

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF
THE STANDARDS FOR WATERWORKS
COMPANIES AND SEWAGE DISPOSAL
SYSTEM COMPANIES IN OHIO ADM.CODE
CHAPTER 4901:1-15.

CASE NO. 16-1568-WS-ORD

ENTRY

Entered in the Journal on December 21, 2016

I. SUMMARY

{¶ 1} The Commission directs that all interested persons or entities wishing to file comments or reply comments with the Commission regarding the waterworks and sewage disposal rules in Ohio Adm.Code Chapter 4901:1-15 do so no later than January 25, 2017, and February 22, 2017, respectively.

II. DISCUSSION

{¶ 2} R.C. 111.15(B) requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. At this time, the Commission is reviewing the rules pertaining to waterworks and sewage disposal system companies contained in Ohio Adm.Code Chapter 4901:1-15.

{¶ 3} R.C. 106.03(A) requires that the Commission determine whether the rules:

- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
- (b) Need amendment or rescission to give more flexibility at the local level;

- (c) Need amendment or rescission to eliminate unnecessary paperwork;
- (d) Incorporate a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by R.C. 121.74, and whether the incorporation by reference meets the standards stated in R.C. 121.71, 121.75, and 121.76;
- (e) Duplicate, overlap with, or conflict with other rules;
- (f) Have an adverse impact on businesses, as determined under R.C. 107.52; and
- (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive.

{¶ 4} In addition, on January 10, 2011, the governor of the state of Ohio issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Commission must review its rules to determine the impact that a rule has on small businesses; attempt to balance the critical objectives of regulation and the cost of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative, unintended consequences, or unnecessarily impede business growth.

{¶ 5} Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the

agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative office the draft rules and the BIA.

{¶ 6} On August 16, 2016, the Commission held a workshop in this proceeding to enable interested stakeholders to propose revisions to the rules found in Ohio Adm.Code Chapter 4901:1-15 for the Commission's consideration. Representatives from Aqua Ohio, Inc. appeared at the workshop and presented recommendations for the rules.

{¶ 7} Staff has evaluated the rules in Ohio Adm.Code Chapter 4901:1-15 and recommends the language changes appearing in the attached rules.

{¶ 8} In order to avoid needless production of paper copies, the Commission will serve a paper copy of just this Entry and will make the rule changes proposed in Ohio Adm.Code Chapter 4901:1-15, as well as the BIA, available online at <http://dis.puc.state.oh.us>. All interested persons may download the proposed rules and the business impact analysis from the above website by inputting case number 16-1568 into the Case Lookup box, or contact the Commission's Docketing Division for a paper copy.

{¶ 9} The Commission requests comments from interested persons to assist in the review required by R.C. 111.15 and Executive Order 2011-01K. Comments on the draft rules and/or on the BIA should be filed by January 25, 2017. Reply comments should be filed by February 22, 2017.

III. ORDER

{¶ 10} It is, therefore,

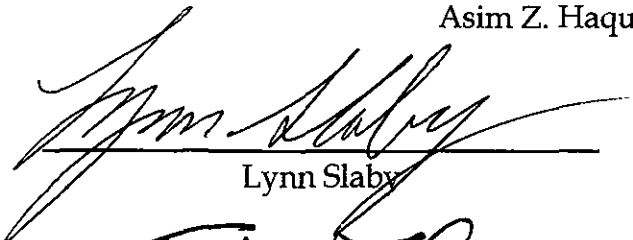
{¶ 11} ORDERED, That all interested persons shall file comments by January 25, 2017, and reply comments by February 22, 2017. It is, further,

{¶ 12} ORDERED, That a notice of this Entry be sent to the water list-serve, and that a copy of this Entry be served upon all regulated waterworks and sewage disposal utilities in the state of Ohio, the Ohio Consumers' Counsel, the Ohio Environmental Protection Agency, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman



Lynn Slaby



M. Beth Trombold



Thomas W. Johnson

M. Howard Petricoff

LDJ/vrm

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DEC 21 2016Barcy F. McNeal
Secretary

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4901:1-15-01 Definitions.

As used in this chapter:

- (A) "Collection main" means a pipe that collects or transports wastewater from the service lines of a wastewater customer.
- (B) "Company service line" means that portion of the service line between the distribution or collection main up to and including the curb stop, water outlet connection, or sewer inlet connection at or near the property line, right-of-way, or easement line, maintained at the cost of the company.
- (C) "Commission" means the public utilities commission of Ohio.
- (D) "Consumer complaint" means a customer/consumer contact when such contact necessitates follow-up by or with the utility to resolve a point of contention.
- (E) "Customer" means any person who enters an agreement with the company to receive waterworks and/or sewage disposal service.
- (F) "Customer service line" means that portion of the service line from the company's service line to the structure or premises which is supplied, installed, and maintained at the cost of the customer.
- (G) "Dead-end main" means a section of a water distribution system consisting of pipe greater than two inches or greater that is not connected to another section of pipe by means of a connecting loop and serves more than one customer, unless the company can demonstrate that the water within the main circulates on a monthly basis or less.
- (H) "Distribution main" means a pipe that transports or distributes water from the supply system to the service lines of a water customer.
- (I) "Major operational event" means a significant change to a system's normal operations.
- (J) "Outage" means any interruption of a company system, other than a customer service line, which causes the cessation of water service.
- (K) "Service connection" means the connection of the company's service line with the customer's service line at or near the property line, which connection enables the customer to receive service.
- (L) "Tap-in" means the connecting of a company service line to the distribution or collection main.

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4901:1-15-02 General provisions.

- (A) The rules and regulations contained in this chapter govern the furnishing of water and sewage disposal service and facilities to the public by waterworks companies and/or sewage disposal system companies subject to the jurisdiction of the ~~public utilities commission of Ohio~~.
- (B) Nothing contained in this chapter shall in any way preclude the commission from any of the following:
 - (1) Pursue formal action, at anytime, to alter or amend this chapter.
 - (2) Prescribing different standards for the rendering of water service and/or sewage disposal service as deemed necessary by the commission in any proceeding.
 - (3) The commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.
- (C) Nothing contained in this chapter shall in any way preclude the commission from requiring the furnishing of any other or additional service(s), equipment, or facilities affecting water and/or sewage disposal service upon any of the following:
 - (1) The commission's own motion.
 - (2) A consumer complaint.
 - (3) An application by any waterworks company and/or sewage disposal system company.
- (D) If unreasonable hardship to a waterworks company, and/or sewage disposal system company, or to a customer results from the imposition of any rule in this chapter, an application may be made to the commission for either of the following:
 - (1) The modification of any rule(s).
 - (2) The temporary or permanent waiver from any rule(s).
- (E) Nothing contained in this chapter shall relieve any waterworks company and/or sewage disposal system company from either of the following:
 - (1) Providing adequate service and facilities as prescribed by the commission.

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- (2) Meeting any of its duties or responsibilities as prescribed by these rules or by the laws of the state of Ohio.
- (F) Failure by a waterworks company and/or sewage disposal system company subject to the jurisdiction of the commission to meet any of its duties and responsibilities as prescribed by these rules in this chapter or by the laws of the state of Ohio does not in and of itself constitute inadequate service on the part of the waterworks company and/or sewage disposal system company without a commission finding of inadequate service.
- (G) Unless otherwise directed by the commission, all reports shall be filed using such forms as may be posted on the commission's web site. Such forms may be changed without further commission entry and each reporting person should check the commission's web site to obtain the current forms before filing a report.

4901:1-15-03 Failure to comply with the rules or commission orders.

Any waterworks company and/or sewage disposal system company that fails to comply with the rules and standards in this chapter or commission order may, after due notice, be subject to any and all of the following available under the law, including but not limited to:

- (A) Forfeiture to the state of not more than ten thousand dollars for each such failure. Each day's continuance of the violation is a separate offense.
- (B) Corrective action to effectuate compliance.

4901:1-15-04 Notice and public hearing.

- (A) This rule shall govern notice to the public and the conduct of hearings where directed by the commission to be held in cases involving an application by a waterworks company and/or sewage disposal system company for a certificate of public convenience and necessity, an application to amend a certificate, an application to transfer a certificate, or an application for abandonment of a certificate.
- (B) Following the filing of any application set forth in paragraph (A) of this rule, the commission shall review the application to determine its compliance with the requirements of this chapter. If the commission determines that the application is in compliance with the commission's rules, and otherwise appears to be complete, an

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entry shall be issued which accepts the application, and directs the manner in which public notice of the application is to be accomplished. If the commission determines that the application is not in compliance with the commission's rules, or is otherwise incomplete, an entry shall be issued which directs the manner in which the applicant shall file such information as is necessary to bring the application into compliance or to complete the application.

- (C) Unless otherwise set forth by entry, the applicant, in applications set forth in paragraph (A) of this rule, shall fulfill all of the following notice requirements:
- (1) If public notice is to be accomplished other than by publication of legal notice in a newspaper of general circulation in the area affected by the application, the manner in which public notice of the application is to be accomplished shall be set forth in the entry accepting the application.
 - (2) If public notice is to be accomplished by newspaper publication:
 - (a) The applicant shall give notice by publication, once, in every county affected by the application. Within each affected county, publication must be made in a newspaper published, and of general circulation, within such county.
 - (b) Publication expense shall be borne by the applicant.
 - (c) Proof of publication of an appropriate notice shall be filed with the commission pursuant to the deadline established within the entry calling for publication.
 - (d) Unless otherwise directed by entry, the legal notice which the applicant must publish in applications covered by paragraph (A) of this rule, shall:
 - (i) State the fact that such application has been filed with the commission along with a brief description of the purpose of the application.
 - (ii) Set forth the rates proposed to be charged and collected, except in abandonment application cases in which rates are not being proposed, and shall describe the specific area to be served. The published description need not be stated in terms of metes and bounds; however, it shall be in sufficient detail to enable a member of the public to determine the boundary of the service area(s).

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- (iii) Contain the name and complete post office address of the applicant.
 - (iv) Contain a statement which sets forth the docket number which the commission has assigned to the application, as well as the commission's post office address, and which indicates that additional information concerning the application may be obtained by contacting the public utilities commission of Ohio.
 - (v) Provide for a period of time within which affected persons or entities may file with the commission, a written statement which both describes the nature of their interest in the application and requests that a hearing be held on the application. Unless otherwise ordered by the commission, this period of time shall include at least fourteen days from the last date upon which publication may be made pursuant to the entry calling for publication.
 - (vi) In the case of an application for a certificate of public convenience and necessity, meet the requirements set forth in rule 4901:1-15-05 of the Administrative Code.
 - (vii) In the case of an application to amend a certificate, meet the requirements set forth in rule 4901:1-15-07 of the Administrative Code.
 - (viii) In the case of an application to transfer a certificate, meet the requirements set forth in rule 4901:1-15-09 of the Administrative Code.
- (e) If, within fourteen days from the last date on which publication may be made pursuant to the entry calling for publication, or such other period as may be established within the entry calling for publication, the commission receives from any affected person or entity a written request for a hearing on an application set forth in paragraph (A) of this rule, the commission may schedule and hold a public hearing on the application on a date and at a time and place to be established by the commission. The commission may proceed to decide the case without holding a hearing, on the basis of the information contained in the application and the affidavits and information submitted to the commission by the applicant. The commission may, upon its own motion, schedule and hold a public hearing on the application at any time during its pendency.

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- (3) Entries accepting applications, directing the manner in which notice shall be accomplished and/or scheduling hearings shall be served upon the applicant, any affected person or entity who has requested a hearing, and upon the board of county commissioners of any county and the chief executive authority of any municipal corporation served or proposed to be served by the application.
- (4) Notwithstanding the provisions of rule 4901-1-08 of the Administrative Code, an officer or partner of the applicant shall attend any hearing held in a case involving an application set forth in paragraph (A) of this rule. Failure of an officer or partner to be present at the hearing is cause for dismissal of the application.
- (D) In cases involving an application for abandonment of water service and/or sewage disposal system service, notice and the conduct of a hearing shall be as provided for in paragraph (C) of this rule, except that notice shall be by newspaper publication which shall occur once a week for four consecutive weeks in a newspaper of general circulation in any county or municipal corporation which has granted a franchise to the applicant utility company.

4901:1-15-05 Application for certificate of public convenience and necessity.

- (A) Any person, firm, or corporation desiring to obtain a certificate of public convenience and necessity authorizing such person, firm, or corporation to construct and/or operate a waterworks system and/or a sewage disposal system or to expand the area in which such a system is operated, shall file an application in the form and with the content specified in this rule. Exhibits as described and enumerated in paragraph (D) of this rule shall be attached to and made a part of each application. The required number of copies to be filed with the commission of applications made pursuant to this rule is set forth in ~~paragraph (C)~~ of rule 4901-1-02 of the Administrative Code.
- (B) All applications and exhibits shall be typewritten, filed electronically pursuant to paragraph (D) of rule 4901-1-02 of the Administrative Code or printed, or reproduced by some other equally legible and permanent process on good quality paper, eight and one-half inches by eleven inches nominal size. Maps and plans may be reproduced by any reasonably permanent process and shall be of such size that they can be folded to match the other documents presented.
- (C) Applications and exhibits must be signed by the applicant or his/her attorney and shall show the complete post office address of the person whose signature is affixed. If the

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applicant is a partnership, one partner may sign for all; if a corporation, the president, a vice-president, secretary, or other duly authorized officer may sign. The applicant shall serve a copy of the application, the exhibits, and all other filings upon the Ohio environmental protection agency (OEPA) at Columbus, Ohio, and shall indicate this service on the copies filed with the commission. Any of the exhibits which are currently on file with the OEPA may be omitted.

(D) All of the following exhibits shall be filed with each application and, if a hearing is held, shall be presented as evidence at the hearing.

(1) Exhibit one

(a) If applicant is a corporation, it shall file both of the following:

- (i) A list of the officers, directors, and the ten largest shareholders of the corporation, the address of each, and the number of shares held by each. If there are not as many as ten shareholders, a statement to that effect.
- (ii) The nature, character, and extent of the interest, if any, of any of the above officers, directors, or shareholders in any other waterworks company and/or sewage disposal system company, or in any other partnership or corporation that holds an interest in any other waterworks company and/or sewage disposal system company.

(b) If applicant is a partnership, it shall file both of the following:

- (i) Name and address of each partner.
- (ii) The nature, character, and extent of the interest, if any, of any partner in any other waterworks company and/or sewage disposal system company, or in any other partnership or corporation that holds any interest in any other waterworks company and/or sewage disposal system company.

(c) If applicant is an individual, it shall file the same information for an individual owner of a waterworks company and/or a sewage disposal system company as required by paragraphs (D)(1)(b)(i) and (D)(1)(b)(ii) of this rule for a partnership application.

(d) If any person, firm, or corporation purports to guarantee the obligations of the applicant, the person, firm, or corporation shall file a disclosure

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including both of the following:

- (i) Identification of such person, firm, or corporation by name and complete post office address.
 - (ii) A detailed balance sheet (net worth statement) for such person, firm, or corporation.
- (e) Further, if any developer of all or part of the area for which applicant requests a certificate of public convenience and necessity has any interest in, or control over, the applicant, the developer shall file a disclosure including all of the following:
- (i) Identification of such developer by name and complete post office address.
 - (ii) A detailed balance sheet (net worth statement) of such developer.
 - (iii) The nature and extent of the developer's interest in applicant and the means by which control is exercised over applicant.

(2) Exhibit two

A certified copy of the articles of incorporation and any amendments if applicant is a corporation, or a copy of the partnership agreement if applicant is a partnership.

(3) Exhibits three, three A, and three B

A financial statement (balance sheet) showing in detail applicant's assets, liabilities, and net worth as of a date no more than one month prior to the date the application was filed (exhibit three), and projected to exist as of the date when construction will be completed and the system or systems will be ready for operation (exhibit three A). If a hearing is held, applicant shall tender at the hearing a financial statement showing in detail applicant's assets, liabilities, and net worth as of the date the application was filed (exhibit three B).

(4) Exhibits four and four A

Pro forma income statements for applicant's first (exhibit four) and fifth (exhibit four A) contemplated full years of operation, showing in reasonable detail for each of those years applicant's anticipated operating revenues, expenses, and net income available for fixed charges.

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(5) Exhibit five

A multi-page document (tariff) setting forth all of applicant's proposed rates, charges, and rules and regulations. This document shall be considered by the commission in its determination of applicant's ability to operate the proposed waterworks system and/or sewage disposal system at rates and charges that will produce from such operations a fair and reasonable rate of return on the statutory rate base value of the property dedicated to the service of the public. Such tariff documents tendered to the commission as exhibits to an application shall bear no issued or effective dates and their form and content shall be subject to approval by the commission.

(6) Exhibit six

A metes and bounds description of the area in which service is to be rendered pursuant to the authority sought and a map based upon the metes and bounds description. The map offered as exhibit six to any application shall be drawn or reproduced to a scale with no greater than one thousand feet equaling one inch. The scale shall be shown in a written statement or by a legend on the map. The map shall also bear a title block indicating the name of the owner of the system or systems shown, the type or types of system(s) shown, the date of preparation of the map, and the contact information of the individual responsible for its accuracy and completeness.

(7) Exhibit seven

- (a) A written description of the proposed waterworks system and/or sewage disposal system and the component parts of the system prepared by a registered engineer licensed to practice in Ohio. For a waterworks system, the description shall show the engineer's estimate of the maximum hour, maximum day, and average day demands on the waterworks system and shall compare such demand estimates with the corresponding capabilities of all the components of the proposed waterworks system. For a sewage disposal system, the description shall include, but not be limited to, statements of the design capacities of the components of the sewage disposal system facilities and of the maximum hourly and average inflows to the facilities which are anticipated.
- (b) A description of the type of pipe to be used in the water distribution system or in the sewage collection and transmission system. This description shall include the type of material from which the pipe is to be

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fabricated and the type or types of joints to be used.

(8) Exhibit eight

A statement evidencing that, in the case of a waterworks system, the proposed facilities are capable of providing a minimum static pressure of thirty-five pounds per square inch at normal operating conditions at all curb stops.

(9) Exhibit nine

A statement evidencing that the company's system of mains shall be of adequate size to permit the installation and proper operation of public fire hydrants. Except as provided in rule 4901:1-15-30 of the Administrative Code, such public fire hydrants need be installed only if they are paid for by the proper public authority, agency, or entity ordering the installation for both the capital cost and the cost of maintaining and operating the hydrants.

(10) Exhibit ten

A statement evidencing that the company will avoid dead ends in the distribution mains so far as possible. If such dead ends exist, the waterworks company shall provide facilities for flushing.

(11) Exhibit eleven

A statement evidencing that, in the case of a sewage disposal system, the mains and laterals proposed are of adequate size and are to be laid with such flow lines as to permit an expeditious flow from the point of the origin at the customer's premises to the point of treatment or disposal. If land contours are not such as to permit transport of the outflow by gravity, adequate lift stations or other adequate facilities shall be provided as a part of the applicant's system. If, in lieu of or as an adjunct to such lift stations, force pumps are proposed to be installed to move sewage discharge away from a customer's premises, a full description of the equipment and of the manner and means of its operation shall be included.

(12) Exhibit twelve

- (a) An estimate(s) in full detail of the cost of construction of the waterworks system and/or sewage disposal system shown and described in paragraph (D) of this rule, in exhibits six and seven. This estimate shall be prepared and signed by the person who prepared and presented exhibits six and seven.

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- (b) Upon the request of the commission, the cost of feasible alternatives to the proposed waterworks and/or sewage disposal system such as connection to an existing system or use of alternate processes and material shall be presented, together with reasons for the choice which was selected.

(13) Exhibit thirteen

A statement of the financing plan by which applicant proposes to fund the construction or acquisition of its proposed waterworks system and/or sewage disposal system and to secure working capital. Such statement shall show the amount of equity capital applicant expects to have or to secure by the issuance of equity securities; the amount of capital it expects to secure by the issuance of notes or bonds; the source and terms of the equity funds; the terms of the notes or bonds; and any sums that applicant expects will be voluntarily contributed.

(14) Exhibit fourteen

A statement evidencing that applicant has in its treasury sufficient unobligated paid-in capital or internally generated funds and/or has commitments from a responsible financial organization, satisfactory to the commission, which will enable it to secure through the issuance of securities, approved by the commission, all additional financing necessary to complete construction of and place into operation its proposed utility system. Sufficient unobligated paid-in capital or internally generated funds is presumed to be that equal to at least forty per cent of the estimated cost of construction of the utility plant. To overcome such presumption, the applicant must show by competent evidence that it otherwise has sufficient unobligated paid-in capital funds and satisfactory financial commitments to complete construction of and place into operation its proposed system.

(15) Exhibit fifteen

A statement evidencing that, at the rates proposed in applicant's tariff as filed with the application and based upon a pro forma income statement also filed with the application, applicant will have sufficient revenues to enable it to meet its operating and maintenance expenses, to begin establishing a depreciation reserve, to pay all taxes, to establish an adequate reserve for contingencies, and to pay interest on any outstanding debt.

(16) Exhibit sixteen

If OEPA approval is necessary for the construction of the facilities described in

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the application, a written statement to the commission from an official of the OEPA, stating that the OEPA has approved general plans for the proposed waterworks system and/or sewage disposal system and that it would approve acceptable final detail plans upon notification that the commission has granted to the applicant a certificate of public convenience and necessity for the construction and operation of the system or systems. In the event that approval of final detail plans is not readily available or cannot be obtained from the OEPA, the commission may grant a certificate of public convenience and necessity contingent upon approval by the OEPA of final detail plans.

(17) Exhibit seventeen

- (a) A proposed construction and installation schedule stating in number of days of expected elapsed time of both of the following:
 - (i) The time between the issuance of the certificate as applied for and the start of active and continued construction of the facilities.
 - (ii) The time between the date upon which active and continued construction is started and the date of its completion in condition to render the proposed service.
- (b) A statement that the applicant will complete all waterworks system and/or sewage disposal system facilities required to adequately serve the entire area for which the certificate of public convenience and necessity is sought and that the completion date will be as stated in paragraph (D)(17)(a)(ii) of this rule, unless work is interrupted by weather or by other conditions beyond applicant's control.

(18) Exhibit eighteen

A statement that there is a present and continuing need by the public in the area encompassed by the application for facilities and services of the type which applicant proposes to provide.

(19) Exhibit nineteen

A statement evidencing that no existing agency, publicly or privately owned or operated, would or could economically and efficiently provide the facilities and services needed by the public in the area which is the subject of the application.

(20) Exhibit twenty

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A statement describing the public convenience to be served by means of granting a certificate of public convenience and necessity to applicant, and a list of the counties and any municipal corporations proposed to be served in whole or in part.

(21) Exhibit twenty-one

A proposed legal notice containing all the information required by paragraphs (C)(2)(d)(i) to (C)(2)(d)(v) of rule 4901:1-15-04 of the Administrative Code.

The proposed notice shall set forth the rates proposed to be charged and collected, and describe the specific area to be served by the applicant under the certificate being applied for. The proposed description need not be stated in terms of metes and bounds; however, it shall be in sufficient detail to enable a member of the public to locate the service areas and determine their boundaries.

(22) Exhibit twenty-two

An affidavit attesting to and adopting all filings submitted with the application. The affiant shall not be the applicant's attorney, but may be any other person qualified to sign the application pursuant to paragraph (C) of this rule.

4901:1-15-06 Fiduciary operation of waterworks companies and/or sewage disposal system companies.

Upon the occurrence of a change in the operation of a waterworks company and/or sewage disposal system company under the jurisdiction of the commission, such that a personal representative, surviving partner, receiver, trustee or other fiduciary continues the operation of the company, written notice setting forth the change in the operation of the company and explaining the reason for the change shall be filed with the commission within thirty days.

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4901:1-15-07 Amendment of certificates for waterworks companies and/or sewage disposal system companies.

- (A) Before extending a waterworks system and/or a sewage disposal system beyond the boundaries of the area for which a certificate of public convenience and necessity has previously been granted, the holder of the certificate shall apply to the commission for an amendment to the certificate for the proposed expansion area.
- (B) An application to amend a certificate shall be executed and filed with the commission. Public hearing on and notice of an application to amend a certificate of public convenience and necessity shall be governed by rule 4901:1-15-05 of the Administrative Code. If the event requiring the certificate to be amended, results in a change in the information required by rule 4901:1-15-05 of the Administrative Code, this information shall be updated and filed along with the below information:
 - (1) A statement stating whether or not additional construction (excluding any main extensions) will be necessary to serve the new territory. If new construction will be required, the applicant shall file:
 - (a) A general description of the facility to be constructed. If the applicant is proposing a self-contained water or sewer plant or system, the applicant shall file the information required by paragraph (D)(7) of rule 4901:1-15-05 of the Administrative Code.
 - (b) The approximate cost of the additional facility.
 - (c) A statement explaining how soon construction will begin, assuming the commission grants the amendment.
 - (d) A statement explaining how soon, after construction is commenced, the applicant will be able to initiate service to the amended service area.
- (C) If a waterworks company and/or sewage disposal system company operating in a grandfathered area within the state of Ohio proposes to extend the boundaries of the system(s) to serve additional territory, and if the company is not the holder of a certificate of public convenience and necessity for the area presently served, the company shall apply to the commission for a certificate of public convenience and necessity for the existing and proposed expansion area as required by rule 4901:1-15-05 of the Administrative Code.

Note: The commission will interpret the phrase "or expanding", as used in section 4933.25 of the Revised Code, as referring to territorial expansion of a service area.

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(D) Amendment for limitation of service.

If, after a certificate of public convenience and necessity has been granted by the commission, the holder of the certificate finds himself/herself unwilling or unable to meet the full requirements for service as stated in the application, the holder shall apply to the commission for an amended certificate in which authority to render waterworks service and/or sewage disposal service shall be limited in accordance with his/her capabilities.

4901:1-15-08 Abandonment, cancellation, and substitution of service.

Applications by waterworks companies and/or sewage disposal system companies for authority to abandon, cancel, or substitute all or any portion of their service shall comply with the requirements set forth in paragraphs (B) and (C) of rule 4901:1-15-05 of the Administrative Code, and shall fulfill all the following requirements:

- (A) The application for abandonment must be filed in accordance with sections 4905.20 and 4905.21 of the Revised Code.
- (B) The application shall contain a complete description of the nature of any operations proposed to be abandoned, cancelled, or substituted and the portion or portions of the service area to be abandoned, cancelled, or substituted and shall set forth the reasons for the abandonment, cancellation, or substitution.
- (C) The application shall be accompanied by an affidavit attesting to and adopting all filings submitted with the application. The affiant shall not be the applicant's attorney, but may be any other person qualified to sign the application pursuant to paragraph (C) of rule 4901:1-15-04 of the Administrative Code.
- (D) A copy of the application shall be served by the applicant upon the Ohio environmental protection agency at Columbus, Ohio, and this service shall be indicated on the copies of the application filed with the commission.
- (E) Public hearing on and notice of an application filed under this rule shall be governed by rule 4901:1-15-04 of the Administrative Code.

4901:1-15-09 Transfer of certificate with property transfer.

- (A) No certificate of public convenience and necessity to construct and/or operate a waterworks company and/or sewage disposal system company may be transferred or

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assigned unless the transaction is first approved by the commission.

- (B) An application for approval of the transfer of a certificate of public convenience and necessity to construct and/or operate a waterworks system and/or sewage disposal system shall be a joint application, and at its discretion, the commission may provide for a public hearing upon notice of an application as set forth by rule 4901:1-15-04 of the Administrative Code.
- (C) Any application for approval of the transfer of a certificate of public convenience and necessity to construct and/or operate a waterworks system and/or a sewage disposal system shall include a conformed copy (or copies) of all agreements pertinent to the transfer that have been or will be entered into between the transferor and the transferee. This shall include all documents pertaining to the transfer of ownership or control of the waterworks system and/or sewage disposal system specified in the certificate to be transferred.
- (D) The transferee will be required by an entry or order issued by the commission approving the transfer to file, in its name, new tariff documents which show the same rates, charges, and rules and regulations as those shown in the tariff documents currently filed with the commission by the transferor, except for the changes ordered by the commission.
- (E) If any individual, partnership, or corporation proposes to acquire a waterworks system and/or sewage disposal system from an individual, partnership, or corporation which has constructed or owned and operated the system(s) without authority from the commission, and if the entity acquiring the system is, or will become by such acquisition, a public utility subject to commission jurisdiction, an application for a certificate of public convenience and necessity to operate a waterworks company and/or sewage disposal system company shall be filed with the commission. The application shall fulfill all the requirements of rule 4901:1-15-05 of the Administrative Code governing the filing of an application for a certificate of public convenience and necessity.
- (F) If the acquiring entity is the holder of a certificate of public convenience and necessity issued by this commission to construct or operate a waterworks system and/or sewage disposal system and the entity being acquired is also the holder of a certificate of public convenience and necessity from the commission, an application to transfer the certificate for the area to be acquired shall be filed. If transferring the certificate results in a change in the information required by rule 4901:1-15-05 of the Administrative Code, this information shall be updated, and filed along with the following information:

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- (1) An executive summary of the terms and conditions of the transfer.
- (2) A copy of the transfer contract.
- (3) The details of the acquiring entity's financing plan to purchase or lease the plant to be transferred.
- (4) A general description of the acquiring entity's operations plan noting the changes from the transferor's present operation.

4901:1-15-10 Construction, maintenance of plant and equipment, and interruption notification for planned outages and flushings.

- (A) All improvements or additions to any system of a waterworks company and/or sewage disposal system company involving construction which would alter the capacity of such system, by one per cent or more of that system's design capacity, shall be indicated in writing by the company to the director of the commission's service monitoring and enforcement department or the director's designee prior to construction. The director of the service monitoring and enforcement department or the director's designee will determine whether the associated construction plans, and specifications, also need to be submitted. All facilities and equipment shall be identified either on the plan or engineering drawings, or written in detail in an attached report. If applicable, the Ohio environmental protection agency approval letter indicating acceptance of the plans, specifications, and engineering drawings shall be submitted by the company to the director of the service monitoring and enforcement department or the director's designee prior to construction. The items required to be submitted pursuant to this paragraph shall be provided either in hard copy or electronically via the internet in a manner prescribed by the director of the service monitoring and enforcement department or the director's designee.
- (B) Maintenance of plant and equipment:
 - (1) Each waterworks company and/or sewage disposal system company shall have and follow a system-specific maintenance plan and schedule to include, but not be limited to, source-of-supply, treatment, distribution, and storage facilities. This plan and schedule shall be available for review by the commission staff at the closest related facility.
 - (2) Each waterworks company and/or sewage disposal system company shall make repairs consistent with industry-accepted utility engineering standards and

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using industry accepted materials. Individuals performing work must have the necessary training and qualifications, and have any required certifications for the specific work being performed.

- (3) Each waterworks company shall avoid dead ends in the distribution mains so far as possible. If such dead ends exist, the waterworks company shall provide facilities for flushing. Flushing facilities shall be sized to provide at least a flow velocity of 2.5 feet per second.
 - (4) Each waterworks company shall flush each of its mains at least annually, or in the case of dead-end mains, at least twice annually. All records of flushing shall be maintained as referred to in rule 4901:1-15-14 of the Administrative Code.
 - (5) Each waterworks company shall establish a valve and hydrant inspection program which shall include operating valves and hydrants through their full cycle. Plant and pumping station valves and valves on transmission mains or at critical locations on distribution mains shall be kept in good operating condition and shall be inspected at least annually. Valves on local distribution system mains shall be inspected every two years. Valves and hydrants found to be inoperable shall be repaired or replaced. Valve covers shall be maintained at or above grade level and not paved over. The company shall maintain records of the date and type of each inspection and all maintenance. These records shall be available for review by the commission staff at the company's plant(s).
 - (6) Each waterworks company's storage tank(s) shall be inspected by a person or firm qualified to inspect storage tanks at least every five years. These records shall be available for review by the commission staff at the company's plant(s).
 - (7) Each sewage disposal system company shall annually inspect each of its manholes. Manholes and sewer lines shall be kept in good operating condition. Manhole covers shall be maintained at or above grade level and not paved over. The company shall maintain inspection records to include, but not be limited to, the date, location, inspector, and condition of each manhole, and all maintenance performed on the manholes and collection system. These records shall be available for review by the commission staff at the closest related facility.
- (C) Notification for planned outages and flushings
- (1) Each waterworks company and/or sewage disposal system company shall notify, either in hard copy or electronically via the internet, the commission's director of the service monitoring and enforcement department or the director's

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designee and the Ohio consumers' counsel at least ~~three~~two days in advance of all:

- (a) Planned outages affecting one hundred customers or ten per cent of the system's customers whichever number is smaller and expected to last over four hours;
 - (b) Major operational events; or
 - (c) Planned/routine annual/semi-annual main flushings.
- (2) Each waterworks company and/or sewage disposal system company shall notify affected customers at least three days in advance of any planned outages or planned main flushings. The notice shall be given to the customer(s), delivered in writing, or by notice printed in a newspaper of general circulation serving the community or by an obvious sign posting in the company's affected service territory. Two days advance notice shall be permitted if delivered electronically to the commission's staff or the Ohio consumers' counsel and delivered telephonically to customers. The notice shall state the date and estimated duration of the outage or flushing for affected area(s) and a local or toll-free telephone number that customers may call with questions. If a waterworks company and/or sewage disposal system company has a web site, then it must post on its web site any planned outage by the date of the outage.

4901:1-15-11 Access to customer's premises.

- (A) No tariffs of waterworks companies and/or sewage disposal system companies shall contain provisions by which a company, its employees, or agents have or will claim the right to enter into the dwelling or structure of any customer except by permission granted by a person holding himself or herself as being responsible for the dwelling or structure.
- (B) This rule shall not be construed to prevent a company from discontinuing service, as specified in rule 4901:1-15-27 of the Administrative Code, to a customer for the unreasonable denial of access to a dwelling or structure required for the rendering of utility service in accordance with a company's tariff approved by the commission. This rule also shall not be construed as limiting or eliminating property rights granted to waterworks companies and/or sewage disposal system companies by easements or other estates or interests in land.

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- (C) Any employee or agent of a company seeking access to the dwelling or structure of a customer shall voluntarily identify himself or herself, provide proper company photo identification, and state the reason for the visit. The employee or agent shall, in all cases, direct himself or herself to a person holding himself or herself as being responsible for the dwelling or structure. Entrance will not be sought or gained by subterfuge or force.

4901:1-15-12 Emergency operations.

- (A) Each waterworks company and/or sewage disposal system company shall make every reasonable effort to have on site, within twenty-four hours of a failure of any system component that would prohibit the company from providing service to any of its customers, necessary back-up equipment to keep its system in operation. The company shall maintain a current inventory record and a list of sources of back-up equipment.
- (B) Each waterworks company and/or sewage disposal system company shall have posted both in its plant(s) and office(s) a list of procedures to be followed in the event of a failure of its system as described in paragraph (A) of this rule. The names, addresses, and telephone numbers of key operating personnel and contractors shall be posted in a conspicuous area. This list shall be updated at least annually and be available to the commission.
- (C) Each waterworks company and/or sewage disposal system company shall have a twenty-four hour local or toll-free emergency telephone number published in the local telephone directory applicable to the local service territory under the company name by which company operating personnel can be readily reached.
- (D) Each waterworks company and/or sewage disposal system company shall make every effort to avoid service outages. When an outage occurs, service shall be restored as quickly as possible, consistent with safe procedures.
- (E) In the event of an unplanned service outage affecting one hundred customers or ten per cent of the system's customers, whichever number is smaller, and expected to last over four hours, or a major operational event, each waterworks company shall promptly notify the commission's director of the service monitoring and enforcement department or the director's designee. The notification, either in hard copy or via the internet electronically, shall include, but not be limited to, the system affected, outage location, estimated number of customers affected, the steps taken to notify the affected customers, action taken or to be taken to restore service, and the approximate time when service will be restored. The company shall update the commission's director of

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the service monitoring and enforcement department or the director's designee of the situation and indicate the approximate length of time it will take to restore service and any boil advisory information.

- (F) In the event of a sewerage back-up in a collection main, or a major operational event, each sewage disposal system company shall promptly notify the commission's director of the service monitoring and enforcement department or the director's designee. The notification shall include, but not be limited to the system affected, back-up location, estimated number of customers affected, action taken or to be taken to eliminate the back up, and the approximate length of time when the back-up will be eliminated. The required notification shall be provided either in hard copy or electronically via the internet.

4901:1-15-13 Construction work near a waterworks company's and/or sewage disposal system company's facilities.

All waterworks companies and sewage disposal system companies shall comply with Chapter 3781. of the Revised Code, concerning the underground utility facility protection service.

4901:1-15-14 Records and reports.

- (A) Unless otherwise authorized by the commission, all records required by these rules shall be made available to the commission or its authorized representatives within ten business days of the date requested.
- (B) Access to records and business activities includes such records and activities as would allow the commission staff to effectively monitor Ohio-specific customer calls made to the waterworks company and/or sewage disposal system company other than small waterworks companies and/or sewage disposal system companies of fifteen thousand customers or less. Access includes the ability of commission staff to adequately monitor waterworks company's and/or sewage disposal system company's customer call center interactions with Ohio customers either at a location in Ohio or in a manner agreed to by the commission staff. Waterworks companies and/or sewage disposal system companies shall provide access to staff to monitor customer/consumer calls without the customer service representative's knowledge of the monitoring.
- (C) All customer service, financial, operating, and maintenance records, including but not limited to interruptions, outages, main flushings, pertinent service-related tests, and other records of waterworks companies and/or sewage disposal system companies,

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shall be retained as set forth in this rule and in appendix A to rule 4901:1-9-06 of the Administrative Code.

- (D) Each waterworks company and/or sewage disposal system company shall keep a customer record showing revenues by customer account, billing dates, meter reading data when applicable, a designation of the applicable rate schedule, and any additional information required in the computing of bills. The customer record shall also illustrate, by customer account, the revenues generated by each miscellaneous charge. Such record(s) shall be retained for a minimum of three years.
- (E) Each waterworks company and/or sewage disposal system company shall investigate and maintain a record of all contacts-consumer complaints made either in person, in writing, or by telephone, ~~in which the customer or consumer expresses dissatisfaction~~. The record shall include the name and address of the customer or consumer, identification of the specific water and/or wastewater system serving the customer or consumer, the date and nature of the issue, and the date and nature of the resolution. Such record(s) shall be retained for a minimum of three years.
- (F) Waterworks company and/or sewage disposal system company operation records:
 - (1) Each waterworks company shall maintain a record of the amount of water pumped into the distribution system each day. Each sewage disposal system company shall maintain a record of the amount of wastewater effluent discharged from the plant. The daily records shall be summarized by months and the records and monthly summaries shall be retained for a minimum of three years.
 - (2) Each waterworks company and/or sewage disposal system company shall keep a current maintenance log of equipment pertaining to production, treatment, distribution, storage, and collection facilities, specifying type and date of maintenance.
 - (3) Each waterworks company and/or sewage disposal system company shall keep a record of the operation of its plant, which so far as practical, shall show such details of plant operation as may be necessary to substantially reproduce the daily history of its operation. The records shall be maintained in accordance with rule 4901:1-9-06 of the Administrative Code.
 - (4) Each waterworks company shall maintain records of flushing which include, but are not limited to:
 - (a) Date of flushing.

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- (b) Location of flushing.
 - (c) Duration of flushing.
 - (d) Maintenance or repair made or needed of flushing facilities.
- (G) Engineering maps and records:
 - (1) Each waterworks company and/or sewage disposal system company shall maintain current service territory maps.
 - (2) Each waterworks company shall maintain current service area maps, drawings, and other records illustrating the location of all pumping stations, sources of supply, treatment facilities, storage facilities and their capacity, mains, valves, curb stops, pressure gauges, fire hydrants, and the date of construction of all principal items of plant and extensions of mains.
 - (3) Each sewage disposal system company shall maintain current service area maps, drawings, and other records illustrating the location of all points at which effluent enters streams or watersheds, lift stations, manholes, treatment facilities, collection lines, and the date of construction of all principal items of plant and extensions of mains.
- (H) Quarterly operating reports

Each waterworks company and/or sewage disposal system company shall provide to the commission's director of the service monitoring and enforcement department or the director's designee a quarterly operating report for each of its systems containing system performance information, system maintenance information, and customer service information. Forms for such reports shall be provided by the director upon request. The required reports shall be provided either in hard copy or electronically via the internet in a manner prescribed by the commission.

4901:1-15-15 Minimum contents of a waterworks company and/or sewage disposal system company tariff.

- (A) As a part of its tariff(s), each waterworks company and/or sewage disposal system company shall maintain on file with the commission all of the following:
 - (1) The items required by section 4905.30 of the Revised Code.
 - (2) A statement that nothing within the company's tariff shall take precedence over

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the rules set forth in this chapter, unless otherwise specifically ordered by the commission pursuant to rule 4901:1-15-02 of the Administrative Code.

- (3) A table of contents.
 - (4) A complete tariff subject index in alphabetical order, showing the organization of the tariff and the effective date of each subject.
 - (5) A definition section with the words or phrases to be defined in alphabetical order.
 - (6) Rate schedule(s) and miscellaneous charge(s).
 - (7) A copy of each type of application-for-service form used by the company.
 - (8) Rules and regulations under which service is furnished shall include, but not be limited to:
 - (a) Provisions addressing company service lines.
 - (b) Provisions addressing customer service lines.
 - (c) Disconnect and reconnect provisions.
 - (d) Service connection and tap-in provisions.
 - (e) Meter installation, if applicable.
 - (f) Curb stops, main extensions, and access to premises.
 - (g) Complaints.
 - (9) Provisions addressing bills and payments which shall include, but not be limited to, billing intervals and procedures, due date(s), and late payment procedures.
 - (10) Provisions addressing contracts for service which shall include, but not be limited to, contracts for service, special contracts, temporary service, and customer deposits.
 - (11) Map(s) which define the service territory of the company.
- (B) The tariffs of each waterworks company and/or sewage disposal system company must be printed on paper which is eight and one half inches by eleven inches nominal size, printed on one side only, and on white, hard paper of good quality. Colored paper is not acceptable. Typewritten sheets, or those carrying pen and/or ink notations are not

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acceptable. All tariffs must be legible. Tariffs may be filed by electronic media.

- (C) Each tariff sheet of the tariffs of each waterworks company and/or sewage disposal system company shall contain all of the following:
 - (1) Company name at top left page.
 - (2) P.U.C.O. number at top center page.
 - (3) Sheet and revision numbers at top right page. Section number, where applicable, shall appear below sheet and revision numbers.
 - (4) Issued date at bottom left page.
 - (5) Authorizing docket case number, and date of the commission order approving the tariff or revision at bottom center page.
 - (6) "Issued by" statement at bottom center page.
 - (7) Effective date at bottom right page.
- (D) A copy of each type of bill form used by the company and a copy of the company's notification of customer rights shall be maintained on file with the commission and include the date of filing at the bottom of the documents. The documents shall be attached to the back of the company's tariff(s). The attachment shall not be considered an official part of the tariff and, therefore, shall not bear any tariff page markings.

4901:1-15-16 Notification of customer rights.

- (A) Each waterworks company and/or sewage disposal system company shall provide, at the time service is initiated, to new customers and upon the request of an existing customer a summary of their rights and obligations under these rules. The notice shall include current information, be in plain language, and shall be delivered to customers separately by mail or in person. Electronic notice shall be provided, if requested by the customer. The notice shall include, but not be limited to, all of the following:
 - (1) A description of the complaint procedures available at the waterworks company and/or sewage disposal system company and the commission. The notice shall clearly state the means by which a complaint can be made to the company, including a local or toll free telephone number. The notice shall further include the following statement:

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If your complaint is not resolved after you have called (name of utility), or for general utility information, residential and business customers may contact the public utilities commission of Ohio PUCO for assistance at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays, or <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.pickocc.org> www.occ.ohio.gov.

- (2) A listing of the rights and obligations of customers relating to the installation of service, payment of bills, disconnection of service, reconnection of service, and testing of meters and of the utility's business office and availability of customer representatives.
 - (3) A description of the customer's rights regarding the holding and demanding of security deposits by the company; and any other methods used by the company to establish a residential customer's creditworthiness, as set forth in the company's tariff and in Chapter 4901:1-17 of the Administrative Code.
 - (4) A statement that the customer has a right to see a proper company photo identification whenever company employee(s) or agent(s) seek access to the customer's premise(s).
 - (5) A statement that the company's rates, rules, and regulations (tariff) are available for review upon request.
 - (6) Customer notification of the availability of a medical certificate.
 - (7) A statement that the commission has adopted a comprehensive set of minimum standards for waterworks companies and/or sewage disposal system companies, as set forth in this chapter which is available from the company or from the commission for review upon request.
- (B) A waterworks company and/or sewage disposal system company that initiates or changes its notification of customer rights under these rules, shall file the proposed notification with the commission for approval. If the commission does not act upon a waterworks company's and/or sewage disposal system company's proposed notification of customer rights within forty-five days, it shall become effective on the forty-sixth day after the initial filing is made with the commission. Approved

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notifications of customer rights shall be filed with the commission in the company's "TRF" docket.

4901:1-15-17 Business offices.

- (A) All waterworks companies and/or sewage disposal system companies shall provide both an address to which a customer may write and a local or toll-free number a customer may call to obtain information relating to services, rates, and the customer's bill.
- (B) All waterworks companies and/or sewage disposal system companies shall maintain a staffed business office located in the customer's local service territory or provide a knowledgeable company representative with the authority to resolve disputes, to meet, by timely appointment, with customers in their local service territory to discuss billing- or service-related concerns.
- (C) Each waterworks company and/or sewage disposal system company shall notify its customers, the commission, and the Ohio consumers' counsel of any planned change of address or telephone number of the company at least thirty days prior to the change. If a waterworks company and/or sewage disposal system company has a web site, then it must post on its web site any planned change of address or change of telephone number of the company by the date of the change. In the event of an unplanned change, the company shall notify the commission and the Ohio consumers' counsel immediately, change its website as soon as practicable, and notify its customers as soon as possible, but not later than thirty days after it has notified the commission. The required notifications to the commission and the Ohio consumers' counsel shall be provided either in hard copy or electronically via the internet in a manner prescribed by the commission.
- (D) An authorized agent is any individual or business designated by the waterworks company and/or sewage disposal system company to act as its representative in the conduct of its business, including the collection of monies and the issuance of receipts for payments of bills. When a customer pays a bill at the waterworks company and/or sewage disposal system company business office or to an authorized agent, that payment, including any partial payment, shall be credited to the customer's account as of the date it was received by the waterworks company and/or sewage disposal system company or an authorized agent.

Any charge or fee added to a customer's bill by an authorized agent must be reasonable. Each waterworks company and/or sewage disposal system company shall maintain

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records of such charges or fees for two years and make the records available to the commission upon request.

4901:1-15-18 Public information.

(A) Each waterworks company and/or sewage disposal system company shall provide to the customer within ten business days after the request, each of the following:

- (1) Rules of Chapter 4901:1-15 of the Administrative Code, that pertain to the customer's concern.
- (2) Publicly announced information concerning present and intended future availability of services.
- (3) Services and rates as proposed in pending tariff(s) or rate case filing(s).
- (4) All tariffs and rules applicable to the customer's concern in the company's service area.

(Upon agreement with the customer, a company may provide the information on its web site or by e-mail.)

(B) Each waterworks company and/or sewage disposal system company shall make available, immediately upon inquiry, the current telephone number(s) and address(es) of the agency(ies) regulating the company.

4901:1-15-19 Meter reading, inspecting, testing, and the location of meters.

(A) This rule only applies to waterworks companies and/or sewage disposal system companies providing metered service. Each company shall read customer meters at least once during a three-month period unless access to the meter is unobtainable. If access to a meter is unobtainable on a quarterly basis, then each company must read each customer's meter at least once per year. The reading of a generator-type or pulse-type remote meter device does not satisfy this requirement.

(B) Inspecting and testing

- (1) All billing meters and testing equipment shall comply with the industry accuracy standards such as those set forth by the American water works association.
- (2) Each company shall perform routine testing of billing meters and maintain

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records of individual meters. Such records shall contain numerical identification of the meter, meter size, testing conditions, test results, testing date, and name of the meter tester.

- (3) Each company shall perform either an on-site or bench meter test once every three years, without charge, if requested by the customer. The meter test shall be performed within thirty days from the request. The company may request a reasonable justification for a meter test. Results of an on-site meter test shall be provided to the customer at the time of the test. Should the on-site meter test indicate primary meter inaccuracy, the primary meter shall be removed and bench tested in accordance with the accuracy standards set forth in paragraph (B)(1) of this rule. If an on-site meter test is conducted or, if the primary meter is removed for off-site testing, the company shall provide the customer the test results and any associated billing adjustments in writing. If the primary meter fails to meet the accuracy standards, the company shall, within thirty days, perform any necessary billing adjustments. Additional customer requested meter tests within a three-year period shall be at the expense of the customer if the meter is found to be accurate.
 - (4) The company may test any meter at its discretion. The cost of such test shall be borne by the company.
 - (5) The customer has the right to be notified of the scheduled test date and, at the customer's request, the customer or the customer's representative may be present when the meter test is performed.
 - (6) Records of all tests shall be maintained for a period of not less than three years.
- (C) Location of meters
- (1) The company shall have the right to determine the location of the meter so that it is easily accessible for reading and maintenance, and protected from freezing and mechanical damage.
 - (2) When a number of meters are grouped, every meter shall be tagged to indicate the particular customer served by it.
 - (3) When a meter is located inside a home or other building, the company may install a remote register or dial on the exterior of the home or other building.

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4901:1-15-20 Quality and adequacy of service.

- (A) Each waterworks company and/or sewage disposal system company shall provide service to the public in its service territory twenty-four hours per day, every day, except as provided for elsewhere in this chapter.
- (B) Each waterworks company and/or sewage disposal system company shall:
 - (1) Comply with its tariff(s) which shall be approved by and on file with the commission.
 - (2) Place the responsibility for the technical operation and maintenance of the system(s) under the charge of an "operator of record" who holds a certificate of a level at least equal to that of the classification of the waterworks system and/or sewage disposal system as designated by the Ohio environmental protection agency, or has obtained authorization from the director of the Ohio environmental protection agency.
- (C) Each waterworks company shall:
 - (1) Furnish potable water that is of a safe and satisfactory quality for all domestic use and that is in compliance with federal and state requirements for drinking water.
 - (2) Ensure that each service connection shall have a curb stop or other means of isolating the service connection and that each customer can be disconnected without affecting another customer.
 - (3) Maintain a minimum static pressure delivered to the curb stop during normal operating conditions of thirty-five pounds per square inch.
 - (4) Not allow pressure to exceed one hundred twenty-five pounds per square inch at the curb stop.
 - ~~(5) Determine the percentage of unaccounted for water based on a rolling twelve-month average of metered and production quantities in each of its system(s). This percentage along with the supporting calculation shall be reported at least quarterly to the commission's director of the service monitoring and enforcement department or the director's designee.~~
 - ~~(a) The report shall contain the proposed remedial actions to be taken if unaccounted for water is equal to or in excess of fifteen per cent of the gross production. The remedial report shall assess the cost benefit of a~~

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~~leak survey. The required report shall be provided either in hard copy or electronically via the internet in a manner prescribed by the commission.~~

- ~~(b) For systems with more than three thousand service connections or a service connection density (total number of service connections/total miles of distribution mains) or more than sixteen connections per mile of distribution main, the remedial report shall include the calculation of an infrastructure leak index using the american water works association's methodology as outlined in the association's most current manual of practice M36 and shall include such support documentation as specified by the commission staff.~~
- ~~(c) The infrastructure leak index shall be updated annually as long as a system's rolling twelve-month average unaccounted for water remains at or more than fifteen per cent of the gross system production.~~
- ~~(d) The cost benefit analysis may be waived by staff where the calculated annual infrastructure leak index for a system is equal to or less than 2.0 or as found to be appropriate by historical infrastructure leak index trends.~~
- ~~(e) Unaccounted for water excludes water usage for fire fighting, flushings, tank draining, street cleaning, sewer flushing, and plant usage.~~
- ~~(f) Unaccounted for water excludes water usage for fire fighting, flushings, tank draining, street cleaning, sewer flushing, and plant usage. Companies not providing customer-metered service shall provide quarterly the pumping information required by paragraph (F)(1) of rule 4901:1-15-14 of the Administrative Code in lieu of providing unaccounted for water information.~~
- (5) Minimize water loss in the water system distribution system by operating a water loss control program meeting the minimum criteria outlined herein.
 - (a) For water systems that have less than three thousand total active and inactive service connections, the waterworks company shall:
 - (i) Calculate and determine water loss volume in gallons per service connection per day per system average operating pressure (gals/connection/day/psi) based on a rolling twelve-month average in each of its system(s) and report on the quarterly report.
 - (ii) Establish a target water loss volume (TWLV) in gallons per service

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- connection per day per system operating pressure (gals/connection/day/psi) for each of its system(s) based on a minimum of twelve months of data. The TWLV shall be reviewed and approved by Commission staff annually.
- (iii) Determine the percentage of water loss from the water system based on a rolling twelve-month average in each of its system(s) and report on the quarterly report.
- (b) The percentage of water loss is the water loss volume divided by the total system delivery volume.
- (i) The water loss volume is the total system delivery volume minus metered consumption volume minus non-metered water loss volume. Where:
- (a) Total system delivery volume (in gallons) of water delivered into the water distribution in gallons.
- (b) Metered consumption volume (in gallons) including both revenue and non-revenue water as measured by a metering device.
- (c) Non-metered water loss volume (in gallons) includes water usage for firefighting purposes, flushing, tank draining, street cleaning, sewer flushing, plant usage, and water loss from surfacing water leaks repaired within five days of becoming aware of the water leak.
- (c) When the water loss percentage is greater than fifteen per cent, the waterworks company shall:
- (i) Determine the economic level leakage and develop a water loss remedial program based on the economic level leakage to achieve a water loss equal to or less than fifteen per cent or shall justify for Commission staff's approval a more economically realistic goal based on a cost/benefit analysis.
- (ii) Determine the economic level leakage and develop a water loss remedial program based on the economic level leakage to achieve a specific water loss volume per connection per day per psi for Commission staff's review and approval.

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- (d) For water systems with more than three thousand total service connections or a service connection of more than sixteen service connections per mile of distribution main, the waterworks company shall:

 - (i) Calculate the infrastructure leakage index (ILI) annually using the American Water works Association's Water Audits and Loss Control Programs M36 software.
 - (ii) Commission staff shall set preliminary target ILI's for each system based on criteria set forth in the American Water Works Association's Water Audits and Loss Control Programs M36. The preliminary target ILI may be adjusted based on the calculated economic level of leakage (ELL) when a system's annual ILI exceeds or is equal to the preliminary target ILI. Determine the economic level of leakage and develop a water loss remedial program based on the economic level of leakage.
 - (iii) Calculation of the economic level leakage shall not be required when the calculated annual infrastructure leakage index for a system is equal to or less than three.
 - (e) Water systems shall only be required to decrease system water loss to the economic level of leakage.
 - (f) Submit an annual water loss control program report documenting the requirements above to the commission with supporting documents by March thirty-first of the year following the reporting year.
- (D) Each sewage disposal system company shall:
- (1) Make all reasonable efforts to design, operate, and maintain its system so as to avoid at all times any blockage in the system.
 - (2) Make every effort to eliminate infiltration that may allow flows other than wastewater to enter the collection system.
 - (3) Maintain its system in a safe and sanitary manner.
- (E) When a waterworks company and/or sewage disposal system company is not able to meet the requirements of Chapter 4901:1-15 of the Administrative Code, the company shall notify the director of the service monitoring and enforcement department or the director's designee immediately, unless otherwise provided in Chapter 4901:1-15 of the

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Administrative Code, after the company becomes aware of its inability to meet these standards. The company shall investigate, take appropriate corrective action, and provide a report of such activities to the commission's director of the service monitoring and enforcement department or the director's designee within thirty calendar days after originally notifying the commission. The required notification and report shall be provided either in hard copy or electronically via the internet in a manner prescribed by the commission.

4901:1-15-21 Service applications and contracts.

- (A) Any waterworks company and/or sewage disposal system company that offers customers or potential customers contracts in writing, or by telephone, or by making application through the company's web site shall not obligate the customer to do more than the following:
 - (1) Accept the service applied for.
 - (2) Use and pay for such service in accordance with specific conditions set forth on the form or in the company's tariff.
- (B) A company that chooses to offer customers an application for service through its web site, and requires these customers to provide proprietary information, shall ensure that the web site is secure. The customer must also be provided with the option to print a copy of the application.
- (C) In addition, the following statement shall appear on the company's application form, or on applications made available through the company web site. Customers or potential customers applying for service by telephone do not waive any of the below stated rights.

"Signing of this form by a customer for water or sewer service shall in no case be deemed to constitute a waiver by the customer of any rights or privileges granted or guaranteed to him/her by the laws or constitution of the state of Ohio or by those of the United States." This statement shall be positioned on the form directly above the space provided for the customer's signature and, shall be in type larger than that used in other parts of the form.

4901:1-15-22 Liability - customer to company and/or company to customer or others.

No tariffs of a waterworks company and/or sewage disposal system company shall

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incorporate exculpatory clauses, which purport to limit or eliminate liability on the part of the company to its customers or others as a result of willful misconduct. No waterworks company and/or sewage disposal system company tariffs shall incorporate provisions which purport to establish liability on the part of the company's customers for acts or failures to act involving a company's facilities, which are beyond the control of the customer. Any contrary provisions in waterworks company and/or sewage disposal system company tariffs now on file with the commission shall be eliminated.

4901:1-15-23 Customer bill format.

- (A) Each customer bill shall be accurate and rendered at regular intervals and contain the following information:
- (1) Customer name, billing address, service address, and account number.
 - (2) Company name, telephone number(s), and mailing address.
 - (3) Address or P.O. box where payment may be made.
 - (4) Billing date.
 - (5) Payment due date.
 - (6) Amount due if paid on or before due date.
 - (7) Amount due if paid after due date.
 - (8) Miscellaneous charges and credits, if any.
 - (9) If metered service is provided, previous and current meter readings and billed volume.
 - (10) Dates of service covered by bill.
 - (11) The applicable rate schedule or a statement to the effect that the applicable rate schedule will be furnished on request.
 - (12) A distinct marking to identify an estimated bill.
 - (13) The current local or toll free telephone number of the commission's call center or the following statement for all waterworks companies and sewage disposal system companies that serve fifteen thousand or more customers, (companies that serve less than fifteen thousand customers, shall work with staff):

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"If your complaint is not resolved after you have called (name of provider), or for general utility information, residential and business customers may contact the public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.pickoee.org> www.occ.ohio.gov."

- (B) A waterworks company and/or sewage disposal system company that initiates or changes its customer bill format under this chapter shall file the proposed sample bill format with the commission for approval. If the commission does not act upon a waterworks company's and/or sewage disposal system company's sample bill format within forty-five days, it shall become effective on the forty-sixth day after the initial filing is made with the commission. Approved bill formats shall be filed with the commission in the company's "TRF" docket.

4901:1-15-24 Billing and billing adjustments.

- (A) All bills shall be mailed or, if requested by the customer, e-mailed no later than the billing date.
- (B) All bills and notices shall be sent to the premises served unless otherwise requested by the customer in writing or unless e-mail notices have been requested by the customer.
- (C) If a meter is found to be inaccurate or an estimated bill is issued, the bill shall be based on average historical consumption during corresponding periods for that specific customer. If consumption history for the customer does not exist, the same system class average consumption shall be used.
- (D) If a bill is found to have been improperly calculated, a credit or charge shall be made by the company within thirty days or on the next bill.
- (E) The company shall allow a customer up to the same period of time for which the customer was previously undercharged to pay any additional charges found proper due to inaccurate meters or incorrect bill calculation, unless the inaccuracy is caused by the customer.

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4901:1-15-25 Payment responsibilities.

Failure to receive bills or notices shall not relieve the customer of responsibilities or obligations set forth in the bills or notices.

4901:1-15-26 Past due bills.

- (A) All bills shall be due not less than fourteen days from the billing date as shown on the bill. The billing date shall be no earlier than the postmark on the billing mailer or, if e-mailed, the date that the e-mail is sent. If not paid by the due date shown on the bill, the bill will be considered past due and may be subject to a late payment charge, if any, as set forth in the company's tariff(s) and as approved by the commission.
- (B) The amount or percentage and terms of any late payment charge shall be set forth in the company's tariff(s) as approved by the commission.
- (C) Service shall be subject to disconnection for nonpayment. The disconnection notice shall conform to the provisions of rule 4901:1-15-27 of the Administrative Code.

4901:1-15-27 Disconnection procedures.

- (A) Service may not be refused or disconnected to any customer or refused to any applicant for service unless the company complies with all of the disconnection procedures contained in this rule. Service shall not be disconnected to any customer unless the disconnection conditions in this rule may be specifically applied to that customer.
- (B) Service may be refused or disconnected to any customer or refused to any applicant for service as stated in this paragraph. In an instance where a customer's service could be disconnected under more than one of the following conditions, the minimum notice provision (which includes no notice) will be provided.
 - (1) No notice is required in any of the following instances:
 - (a) For tampering with any main, service line, meter, curb stop, curb box, seal, or other appliance under the control of, or belonging to, the company.
 - (b) For connecting the service line or any pipe directly or indirectly connected

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to it with any other source of supply or with any apparatus which may, in the opinion of the company, contaminate the company's water supply or threaten the integrity of the system.

- (c) For any other violation of or failure to comply with the regulations of the company which may in the opinion of the company or any public authority, create an emergency situation.
- (2) The customer must be given not less than twenty-four hours written notice before service is disconnected when any of the following conditions exist:
 - (a) For the use of water for any purpose not stated in the application, or for the discharge of any type of sewage not stated in the application, or for the use of either service upon any premises not stated in the application.
 - (b) To prevent waste or reasonably avoidable loss of water.

Personal delivery of the notice to the customer's premise shall first be attempted. If personal service cannot be accomplished at that time, then the notice shall be securely attached to the premises in a conspicuous manner.

- (3) The customer must be given not less than fourteen days written notice before service is disconnected when any of the following conditions exist:
 - (a) For nonpayment of any tariffed charges when due or within any additional period for payment permitted by the company, or for not making a deposit as required. Disconnection of service for nonpayment may not occur prior to fourteen days after the due date.
 - (b) For any violation of, or failure to comply with, the regulations of the company other than stated in paragraph (B)(1) of this rule.
 - (c) For misrepresentation in the application as to any material fact.
 - (d) For denial to the company of reasonable access to the premises for the purpose of reading, inspection, replacement, or maintenance of the meter.
 - (e) For violation of federal, state, or local laws or ordinances where such violation affects the provision of utility service by a waterworks company and/or sewage disposal system company.
- (C) Service may not be refused or disconnected to any customer or refused to any applicant for service for any of the following reasons:

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- (1) Failure to pay for service furnished to a customer(s) formerly receiving service at the premises, unless the former customer(s) continues to reside at the premises.
 - (2) Failure to pay for a class of service different from the service provided for the account in question.
 - (3) Failure to pay any amount which, according to established payment dispute and resolution procedures, is in bona fide dispute.
 - (4) Failure to pay any charge not specified in the company's tariff.
- (D) A notice of disconnection shall clearly state all of the following:
- (1) The earliest date when disconnection could occur.
 - (2) The reason(s) for disconnection.
 - (3) The action the customer must take in order to avoid the disconnection.
 - (4) The total amount required to be paid, which shall not be greater than the past due balance.
 - (5) The address and local or toll-free telephone number of the office of the waterworks company and/or sewage disposal system company that the customer may contact in reference to his or her account.
 - (6) The current address and local or toll-free telephone number of the commission's call center and a statement that commission staff is available to render assistance with unresolved complaints, as well as the contact information for the Ohio consumers' counsel and a statement that it is available to render assistance with unresolved complaints of residential customers.
 - (7) A statement that failure to pay the amount required by the date specified on the notice may result in an additional charge for reconnection.
 - (8) As applicable, a statement that there is a dishonored payment balance on the account and that the company may deny the customer's use of medical certificates if that balance is not paid.
- (E) If a landlord is responsible for payment of the bill, notice of disconnection of service shall be given to the consumer at least ten days before disconnection could occur. In a multiunit dwelling, written notice shall be placed in a conspicuous place.
- (F) The company shall provide disconnection of service notice to one additional consenting

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party, with the customer's written authorization, for those customers desiring such additional notification.

- (G) A waterworks company and/or sewage disposal system company complying with the conditions set forth in this rule may disconnect service during its normal business hours as stated in its tariff; however, no disconnection for past due bills or for not making a deposit as required may be made after twelve thirty p.m. on the day preceding a day that all services necessary for reconnection are not regularly performed or available.
- (H) On the day of disconnection of service, the company shall provide the customer with personal notice. If the customer is not at home, the company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the company shall attach written notice to the premises in a conspicuous location prior to disconnecting service. Those company employees or agents who disconnect service at the premises may or may not, at the discretion of the company, be authorized to make extended payment arrangements. Company employees or agents who disconnect service shall be authorized to complete one of the following:
 - (1) Accept payment in lieu of termination.
 - (2) Dispatch an employee to the premises to accept payment.
 - (3) Make available to the customer a means to avoid disconnection.
- (I) Waterworks and sewage disposal system companies shall comply with the following medical certification provisions:
 - (1) In accordance with the certification requirements of this rule, the utility company shall not disconnect residential service for nonpayment ~~if the disconnection of service would be especially dangerous to the health of any consumer who is a permanent resident of the premises~~ for either of the following situations:
 - (a) If the disconnection of service would be especially dangerous to the health of any consumer who is a permanent resident of the premises.
 - (b) When the disconnection of service would make operation of necessary medical or life-supporting equipment impossible or impractical.
 - (2) The medical condition or the need for medical or life-supporting equipment shall be certified to the utility company by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse mid-wife, or local board of health physician.

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- (3) The ~~utility~~ company shall act in accordance with the following medical requirements:
- (a) Upon request of any residential consumer, the ~~utility~~ company shall provide a medical certification form to the customer or to any health care professionals identified in paragraph (E)(2) of this rule. The ~~utility~~ company shall use the medical certification form ~~provided in the appendix to this rule~~ posted on the commission's website.
 - (b) The certification of the medical condition required by paragraph (E)(1) of this rule shall be in writing and shall include the name of the person to be certified; a statement that the person is a permanent resident of the premises in question; the name, business address, and telephone number of the ~~certifying~~ certifying party; and a signed statement by the certifying party that the disconnection of service will be especially dangerous to the health of the a permanent resident of the premises.
 - (c) Initial certification by the certifying party may be by telephone if written certification is forwarded to the ~~utility~~ company within seven calendar days.
 - (d) Certification shall prohibit disconnection of service for thirty calendar days.
 - (e) If a medical certificate is used to avoid disconnection, the customer shall enter into an extended payment plan prior to the end of the medical certification period or be subject to disconnection. The initial payment on the plan shall not be due until the end of the certification period.
 - (f) If service has been disconnected for nonpayment within twenty-one calendar days prior to the certification of either a special danger to the health of a qualifying resident or the need for medical or life-supporting equipment, the ~~utility~~ company shall restore service to the residence once the certifying party provides the required certification to the ~~utility~~ company and the customer agrees to an extended payment plan.
 - (g) If certification is provided to the company prior to three-thirty p.m., the company shall restore the customer's service within the same day. If the certification is received after three-thirty p.m., the company shall reconnect service by the earliest time possible on the following business day. Also, if the certification is received after three-thirty p.m. on a day

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that precedes a day on which all services necessary for the customer to arrange and the company to perform reconnection are not regularly performed, the company shall make an effort to restore service by the end of the day.

(gh) A customer may renew the certification two additional times (thirty days each) by providing additional certificates to the utility-company. The total certification period may not exceed ninety days per household in any twelve-month period.

(4) The utility-company shall give notice of the availability of medical certification to its residential customers by means of bill inserts or special notices.

(5) If there is an outstanding balance for a dishonored payment on the customer's account, the company may refuse the medical certification, so long as notice has been given to the customer in accordance with paragraph (D) of this rule.

~~(f) Each company shall maintain records that clearly set forth the basis for its decision to terminate service for a fraudulent act, tampering, unauthorized reconnection, or theft of service, and the steps taken under this rule.~~

4901:1-15-28 Reconnection of service.

(A) A waterworks company and/or sewage disposal system company shall reconnect previously disconnected service, unless prevented by circumstances beyond the company's control, or unless a customer requests otherwise, by the close of the following regular company business day after any of the following:

- (1) Receipt by the company of the full amount of arrears for which service was disconnected, including any required deposit or reconnection charge.
- (2) The elimination of conditions that warranted disconnection of service.
- (3) Agreement by the company and the customer on a deferred payment plan and a payment, if required under the plan.

(B) If service is discontinued and the customer wishes to guarantee the reinstatement of service the same day on which payment is rendered, both of the following conditions apply:

- (1) If reinstatement of service is requested the same day, the customer must notify the company no later than twelve thirty p.m., and the customer must make

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payment in the company's business office or provide proof of payment.

- (2) The company may require that the customer sign an agreement to pay the company's incurred costs for reinstatement of service if it occurs after normal company business hours. This fee shall be collected at the time reinstatement of service arrangements are made or rendered with the customer's next billing at the company's discretion.
- (C) If a guarantor is required in order to reestablish service, the guarantor must sign an acknowledgement of willingness to accept the responsibility for payment of the customer's bill in case of the customer's default.
- (D) A waterworks company and/or sewage disposal system company may not insist upon payment of any current bill, excluding any reconnection charge, before restoring service under this rule unless that bill is more than fourteen days past due.
- (E) Notwithstanding the foregoing paragraphs, if a sewage disposal company has physically disconnected the service line from the collection main, or if reconnection otherwise requires excavation or installation of a service line, reconnection shall be performed as soon as practicable.

4901:1-15-29 Relationships with nonutility entities.

- (A) Owners, directors, officers, or employees of a waterworks company and/or sewage disposal system company may not use their utility position as a means to benefit themselves financially by providing service to a customer through a nonutility entity, unless they disclose to the customer the nature of their interest in the nonutility entity providing the service and the customer has the option of selecting an alternative entity to perform or provide the service.
- (B) Where installation of service facilities is performed, not by a waterworks company and/or sewage disposal system company itself, but in whole or in part, by a nonutility entity in which any of the waterworks company and/or sewage disposal system company's owners, directors, officers, or employees has an interest, the waterworks company and/or sewage disposal system company must include in the notification to its customers required by rule 4901:1-15-16 of the Administrative Code, a disclosure of the nature of the relationship which exists between the company and the nonutility entity. Such disclosure must also be made by the utility to a customer when a request to install or provide utility service is initiated.

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- (C) Where installation of service facilities is performed, not by a waterworks company and/or sewage disposal system company itself, but in whole or in part, by a nonutility entity in which any of the waterworks company and/or sewage disposal system company's owners, directors, officers, or employees has an interest, the contract for performance by the nonutility entity, and all billing and collection pursuant to such contract, shall be between the entity performing the installation and the customer requiring installation of the service facilities, and not between the waterworks company and/or sewage disposal system company and either its customer or the nonutility entity performing the work.
- (D) A waterworks company and/or sewage disposal system company may administer fees relating to the installation of service facilities when such installation is not performed by the company. Such fees shall be tariffed fees and shall be charged directly to the customer regardless of which nonutility is chosen to perform such installation.

4901:1-15-30 Main extensions and related facilities.

If a waterworks company and/or sewage disposal system company enters into a main extension agreement, the following provisions shall constitute the standards for the extension of water mains and sewer mains and related facilities by a company. These provisions are not intended to prohibit the extension of water mains and sewer mains and related facilities at the initiative of the waterworks company and/or sewage disposal system company.

- (A) All agreements entered into concerning main extensions, related facilities or both, funded by contributions in aid of construction, advances in aid of construction, or some combination of both, shall be in writing and signed by the company and the parties involved or the duly authorized agents of each. These written agreements shall embody in their terms and conditions the provisions of this rule.
- (B) Waterworks companies and/or sewage disposal system companies shall extend mains and related facilities to serve new customers subject to the provisions of this rule.
- (C) As used in this rule:
 - (1) "Main extension" means an extension, including any fire hydrants if fire protection is provided by the waterworks company, from the nearest existing adequate main along a route determined in accordance with reasonable utility engineering practices to a point perpendicular to the most remote structure to be served fronting the main extension.

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- (2) "Related facilities" means all fittings, valves, connections, and other facilities associated with the main extension and required in accordance with reasonable utility engineering practices to provide service to a point perpendicular to the most remote structure to be served fronting the main extension.
- (D) Any main extensions and related facilities shall become the property of the waterworks company and/or sewage disposal system company.
- (E) The size, type, quality of material, and location of main extensions and related facilities shall be specified by waterworks company and/or sewage disposal system company, and construction shall be done by the company or by contractors acceptable to the company.
- (F) The design and route of main extensions shall be determined by the waterworks company and/or sewage disposal system company in accordance with generally accepted utility engineering practices. The length of the main extension shall be determined by measuring from the nearest existing adequate main along a route determined in accordance with generally accepted utility engineering practices to a point perpendicular to the most remote structure to be served fronting the main extension.
- (G) Prior to entering into an agreement concerning the extension of mains, related facilities or both, funded by contributions in aid of construction, advances in aid of construction, or some combination of both, a waterworks company and/or sewage disposal system company shall estimate the total of the costs of the main extension, related facilities, and tax or tax impact in accordance with this rule. Such estimate shall be included in the terms and conditions of the agreement. The company shall include in the estimate only that portion of the main extension and related facilities necessary, in accordance with reasonable utility engineering practices, to provide adequate service to the applicant, including provisions for public fire protection. If the company installs mains or related facilities with a capacity in excess of that required to provide adequate service to the applicant, the company shall bear the cost of such oversizing.
- (H) The main extension agreement shall embody one of the following methods of payment and the selection of the method shall be at the discretion of the company:
 - (1) The applicant for a main extension shall be required to advance to the waterworks company and/or sewage disposal system company, before construction is commenced, the estimated total cost of the main extension, related facilities, and tax impact, if applicable. The tax impact shall be calculated by the following method:

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Tax impact = $[C/(1-R)] - C$

C = Dollar value of taxable contribution or advance in aid of construction.

R = Decimal equivalent of applicable marginal rate of federal income tax on value of taxable contributions and advances.

The entire advance including any tax impact shall be subject to refund as provided in paragraph (K) of this rule.

- (2) The applicant for a main extension shall be required to advance to the waterworks company and/or sewage disposal system company, before construction is commenced, the estimated total cost of the main extension and related facilities. The cost of the extension and related facilities minus any tax shall be subject to refund as provided in paragraph (K) of this rule. The tax shall be calculated by the following method:

Tax = $C \times R$

C = definition in paragraph (H)(1) of this rule.

R = definition in paragraph (H)(1) of this rule.

- (I) All amounts over actual cost shall be refunded and all amounts under actual cost shall be paid within sixty days after completion of the extension.
- (J) When more than one applicant is involved, the amount of the advance in aid of construction shall be divided equally among the applicants unless otherwise agreed by the applicants.
- (K) Refunds of advances in aid of construction made pursuant to this rule shall be made in accordance with the following method. The waterworks company and/or sewage disposal system company shall pay each year to the party making an advance in aid of construction, or to that party's assignees or other successors in interest where the company has received notice of such assignment or succession, an amount equal to twenty per cent of the total gross annual revenue from water or sewage service to each bona fide customer, other than a subsequent applicant whose service line is connected to main or extension lines covered by the main extension agreement, for a period of not less than fifteen years. Agreements under this rule may provide that any balance of the amount advanced pursuant to the agreement remaining at the end of the fifteen-year period shall still remain payable, in whole or in part, and in such manner as is set forth in the agreement. A balance remaining at the end of the fifteen-year period shall

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otherwise become nonrefundable.

- (L) When more than one applicant is involved, the amount refunded shall be divided among the applicants in proportion to their original advance in aid of construction.
- (M) The aggregate refunds under this rule shall in no event exceed the total of the refundable advances in aid of construction. No interest shall accrue on any amounts advanced.
- (N) The commission will not approve the transfer of any certificate of public convenience and necessity where the transferor has entered into extension agreements, unless it is demonstrated to the commission that the transferor has agreed to satisfy the refund agreement, or that the transferee has assumed and has agreed to pay the transferor's obligation under the agreements.
- (O) A waterworks company and/or sewage disposal system company shall not be required to extend mains unless the prospective customer guarantees in writing, to the company that service will be accepted within thirty days following completion of the main extension, or such longer period as the company and the prospective new customer agree.
- (P) A waterworks company and/or sewage disposal system company shall provide temporary service, provided that the applicant for such service agrees in writing to pay in advance to the company the company's estimate of the cost of labor and materials less salvage value on removal for installing and removing such service.

4901:1-15-31 Subsequent connections, service connections, and tap-ins.

- (A) If and when at any time during the term of a main extension agreement involving refundable advances in aid of construction pursuant to rule 4901:1-15-30 of the Administrative Code, the owner (hereafter referred to as the subsequent applicant) of any lot abutting the main extension, who was not a party to the main extension agreement, requests service, the waterworks company and/or sewage disposal system company shall collect in advance from each such subsequent applicant funds equal to the total foot frontage of the lot to receive service multiplied by the per-foot frontage charge.
 - (1) The per-foot frontage charge shall be determined by dividing the total refundable amount of the advance in aid of construction by the total foot frontage of the lots capable of receiving service from the extension.

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- (2) In the event that the total of the amount already refunded under paragraph (K) of rule 4901:1-15-30 of the Administrative Code, plus the subsequent applicant's fee calculated under paragraph (A) of this rule exceeds the total refundable amount of the advance in aid of construction, the amount collected from the subsequent applicant shall be the difference between the total refundable amount of the advance in aid of construction and the cumulative amount refunded under paragraph (K) of rule 4901:1-15-30 of the Administrative Code.
 - (3) The waterworks company and/or sewage disposal system company shall refund money collected pursuant to this paragraph to the parties to the main extension agreement, or to their assignees or other successors in interest where the company has received notice of such assignment or succession in proportion to their original deposits. This refund shall be in addition to that provided for in paragraph (K) of rule 4901:1-15-30 of the Administrative Code.
 - (4) The waterworks company and/or sewage disposal system company shall enter into a written agreement with the subsequent applicant.
 - (5) Refunds of subsequent applicant fees made pursuant to this rule shall be made in accordance with this method. The waterworks company and/or sewage disposal system company shall pay each year to the subsequent applicant, or to that party's assignees or other successors in interest where the company has received notice of such assignment or succession, an amount equal to twenty per cent of the total gross annual revenue from water or sewage service to each bona fide subsequent applicant whose service line is connected to main or extension lines covered by the main extension agreement. Refunds will terminate when the entire amount of the subsequent applicant's fee has been refunded or when the cumulative amount refunded pursuant to paragraph (K) of rule 4901:1-15-30 of the Administrative Code equals the refundable amount of the advance in aid of construction, or until fifteen years after the date of the main extension agreement, whichever is earliest. Agreements under this rule may provide that any unrefunded balance remaining at the end of the fifteen year period shall still remain payable, in whole or in part, and in such manner as is set forth in the agreement. A balance remaining at the end of the fifteen year period shall otherwise become nonrefundable.
- (B) Tariffs of waterworks companies and/or sewage disposal system companies may include provisions governing charges for service connections and tap ins, but in no event shall these provisions require anything more than reimbursement to the companies of the actual, out-of-pocket costs of connecting service.

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4901:1-15-32 Uniform system of accounts for waterworks and sewage disposal companies.

- (A) The commission adopts the three uniform systems of accounts prepared by the "National Association of Regulatory Utility Commissioners," as described in paragraph (B) of this rule, and requires all waterworks companies under its jurisdiction to conform their accounting practices to the applicable uniform system.
- (B) Waterworks companies should use the uniform systems of accounts that were adopted by the "National Association of Regulatory Utility Commissioners" in 1973. The three systems of accounts in the series are entitled:
 - (1) "Uniform System of Accounts for Class A and B Water Utilities," (utilities having annual operating revenues of two hundred fifty thousand dollars or more).
 - (2) "Uniform System of Accounts for Class C Water Utilities," (utilities having annual operating revenues of over fifty thousand dollars but less than two hundred fifty thousand dollars).
 - (3) "Uniform System of Accounts for Class D Water Utilities," (utilities having annual operating revenues of less than fifty thousand dollars).
- (C) The commission adopts the two uniform systems of accounts prepared by the "National Association of Regulatory Utility Commissioners" as described in paragraph (D) of this rule, and requires all sewage disposal companies under its jurisdiction to conform their accounting practices to the applicable uniform system.
- (D) Sewage disposal companies should use the uniform systems of accounts that were adopted by the "National Association of Regulatory Utilities Commissioners" in 1976 (Classes A and B) and 1977 (Classes C and D). The two systems of accounts in the series are entitled:
 - (1) "Uniform System of Accounts for Classes A and B Sewer Utilities 1976," (utilities having annual sewer operating revenues of two hundred fifty thousand dollars or more).
 - (2) "Uniform System of Accounts for Classes C and D Sewer Utilities 1977," (Class C utilities having annual sewer operating revenues of over fifty thousand dollars but less than two hundred fifty thousand dollars and Class D utilities having annual sewer operating revenues of less than fifty thousand dollars).

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4901:1-15-33 Complaints and complaint handling procedures.

- (A) Each waterworks company and/or sewage disposal system company shall accept and process both oral and written complaints.
- (B) Each company shall investigate each complaint in a fair and complete manner and report the results to the customer, either orally or in writing, within ten business days after the date of the receipt of the complaint.
- (C) Complaint records will be kept in accordance with paragraph (~~D~~E) of rule 4901:1-15-14 of the Administrative Code.
- (D) If the complainant is not satisfied with the company's report(s), the company shall promptly inform the customer of the availability of the commission's complaint handling procedures, including the then current address and the local or toll-free telephone number of the commission's call center.
- (E) Each company shall, in addition to the requirements imposed by any other provisions of this chapter, make a fair and complete investigation of any customer's complaint referred by the commission.
- (F) Each company shall submit a report to the commission within ten business days after the receipt of a commission request for information concerning a complaint(s). The report shall outline the company's investigation and any corrective measure(s) taken. The company shall submit reports in writing upon commission request.

4901:1-15-34 Water conservation restriction regulation.

- (A) Conditions beyond the control of the waterworks companies may necessitate waterworks companies to impose water usage restrictions to ensure that the supply is adequate for public fire service and/or basic human needs.
- (B) A waterworks company must notify the commission's director of the service monitoring and enforcement department or the director's designee of any proposed water usage restrictions. Subsequent to this notification the restrictions may be implemented immediately. The required notification shall be provided either in hard copy or electronically via the internet in a manner prescribed by the commission.
- (C) Within two business days following the implementation of water restrictions, the

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company shall file with the director of the service monitoring and enforcement department or the director's designee a detailed description outlining the restrictions. The commission may suspend the restrictions if the commission finds the restrictions to be unreasonable or discriminatory.

- (D) When it is determined, in the opinion of the waterworks company, that a threat to the integrity of its water supply exists, the waterworks company may implement restrictions on water consumption as necessary to reserve a sufficient water supply for public fire protection and/or basic human needs as follows:

- (1) Level 1 - partial ban on all lawn watering.
- (2) Level 2 - complete ban on all lawn watering, car washing, and pool filling.
- (3) Level 3 - ban on all nonessential uses of water.

All levels implemented include the restriction in the lower levels of conservation. (level 3 includes levels 1 and 2.)

- (E) During times of restricted use, the restriction shall be enforced in a nondiscriminatory manner and in accordance with the following standards:

- (1) Customers violating the established usage restrictions shall first be given an immediate written notice. This notice shall describe in detail the offense and shall describe the procedures to be followed if the customer is found in violation again during the time of curtailment. The waterworks company shall afford the customer a reasonable opportunity to comply with the policy.
- (2) The waterworks company may discontinue all or any part of its service to any customer who has been given written notice of violation and is found again to be in violation.
- (3) If a customer whose service has been disconnected for violation of curtailment procedures requests a reconnection, such reconnection may only be made after the customer:
 - (a) Has paid a regular business hours reconnection or turn-on fee as set forth in the waterworks company's tariff as approved by the commission, except that the charge for any service turned on at the request of a customer after regular business hours or on Saturdays, Sundays, or holidays will be at actual cost.
 - (b) Has corrected any conditions, circumstances, or practices in violation of

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the curtailment regulations of the waterworks company.

- (F) The curtailment of water usage shall not entitle the customer to a deduction in the amount of his/her water charges during the time of the curtailment.
- (G) The waterworks company shall provide notice to all of its customers prior to implementing the water usage restrictions.
- (H) Each waterworks company implementing water usage restrictions shall, until the restriction is lifted, file a report with the director of the service monitoring and enforcement department or the director's designee every thirty days stating the number of disconnections and the particular usage restriction violation causing the disconnection, and any other problems relating to the water usage restrictions. The required report shall be provided either in hard copy or electronically via the internet in a manner prescribed by the commission.

4901:1-15-35 Information requirements for infrastructure improvement surcharge filings.

An application filed by a waterworks company and/or a sewage disposal system company for an infrastructure improvement surcharge under section 4909.172 of the Revised Code, should contain the basic information necessary to support the company's rate request and shall conform to the information filing requirements set forth in the appendix to this rule. If the company believes that additional information is necessary to support its case, the company should supplement its application as required to support its position. Also, the commission staff may require a company to supply information to supplement these requirements during the course of the staff's investigation.

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Public Utilities Commission of Ohio (PUCO)
Attention: Angela Hawkins, Legal Director
Phone: 614-466-0122 Fax: 614-728-8373

Regulation/Package Title: Standards for Waterworks Companies and Sewage Disposal Systems Companies.

Rule Number(s): Chapter 4901:1-15

Date: December 21, 2016

Rule Type:

☐ New

☒ Amended

☒ 5-Year Review

☐ Rescinded

☒ No Change

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

- 1. Please briefly describe the draft regulation in plain language. Please include the key provisions of the regulation as well as any proposed amendments.**

The proposed revisions to the rules in Ohio Adm.Code Chapter 4901:1-15 are in accordance with the State of Ohio's five-year rule review procedures. R.C. 111.15 requires all state agencies to conduct, every five years, a review of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. The rules in Ohio Adm.Code Chapter 4901:1-15 govern the furnishing of water, sewage disposal service, and facilities to the public by waterworks companies and/or sewage disposal system companies subject to the jurisdiction of the Public Utilities Commission of Ohio.

Of the 35 rules contained in Ohio Adm.Code Chapter 4901:1-15, eight are proposed to be amended: 4901:1-15-01, 4901:1-15-10, 4901:1-15-14, 4901:1-15-20, 4901:1-15-27, 4901:1-15-28, 4901:1-15-32, and 4901:1-15-33. Rule 4901:1-15-01 will redefine "dead-end main" to mean pipe that is greater than two inches in diameter. Rule 4901:1-15-10(C) is amended to change notice of planned outages and flushings from three days to two days if delivered by electronic or telephonic means. Rule 4901:1-15-14(E), which governs the investigation and record keeping of complaints, is amended to base investigation and record keeping on actual consumer complaints instead of customer dissatisfaction expressed in consumer contacts. Rule 4901:1-15-20 is amended to allow isolated disconnection by means other than curb stops. It is also amended to exclude certain activities from unaccounted-for-water. Rule 4901:1-15-27 contains amendments pertaining to disconnection and medical certification. Rule 4901:1-15-28, as amended, recognizes that additional time for reconnection is needed where excavation or installment of a new service line is required. Rule 4901:1-15-32 is amended to eliminate inconsistency in language and to include accounting standards for sewage disposal system companies. The amendment to Rule 4901:1-15-33 corrects a paragraph reference. In addition, rules 4901:1-15-02, 4901:1-15-08, 4901:1-15-16, 4901:1-15-20, 4901:1-15-22, and 4901:1-15-32 have been amended to update a website and to make minor grammatical and stylistic changes.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Rule	Statutory Authority – Ohio Revised Code
Chapter 4901:1-15	4905.04

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.

No rule in this chapter implements a federal requirement or is being adopted or amended to enable Ohio to obtain or maintain approval to administer or enforce a federal law.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

These rules are necessary to govern the furnishing of water and the disposal of sewage. The rules set forth the rights and obligations of both companies and customers.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The Commission will measure the success of these regulations by the increase or decrease in the number of complaints and enforcement actions against waterworks and sewage disposal companies.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation. If applicable, please include the date and medium by which the stakeholders were initially contacted.

On July 14, 2016, in Case No. 16-1568-WS-ORD, the Commission issued an Entry by U.S. mail and e-mail to schedule a workshop on August 16, 2016, to solicit comments from interested stakeholders prior to draft rules being issued for comment. The Commission served the Entry upon the Ohio Consumers' Counsel, all certificated water and sewage disposal companies, and the 405 subscribers of the Water Industry Service List.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

One stakeholder—Aqua Ohio—appeared at the workshop, proposed changes to some of the rules, and later provided a written summary of its workshop proposals. Aqua Ohio proposed a revision of the definition for dead-end mains and complaints. Other areas of proposals pertain to additional notice methods for outages or flushings; frequency of meter testing; curb stops and other means of isolating service; disconnection issues in landlord-tenant, master-meter situations; medical certifications; sewer service reconnections; and mainline extensions. Several of Aqua Ohio's workshop comments are reflected in the revised proposed draft regulations.

9. What scientific data were used to develop the rule or the measurable outcomes of the rule? How do these data support the regulation being proposed?

Not applicable.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

No alternative regulations were recommended as the Revised Code instructs the Commission to adopt regulations regarding water and sewage disposal companies. Nevertheless, the Commission will consider any alternative proposals put forth in comments or reply comments filed by stakeholders and the general public.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

The rules are performance-based only in the sense that certain information must be reported to the Commission. Primarily, the rules in Ohio Adm.Code Chapter 4901:1-15 are regulatory in nature as required by the Revised Code.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Commission has reviewed other Ohio regulations and found no duplicate. Furthermore, no duplicate was identified by stakeholders at the workshop. The Ohio Environmental Protection Agency will be served a copy of the proposal when it is issued for formal comment.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The Commission conducted a workshop on August 16, 2016, at the offices of the Commission to receive feedback from interested stakeholders and the general public. Next, the Commission will issue an entry that sets forth Staff's proposed rules where stakeholders will have the opportunity to file written comments. Finally, following the comment period specified in the entry, the Commission will issue a finding and order adopting the proposed rules. All potential stakeholders will be notified that this chapter is under review by Staff, and they will be provided an opportunity for feedback concerning the rules in this chapter. Thus, stakeholders will have the opportunity to express whether the proposed rules will be applied consistently and predictably.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. *Specifically, please do the following:*

a. Identify the scope of the impacted business community;

The scope of the business community impacted by the proposed revisions to Ohio Adm.Code 4901:1-15 includes all waterworks and sewage disposal companies subject to the Commission's jurisdiction.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

The Commission does not believe the rules adversely impact the identified business community. The rules merely seek to balance the interests of utilities and consumers in the furnishing of water and sewage disposal service.

- c. **Quantify the expected adverse impact from the regulation.** *The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.*

Other than the cost of regulatory compliance, the Commission does not anticipate any adverse impact stemming from Ohio Adm.Code 4901:1-15. To the contrary, the recommendations by Aqua that are included in these proposed rules result in a reduction of costs and time necessary to maintain regulatory compliance.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Commission believes that any adverse impacts are minimally necessary to balance the interests of utilities and consumers in the furnishing of water and sewage disposal service.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No. However, staff will work with regulated entities to assist them with the applicable requirements and provide guidance on how to achieve compliance.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Not applicable. The rules in Ohio Adm.Code Chapter 4901:1-15 do not impose specific fines or penalties for failure to comply. Fines and penalties for violation of this chapter may only be ordered by the Commission after notice and hearing.

18. What resources are available to assist small businesses with compliance of the regulation?

The Commission's staff works with regulated entities to answer questions and to provide direction regarding the process by which they can contest violations. Small businesses may contact the Commission at any time and may submit written comments on the proposed revisions during the public comment period once the proposed revisions are filed in the case docket.