The General Manager or his designee shall annually prepare a draft public benefits program meeting the following criteria:

5.39.020.1 Each specific element of the program shall promote one or more of the following benefits: conservation of energy; the use of renewable energy resources; research, development or demonstration of a new electric energy technology; assistance to low-income persons.

5.39.020.2 Additionally, the program shall be designed to benefit the maximum number of persons, give a high priority to energy conservation, assistance to low-income persons.

5.39.020.3 The program shall be simple to administer and shall promote direct contact between the District and its customers.

CHAPTER 5.40

COMPLAINT PROCEDURE

Section:

5.40.010 Customer Complaint Procedure

5.40.010 Customer Complaint Procedure

5.40.010.1 Complaints will be logged by the Customer Services Department. Formal billing disputes as defined in Section 5.16.010.1 will be logged as a complaint.

5.40.010.2 Appropriate documents, pertaining to the complaint shall be given to the Customer Services Manager and the Customer Services Manager will distribute the complaints to the appropriate department heads for resolution.

5.40.010.3 When the necessary work has been completed or the necessary action has been taken in order to satisfy the complaint, the log will be marked with the date of resolution and the steps taken for resolution of the complaint.

5.40.010.4 At least annually, the complaint log with a summary will be distributed to the General Manager for review. This list will contain complaint, the date of the complaint, the resolution, and the date it was resolved.

5.40.010.5 The following items will be treated as service requests requiring immediate attention to be resolved and are not considered to be complaints unless the customer has repeatedly reported the problem with no resolution:

5.40.010.6(A) Water Department - water leaks, water outages, bad water, major changes in water pressure, broken water boxes in traffic flow (foot or vehicle).

5.40.010.6(B) Electric Department - outages, downed wires or poles, sparking wires, extremely low voltage, trees across lines.

5.40.010.6(C) Any situation that could be a potential threat to public safety.

CHAPTER 5.44

NOTICES

Sections:

- 5.44.010** **Notice to Customers**
- 5.44.020** **Notice from Customers**

5.44.010 Notice to Customers

5.44.010.1 Notice to customers

5.44.010.1(A) Written - Notice to a customer will normally be in writing and will be delivered or mailed to the customer's last known address, or to the address listed on the application.

5.44.010.1(B) Unwritten - In emergencies, or after appropriate circumstances, the District shall attempt to promptly notify the customers affected, and may make such notification by any means reasonably calculated to reach the customer.

5.44.020 Notice from Customers Notice from a customer to the District may be given personally by the customer or his authorized representative, either orally or in writing at the District's operating office or to an agent of the District duly authorized to receive notices or complaints.

CHAPTER 5.48

PAYBACKS

Section:

- 5.48.010** **Line Extension Paybacks**

5.48.010 Line Extension Paybacks

5.48.010.1 Any payback in the amount of \$10,000 or less is to be handled routinely by staff upon review and approval by the department head.

5.48.010.2 Payback amounts above \$10,000 are to be handled by staff upon review and approval by the department head and the General Manager.

CHAPTER 5.53

ANNEXATION OF PROPERTY TO THE DISTRICT

Section:

5.53.010 Electric and/or Water Service

5.53.010 Electric and/or Water Service

5.53.010.1. It is the intent of the District to serve water to all properties within its territory and within its approved Sphere of Influence.

5.53.010.2. No service shall be provided without prior annexation approval from the appropriate LAFCo.

5.53.010.3. Exception:

- a) Single family home;
 - i) Not part of a larger sub-division;
 - ii) May be served with an Out of Area Service Agreement granted by the appropriate LAFCo;
 - iii) All associated costs will be borne by the property owner/developer;
 - iv) Must be contiguous with the District's service territory or infrastructure.

5.53.010.4. An applicant for electric and/or water service whose property is not located in the District's official territory will be served by the District only under the following conditions:

- a) The property must be located within the District's approved Sphere of Influence;
- b) The property owner/developer shall agree to being annexed into the District's territory and pay all costs to process the application through the appropriate Local Agency Formation Commission (LAFCo);
- c) The District must evaluate and find that there is sufficient capacity within the electric and/or water systems to provide service;
The annexation shall be part of the development agreement:
- d) If the District finds that there is not sufficient capacity in the existing systems to provide service, the applicant must agree to construct or pay for construction of the necessary facilities as determined by the District to provide service;
- e) The property owner shall follow all rules, procedures and policies of the District in construction of any facilities to establish electric and/or water service.

5.53.010.5 Any application for annexation initiated under the terms of this policy shall be approved by the Board of Directors. District staff shall provide a report to the Board containing the following:

- a) Identification of the parcel or parcels to be annexed;

- b) Stating whether said parcel or parcels are within the District's Sphere of Influence;
- c) Stating whether sufficient capacity exists in the District system to provide service, or demonstrating that the applicant has agreed to pay for construction of the necessary facilities;
- d) An executed agreement committing the applicant to pay the costs of processing the application through LAFCo.

CHAPTER 5.55

CONSERVATION PROGRAMS

Section:

5.55.010 Water and Electric Conservation Programs

5.55.010 Water and Electric Conservation Programs The District shall create and maintain cost-effective conservation programs that may include rebates, direct-install and/or technical assistance. The programs will be reviewed and approved by the General Manager and the Board.

Resolution 2008-25 (8/6/08), Res. 2010-09 (6/2/10), Res. 2011-16 & 17 (8/3/11). Res 2014-07 (5/21/14)