

UTILITIES RULES AND REGULATIONS

GENERAL

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I. INTRODUCTION AND FEES

A. Instructions and Definitions

1. Introduction

Colorado Springs Utilities (Utilities) is governed in accordance with the Code of the City of Colorado Springs (City Code), Title 12 (Utilities). These Utilities Rules and Regulations (URR) and the Utilities Tariff (collectively, the URR and Tariff are referred to as the Tariff) set out the regulations, rates, and terms and conditions of Utilities' services. The URR is organized into a general section, affecting all services, followed by service-specific sections: Electric, Natural Gas, Water, and Wastewater Service. The Tariff, containing the rates and their components, follow the URR, and also are divided into similar service-specific sections. Rates are also summarized on a rate sheet published at Utilities' website (www.csu.org). Additional documents, the *Line Extension and Service Standards* for each service, set out the technical requirements for connection to and operation with Utilities' infrastructure, as well as acceptable standards of construction of new infrastructure.

In addition to the charges that normally vary from bill to bill for the actual quantity of utility services used (Consumption – see definitions), providing utility services to Customers results in certain fixed costs. These fixed costs include but are not limited to debt service, improvements, maintenance of the system infrastructure, meters, meter reading, issuing bills, and responding to emergencies. Each Customer that has an active account with Utilities will be charged the Per Day Access and Facilities or Service Charges for the applicable active services as their share of the fixed costs, for receiving the benefit of having their Premises connected to the system and ready to be served by the system, whether or not there is any consumption.

2. Definitions

ACCESS AND FACILITIES CHARGE: A charge designed to recover costs associated with: 1) Operation expenses to maintain the power plants and transmission and distribution systems. 2) The principal and interest payments on money that is borrowed to pay for the replacement and rehabilitation of the system. 3) Costs associated with billing and servicing our customers. These costs are recovered through an Access and Facilities Charge per day and an Access and Facilities Charge based on the customer's consumption or amount used – per kilowatt-hours (electric) or cubic feet (gas).

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ACCOUNT ACCESS: An authorization to obtain information from and/or perform transactions in a Customer account.

AGGREGATION: The practice of combining the nominations and balancing of gas delivered to more than one Customer from receipt point(s) served by a common pipeline.

AGGREGATION POOL: An aggregation pool shall be defined as one or more Customers who elect to participate in aggregation. Any supplier or marketer that serves more than one Customer(s) that have elected to be pooled for the purpose of forming an Aggregation Pool will be deemed to be an Aggregator, and will be required to execute a Marketer Agreement.

AGGREGATOR: An agent who has been designated by one or more Customers to manage gas transportation services provided by Utilities to the Customer facilities on an aggregation basis and who executes a Marketer Agreement.

APPLICANT: Any Person who applies for connection to Utilities' system.

BOYLE'S LAW: The principle that at a constant temperature the volume of a confined ideal gas varies inversely with its pressure.

Ccf: One-hundred cubic feet of gas volume.

CITY: The City of Colorado Springs.

CITY CODE: The City Code of Colorado Springs, Colorado, 2001, as amended.

CITY GATE: The interconnection where Utilities receives gas from Colorado Interstate Gas' natural gas transmission system.

COLORADO SPRINGS UTILITIES (UTILITIES): Utilities of the City of Colorado Springs created and operated as an enterprise pursuant to article VI of the City Charter.

COMMUNITY GARDEN: A single Premises gardened collectively by a group of natural people to produce edible produce, for non-commercial purposes, and operated by a non-profit entity registered with the State of Colorado.

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CONSUMPTION: The quantities of natural gas, water or electricity delivered at the physical point where the Utilities system connects to a Premises. Such physical point is usually the meter and the metered flow is usually the quantity.

COSTS: Labor, materials, equipment charges, overheads, permits and other out-of-pocket expenses for engineering, installing and connecting facilities to the distribution system.

CURTAILMENT/INTERRUPTION OF SERVICE: Notwithstanding any provision to the contrary herein, Utilities may fully or partially reduce applicable service when, in the Utilities opinion, reduction or interruption is necessary to protect the delivery of applicable service to Customers with higher priority uses, or to protect the integrity of its system. Utilities shall allocate, as equitably as practicable, the capacity which is available, taking into consideration priority of use of other factors it deems necessary to ensure public health and safety.

CUSTOMER: The person (or that person's authorized agent) designated on the records of Utilities as responsible for payment of charges incurred for the utility service at the Premises.

DEKATHERM: One dekatherm (Dth) shall mean a quantity of natural gas containing 1,000,000 Btu's. For the purpose of the G4T gas transportation service, Dth shall be the unit of measure for Nominations.

DYNAMIC RATE SWITCHING: Process whereby the Utilities billing system automatically places customers on the appropriate rate as defined by the Availability section of each electric and gas service tariff, based upon the customer's highest billing period usage in the last 12 months.

ENHANCED POWER SERVICE: An optional service, available by contract, for Customers who receive service under an Industrial Service Electric Rate Schedule and require a higher level of electric availability than standard service.

FINANCIALLY RESPONSIBLE: A Person who is liable to pay the balance or a portion of the balance of a Customer's account, including the Customer, all Users as defined in the City Code, or other Persons who are liable because of the effect of other applicable laws or court orders. A Person does not become Financially Responsible solely because the Person has been authorized by a Customer to have Account Access.

INTERIM SERVICE: Permanent utility service billed to property Owners when the Premises is vacant or between tenants.

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LINE EXTENSION AND SERVICE STANDARDS: Utilities' guidelines for obtaining service and line extensions and put forth the service available, conditions for service and the standards for materials and construction.

MASTER METER: One meter that measures consumption of a service to more than one Premises within the customer billing system.

MAXIMUM DELIVERY QUANTITY (MDQ): Maximum Delivery Quantity is the maximum amount of gas that can be delivered on Customer's behalf on any day (measured in Mcf at 12.01 PSIA). The MDQ shall be utilized for billing demand charges.

MAXIMUM RECEIPT QUANTITY (MRQ): The Maximum Receipt Quantity is the maximum amount of gas to be received on Customer's behalf (measured in Mcf at 12.01 PSIA) on any day. MRQ is the maximum amount of gas that can be nominated in the Utilities electronic bulletin board on any gas day for a Customer. MRQ is the total of the MDQ and Lost and Unaccounted for Gas (L&U).

Mcf: One-thousand cubic feet of gas volume.

MEDICAL CERTIFICATE: A document signed by a physician licensed by the State of Colorado stating that discontinuance of service would be especially dangerous to the health or safety of a permanent resident of the residence served, or that it would create a medical emergency. The purpose of the Medical Certificate is to provide an extension of utility services for a limited amount of time, allowing customers additional time to secure payment on their account or make alternative arrangements to accommodate the medical situation.

METER LOOP: A conductive wire that connects the meter to the house or building. The meter loop serves as the path for electrical conductors to securely attach to the house or building and the electrical meter. After the electricity goes through the meter, the wires in the meter loop connect to the customer's service entrance.

METER STATION: One or more meters in close proximity serving a common load.

MIXED USE: A Premises that includes both nonresidential occupancy and Multi-Family Residential dwellings within one structure.

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MOBILE HOME PARK: Any tract of land held under single ownership or unified control upon which two or more mobile homes, occupied for residential purposes, are located and for which a charge is made for such accommodations, and will include any structures used or intended for use as a part of such park.

MOBILE HOME SUBDIVISION: A tract of land subdivided into two or more lots or parcels for the purpose of transfer of ownership or development of lots or both upon which are to be placed mobile homes or trailer coaches by property Owners for residential purposes. A mobile home subdivision is a subdivision designed and intended primarily for the sale of lots where residence is in mobile homes exclusively.

MULTI-FAMILY RESIDENTIAL: Premises with a common wall for the purpose of dividing multi-family residential dwellings. This may be described as an apartment, condominium, townhouse, duplex, stacked housing or other name form for permanent multi-family housing. This also includes service to buildings appurtenant to a residence including garage, cottages and other minor buildings where a Utilities' water meter is being utilized on a single platted lot and each dwelling unit in a Mobile Home Park.

NATURAL GAS EXTENSION: The extension of the system mains, installation of Service Stubs and installation of Mainline Facilities as required.

NATURAL GAS MAINLINE EXTENSION: An extension of a main segment that is sized by Utilities to serve connections attached directly to the segment.

NATURAL GAS MAINLINE FACILITIES: Facilities including the 150 PSIG system, regulator stations, Mainline Extensions and pressure upratings to provide system capacity for serving connections.

NATURAL GAS OVERSIZED DISTRIBUTION MAIN: A natural gas main segment that is sized by Utilities larger than that needed to serve connections attached directly to the segment.

NATURAL GAS REINFORCEMENT: The upgrading of an existing main to increase its capacity.

NATURAL GAS SERVICE LINE: The gas distribution piping connection from the Service Stub to the outlet of the gas meter or the connection to the Customer's fuel gas piping, whichever is further downstream.

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NATURAL GAS SERVICE STUB: That segment of a Service Line running from the main to the Customer's or Shipper's property line, or the boundary of the utility easement that was planned as part of an original extension.

NORMAL DOMESTIC STRENGTH: The baseline value sampled and analyzed to reflect local conditions for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). These values are used to calculate connection charges and to identify and surcharge nonresidential Customers whose wastewater discharge strengths exceed one or both of these values.

OWNER: The Person(s) having ownership of the Premises or acting as an agent for the Owner.

OWNER-OCCUPANT: Customer with a residential account having ownership of and occupying the Premises.

PERSON: Person includes a natural person, firm, association, organization, partnership, business, trust, corporation, public entity, government agency or any agent thereof.

PERSONALLY IDENTIFIABLE INFORMATION, or PII: Personally Identifiable Information (PII) includes but is not limited to the following information about an individual: name, age, birth date, address, telephone number, social security number, financial account number, bank name and account number, credit card number, driver's license or other governmental identification number. PII is any information which identifies or would lead to identification of a particular individual by itself or when combined with other information about that individual. PII shall include all applicable federal and state laws and regulations, as those laws and regulations may change from time to time. In the event of any conflict, "PII" shall take the broadest possible meaning.

POINT OF COMMON COUPLING (PCC): The physical point where Utilities' equipment connects to the Customer's equipment for electric service. Ownership and responsibility for any repair and maintenance of the equipment changes at this point from Utilities to the Customer.

PREMISES: The physical location where service is provided.

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PRIMARY EMPLOYER: A company that derives at least 50% of its principal source of gross annual income from the sale of locally produced products or services outside of El Paso County either directly or indirectly through sale to a prime contractor and which will also add 10 or more permanent, full-time, regular jobs.

PSI: Pounds per square inch.

PSIA: Pounds per square inch absolute.

RATE SCHEDULE: The document detailing the rates, terms and conditions under which a customer takes service from Utilities. Customers are placed on a Rate Schedule based upon meeting the qualifications of the Availability section of the Rate Schedule.

RECEIPT POINT: The point of interconnection (city gate) with CIG where Utilities receives gas on behalf of Shipper.

RESTRICTED DELIVERY DAY (RDD): Days or partial day when Transportation Customers are notified that limited gas supplies are available for balancing. Metered Delivered Volumes should not be less than or greater than Final Scheduled Delivered Volumes. An RDD may be enacted for the entire system or for individual Shippers or their Agents.

SERVICE POINT: The point at which service is connected or provided.

Electric service point – meter socket

Gas service point – outside of the meter loop (back side)

Water service point – outside of the meter loop (back side)

Wastewater service point – point where the service line connects to the main (at the street) or at the “clean out”

SHIPPER: A Utilities' Customer who has executed a natural gas Transportation Service Agreement or is receiving natural gas service under a Natural Gas Rate Schedule – Firm and Interruptible Transportation Service.

SUBMETER: A utility meter, especially for electricity, that allows for the monitoring of usage on a portion of a distribution network, especially not owned by a utility, past a main meter.

SUBTERFUGE: When service is obtained, or liability avoided by deception, concealment or fraud.

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TARIFF: Utilities' Tariff as adopted by the City Council of the City of Colorado Springs. The Tariff sets forth the services offered by Utilities, including the rates and fees for the services, and governing rules, regulations and practices relating to those services.

TEMPORARY SERVICE: Provisional utility service used only for a limited time generally not to exceed 18 months. (E.g.; nonpermanent electric service at a construction site as provided by a temporary meter.) When construction at the site is complete, the temporary meter is removed and replaced with a permanent meter.

TOTALIZED SECONDARY SERVICE: The summation of multiple electric meters served at one Premises whose totalized service exceeds 1,000 kWh per day.

TRANSPORTATION CUSTOMER: A person who, by signing a gas Transportation Service Agreement, elects to subscribe to the unbundled service option of gas transportation offered by Utilities.

TRANSPORTATION SERVICE AGREEMENT: A contract signed between a Shipper and Utilities outlining the terms and conditions of transporting gas as an unbundled service option.

UNDERDRAIN SYSTEM: A pipe system typically installed in public rights of way to collect subsurface ground water from building perimeter drains or area underdrains and transport the ground water to a point of discharge at a drainage channel, storm sewer, or other City approved location.

UTILITIES: Colorado Springs Utilities.

WATER DISTRIBUTION MAIN: That portion of Utilities' water supply system or a private water system which transmits and distributes potable water to users for fire supply and domestic service connections or transmits and distributes potable water from Utilities' water supply system to users, excluding portions of service lines as defined in City Code Section 12.4.201.

WATER SERVICE LINE: The line extending from the property, building, establishment or grounds up to and including the connection to the Water Distribution Mains.

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B. Fees

1. Utilities may charge and collect fees as described in the below table, by contract, or as established by City Code Section 14.8.109 for Stormwater service fees. For fees associated with the Development process, see Section I.C., Development Fees.

DESCRIPTION	AMOUNT	REFERENCE
GENERAL		
Trip Fee and/or Restoration of Service Fee <ul style="list-style-type: none"> • Residential • Nonresidential • Additional charge for after-hours restorations (outside of Utilities normal working business hours) 	\$70.00 \$70.00 \$40.00	General, Sheet No. 19 General, Sheet No. 20 General, Sheet No. 37 General, Sheet No. 38 General, Sheet No. 40
Returned Payment Fee (whether returned/refused payment was attempted by check, EFT, debit/credit card or other means).	\$30.00	General, Sheet No. 24
Opt-Out Program Fee (for nonstandard meters) <ul style="list-style-type: none"> • One-time fee to enter program • Quarterly manual read charge 	\$109.00 \$35.00	General, Sheet No. 45
Standby Service Fee	\$250.00	General, Sheet No. 20
ELECTRIC LINE EXTENSIONS		
Residential Electric Fees (Single Service only) <ul style="list-style-type: none"> • Inspection and Connection Fee • Return Trip Fee (including late appointment cancellations) • Distribution Charge (Contribution in Aid of Construction) <ul style="list-style-type: none"> ○ Single-phase primary distribution line ○ 3-phase main line, 22-75 circuit feet ○ 3-phase main line, 75-175 circuit feet ○ 3-phase underground main line, >175 circuit feet 	\$401.94 \$299.98 (sum the following:) \$19.78/linear foot \$12.22/circuit foot \$24.45/circuit foot \$58.85/circuit foot	Electric, Sheet No. 64-65
Electric Temporary Service Connection Fee	\$130.00	Electric, Sheet No. 66
Pedestal Damage Fee	Cost of Repairs	Electric, Sheet No. 66

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Fees – cont'd

DESCRIPTION	AMOUNT	REFERENCE
ELECTRIC LINE EXTENSION AND EXTENSION OF NATURAL GAS MAINS		
Residential Natural Gas Fees (Single Service only)		Natural Gas, Sheet No. 81
<ul style="list-style-type: none"> • Inspection and Connection Fee • Return Trip Fee 	<p>\$389.17</p> <p>\$319.97</p>	
<ul style="list-style-type: none"> • Inspection and Connection Fee for other polyethylene services less than 2" in diameter (Per Stub) 	\$332.97	Natural Gas, Sheet No. 81
Residential Electric and Gas Fees (Joint Service)		Electric, Sheet No. 64 Natural Gas, Sheet No. 79
<ul style="list-style-type: none"> • Inspection and Connection Fee • Inspection and Connection Fee for other polyethylene services less than 2" in diameter (Per Stub) • Return Trip Fee (including late appointment cancellations) • Distribution Charge (Contribution in Aid of Construction) <ul style="list-style-type: none"> ○ Single-phase primary distribution line ○ 3-phase main line, 22-75 circuit feet ○ 3-phase main line, 75-175 circuit feet ○ 3-phase underground main line, >175 circuit feet 	<p>\$603.14</p> <p>\$522.26</p> <p>\$491.89</p> <p>(sum the following:)</p> <p>\$16.71/linear foot</p> <p>\$12.22/circuit foot</p> <p>\$24.45/circuit foot</p> <p>\$58.85/circuit foot</p>	Electric, Sheet No. 65
Commercial and Industrial Electric, Contribution in Aid of Construction	(sum the following:)	Electric, Sheet No. 65
<ul style="list-style-type: none"> • Primary distribution line • 3-phase main line, 6-20 circuit feet • 3-phase main line, 20-50 circuit feet • 3-phase underground main line, >50 circuit feet <p>*Customer installed, with all trenching, compaction, etc.; all circuit-feet lengths are as estimated by Utilities</p>	<p>Customer paid*</p> <p>\$12.22/circuit foot</p> <p>\$24.45/circuit foot</p> <p>\$58.85/circuit foot</p>	
Cancellation Fees (Reduced in certain circumstances per Utilities' policy)	% of Applicable Return Trip Fee	Electric, Sheet No. 65 Natural Gas, Sheet No. 81
<ul style="list-style-type: none"> • Step One Fee • Step Two Fee • Step Three Fee 	<ul style="list-style-type: none"> • 10% • 25% • 50% 	
ELECTRIC		
Renewable Energy System Interconnection Application Review Fee		Electric Sheet No. 67.1
<ul style="list-style-type: none"> • Less than or equal to 150 kW • Greater than 150 kW 	<p>\$100.00</p> <p>\$1,000.00</p>	

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Fees – cont'd

DESCRIPTION	AMOUNT	REFERENCE
WATER		
Water Service Permit Fee		Water, Sheet No. 97
• Initial inspection	\$80	
• Reinspection/return trip (each)	\$50	
Water non-compliance		Water, Sheet No. 99
• First violation	\$0 - \$5,000	
• Second & subsequent violations	\$5,000 - \$10,000	
Water Backflow Test Entry Fee	\$50	Water, Sheet No. 99.1
WASTEWATER		
Wastewater non-compliance with Utilities' <i>Line Extension and Service Standards</i>		Wastewater, Sheet No. 103
• First violation	\$0 - \$500	
• Second & subsequent violations	\$500 - \$1,000	
Wastewater, Emergency and After-Hours Inspection	Time and Materials Cost	Wastewater, Sheet No. 103
Residential Wastewater Fees (including mobile homes, townhouses)		Wastewater, Sheet No. 103
• New Connection	\$80	
• Additional installation, repair or alteration	\$100	
• Reinspection	\$50	
Multi-Family Wastewater Fees, per service line		Wastewater, Sheet No. 103
• New Connection	\$100	
• Additional installation, repair or alteration	\$120	
• Reinspection	\$70	
Nonresidential Wastewater, without grease trap		Wastewater, Sheet No. 103
• New Connection	\$100	
• Additional installation, repair or alteration	\$120	
• Reinspection	\$70	
Nonresidential Wastewater, with grease trap or sand/oil interceptor		Wastewater, Sheet No. 103
• New Connection	\$175	
• Additional installation, repair or alteration	\$195	
• Reinspection	\$145	
Wastewater Discharge Permit Fee, per calendar year (no pro-rata)	\$1,132	Wastewater, Sheet No. 117
Wastewater Zero Discharge Permit Fee	\$50	Wastewater, Sheet No. 117

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Fees – cont'd

For all taps into new, developer-installed Water Distribution Mains that are larger than two inches in diameter, all construction will be performed by Utilities. The fees for these larger taps are listed below:

MAIN SIZE (ft. in.)	MAIN EXTENSION FEE	SERVICE LINE (2 VALVES)	WELDED 150#	WELDED 300#
4x4	\$2,586.32	\$3,148.32	-	-
6x4	\$2,047.66	\$3,188.32	-	-
6x6	\$2,844.32	\$3,604.32	\$2,851.22	\$2,887.21
8x4	\$2,651.32	\$3,213.32	-	-
8x6	\$2,876.32	\$3,636.32	\$2,851.22	\$2,887.21
8x8	\$3,434.32	\$4,588.32	\$3,093.31	\$3,132.85
10x4	\$2,721.32	\$3,283.32	-	-
10x6	\$2,939.32	\$3,699.32	\$2,851.22	\$2,887.21
10x8	\$2,968.48	\$3,614.64	\$3,093.31	\$2,887.21
12x4	\$2,842.32	\$3,404.32	-	-
12x6	\$3,085.32	\$3,845.32	\$3,091.74	\$2,887.21
12x12	\$3,912.66	\$7,911.32	\$3,852.89	\$2,887.21
16x6	\$2,245.66	\$3,033.04	\$2,851.22	\$2,887.21
16x8	\$2,254.66	\$4,894.32	\$3,093.31	\$3,132.85
16x12	\$4,195.66	\$8,194.32	\$3,894.19	\$3,894.19
20x6	\$3,289.32	\$4,049.32	\$2,851.22	\$2,887.21
20x8	\$4,560.70	\$4,927.32	\$3,093.31	\$3,132.85
20x12	\$5,844.32	\$8,357.32	\$3,852.89	\$3,894.19
24x6	\$3,257.32	\$4,017.32	\$2,851.22	\$2,887.21
24x8	\$3,740.32	\$4,894.32	\$3,093.31	\$3,894.19
24x12	\$5,844.32	\$8,515.32	\$3,852.89	\$3,894.19
30x6	\$3,879.32	\$4,639.32	\$2,851.22	\$2,887.21
30x8	\$4,425.32	\$5,579.32	\$3,093.31	\$3,132.85
30x12	\$6,716.32	\$9,229.32	\$3,852.89	\$3,894.19
42x6	-	-	\$2,851.22	\$3,755.77
42x8	-	-	\$3,093.31	\$3,132.85
42x12	-	-	\$3,894.19	\$3,894.19

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Fees – cont'd

2. All Utilities-owned and maintained Water Distribution Mains.
- a. For residential and nonresidential Customers for Service Lines of two inches or less that are tapping into Utilities-owned and maintained Water Distribution Mains, Utilities will perform all construction. The following Water Service Permit Fees apply:

<u>Service Line Diameter</u>	<u>Fee</u>
3/4 inch or less	\$250.00
1 inch.....	\$290.00
1-1/2 inch to 2 inch	\$430.00

- b. For all taps into Utilities-owned and maintained Water Distribution Mains that are larger than two inches in diameter, all construction will be performed by Utilities. See Section I.B. Fee Table.

C. Development Fees

FEE	AMOUNT	PAYABLE AT TIME OF:
<ul style="list-style-type: none"> • City of Colorado Springs major development application review 	<ul style="list-style-type: none"> • \$479.00 per application 	Plan submittal to City Land Use Review
<ul style="list-style-type: none"> • City of Colorado Springs minor development application review 	<ul style="list-style-type: none"> • \$111.00 per application 	Plan submittal to City Land Use Review
<ul style="list-style-type: none"> • City of Manitou Springs development application review 	<ul style="list-style-type: none"> • \$61.00 per application 	Review of submittal
<ul style="list-style-type: none"> • El Paso County development application review 	<ul style="list-style-type: none"> • \$54.00 per application 	Review of submittal
<ul style="list-style-type: none"> • All other jurisdictions' development application review 	<ul style="list-style-type: none"> • \$45.00 per application 	Review of submittal

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Development Fees – cont'd

*De minimus reviews are not charged development application fees for the above reviews

FEE	AMOUNT	PAYABLE AT TIME OF:
<ul style="list-style-type: none"> Electric and/or gas line extension design 	<ul style="list-style-type: none"> Electric residential - \$166.00 per extension contract plus \$33.00 per lot Electric commercial - \$398.00 per building Gas - \$166.00 per extension contract plus \$33.00 per service stub 	Submittal of extension contract, except electric commercial to be submitted at time of service contract
<ul style="list-style-type: none"> Water or wastewater recovery agreement contract application fee 	<ul style="list-style-type: none"> \$1,473.00 for contracts involving 50 acres or less \$2,942.00 for contracts involving more than 50 acres 	Submittal of recovery agreement request
<ul style="list-style-type: none"> Water or wastewater recovery agreement processing fee 	<ul style="list-style-type: none"> \$31.00 per service contract with recovery agreement reimbursements 	Service contract execution
<ul style="list-style-type: none"> Utilities' preparation of Hydraulic Analysis Reports – Complex Application 	<ul style="list-style-type: none"> \$3,200.00 for sites greater than 30 acres and within a single pressure zone or sites located within multiple pressure zones (Revisions will be billed at \$200.00 per hour) 	Prior to Development Plan approval or upon invoicing

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Development Fees – cont'd

FEE	AMOUNT	PAYABLE AT TIME OF:
<ul style="list-style-type: none"> Utilities' preparation of Hydraulic Analysis Reports – Basic Application 	<ul style="list-style-type: none"> \$1,600.00 for sites 30 acres or less and located within a single pressure zone (Revisions will be billed at \$200.00 per hour) 	Prior to Development Plan approval or upon invoicing
<ul style="list-style-type: none"> Fire flow reports 	<p>New Development*</p> <ul style="list-style-type: none"> Initial two fire flow reports – no charge (within twelve-month period). Additional reports charged \$200.00 per hour with minimum one-hour charge <p>Existing Hydrant Reports*</p> <ul style="list-style-type: none"> First request, per site, no charge. Thereafter, all requests, per site, will be assessed \$50.00 per instance <p>* Refer to current edition of the <i>Line Extension and Service Standards - Water</i> for more detailed information pertaining to fire flow report charges</p>	Prior to construction plan approval or upon invoicing

D. Trip Fee

Utilities will charge a Trip fee as defined in these Utilities Rules and Regulations for purposes including but not limited to: inspection, connection, reinspection, field collection, restoration, and other instances requiring a trip by Utilities. See Section I.B. Fee Table.

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E. Failed Reinspection

All new gas and water meter loops must meet the standards set forth in Utilities' service applicable *Line Extension and Service Standards*. If a gas or water meter loop fails to pass the initial inspection, the meter loop will be tagged with a rejection notice. All deficiencies must be corrected before a reinspection is requested or Trip fee will be charged for each failed reinspection return trip by Utilities. See Section I.B. Fee Table.

F. Convenience Fees

Third parties who process bill payments to Utilities for Customers' convenience may determine and collect from Customers any reasonable fee for their services.

G. Development – Financial Responsibility for New Premises

The contractor or builder of a new or renovated Premises requesting or using utility services for that Premises will remain solely responsible for such services until both of the following occur: (i) a Certificate of Occupancy is issued by the Pikes Peak Regional Building Department for the Premises and (ii) another Customer assumes responsibility for the services for that Premises or the services for that Premises are terminated at the request of the contractor or builder.

H. Standby Service Fee

In accordance with City Code, a Standby Service Fee, applicable to, but not limited to standby services and relocations, will be charged associated with excavations near underground facilities. See Section I.B. Fee Table.

II. STARTING SERVICE

A. Application and Financial Responsibility

1. Application

- a. Persons requesting utility service must complete an application for service by contacting Utilities.
- b. A natural person requesting utility service must be of full legal age. Utilities shall require some form of identification.

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- c. Utilities' acceptance of an application constitutes a binding contractual agreement between Utilities and the Customer, including all applicable provisions of Utilities' Tariffs.
 - d. Applicable fees must be paid at the start of service. See Section I.B. Fee Table.
2. Financial Responsibility

Each Financially Responsible Person—which, as defined in these Utilities Rules and Regulations, includes the Customer, all Users as defined in the City Code, or any Person who is liable because of the effect of other applicable laws or court orders shall

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Starting Service – cont'd

be obligated to Utilities for payment, whether or not service is listed in that individual's name. (See City Code Section 12.1.101 "USER" (B) for additional information).

3. Rate Selection

a. General

Customers are placed on Standard rate offerings based upon their type of service (residential, nonresidential) and the amount of product they consume during the month. Where available, customers may choose optional rate offerings in place of the Standard offering if they meet the qualifications set out in the Availability clause of the optional rate offering. The Customer is ultimately responsible for rate selection and for monitoring the account to ensure that the rate selection remains the best choice and use of utility services. Electric and gas residential rates are not available to master metered or nonresidential accounts.

b. Commercial and Industrial Rate Schedules Subject to Dynamic Rate Switching

Customers are placed on the appropriate Standard rate schedule based upon highest daily usage or highest maximum demand during any of the last 12 billing periods. Because the applicability to Customers of rate schedules varies based on usage and/or demand, Utilities billing system tracks the Customer's usage and/or demand and then each billing period places the Customer on the most appropriate rate schedule under Utilities Dynamic Rate Switching. Dynamic Rate Switching is only applicable to service taken under Standard rate schedules. Should a Customer be switched to a different rate schedule through Dynamic Rate Switching, the Customer may request a one-time review and potential adjustment back to the previous rate schedule if the Customer can demonstrate to Utilities' satisfaction that a unique circumstance or infrequent event caused the change in usage. Utilities will analyze historical consumption patterns and information provided by the Customer to determine the appropriate rate schedule.

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Starting Service – cont'd

B. Deposits

1. General

- a. Utilities may require a deposit from a Customer as a guarantee of payment. The deposit will be in the form of cash, approved surety bond or irrevocable letter of credit. A deposit may be waived upon a Customer's successful enrollment in Utilities AutoPay program and the maintenance of on-time payment through the AutoPay program except for accounts with bankruptcy filings, assignments, or judgments as described in the Deposit Policy. Utilities may determine that the deposit may also be waived if the cost of assessing and collecting the deposit is deemed to be greater than the estimated amount of the total deposit.
- b. Any deposit required and made will not relieve any Customer from payment of current charges as they become due and payable, nor will any deposit be applied by Utilities to any indebtedness of the Customer except after termination of service or as authorized by the United States Bankruptcy Code.
- c. The deposit is calculated by taking the average bill amount for Premises from available data for the previous 12 billing periods multiplied by four. When there are insufficient consumption records, Utilities will estimate the average bill amount of a similar Premises or with actual daily usage at the Premises for a billing period and multiply that estimate by four.

2. Residential Accounts

- a. Utilities does not require a deposit from Customers with a residential account unless they have a payment record with Utilities that includes delinquent payments within the previous 12 consecutive billing periods.
- b. In the event a Customer with a residential account files a petition for relief under applicable provisions of the United States Bankruptcy Code, Utilities may require a deposit as authorized by the Bankruptcy Code.

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- c. Any deposit will be refunded in full upon the completion of 12 consecutive billing periods in which all billing statements have been paid promptly.
 3. Nonresidential Accounts
 - a. Utilities requires a deposit from Customers with nonresidential accounts except as otherwise provided within these URRs. Any deposit from Customers with nonresidential accounts will be held for a minimum of 36 consecutive billing periods and will be refunded in full after that time if Utilities determines that all billing statements have been paid promptly.
 - b. The deposit is waived for a new nonresidential account of an existing Customer, if the existing Customer has at the time of application maintained nonresidential service under that same name for at least the previous 12 consecutive billing periods with no delinquency within that period.
 - c. The deposit for a new nonresidential account may be waived for an Applicant with existing residential service, if the Applicant has, at the time of application, maintained residential service under that same name with no delinquency within the last 12 consecutive billing periods, and if Utilities is satisfied that the utility consumption at the nonresidential Premises will not be substantially higher than that at the residential Premises. If at any time Utilities is not so satisfied, the Applicant or Customer will be required to provide satisfactory information identified in this section in order to avoid the assessment of a deposit.
 - d. The deposit may be waived for a new nonresidential account if the Applicant meets Utilities' credit policy.
 - e. Utilities may require a deposit if a nonresidential account is delinquent and a first notice of discontinuance is generated for nonpayment.
 - f. Utilities may require an additional deposit in the event the current deposit on file is determined to be insufficient to cover the amount calculated.

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- g. In the event a Customer with a nonresidential account files a petition for relief under applicable provisions of the United States Bankruptcy Code, Utilities may require a deposit as authorized by the United States Bankruptcy Code.
 - h. A deposit for Interim Service and Temporary Service may be charged for new or existing Customers with nonresidential accounts if there are recent or substantial delinquencies.
4. Interest on Deposits
- a. Any deposit required for utility service will accrue simple interest. The interest rate will be the interest rate for customer deposits published by the Colorado Public Utilities Commission (PUC) for the current calendar year.
 - b. Interest paid on any deposit will be earned for the time such deposit is held by Utilities and is calculated from the date the deposit is received by Utilities to the date the deposit is returned to the Customer. Accrued interest will be credited to the Customer's account at least annually.

III. RECEIVING SERVICE

A. Billing

1. General

- a. Utilities will bill and collect for utility services as provided for in these Tariffs, by contract, or as established by City Code Section 14.8.109 for Stormwater service fees. Billing statements are due and payable by the date indicated in the billing statement. If the billing period is of a nonstandard length, the bills will be normalized to reflect the number of days in the billing period. If the billing period spans multiple effective rates, then the charges for the billing period will be prorated to reflect the number of days in each rate period.
- b. Utilities generates billing statements on a regular basis. Billing statements may be impacted and corrected without notice because of unusual circumstances in Utilities' business caused by emergencies, events, occurrences, accidents, strikes, force majeure, or availability of Utilities' systems. Fees may be assessed for returned payments, convenience charges, and similar items, in accordance with Section I.B. Fee Table.

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- c. Utilities will bill for actual consumption that is measured through the Meter or established calculated fees for non-metered services. Utilities may estimate charges due for utility service on accounts where Utilities determines that accurate meter readings have not been obtained. Billing for water and wastewater services may be based on criteria other than actual consumption that is measured through the Water Meter as provided in Section III.E., Water Leak Adjustment Program.
- d. In any case where any meter has not been accessible for reading, maintenance, or replacement, where inaccurate readings or information has been provided by a Customer for billing purposes, where subterfuge has occurred or where there has been a diversion of utility service, Utilities will bill the Customer or user to the extent of available meter readings or other records or information acceptable to Utilities to determine or reasonably estimate the charges due.
- e. Utilities is required to collect, remit and exempt sales tax per applicable law.
- f. If service is discontinued for an account, whether at the Customer's request or in accordance with Section IV.A. of these Utilities Rules and Regulations, then Utilities may transfer any unpaid amounts to other utility service accounts in the Customer's name or in the name of a user of the utility services at the Premises served by the discontinued account.
- g. In invoicing, billing, and collecting (collectively "billing") Stormwater service fees in accordance with City Code Section 14.8.109, Utilities will bill the established fee in each applicable Utilities bill period to each applicable customer through Utilities' standard billing practices. Utilities' applicable customers constitute owners or occupants of property as stated in the listed City Code Section. Utilities' bill periods may not align with calendar months, but customers will be billed the appropriate Stormwater service fees over time. Stormwater service fees are due in full upon billing in accordance with provision (a) of this section. Utilities may prorate Stormwater service fees when an applicable customer is billed for a partial bill period. Upon termination of utility service, no partial Stormwater service fee refunds will be granted, as the Stormwater service fee is incurred in full upon billing. Except for refunds processed through Utilities' standard operating procedures, in the event of any refunds for Stormwater service fees paid over to the City, the City will be responsible for making such refunds.

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B. Underbilling

Utilities may make reasonable adjustments to a Customer's utility bill in the event of underbilling when Utilities, in its sole discretion, determines that the costs likely to be incurred by Utilities to resolve the underbilling approximates or exceeds the underbilled amount, Utilities determines that the underbilling is the result of a recurring Utilities error, or in accordance with another provision of these Utilities Rules and Regulations.

1. Residential Service

- a. When Utilities determines that a meter has failed to register usage within prescribed accuracy limits, Utilities will bill metered consumption to the affected Customer for the period during which the meter malfunction occurred except when caused by vandalism or damage by others.
- b. In the case of a failed water remote reader, Utilities will not bill for the difference between the inside meter reading and the remote reading when the failure was not caused by vandalism or damage by others.

Active Customers who have been underbilled for service received, whether or not in control of Utilities, will be re-billed for a period not to exceed two consecutive billing periods for the actual or estimated service based on Utilities' records or other information acceptable to Utilities that verifies previous billing statements did not appropriately reflect actual consumption. Interest or late charges on underbilled accounts will not be assessed.

2. Nonresidential Service

- a. Current charges may include credits or additional amounts Utilities determines to be due from past billing periods arising from any event, whether or not under the control of Utilities, including but not limited to meter malfunctions, billing errors, meter reading errors, failure to read a meter or automated meter reading technology errors.
- b. Active Customers who have been underbilled for service received, whether or not in the control of Utilities, will be re-billed not to exceed 12 consecutive billing periods for the actual or estimated service based on

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Utilities' records or other information acceptable to Utilities. Should any subsequent underbilling event occur within 12 months of a previous underbilling event, for the same Customer and same meter, or be the result of a recurring Utilities error as determined by Utilities, Utilities will not re-bill the Customer for the subsequent underbilling.

- c. Customers are permitted to make installment payments if any amounts from a past billing period are included in current charges. Typically, installment payments will not extend over a period that exceeds the length of the period during which the errors were accumulated.

C. Overbilling

1. Overbilling adjustments will be applied to current Customer accounts without interest.
2. Previous Customer accounts will be reviewed to determine if they were affected by the overbilling. If it is determined that an overbilling affected a previous Customer, reasonable efforts will be made to locate the Customer and refund any amounts owed due to the overbilling without interest.
3. No overbilling adjustments, credits or refunds will be made in situations where utility service has been metered within Utilities' prescribed accuracy limits. Reasonable overbilling adjustments can be made where consumption has been estimated due to failure or malfunction of metering equipment and Utilities is provided with information acceptable to Utilities indicating that the estimated consumption does not reasonably equate to the Customer's ability to use the utility services provided.

D. Credit Balance Refund

1. Any amount paid or credited to an account for utility service in excess of applicable charges where there are current billing records acceptable to Utilities will be refunded or credited to the Customer's account without interest.
2. Any refund check mailed to the last known address of the Customer and returned unpaid to Utilities or not cashed by the Customer within two years of either the date of delivery or mailing of the check, will be retained by the Utilities, and will be credited as miscellaneous revenue for the utility service which was overpaid.

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E. Water Leak Adjustment

1. General

- a. The Water Leak Adjustment Program is intended to provide financial relief to Customers who experience extremely high water use as a result of a leak. The Water Leak Adjustment Program is not available prior to issuance of Certificate of Occupancy by the Regional Building Department. Water leak adjustments are limited to two per Customer per Premises in any 36-month period. Water leak adjustments may span a maximum of two billing periods.
- b. Within the context of the program, a water leak shall be defined as “an unintentional water loss caused by broken or damaged plumbing fixtures, pipes, or irrigation equipment, at a Customer’s residence or nonresidential site that results in a Customer’s bill(s) being higher than the Customer’s typical bill for water services.”
- c. Upon application for a water leak adjustment in accordance with a Customer’s type of water service, as discussed below, a Customer must verify that a water leak occurred, the estimated time frame of the water leak, and that the water leak was repaired. Utilities will accept reasonable documentation that the water leak was repaired, such as a receipt for repairs, parts, or a signed affirmation of the Customer. Utilities shall have the right to deny an application for a water leak adjustment or reduce the adjusted quantity of water that passed through the billing meter as a result of the water leak for a water leak adjustment if, in Utilities’ sole discretion, the leak or its magnitude is the result of negligence or malicious acts by the Customer.

2. Residential Service

- a. Residential Customers who have experienced a water leak that has resulted in an increase in their water bill may apply for a water leak adjustment by submitting a completed Water Leak Adjustment Request Form to Utilities at the address listed on the Form. The Water Leak Adjustment Request Form and documentation of repairs must be received by Utilities within 60 days of the due date listed on the Customer’s utility bill for the period in which the leak occurred.

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- b. Upon receiving a completed Water Leak Adjustment Request Form, Utilities will review the billing history and consumption data for the Premises to determine the typical amount of water that passes through the water meter and, if applicable, approve an adjustment to the Customer's water bill, as provided herein, for the time period covering the water leak. Upon approval, Utilities will adjust the charges billed to the Customer for water services for the time period covering the water leak by one half of the volume of water that passed through the water meter as a result of the water leak. The total volume of water that is charged to the Customer will be billed at the standard service rates applicable to the Customer. In order to determine the portion of the water that passed through the Customer's water meter that resulted from the water leak, Utilities will estimate the volume of water associated with the leak by analyzing information provided by the Customer, Utilities' data, and current, historical and seasonal consumption data for the Customer. The maximum water leak adjustment for a Customer receiving water service under a Water Rate Schedule – Residential Service is limited to 20,000 cf. The volume of water above 20,000 cf that passed through the meter as a result of a leak will be billed at the appropriate Commodity Charge rate level under the applicable Water Rate Schedule for Residential Service.
 - c. Utilities may adjust the Customer's wastewater winter period average daily units, if applicable, in addition to the water leak adjustment.
3. Nonresidential Service – Customer Receiving a Monthly Average of Less Than 50,000 cf of Water:
 - a. Nonresidential Customers who receive an average monthly water amount that is less than 50,000 cf and who have experienced a water leak resulting in an increase in their water bill may apply for a water leak adjustment by submitting a completed Water Leak Adjustment Request Form to Utilities at the address listed on the Form.
 - b. The Water Leak Adjustment Request Form and documentation of repairs must be received by Utilities within 60 days of the due date listed on the Customer's utility bill for the period in which the water leak occurred.

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- c. Upon receiving a completed Water Leak Adjustment Request Form, Utilities will review the billing history and consumption data for the Nonresidential Customer to determine the typical amount of water that passes through that Customer's water meter and, if applicable, approve an adjustment to the Customer's water bill, as provided herein, for the time period covering the water leak. Upon approval, Utilities will adjust the charges billed to the Customer for water services for the time period covering the water leak by one half of the volume of water that passed through the water meter as a result of the water leak. The total volume of water that is charged to the Customer will be billed at the standard service rates applicable to the Customer. In order to determine the portion of the water that passed through the Customer's water meter that resulted in the water leak, Utilities will estimate the volume of water associated with the leak by analyzing information provided by the Customer, Utilities' data, current, historical and seasonal consumption data for the Customer. The maximum total volume of water eligible for a water leak adjustment under this subsection is limited to 40,000 cf, meaning that the maximum water leak adjustment for a Customer receiving a monthly average of less than 50,000 cf of water under a Water Rate Schedule – Nonresidential Service is limited to 20,000 cf.
 - d. As wastewater bills are based upon the amount of water that passes through the water meter, the wastewater billing units will coincide with the water consumption billed after the water leak adjustment.
4. Nonresidential Service - Customer Receiving a Monthly Average of 50,000 cf or More of Water:
- a. Nonresidential Customers who receive an average monthly water volume of 50,000 cf or more and who have experienced a water leak resulting in an increase in their water bill may apply for a water leak adjustment by submitting a Water Leak Adjustment Request Form to Utilities at the address listed on the Form. In addition to the Water Leak Adjustment Request Form, Nonresidential Customers who receive an average monthly water volume of 50,000 cf or more must provide documentation verifying that a leak occurred and that the leak has been repaired.

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- b. The Water Leak Adjustment Request Form and documentation of repairs must be received by Utilities within 60 days of the due date listed on the Customer's utility bill for the period in which the water leak occurred.
- c. Water leak adjustments for Nonresidential Customers who receive an average monthly water volume of 50,000 cf or more will be evaluated on a case-by-case basis. Any approved water leak adjustments will be made at the lowest level of the applicable Commodities Charges as defined in Water Rate Schedule - Nonresidential Service in the form of a credit to the Customer's water utility bill equivalent to no more than 50% of the determined leak volume. Approval of an adjustment under this section requires the approval of a Utilities Officer.
- d. Wastewater adjustments will be provided for outdoor water leaks only unless the Customer can verify that water volumes related to the leak did not enter the wastewater system.

F. Budget Billing Plan

1. Upon approval of Utilities, a Customer may elect to participate in Utilities' Budget Billing Plan.
2. Any Customer electing to participate in Utilities' Budget Billing Plan will pay a monthly amount for all utility services on one account as follows:
 - a. A monthly Budget Billing Plan amount equal to the monthly average of the prior year's billing history for each utility service, plus a Budget Billing adjustment percentage, potentially including and/or addressing but not limited to changes in rates, consumption patterns of service, and rounded to the next whole dollar. Each of the monthly average utility service amounts calculated from the prior year's data are then added together to determine the total monthly Budget Billing Plan amount. For recurring Customers, the previous year's outstanding amount or credit will also be included in the recalculated Budget Billing Plan amount.
 - b. The Budget Billing Plan amount will be recalculated at least annually from the date that the account established a Budget Billing Plan and can be adjusted at any time.

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- c. The Budget Billing Plan amount and the Customer's actual consumption is trued-up annually.
 3. If a Customer participating in Utilities' Budget Billing Plan fails to pay the Budget Billing Plan obligation by the due date, the Customer may be removed from Utilities' Budget Billing Plan and normal collection and discontinuance of service procedures will be followed.
 4. If a Customer ends or is removed from Utilities' Budget Billing Plan, or terminates service, the entire outstanding amount is due and payable by the date indicated on the billing statements. A credit balance will be refunded or transferred to another account for the Customer.
- G. Summary Billing
 1. For billing purposes concerning a Customer with multiple Premises, Utilities or that Customer may elect to have all services for each Premises billed on a single account. In the event that the charges are not paid when due, any one or all of the services furnished to any one or all of the Premises may be disconnected.
- H. Significant Meter Failure Policy
 1. Customers who experience a significant meter failure, may be eligible for a billing adjustment in accordance with this provision. A significant meter failure is the failure of a Utilities owned meter or related equipment that causes underbilling and that the recorded consumption, following correction, results in an increase of at least 50% to that Customer's total monthly utility bill when compared to the Customer's historically billed consumption.
 2. In order to be eligible for mitigation, the significant meter failure must be brought to Utilities' attention by the relevant Customer, or, in the event that Utilities discovers the significant meter failure, the circumstances surrounding the significant meter failure must demonstrate, in Utilities' sole opinion, that the relevant Customer did not know of or reasonably have a way of identifying or knowing of the significant meter failure.
 3. Upon determining that a Customer has experienced a significant meter failure and qualifies for mitigation, Utilities will review the circumstances of the significant

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meter failure and, at Utilities' sole discretion, implement reasonable adjustments to the relevant monthly utility bill(s) impacted by the meter failure. The adjustments may include modifying or waiving the Rebilling provision of Section III of these Utilities Rules and Regulations and/or including a 30% reduction to the consumption based charges under the relevant commodity tariff rate schedule for billing periods not to exceed 12 months, in order to phase in the impact of accurate meter reads.

I. Economic Development Special Contracts

1. Utilities may execute special contracts with selected Nonresidential, Commercial, Industrial or Contract Service Customers or may offer to execute special contracts with potential such Customers to support economic development and/or infill/redevelopment. If executed, the special contract shall contain specific provisions relating to the various rates, terms and conditions under which Utilities will provide service(s) to those Customers, including, but not limited to: 1) fee deferrals for Utilities charges and fees, 2) cost participation for relocations, extensions, and capacity improvements, 3) special rates for utility products and services, 4) revenue guarantees and 5) financial assurances. These specific provisions may differ from the applicable Tariff provisions. The special contract may concern one or more services. Except for the specific rates, terms and conditions contained within the special contract, services(s) shall be provided under the rates, terms and conditions set forth in the Tariffs.
2. A special contract may only be executed by Utilities if all the following conditions are met:
 - a. The Customer (or potential Customer) has been identified as a Customer that offers significant risk or opportunity to Utilities in terms of potential loss or gain to the system(s), because: 1) the Customer may decline or may discontinue (or partially may discontinue) taking service(s) from Utilities, or 2) the Customer may provide its own services(s), or 3) the Customer may seek other alternatives to the service(s) provided by Utilities, or 4) the Customer may increase use of the system to the benefit of Utilities and the remaining Utilities' Customers.
 - b. The approval and subsequent execution of the special contract will not adversely affect the remaining Utilities' Customers.

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- c. Funding is available.
3. Prior to the execution of the special contract, Utilities shall develop substantive written documentation demonstrating the special contract's compliance with these Tariff provisions and Utilities shall provide that documentation to the City Auditor's Office for its review. If the City Auditor's Office concurs that the special contract complies with these Tariff provisions, Utilities may execute the special contract without further review. If the City Auditor's Office does not concur that the special contract complies with these Tariff provisions, then the matter may be taken to the City Council in Closed Executive Session for its review and approval.

IV. ENDING SERVICE

A. Discontinuance of Service

1. General Provisions

Service can be discontinued by a Customer at any time, an Owner of vacant Premises, or by Utilities (for cause). All charges incurred up to the effective date of discontinuance are due and payable as billed; Utilities retains all rights and remedies, including recovery by action at law. Causes for which Utilities may discontinue service include:

- a. Non-payment of all amounts due;
- b. No known customer at Premises;
- c. Unsafe conditions, including any unauthorized connection;
- d. Denying access to Utilities' equipment, easements and/or other property/rights;
- e. Violations of the Tariffs, these Rules and Regulations, the *Line Extension and Service Standards*, duly-promulgated laws and/or standards; and/or
- f. Government order.

Utilities will give notice of discontinuance as set out below, unless otherwise specified. Service that has been discontinued by Utilities may be restored if conditions are met, as set out below.

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2. Discontinuance of Service by Customer or Premises Owner
 - a. Utilities will discontinue service at the request of an Account's Main Customer or authorized person.
 - b. If Premises are vacant, Utilities will discontinue service at the Premises upon the request of the Owner of the Premises, even if the Owner is not the person maintaining an Account for service at the Premises.
3. Discontinuance of Service by Utilities for Failure to Pay When Due
 - a. Utility service may be discontinued by Utilities when any billed charges are not paid when due, including a payment instrument returned, refused, or otherwise declined or dishonored by a financial institution. Any one or all services furnished under the delinquent account may be discontinued upon Utilities giving Notice of Discontinuance of Service.
 - b. Service will not be discontinued for non-payment in the following circumstances:
 - i. When Utilities has failed to make a reasonable effort to advise of the proposed discontinuance, or a sum which has not appeared on a notice of discontinuance is the sole amount unpaid;
 - ii. The amount owed is less than 30 days past due, except for deposits or other extenuating circumstances;
 - iii. The amount due was incurred by a previous occupant of the Premises; however, Utilities may decline to continue to furnish service at the same Premises if it is apparent the service is being obtained by subterfuge in any manner;
 - iv. When the full amount shown on a notice of discontinuance is received in Utilities' business office during business hours or by a Utilities' representative authorized to receive payment (or otherwise acceptable payment arrangements are made), before the discontinuance date; and/or
 - v. When a residential Customer presents an acceptable Medical Certificate as set out below.

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c. Medical Certificates

In the event a Medical Certificate is received by Utilities, residential service cannot be discontinued, or if already discontinued, must be restored. The period of non-discontinuance of service is effective for 60 days from the date of the Medical Certificate. One 30-day extension of service may be granted by receipt of a second Medical Certificate by Utilities prior to the expiration of the initial 60-day period. A maximum of 90 days per household will be granted in any consecutive 12-month period. The 12-month period begins on the date the first Medical Certificate is presented to Utilities.

4. Discontinuance of Service by Utilities for Other Causes

a. No Known Customer

In the event there is no known Customer at any Premises connected to Utilities' system, service may be discontinued.

b. Unsafe Conditions

i. Utilities may interrupt service to any Premises without prior notice if Utilities determines that continuing to provide the service will present an immediate threat to the safety of persons or property (Unsafe Condition), even if other circumstances related to the Premises would otherwise require notice. Utilities will make a reasonable effort to notify affected Customers or users of interruption due to an Unsafe Condition and what steps are necessary for the service to be restored.

ii. A Utilities' representative may authorize shutting off natural gas service for unsafe conditions without prior notice to the affected Customer, user or Owner as described in these Utilities Rules and Regulations, Natural Gas section, "Discontinuance of Natural Gas for Unsafe Condition."

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c. Denying Right of Access

In the event any Person refuses or fails to allow Utilities entry and/or access to its equipment at any Premises, service to that Premises may be discontinued until Utilities is permitted access and reconnection of service is approved by Utilities. Applicable fees, including Trip fees, will be assessed, and must be paid prior to restoration of service. See Section I.B Fee Table.

d. Violation of Ordinances, Resolutions, Tariffs, Rules and Regulations or *Line Extension and Service Standards*

i. Service may be discontinued upon giving 10 days prior written notice of discontinuance, in the event that a Customer violates an ordinance, resolution, Tariff, rule or regulation, or *Line Extension and Service Standards* concerning utility service. If the violation concerns a particular utility service, only that service may be discontinued; however, if the violation concerns wastewater service, then wastewater and/or water service may be terminated for that violation.

ii. The City Code includes specific penalties and/or enforcement actions for certain classified Wastewater violations. In the event that enforcement action charges imposed against any nonresidential (commercial/industrial) account are not paid when due, the Premises may be disconnected from the wastewater treatment system.

5. Tampering, Bypassing or Unauthorized Metering

a. Tampering, bypassing and unauthorized metering, the receipt of utility services by these means, and the distortion of electric wave shapes to cause a meter to register inaccurately are unlawful acts as defined in Section 12.1.113 of the City Code. These illegal acts constitute an Unsafe Condition as set forth above. Service will not be reconnected until any and all deficiencies in wiring, connections, meters, piping, and/or facilities of the Premises have been repaired or corrected to conform to the requirements of the City Code, all applicable ordinances, rules and regulations.

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- b. Utilities may impose charges specified by the City Code for tampering, bypassing or unauthorized metering of utility facilities and services. These charges are in addition to all other applicable charges, including Trip fees, and must be paid prior to restoration of services. See Section I.B. Fee Table. Criminal charges may also be filed.

6. Subterfuge

Any Person's utility service may be discontinued, without prior notice, for any action by which service is obtained or liability avoided by deception, concealment, or fraud.

B. Notice and Procedure of Discontinuance

1. In general, Utility service will not be discontinued between 5:00 p.m. on Friday and 8:00 a.m. the following Monday, or between 12:00 noon on the day prior to and 8:00 a.m. on the day following any holiday observed by Utilities.
2. If notice is required, written Notice of Discontinuance of Service must be sent or delivered at least 10 days in advance of the proposed discontinuance date. A notice of discontinuance will be conspicuous and in easily understood language. Unintentional error in the information contained in the notice does not render the notice void. The notice will clearly state, in English and in Spanish, that this is a final notice of discontinuance of service. A message in Spanish will also indicate that Customers who do not read English should request the help of a translator.
3. In addition, at a minimum, the notice will advise the Customer:
 - a. that service may be discontinued on a particular date;
 - b. the amount past due (if applicable) or other reason for discontinuance; if the discontinuance is due to illegal activity, the notice shall identify or describe the ordinance, resolution, rules or regulation, Tariff or Service Standards manual that is being violated;
 - c. how a Customer may avoid discontinuance of service, including by correction of a violation or illegality;

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- d. of agencies, known to Utilities, which provide Customer assistance or benefits to help pay utility bills (if applicable); and
 - e. that a review may be provided to resolve any dispute concerning the discontinuance of utility service if the request is made in writing before the discontinuance date unless a hearing has already been conducted in regard to the dispute. (See Section V.I. below).
4. In addition to the reasons set forth within these tariffs, the requirements for notice to Customers prior to discontinuance may also be waived for the following reasons:
 - a. Discontinuance is ordered by any properly constituted governmental authority;
 - b. Service, having been discontinued in accordance with this section, is restored by someone other than authorized Utilities' personnel or those persons authorized by the Pikes Peak Regional Building Department; or
 - c. Payments made to Utilities for service reconnection or to avoid service disconnection are dishonored, declined, or otherwise not processed.
 5. Where the utility service is recorded on Master Meters
 - a. Utilities will make a reasonable effort to deliver or mail a written notice to each sub-premises at least 30 days prior to the proposed date of discontinuance, advising that the party responsible for payment of utility bills has been sent a notice of discontinuance.
 - b. A notice to the occupants will be posted, to the extent possible, in at least one of the common areas of the multi-unit dwelling.
 - c. Service may not be discontinued if the party responsible for payment pays the amount on the notice, including any applicable fees. See Section I.B. Fee Table.

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C. Restoring Service after Discontinuance

1. Conditions for Restoring Service

Service will be restored within 24 hours after satisfaction of the following:

- a. Customer pays in full or makes acceptable payment arrangements (or presents a Medical Certificate to Utilities) regarding the amount shown on a notice of discontinuance for non-payment;
- b. Customer pays any additional charges required for restoration of service (see Section I.B. Fee Table); and
- c. Customer notifies Utilities that the cause of discontinuance has been corrected and such information is confirmed by Utilities.

Further, where any violations or illegal acts have occurred, the Customer or User at the Premises may also be required to pay the following additional charges:

- d. The applicable charges under any part of the City Code or these Utilities Rules and Regulations;
- e. A service charge calculated to compensate Utilities for all reasonable expenses incurred due to the illegal actions including, but not limited to, costs of investigation, disconnection, reconnection and service calls, and administration costs;
- f. The cost of repairing or replacing any damaged Utilities' equipment; and/or
- g. The actual or estimated charges for utility services not previously billed to the Customer or User as a result of the violations or illegalities; separate rules in the City Code for of wastewater discharge violations also apply.

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2. Effect of Discontinuance on Access and Facilities or Service Charges.
 - a. In cases where one or more services have been temporarily discontinued for non-payment and the account remains active, the customer shall continue to be charged the Per Day Access and Facilities or Service Charges for all services, during the entire period until restoration occurs.
 - b. Where restoration does not occur and the account becomes inactive, the Customer will not be charged the Per Day Access and Facilities Charges for those service points as of the date the individual meter was disconnected.
 - c. In cases where all services have been discontinued for non-payment and the account is closed, the Customer will not be charged the Per Day Customer, Access and Facilities Charges for the entire period.

V. OTHER RIGHTS, LIMITATIONS, AND OBLIGATIONS

A. Right of Access

1. The Owner, Customer, or user, upon receiving, and while continuing to receive, service from Utilities, or so long as Utilities owned meters or appurtenances are present on the relevant Premises, grants to Utilities the irrevocable right to enter and to access the Premises at which service is being received, utility easements rights-of-way and all buildings or appurtenances thereon at all times, indoors and outdoors, in emergency and non-emergency situations, for the purpose of:
 - a. Installing, replacing, repairing and testing meters to include automated meter reading devices and remote reconnect/disconnect equipment;
 - b. Installing, constructing, renewing, replacing, removing, relocating, operating, maintaining, reading the meter, inspecting, repairing, testing and test upgrading of any portion of the distribution system located on or within the boundaries of the Premises;
 - c. Trimming or removing vegetation or other obstructions, which interfere with the operation, maintenance of or create a safety hazard to the utility system;

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- d. Locating, excavating or removing Utilities' property after discontinuance;
 - e. Taking any actions necessary to prevent possible personal injury or property damage including shutting off gas meter valves and lighting of gas appliances, disconnecting service for non-compliance with wastewater pre-treatment requirements or prohibiting wastewater discharges and hazardous substances; and/or posting of notices dealing with discontinuance of service for non-payment.
2. In non-emergency situations, Utilities will attempt to notify the Owner, Customer, or user. Such notice may include: customer contact or leaving notice at the affected Premises, telephone communication, electronic communication, mail service, and/or any other reasonable means.

B. Liability of Utilities

1. Utilities is not liable to any Person for:
 - a. Any loss or damage resulting from utility system design, construction, operation practices and procedures, repair or maintenance of the system unless actual negligence is shown;
 - b. Consequential damages of any kind, including without limitation, loss of business, products, wages and computer data, which are not Utilities' responsibility;
 - c. Any damages caused by the failure of any Customer or user to provide required protective equipment; or
 - d. Failure to notify or be required in any way to notify any Customer or Person in the event that Utilities obtains information concerning that Customer's or Person's utility use that may be interpreted to show that the Customer's or Person's consumption of electricity, natural gas, or water is out of the ordinary for that Customer or Person.

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2. The Owner, developer, Customer or user will:
 - a. Provide at their expense, any required devices for adequate protection of equipment, products, processes, personnel, agents or contractors against interruptions.
 - b. Protect Utilities' owned facilities and equipment located on the Premises and will limit access to the facilities and equipment as required by applicable safety codes or regulations. No refund for excess credits will be given.
 - c. Indemnify, defend, and protect Utilities against all liabilities, claims, judgments, losses, costs and expenses resulting from property damages or personal injury caused by or arising from the Person's failure to limit access to Utilities' facilities and equipment as required and from all actions arising therefrom.
3. Nothing in this section waives any of the requirements and limitations afforded to Utilities by the Colorado Governmental Immunity Act. The provisions in this section are supplemented by other provisions in the Tariffs.
4. This section is in addition to any other of the Utilities Rules and Regulations, and is not limited in any manner by those sections.

C. Resale

Utility service will be furnished for the sole use of the Customer at the Premises designated in the service application and/or contract. The Customer will not directly or indirectly sell or otherwise dispose of the service to any other person, except upon specific authorization of City Council or as authorized in the City Code. This provision incorporates and is subject to Section 12.1.110, Exclusivity, of the City Code. Additional information and standards related to resale within the context of Master Meters can be found in Paragraph G, below.

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D. Service Interruptions or Curtailments

Utilities' goal is to provide reliable service; however, continuous uninterrupted service is not guaranteed. Utility services may be interrupted without notice for emergency repairs, events, occurrences, accidents, strikes, force majeure or other circumstances beyond Utilities' control. Curtailments of service due to supply or system capacity constraints may also occur without prior notice. Utilities generally intends to provide prior notice to affected Customers and users if utility services will be interrupted for scheduled repairs or extensions to the utility supply systems; however, interruptions caused by these activities may occur without prior notice.

E. Meters

In addition to all applicable provisions of the Tariff and *Line Extension and Service Standards*, the following provisions apply to Utilities' meters.

1. Tagging of Meters

In the event that service to a single Premises serves more than one Customer or user through multiple meters, the Owner of the Premises must plainly mark each meter socket and/or piping inlet with a permanent brass tag which correctly identifies the sub-premises served by each individual meter, and meet all other requirements of the Tariff and *Line Extension and Service Standards* regarding meters. When incorrect tagging or addressing creates inaccurate information in Utilities' records, the Owner of such Premises will be responsible for actual time and material charges incurred by Utilities to correct the situation. The resolution of billing inaccuracies due to incorrect tagging or addressing will be the responsibility of the Owner and the Customer or user.

2. Nonstandard Meter Installations

- a. Upon a request from a residential Customer for a nonstandard meter installation, Utilities shall evaluate the request, and upon review, may install nonstandard meters. Nonstandard meters include meters installed as part of Utilities' Automated-Meter Opt-Out Program (Opt-Out Program).
- b. Customers who request and are approved for a nonstandard meter installation that includes opting out of automated meter usage shall be a part

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of the Opt-Out Program and subject to all applicable terms and conditions. The Opt-Out Program is subject to the following:

- i. The Opt-Out Program will be limited to Customers with residential rated services only.
 - ii. A Customer can submit a request to opt-out of automated-meter service only for the Premises in which they reside, not for or on behalf of other Premises or Customers (e.g. apartment building or complex).
 - iii. The Opt-Out Program will be applied to all metered services at the Premises. Customer cannot Opt-Out of one service and leave others under standard automated meter configurations.
 - iv. Customers who participate in the Opt-Out Program will not be eligible to participate in other services including, but not limited to, Load Profile, Net Metering, My Usage and special use rates offered by Utilities.
 - v. Customers who participate in the Opt-Out Program that violate any part of the Tariff or practice any form of subterfuge of utilities services will be terminated from the Opt-Out Program, and standard automated metering will be installed at Customer's expense if Customer is eligible to continue to receive utility service.
- c. Customers who elect to participate in the Opt-Out Program (all amounts of fees described below are in Section I.B. Fee Table:
- i. Will incur an initial service fee to cover the costs associated with changing the configuration of the meters;
 - ii. Are responsible for calling in their meter reads into Utilities each month except for those months where Utilities has manually read the meter, which will occur at least once per quarter; Customer will not incur a meter read charge for those months where they are responsible for providing Utilities with reads; and

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- iii. Will incur a manual read charge quarterly for Utilities obtained reads.
- d. Customers will be subject to the charges outlined above each time they elect to participate in the Opt-Out Program.
- e. Utilities reserves the right to decline or discontinue Customer participation in the Opt-Out Program if found to have a negative impact to other Customers or Utilities operations.

F. Rights of Landlords

1. Third Party Notification

Customers may authorize a third party be sent copies of all notices of non-payment, discontinuance and/or collection activities that are sent to the customer by (1) submitting a Utilities Third Party Notification Form, or (2) by completing such a request with an authorized customer service representative by telephone, online and/or in person. Verification of customer identity in accordance with Utilities' policy is required. Third party designees are also authorized to receive information regarding meter and service status.

2. Interim Service or Always Disconnect

The Owner will be charged for Interim Service at Premises when utility service is not disconnected by the Owner. If the Owner wants the utility service to be automatically disconnected in the event an occupant or tenant terminates its utility service, the Owner must notify Utilities for each specific Premises it wants the utility service to be automatically disconnected by completing and filing with Utilities an Always Final Read Disconnect Form. The Always Final Read Disconnect Form must be completed and signed by the Owner, with original copies retained on file at Utilities. If the Owner has authorized a property manager or other person to make changes to the Owner's utilities account on Owner's behalf and notified Utilities of the authorization, then the authorized person may notify Utilities and may complete and sign the form.

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G. Master Meters – No Resale

1. Submetering, for the purpose of resale of a service, by a Master Metered Customer of Utilities is prohibited. However, a Master Metered Customer may install their own check-meter for tenants, lessees, or other persons, to whom ultimately the service is distributed, for the purpose of reimbursing the Master Metered Customer by an appropriate allocation procedure. The Master Metered Customer will not receive more than is necessary to pay the Master Metered bill. The Master Metered Customer must also reimburse tenants, lessees or other persons to whom service is distributed in a reasonable manner for all refunds received or credited to the Master Metered Customer for the utility service.
2. Metering arrangements, agreements and allocation procedures used by Master Metered Customers to obtain reimbursement of the Master Metered bill are determined solely by contractual arrangement between the Master Metered Customer and the persons to whom the service is distributed. The resolution of disputes between the Master Metered Customer and tenants, lessees or other persons to whom the service is distributed is not the responsibility of Utilities.

H. Use, Account Access, Disclosure, and Release of Information

1. Use of Account Information

- a. As a condition of service, Utilities collects certain Personally Identifiable Information (PII) from Customers and others. Utilities is entitled to use all information collected by it and otherwise created and compiled by it for Utilities' legitimate business purposes. Utilities may also use and/or disclose information necessary to calculating any Development Charges, Reconnection Charges or any other fees necessary to establish service under Utilities' Tariff.
- b. As it deems reasonable and necessary, Utilities may also provide to permit issuers or contracted vendors any such information, or allow its contracted vendors performing Utilities' legitimate business purposes to use any such information, in accordance with Utilities' documented procurement and compliance policies as they are amended from time to time, including terms and conditions that prohibit release of such information by the recipient.

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2. Account Access
 - a. Utilities is committed to protecting the confidentiality of its Customer account information. Therefore, Customer account information will not be accessed or disclosed except as indicated herein or as otherwise provided in any applicable law or court order.
 - b. A customer may provide, change or obtain his/her own Customer account information upon review and proof of identification, and may release information or authorize others to have Account Access.
 - c. A Person may have Account Access to a Customer's information, excluding PII, if that Person is specifically authorized on the Customer's account.
 - d. A "person in interest" as defined by applicable law may obtain certain items of information, excluding PII, within a Customer's account, in accordance with Utilities' documented customer information policies and programs.
3. Disclosure of Information
 - a. With regard to requests for disclosure of Customer account information, Utilities will comply with the provisions of the Colorado Open Records Act, C.R.S. section 24-72-201, et seq., as amended from time to time.
 - b. Customer account information may be furnished in response to proper legal process and/or discovery requests in legal proceedings. However, Utilities, at its sole discretion, may seek appropriate orders limiting the disclosure.
4. Release of Information
 - a. Customer account information may be provided to a Person whose name does not appear on the account, or is not authorized on the account, if Utilities receives a consent to release Customer account information (Release) executed by the Customer in a form acceptable to Utilities and with verification of the Customer's identity in accordance with Utilities' policies.

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- b. The Release must contain the following information:
 - i. the Customer's name, address and telephone number;
 - ii. the Customer's account number;
 - iii. the name of the Person to whom the information may be released;
 - iv. the time frame covered by the Release;
 - v. the specific information to be released;
 - vi. the Customer's signature; and
 - vii. the signature and seal of a notary public.
- c. The burden is on the party requesting the information to obtain the Release from the Customer and to provide it to Utilities. The requirement of the signature and seal of a notary public may be waived by Utilities if authorization from the Customer is provided in person or telephonically to Utilities following appropriate Customer verification. Any such Release under this provision releases Utilities from any claim resulting from any use or misuse of the information provided.
- d. Notwithstanding above stated in part b, Utilities may accept at its discretion a customer executed release in a form provided by a state or federal assistance entity.

I. Dispute Resolution Procedure

1. General

Any Customer's or user's dispute with Utilities concerning the Customer's or user's utility service or proposed utility service, except as otherwise provided herein, including, without limitation, billing errors and omissions, termination of service, line extensions or alleged violations of regulations or ordinances, shall be reviewed and determined by the following procedure, unless otherwise provided for in ordinances or resolutions. The process consists of a mandatory first step of an Informal Review and, if the Customer or user is dissatisfied with the Informal Review, a Formal Review. A Customer or user is required to complete the dispute resolution procedure, which results in a final decision, before seeking any judicial action.

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Only disputed amounts will be excluded from credit and collection activity until the dispute is resolved. Credit and collection activity will continue on any or all other amounts due.

Except as provided in this section, or in the case of a hazardous condition, during the time period of the review process regarding any reviewable dispute, the Customer's or user's service will not be terminated, and the status quo will be maintained through the review process.

No refund or credit for overcharges, or rebilling for undercharges, ordered as the result of a dispute will be issued until an order has been issued and no further review of the dispute is permitted by these provisions.

Any disputes regarding the assessment and/or applicability of Stormwater service fees billed by Utilities will be directed to the City and addressed by the City in accordance with applicable City Code provisions and Stormwater Enterprise rules, regulations, and policies.

2. Informal Review

As provided below, the Customer or user shall proceed with the required Informal Review in one of two methods: (a) the Customer or user shall seek an informal review with Utilities or, in lieu thereof, (b) seek informal review through the Colorado Springs Better Business Bureau (BBB). The purpose of the informal review process is to review whether Utilities properly applied its ordinances, Tariffs, regulations, policies or procedures with regard to a particular situation. In no event is the informal review process to be utilized to negotiate a settlement of the amounts due for utility services.

3. Request for Informal Review

- a. A request for an informal review must be in writing addressed to:

Colorado Springs Utilities
Customer and Corporate Services
Attn: Dispute Resolution
P. O. Box 1103
Colorado Springs, CO 80947-1339

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The request must include:

- i. the Customer's or user's name,
 - ii. the Customer's or user's address and telephone number,
 - iii. the service address of the dispute,
 - iv. the nature of the dispute,
 - v. the dollar amount in dispute,
 - vi. copies of relevant documents, and
 - vii. any other relevant information.
- b. Informal Review Process Options

The Customer or user shall choose an informal review by Utilities or an informal review by the BBB.

Option 1. Informal Review by Utilities:

The Customer or user may choose the first method of informal review which is an informal review by Utilities to determine if Utilities' action or omission was consistent with its controlling ordinances, Tariffs, regulations, policies or procedures. Utilities' Chief Executive Officer is authorized to establish procedural regulations governing the review process.

The Customer or user has the right to appear and present information relevant to the dispute to the Utilities' representative and has the right to obtain, without charge, prior to the review, a copy of each document Utilities plans to introduce or discuss at the review. In addition, the Customer or user has the right to review the Customer's or user's account records and all applicable written policies or regulations relevant to the dispute. The matter will be reviewed and determined by Utilities' representative within 10 working days of the request unless the time is extended by Utilities' representative for good cause. The Customer or user will be notified in writing within three working days of the determination.

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If the dispute is not resolved to the Customer's or user's satisfaction, the Customer or user may file a written request for a formal review as provided below.

Option 2. Informal Review Process using BBB Services:

The Customer or user may choose the second method of informal review which is an informal review using the BBB Services. Utilities may also elect to use the BBB Services for informal review with the consent of the Customer or user. The Customer or user will have five working days in which to decide to use the BBB Services offered by Utilities. Utilities' designated representative will send a packet of information pertaining to the dispute to the Customer or user in advance of the informal review session. The packet will include all applicable codes, rules and regulations, policies and Tariffs. Prior to the informal review session, Utilities and the BBB mediator will sign an agreement regarding the review process. Utilities will bear the cost of the BBB Services. Utilities' representative will bring extra copies of all relevant Customer or user information in regard to the dispute for the Customer or user and the BBB mediator to the informal review session. If the dispute is resolved at the informal review session, the Customer or user and Utilities' representative will sign a form setting forth the agreement. A copy of the agreement will be maintained in the Customer's or user's file. If the dispute is not resolved during the informal review session, Utilities' representative will advise the Customer or user of their option to request a formal review.

4. Formal Review

a. Request for Formal Review

If the Customer or user is not satisfied with the outcome of the informal review and wishes further proceedings, the Customer or user shall submit a written request for a formal review with the City Attorney within five working days of written determination, unless the time is extended by the City Attorney for good cause. The Customer or user must identify in the request the portion(s) of the informal review results they are disputing.

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Other Rights, Limitations, and Obligations – cont'd

b. Designation of Hearing Officer

The City Attorney will assign the formal review to an appropriate hearing officer. The hearing officer will have had no previous involvement with the Customer's or user's specific dispute. Involvement does not include, however, reviewing a previous or other issue involving the same Customer or user, whether regarding a different, similar or identical issue.

5. Formal Review Process

a. The formal review process will be conducted as follows:

- i. Within 15 working days of the Customer's or user's written request, unless the time is extended as necessary to meet scheduling needs of Utilities, Customer, user or hearing officer, the hearing officer will schedule a time for consideration of the dispute.
- ii. The hearing officer has the authority to establish procedures governing the formal review process.
- iii. During the formal review process, the Customer or user has the right to appear in person, to make a presentation, and to provide written documentation concerning any matter relevant to the disputed determination and to question Utilities' representatives. The Customer or user has the right to require the presence of those Utilities' representatives who are reasonably necessary to support the presentation they intend to make. The formal review may be rescheduled as necessary if such required representatives are not reasonably available on the date the review is scheduled. Utilities has the right to present any matter relevant to the disputed determination and to question the Customer or user and any of their witnesses. The Customer or user and Utilities may be represented by an attorney or other advocate. However, no legal briefs outlining argument will be submitted to the hearing officer, nor will legal cases be cited by the Customer, user, Utilities, or their attorneys to the hearing officer. A recording of the proceeding will be retained by the City Attorney's Office and is the official record of the proceeding.

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GENERAL

Other Rights, Limitations, and Obligations – cont'd

However, when the City Attorney, in the City Attorney's sole discretion, determines that because of the length or complexity of the proceeding that a transcript should be kept by a certified shorthand court reporter, that transcript will be the official record of the proceeding. A copy of the recording or transcription, whichever is applicable, is available to the Customer or user upon payment of the cost of reproduction if a deposit of the estimated cost of reproduction is made in advance.

- iv. At the conclusion of the review process, the hearing officer may announce the decision or inform the parties that a written determination will be rendered within 10 working days. The hearing officer will determine whether the disputed determination was consistent with Utilities' controlling ordinances, resolutions, Tariffs, regulations, policies or procedures.
- v. Utilities has the responsibility to establish that the disputed decision is consistent with its controlling ordinances, resolutions, Tariffs, regulations, policies or procedures.
- vi. If the hearing officer decides that Utilities' actions or omissions or the Utilities' representative's determination is consistent with the controlling ordinances, resolutions, Tariffs, regulations, policies or procedures, the Customer or user will be advised that the hearing officer's decision is final for purposes of the administrative review process.
- vii. Disputes which involve the legality of the application of ordinances, resolutions, Tariffs, regulations, policies or procedures, or which question the legality of such ordinances, Tariffs, regulations, policies, or procedures, on other grounds, are not proper disputes for the Dispute Resolution Procedure. Upon certification by Deputy City Attorney/Utilities or his/her designee (Utilities' Attorney) that such issues are involved in any such dispute, the Customer or user will be permitted to immediately seek remedy of the dispute through the legal system without the necessity of proceeding through Utilities' administrative Dispute Resolution Procedure. Such certification will occur within 10 days after the Customer's written

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Other Rights, Limitations, and Obligations – cont'd

request for review, including identification of issues is submitted. Any issues not so certified within 10 days are deemed to be appropriately raised in the review procedure. However, whenever a dispute necessarily includes other issue(s) not so certified by Utilities' Attorney or his/her designee, the Customer or user may proceed through Utilities' administrative Dispute Resolution Procedure on such other non-certified issue(s) before filing any action in the legal system for review of the issues excused from review under Utilities' Dispute Resolution Procedure by certification of Utilities' Attorney.

6. Final Decision

Upon completion of the Formal Review, the hearing officer's determination will be considered the final decision of Utilities and the City Attorney. Following the final decision, a Customer or user has the option of appealing to the District Court under Colorado rule of Civil Procedure 106(a)(4). Under Colorado Rule of Civil Procedure 106(a)(4), the District Court reviews the record of the formal review for sufficient evidentiary support.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

VI. ELECTRIC

A. Electric Service Standards

1. Utility Provisions

Utilities will furnish, install at its expense, own and maintain the equipment to properly meter the service required except as specified under the Totalization Service charge in the Electric Rate Schedules, and the Automated-Meter Opt-Out Program.

All electric service will be metered except in limited circumstances. Customers may receive service without metering at tariffed rates pursuant to Electric Rate Schedule Sheet No. 5.1 or upon execution of a separate written agreement in which Utilities and the Customer agree upon usage estimation procedures. This separate written agreement option will be limited to instances when Electric Rate Schedule Sheet No. 5.1 is not available and when average, individual, commercial facility loads are estimated to be less than 66 kWh/day and when Utilities, at its sole discretion, (1) determines that metering is not appropriate or cost effective and (2) determines that a limited opportunity for load variance, misuse or subterfuge exists. At any time during the contract period, Utilities may check the Customer's usage and a meter(s) will be installed in a Customer-owned socket(s) if deemed necessary by Utilities.

Standard service consists of overhead service including an overhead service drop from the service line to the Customer's Premise. In the event underground service is desired or is required in an underground service area, the Customer will provide contributions in aid-of-construction. In some existing locations, if this equipment is on the load side of the Point of Common Coupling (aka Service Point as defined by the National Electric Code), the customer is responsible to install or remove the Utilities metering equipment for maintenance and repair.

The Customer will pay the specified fee for design of Line Extensions.

a. Primary Service

This type of service (highest voltage located on the Customer's Premise) is alternating current, 60 hertz, three-phase, four wire wye, 12,470/7,200 volts or 34,500/19,900 volts nominal.

This does not preclude Utilities from providing primary or secondary service to a customer at Utilities convenience, provided the service is metered and billed under the appropriate Electric Tariff.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

Electric – cont'd

b. Secondary Service

This type of service is alternating current, 60 hertz, single or three phase.

Available secondary service nominal voltage classifications will depend upon a Customer's location and proximity to existing facilities as follows:

- i. Single-phase, three wire, 120/240 volts;
- ii. Single-phase, two wire, 120 volts;
- iii. Single-phase, three wire, 120/208 volts;
- iv. Three-phase, four wire, 120/208 volts wye;
- v. Three-phase, four wire, 277/480 volts wye.

Totalized Service is available upon request at the rates and conditions provided for in the Totalization Service charge in the Electric Rate Schedules.

2. Customer Provisions

The Customer will provide, at the Customer's expense, a suitable mounting space or enclosure in an acceptable location for the installation of the metering equipment in accordance with the *Line Extension and Service Standards* for Electric. The Customer, as a condition of service, agrees to the original as-built location for those portions of the facilities on the Customer's Premise that are outside of a public utility easement or right of way. Any changes in location of the facilities will be at the sole expense of the Customer.

a. Primary Service

All wiring, pole lines, conductors, transformers and other electric substation and distribution equipment beyond the point of metering, except Utilities' metering equipment, will be provided, owned, installed, and maintained at the Customer's expense.

b. Secondary Service

This type of service is alternating current, 60 hertz, single or three phase.

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ELECTRIC

Electric – cont'd

Available secondary service nominal voltage classifications will depend upon a Customer's location and proximity to existing facilities as follows:

- i. Single-phase, three wire, 120/240 volts;
- ii. Single-phase, two wire, 120 volts;
- iii. Single-phase, three wire, 120/208 volts;
- iv. Three-phase, four wire, 120/208 volts wye;
- v. Three-phase, four wire, 277/480 volts wye.

Totalized Service is available upon request at the rates and conditions provided for in the Totalization Service charge in the Electric Rate Schedules.

3. Customer Provisions

The Customer will provide, at the Customer's expense, a suitable mounting space or enclosure in an acceptable location for the installation of the metering equipment in accordance with the *Line Extension and Service Standards* for Electric. The Customer, as a condition of service, agrees to the original as-built location for those portions of the facilities on the Customer's Premise that are outside of a public utility easement or right of way. Any changes in location of the facilities will be at the sole expense of the Customer.

a. Primary Service

All wiring, pole lines, conductors, transformers and other electric substation and distribution equipment beyond the point of metering, except Utilities' metering equipment, will be provided, owned, installed, and maintained at the Customer's expense.

b. Secondary Service

The Customer will provide, at the Customer's expense, all inside wiring necessary for the proper utilization of the service. Utilities will require that the service entrance wiring, the meter loop, the service loop support and the service entrance switch be installed in accordance with the *Line Extension and Service Standards* for Electric. The service entrance wiring will be brought to a point outside the Premise that can be reached from the service line without service drop trespass upon other property.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

Electric – cont'd

4. Service Limitations
 - a. Instantaneous Demand

In order to protect Utilities' service and infrastructure, any Customer's equipment such as motors, welding equipment, X-ray equipment, furnaces, heat pumps, etc., will have such characteristics, or be equipped with control equipment of such design, that the instantaneous current requirements during starting or cyclic operation are limited so that voltage flicker will conform to Utilities' *Line Extension and Service Standards* for Electric. As a general rule, instantaneous starting current for motors of 10 horsepower or more is limited to approximately 300% of normal full load current.

For residential electric service, the use of any single-phase motor will be limited to 125 amps starting current at 240 volts. Any motor with greater starting current requires review and approval of Utilities prior to installation to assure that voltage flicker will conform to allowable *Line Extension and Service Standards* for Electric.

B. Electric Line Extensions and Services

Extension of distribution lines to place of delivery of service to a Customer will be made, subject to the following conditions:

1. Permanent Extension for Continuous Service
 - a. General
 - i. Extensions

Extensions will be constructed within 180 days after approval when, in the judgment of Utilities' the assured annual revenue for each year of the five-year period immediately following the construction of such extension and establishment of service will equal or exceed 30% of the total cost of such extension.

When it is not certain in the judgment of Utilities that the assured annual revenue for each of the five-years following the construction and establishment of service to such extension will equal 30% of the cost, such permanent extension will nevertheless be made when the construction and existence of such extension is economically sound and feasible.

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ELECTRIC

Electric – cont'd

ii. Revenue Guarantees or Deposits:

- a. Revenue Guarantees or Deposits generally apply to three-phase mainline extensions of one-half mile in distance or greater. Utilities may require, by written contract of the Customer(s) to be served by an extension, a satisfactory guaranteed annual or billing period revenue for each year of the five-year period following the establishment of service to an extension, equal to 30% of the total cost of such extension.

When the actual annual billed revenue is less than the guaranteed annual revenue for any year of the five-year period, the resulting shortfall of revenue is a revenue deficiency. Revenue deficiencies will be billed at 63% of the deficiency to allow for variable costs not incurred.

- b. Utilities may require an advance revenue cash deposit in the form of cash, an acceptable surety bond or an irrevocable letter of credit of a part or all of the annual or billing period revenue for each year of the five-year period following the establishment of service to an extension, equal to 30% of the total cost of such extension.

The minimum annual revenue requirements may be prorated on a billing period basis irrespective of the billing period minimum established in the Electric Rate Schedules applicable to the particular class of service to be rendered, in the event that such revenue requirements are in excess of the established minimum in the Electric Rate Schedules.

- c. If a revenue cash deposit is made by the Customer of the required five-year Revenue Guarantee, the deposit may be drawn upon by the Customer to meet the billing period minimum or annual revenue guarantee.

If a revenue cash deposit is made by the Customer of only a portion of the required five-year Revenue Guarantee, the

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Electric – cont'd

deposit may not be drawn upon by the Customer to meet the billing period minimum or annual revenue guarantee until current bills have been paid, the total amount of which together with the amount of the revenue cash deposit will equal 30% of the cost of the extension each year for a five-year period.

Any revenue cash deposit required and made, will accrue simple interest on the unused balance of such revenue cash deposits at the end of each fiscal year and will be credited to the revenue deposit account of the Customer. At the end of the fifth year, any balance remaining in the account will be refunded to the Customer.

- d. Determination of Revenue Guarantees or Deposits per Customer:

When more than one Customer is to be served from an extension, the amounts of the guaranteed revenue or advance revenue cash deposits to be assumed by each may be on an equal pro rata basis such that the total number of Customers bear the total cost of extension, or upon any other basis that may be agreed upon between Utilities and the Customer(s) to be served.

- e. New Customer(s) to Extensions:

Should application be made by additional Customer(s) to an existing extension for service from the extension, the service will be connected. Utilities may elect to revise the existing Revenue Guarantee if the change is significant for all Customers then served on the extension to include the revenue of the then existing and proposed new Customer(s).

If the resulting Revenue Guarantee is less, then the annual guarantee of the existing Customer(s) will be adjusted accordingly and the amounts of the adjustments in the event deposits were made, will be refunded to the original Customer(s) in proportion to their original deposits.

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ELECTRIC

Electric – cont'd

If the resulting revenue to be guaranteed or deposited by all the existing Customer(s) is greater than that originally determined, the proposed additional Customer(s) will not be accepted as members of the original group on the existing extension, but will be considered independently as a separate new extension.

iii. Construction Advance for Mainline Facilities

As an alternative to a Revenue Guarantee, Utilities may require a Customer to advance the entire estimated cost of design, construction and materials for mainline facilities requested in advance of platting and development. The Customer may elect to enter into a Mainline Facilities Refund Contract to recover a pro rata share of the extension cost as new connections (revenue meters) are made to the mainline extension.

If a Customer desires to enter into a Mainline Facilities Refund Contract with Utilities, a signed Mainline Facilities Refund application must be submitted prior to the start of construction. The Mainline Facilities Refund Contract will be executed after final costing of the construction. Refunds of the advance payments will be made annually to the contract holder based upon the load to be served by the facility. The term of this Mainline Facilities Refund Contract will be 20 years.

The refunds will be based upon the actual construction costs, without interest, and an estimate of the number of Customers to be served by the extension as established at the time of contract execution. Refunds under each Mainline Facilities Refund Contract will extend to all connections made after the effective date of the contract. Total refunds will not exceed the Mainline Facilities Refund Contract amount. No refunds will be made after the full contract amount has been refunded or for connections made after the contract term has expired, whichever occurs first.

Any unrefunded deposit which exists at contract expiration will become a contribution-in-aid of construction to Utilities. If at any time, in Utilities' sole determination, the extension is declared economic, the balance of any remaining advance may be refunded to the developer and the contract terminated.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

Electric – cont'd

b. Underground Electric Service and Extensions

All electric service lines must be installed in accordance with Utilities' *Line Extension and Service Standards* for Electric.

In the event underground single-phase and/or three-phase primary distribution lines are installed, the Customer will pay a contribution-in-aid of construction equal to the difference in cost between an overhead and an underground system.

i. Underground Electric Service - Residential

a. General Conditions

The Owner, developer or Customer will install, or cause to be installed, at no cost to Utilities, all materials necessary for the connection of Residential electric service from the Utilities system to the Premise, including those Residential connections within Mobile Home Parks, developments and subdivided property in which only one building (consisting of a single-family residence up to a four-plex residence) is to be constructed on a single Premise with a single service. Such Residential electric service installations include all trenching, backfilling and restoration as well as materials necessary for the installation.

The Residential electric service installation shall become the property of Utilities on and after the date of its inspection and connection to the Utilities system.

The Owner, developer and Customer warrants to Utilities all materials and labor related to the Residential electric service installation from its point of connection to the Utilities system to the Premise for a period of three years from the date of its inspection and connection to the Utilities system. In the event of a defect in the Residential electric service installation during the three-year warranty period, then the Owner, developer and Customer immediately shall repair or replace the Residential electric service installation at no cost to Utilities. The Owner, developer and Customer

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ELECTRIC

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acknowledge that this warranty continues to be the obligation of the Owner, developer and Customer even though that Owner, developer or Customer ceases to be the Owner of the Premise, the developer of the Premise or the Customer of record at the Premise.

The Owner, developer and Customer agree to indemnify and hold Utilities harmless from any damages, loss, cost, or liability (including, but not limited to, any death, injury, legal fees and the cost of enforcing this indemnity) arising out of, or resulting from the use of, the Residential electric service installation during the three-year period of the warranty.

b. Inspection

The Owner, developer and Customer shall schedule an appointment with Utilities, in accord with Utilities' policies, to inspect and connect the Residential electric service to the Utilities system.

c. Inspection and Connection Fees

Utilities shall inspect and connect the Residential electric service to the Utilities system. The Residential electric service shall be installed as a single service or shall be installed jointly with natural gas service See Section I.B. Fee Table.

The Joint Service Inspection and Connection Fee is also listed under the Natural Gas section of these Utilities Rules and Regulations. However, that fee is only paid once for a joint Residential electric service and natural gas service inspection and connection.

d. Return Trip Inspection and Connection Fees

In some instances, the service inspection and connection appointment may be cancelled outside the time frame set out in Utilities' policies or the service installation itself may not comply with Utilities' *Line Extension and Service Standards* when it is inspected. See Section I.B. Fee Table.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

Electric – cont'd

e. Cancellation Fees

In certain instances, under Utilities' policies, a reduced fee may be charged for cancellation of inspection and connection appointments. See Section I.B. Fee Table.

f. Electric Distribution Charge (Electric Only). See Section I.B. Fee Table.

g. Electric Distribution Charge (Joint Trench with Gas). See Section I. B. Fee Table.

ii. Underground Electric Service - Commercial and Industrial

The Customer will provide, at no cost to Utilities, trenching, backfilling, compaction and restoration of property for the primary and secondary trenches; installation of primary conduit from the primary source to the transformer pad; and installation of secondary conduit, conductor and terminations from the transformer pad to the meter. See Section I.B. Fee Table.

2. Extensions for Electric Temporary Service

Electric Temporary Service may be provided for construction needs, circuses, bazaars, fairs, fireworks stands, Christmas tree sales, concessions and similar enterprises, or to non-permanent ventures upon application for service for a period not to exceed 18 months, on the Electric Rate Schedule applicable to the particular class of service.

Utilities will provide a temporary power pedestal (in an underground service area) when distribution facilities exist and upon payment of the Temporary Service Connection Fees. Service loop supports must be supplied by the Customer in overhead service areas and Temporary Service will be provided when distribution facilities exist and upon payment of the charges below.

Electric Temporary Service Connection Fee - A non-refundable fee for the total cost of all labor, material, equipment and supplies required by Utilities to establish and disconnect service to include the removal and return of the pedestal.

UTILITIES RULES AND REGULATIONS

ELECTRIC

Electric – cont'd

No permanent service connections will be made to extensions for Temporary Service. If a Customer desires a permanent extension, all provisions for Permanent Extension for Continuous Service will apply.

Utilities may require a deposit from a Customer for electric Temporary Service as a guarantee of payment. No deposit required and made will relieve any Customer from payment of current charges as they become due and payable, nor will any deposit be applied by Utilities to any indebtedness of the Customer except after termination of service. Deposits will be refunded according to Utilities' Rules and Regulations – General.

The Customer will pay the following damage fees when the power pedestal is returned based on the circumstances indicated.

Pedestal Damage Fees

The cost of necessary repairs if the pedestal is damaged.

The replacement cost if the pedestal must be replaced.

If the Customer fails to make payment, Utilities will not provide additional electric Temporary Service to that Customer and may take any necessary action for restitution provided in the City Code.

C. Demand Metering – Electric

Measured demand is determined as the highest of the average kW demand during any 15-minute interval during the billing period. A new 15-minute interval will begin every five-minutes.

D. Electric Power Factor Correction

1. **Lagging:** Power factor correction of any service with low power factor characteristics will, at all times, be provided with effective power factor corrective equipment so that the power factor will not be less than 95% lagging or leading. Such corrective equipment will be directly connected in the load circuit and switched with the load. Utilities will assess a monetary adjustment to any low power factor load in accordance with the respective rate schedule until these requirements have been met.
2. **Leading:** If Utilities determines that a Customer having a leading power factor is creating a problem for either Utilities or another Customer on the system, the Customer creating the problem will be required to correct the leading power factor.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

Electric – cont'd

E. Enhanced Power Service Option

Enhanced Power Service is available by contract for Customers who receive service under an Industrial Service Electric Rate Schedule and require a higher level of electric availability than standard service. Due to annual budget constraints, Utilities will have the right to limit the number of Enhanced Power Service Customers and/or the amount of enhanced power equipment supplied.

Utilities will specify, purchase, maintain, and own the enhanced power equipment, backup feeder lines, and facilities on the Utilities side of the Point of Common Coupling (PCC). The Customer will provide a suitable location for Utilities' equipment on their site. The Customer will provide for the installation and maintenance of the equipment on the Customer's side of the PCC. Such equipment will not interfere with the operation of the Utilities' system. The Customer will pay a reserved capacity charge and an operations and maintenance charge, as specified in the contract and set forth in the Electric Rate Schedules.

Customers subscribing to and under current contract for Enhanced Power Service will receive billing based upon the totalizing of the main meter and the alternate source meter(s). Totalizing of primary and secondary services will include a transformer and equipment loss factor.

The Commercial contributions-in-aid of construction policy as set forth in the *Line Extensions and Service Standards* for Electric applies only to the extension of the first feeder as determined by Utilities.

F. Network Service – Electric

Connection of additional Customers for electric network service is subject to availability of capacity.

G. Attachments to Facilities

Attachments to poles, lighting standards or other equipment or facilities will not be permitted except upon specific written approval of Utilities.

H. Utilities' Liability – Electric

Utilities is not liable for any service failures or interruptions that include, but not limited to, phase reversals and/or single-phasing of three-phase services, voltage transients, or frequency and wave shape deviations. This section is in addition to, and does not limit Utilities Rules and Regulations - General.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

Electric – cont'd

I. Renewable Energy System Interconnection Application Review Fee

All interconnections of new renewable energy systems must meet the standards set forth in Utilities' Electric Rate Schedules and *Line Extension and Service Standards*. Utilities will assess a fee to review applications to interconnect renewable energy systems. See Section I.B. Fee Table.

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UTILITIES RULES AND REGULATIONS

NATURAL GAS

VII. NATURAL GAS

A. Natural Gas Priorities and Conditions of Applications

Applications for service, requests for rate class changes or requests for increased or decreased loads will be granted when Utilities is able to provide supply and/or capacity that will not endanger adequate service to existing Customers.

In emergency cases, Utilities has the right to grant preference to that service which is the most essential to the public welfare.

In the case of supply or capacity constraints of the distribution system, Utilities has the right to limit the availability of service under any rate schedule.

B. Natural Gas Service Standards

The heating value of the gas (natural gas or as supplemented by the injection of a propane-air mixture) will be a minimum of 963 British Thermal Units per cubic foot (BTU/cf) measured dry at a temperature base of 60 degrees Fahrenheit and a pressure base of 14.65 pounds per square inch absolute (PSIA). This is equivalent to 789 BTU/cf at the billing units standard which is measured dry at a temperature base of 60 degrees Fahrenheit and a pressure base of 12.01 PSIA (average local atmospheric pressure of 11.76 PSIA plus the standard delivery pressure of 0.25 pounds per square inch gauge), except service to the Air Force Academy under the Natural Gas Rate Schedule - Special Contract Service (GCS), is equivalent to 770 BTU/cf at the GCS Rate billing units standard at a local atmospheric pressure of 11.46 PSIG.

The specific gravity and quality of gas will be in accordance with the specifications of Colorado Interstate Gas Company (CIG) as stated in CIG's Tariff on file with the Federal Energy Regulatory Commission (FERC).

C. Natural Gas Meters and Service Connections

Utilities will furnish, install at its own expense, own and maintain the equipment to properly meter the service required, except as stated in specific tariffs, and the Automated-Meter Opt-Out program.

Any equipment, devices or facilities furnished at the expense of Utilities, or on which Utilities bears the expense of maintenance and renewal, remains the property of Utilities and may be removed by Utilities at any time after discontinuance of service.

Any gas meter installation which requires a compensation instrument and associated communication device for a specific gas tariff the customer will be required at their cost to

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UTILITIES RULES AND REGULATIONS

NATURAL GAS

Natural Gas – cont'd

provide a dedicated 120V electric circuit to the gas metering facility. Connections of the 120V circuit to Utilities' equipment will also be provided at the customers cost.

Utilities will provide a Natural Gas Service Stub to the property line, provided a main is located in the street adjacent to the Premise, or will provide a Natural Gas Service Stub to the boundary of its easement when a main is located in an acceptable easement adjacent to the Premise. All necessary permits, fees and public right-of-way restoration costs will be paid by the Owner.

Natural Gas Service Stubs will be maintained by and at the expense of Utilities. Single family residential Natural Gas Service Lines will be maintained by and at the expense of Utilities. However, Utilities may require the property Owner to pay for the replacement of Natural Gas Service Lines other than single family residential.

Service lines to the meter riser will be maintained at Utilities' expense after the installer's warranty period is completed. This applies when the failure is caused by aging or other natural causes.

The Owner will provide at the Owner's expense and in connection with the piping, a suitable location for metering equipment, which is safe from damage and is accessible for reading, operation and maintenance in accordance with prevailing requirements of the *Line Extension and Service Standards* for Gas and the City Code.

The Owner, as a condition of service, agrees to the original as-built location for those portions of the facilities on the Owner's Premise that are outside of a public utility easement or right of way. Any changes in location of the facilities will be at the sole expense of the Owner.

D. Installation and Maintenance of Natural Gas Piping

1. All piping and facilities downstream of the connection to the Customer's fuel piping will be installed, maintained, and operated at the expense of the Owner of the Premise, in accordance with the provisions of the Pikes Peak Regional Building Department Code. The Pikes Peak Regional Building Department is responsible for the inspection of all installations.
2. All piping and facilities downstream of a Master Meter set are installed, maintained and operated at the expense of the Owner of the Premise, and in accordance with the *Line Extension and Service Standards* for Gas. New Master Meter sets will only be installed upon Utilities' approval.

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3. All piping upstream of a gas meter set will be installed, maintained and operated in accordance with the City Code.
- E. Natural Gas Interconnected Fuel Line Piping
- A Customer may not have non-adjacent meters servicing one interconnected fuel line system. Interconnection of fuel line piping designed for service through more than one meter is not permitted.
- F. Discontinuance of Natural Gas Service for Unsafe Condition
1. The Owner, Customer, user or Person in possession of the Premise served by the distribution system, will maintain and keep in a safe condition all fuel piping, end use appliances and associated equipment downstream of the meter set at the Premise. This will be done in accordance with the City Code, Utilities' Rules and Regulations or any other governmental authority having jurisdiction. Those persons are also required to exercise reasonable care concerning the same; provided however, that the supply system installed, owned or operated is maintained by Utilities.
 2. In the event that Utilities determines that any fuel piping, end use appliance or associated equipment on the Premise is unsafe, service to that Premise may be shut off and a Red Tag Shut-Off Notice will be issued. Further, service will not be restored until the unsafe condition has been corrected. If, within five working days, Utilities has not received notification that the unsafe condition has been repaired by a person authorized by the Pikes Peak Regional Building Department, (refer to Table 1), Utilities will follow up to determine if the unsafe condition has been repaired. If Utilities determines that the unsafe condition has not been repaired or is unable to determine that the unsafe condition has been repaired, the gas meter valve will be turned off and locked off. If the meter is locked off, service will not be restored until the unsafe condition has been repaired or is in the process of being repaired by an authorized person.

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**Table 1
AUTHORIZED RED TAG PERSONS**

LICENSE TYPE	TYPE OF WORK ALLOWABLE		
	New Appliance Installation	Appliance Replacement	Component/System Repair/Service
Mechanical Contractor “A”	YES	YES	NO
Mechanical Contractor “B”	YES	YES	NO
Mechanical Contractor “D”	NO	NO	YES
Heating Mechanic IV †	YES	YES	YES
Owner-occupant	YES	YES	YES

† Heating Mechanic IV *must* be employed by and perform work under the direction of a Mechanical Contractor “A”, “B”, or “D”.

3. Utilities, when requested by the Owner-occupant, will inspect repairs made by the Owner-occupant for unsafe conditions for the fees established by Utilities. If such an inspection determines that the unsafe condition has not been corrected, the Red Tag Shut-Off Notice will remain in effect and the meter valve will be turned off and locked off by Utilities.
4. Utilities will not perform any inspections on repair work made downstream of the gas meter. This includes Customer fuel piping, associated equipment and end use appliances.
5. Utilities will not make repairs at any time for any Owner-occupant, Customer, user or Person in possession, except where repairs are necessary due to the action of Utilities.
6. If a Heating Mechanic IV, licensed by the Pikes Peak Regional Building Department, notifies Utilities in writing that an unsafe condition exists downstream of the meter set which may pose a threat to the welfare of persons and/or property, Utilities will attempt to inform the Person at the Premise of the unsafe condition and will notify the Owner via certified mail with a copy of the written Unsafe Condition Notice describing the unsafe condition discovered.
7. Utilities, when requested by Owner-occupant, Customer, user or Person in possession of a Premise served by the distribution system, will inspect flexible appliance connectors. If a defective connector is found during the inspection,

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Utilities will shut off the line serving the defective connector and issue a red tag notice.

G. Extension of Natural Gas Mains and Services

Utilities, where economically feasible, will extend mains and Service Stubs to new sales Customers and transportation Shippers in its certificated service area in accordance with the terms in this section. This will also apply to load expansions of existing sales Customers and transportation Shippers where additional facilities are required to serve them.

Extensions and connections to Utilities' facilities will be made in accordance with the Tariff and City Code.

Supply and transportation services will be provided in accordance with the terms of the "Priorities and Conditions of Applications" as stated in Utilities Rules and Regulations.

1. Cost Allocation

a. Mainline Facilities

- i. Extensions - The Applicant will advance the cost of the equivalent nominal pipe size needed to serve the Applicant's request. However, if the main size required for the Applicant's master plan is two inches or larger, then the Applicant will be charged at least a two-inch equivalent nominal pipe size. The cost advance necessary for extensions will be determined based on the criteria in the Extension Contract section.
- ii. Reinforcement - Except as noted below, Utilities will assume the cost of reinforcing the Mainline Facilities needed to serve connections.

When the Customer's connection is served directly off the 150 PSIG system, or an expansion of the Mainline Facilities is required to serve a single Customer, then Utilities may charge the Applicant for the portion of the Mainline Facilities needed to supply that connection on an equivalent nominal pipe size basis.

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Natural Gas – cont'd

Funds advanced by the Applicant under Cost Allocation for Mainline Facilities - Extensions will be included in the costs for the Mainline Facilities Refund Contract.

If Utilities determines it is not economically feasible to extend natural gas to an area, Utilities will require the Applicant to pay all or part of the cost of the Mainline Facilities including reinforcement. Factors considered in this decision may include, but are not limited to, the size of the project, distance from the existing system, expected build out rate of the area, rate class, risk to existing Customers, budget availability and economic conditions. For this case, a Mainline Facilities Refund Contract will be applicable.

b. Oversized Distribution Mains

The Applicant will advance the cost of the equivalent nominal pipe size needed to serve the Applicant's request. However, if the distribution main size required for the Applicant's master plan is two inches or larger, then the Applicant will be charged at least a two-inch equivalent nominal pipe size. The costs allocated to the Applicant for Oversized Distribution Mains will be included in the costs for the single parcel extensions.

c. Allocation of Advance Construction

When Utilities builds facilities in advance of development of lots connecting directly to the facility, the Applicant will be charged for the appropriate portion of those facilities at the time the Service Stubs are requested. Applicant costs will be based upon costs in effect at time of request.

2. Extension Contract

Utilities will determine the facilities necessary to serve the Extensions requested by the Applicant, on an equivalent nominal pipe size basis, while maintaining the safety and integrity of the existing system to protect the Customers and Utilities. Utilities is responsible for the engineering and installation of the facilities. The Applicant is responsible for the specified design fee, which is nonrefundable, and any applicable construction advances or contributions-in-aid.

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The Applicant will execute an Extension Contract for installation of all new facilities necessary to serve the development. Contracts for economically feasible extensions, as determined by Utilities, under \$100,000.00 in total estimated extension cost will be required to pay 30% of the estimated extension cost in addition to the specified design fee, as a non-refundable payment.

All other Applicants will advance 100% of the estimated cost of construction to Utilities in addition to the specified non-refundable design fee. As an alternative, the Applicant may advance 50% of the estimated cost of construction and provide adequate assurance acceptable to Utilities for the remaining 50%. This assurance will be irrevocable and may be in the form of a letter of credit, cash escrow, set-aside letter, or other forms acceptable to Utilities which will allow Utilities to receive the second 50% immediately after construction. After completion of construction, Utilities will determine the actual costs of construction and will charge (or refund without interest) the contract holder the difference between the estimated and actual costs of construction. Utilities may refuse to make connections until all amounts due to Utilities have been paid. After all the amounts due to Utilities are paid, the Applicant will be entitled to execute a Refund Contract.

3. Refunds

a. Refund Contracts

Advance payments for extension of facilities that are eligible for refunds will be completed under one of the following Refund Contracts:

- i. Single Parcel Refund Contract - This contract is intended to cover the cost of installing mains and Service Stubs to serve a parcel and may include allocated costs for Oversized Distribution Mains. This contract includes provisions for refunding all or part of the advance payment. Refunds of advance payments will be based on estimated or actual revenue. The term of this contract will be 10 years.
- ii. Mainline Facilities Refund Contract - If an Applicant is charged for Mainline Facilities, the Applicant may receive refunds for that facility. The Applicant must notify Utilities prior to the start of construction if the Applicant desires to enter into a Refund Contract. A Mainline Facilities Refund Contract will be executed after final

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Natural Gas – cont'd

costing of the construction. Refunds of the advance payments will be made annually based upon the ratio of actual connected load to expected load to be served by the facility. The term of this contract will be 20 years.

Refunds under the Single Parcel Refund Contract and the Mainline Facilities Refund Contract will extend to all connections made after the effective date of the applicable contract. Total refunds will not exceed the Refund Contract amount. No refunds will be made after the full contract amount has been refunded or for connections made after the contract term has expired, whichever occurs first. Any unrefunded deposit which exists at contract expiration will become a contribution-in-aid of construction to Utilities.

b. Refund Determination (Effective January 1, 2005)

Refund amounts, per contract holder, will be determined based on the date of connection using the Annual Revenue Determination Method.

Maximum Refund Amount = Net Annual Revenue multiplied by 1.69

c. Refunds will be made for each connection, without interest, based upon the date of connection according to the following:

- i. For eligible contract holders specified in Section VII.G.3.c.iii.a.1., refunds will be determined and paid following connection or execution of the Refund Contract, whichever is later.
- ii. For contract holders specified in Section VII.G.3.c.iii.a.1., 50% of the estimated refund will be determined and paid following connection or execution of the Refund Contract, whichever is later. Based upon actual annual revenues, the balance of the refund will be paid following the end of the one year immediately following connection. At the option of Utilities, and with agreement from the Applicant, an alternate revenue year using months seven through eighteen after connection may be used to determine the final refund amount.

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iii. Annual Revenue Determination

a. Method

For the purpose of calculating refunds for connections, annual revenues will be determined either by estimation procedures or by use of actual consumption data from Utilities’ records as specified below. Annual revenues will be determined using the applicable Tariff rate in effect, excluding amounts collected related to the Gas Cost and Gas Cost Adjustment (GCA) for any Customer, for the respective customer class at the time annual revenue is determined.

1. Net annual revenues will be determined using estimated residential and commercial sales Customers with only space heating and water heating loads and badge loads less than 5,000 cubic foot per hour (cfh).
2. For Customers not covered in Section VII.G.3.c.iii.a.1. above, net annual revenues will be determined by using the portion of actual revenues containing capital recovery amounts that are received by Utilities during the first year following connection.

b. Estimated Annual Revenue Calculation

1. Determine Estimated Annual Consumption (EAC) for Water Heating and Space Heating (WHSH):

$$EAC = (\text{Badge Load})(\text{WHSH Factor})$$

For Residential Load:

<u>Badge Load</u>	<u>WHSH Factor</u>
0-90 cfh	7.99 (ccf/year)/cfh
91-125 cfh	9.45 (ccf/year)/cfh
126-150 cfh	8.42 (ccf/year)/cfh
151-180 cfh	8.32 (ccf/year)/cfh
greater than 180 cfh	7.43 (ccf/year)/cfh

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For Commercial Load:

<u>Badge Load</u>	<u>WHS Factor</u>
0-100 cfh	7.72 (ccf/year)/cfh
101-200 cfh	7.91 (ccf/year)/cfh
201-500 cfh	6.94 (ccf/year)/cfh
501-1500 cfh	6.87 (ccf/year)/cfh
1501-5000 cfh	8.37 (ccf/year)/cfh

2. Determine Annual Consumption Allowances (ACA) for each additional installed gas appliance:

Residential Clothes Drying	60 ccf/year
Residential Cooking	80 ccf/year
Gas Fireplaces, Logs	60 ccf/year
Outdoor Grills	15 ccf/year
Gas Light	205 ccf/year
Gas Air conditioning (per ton)	200 ccf/year

3. Calculate estimated net annual revenue (EAR):

$$\text{EAR} = (\text{EAC} + \text{ACA}) * (\text{Access and Facilities Charge per ccf}) + (\text{Access and Facilities Charge per day} * 365)$$

Badge Loads will be determined from a load survey conducted prior to setting the meter. Only appliances built into the structure or connected to the system at the time of the load survey will be eligible for determining annual revenues.

WHS factors will be determined by statistical sampling of actual consumption data for representative Customer groups. Sampled consumption data will only include data from new construction. For weather sensitive consumption, statistics will be developed for a normal weather test year or will be normalized.

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iv. Oversized Facilities

Utilities may oversize any facility as part of an extension to provide capacity for additional developments that may be served by the Mainline Facilities.

v. Utilities will pay the additional costs of those oversized facilities on an equivalent pipe size basis in excess of facilities required by the Applicant's master plan.

vi. Exception for New Buildings Ready for Service

Utilities, at its option, may reduce the advance payment required for an extension contract by the appropriate refund amount for new buildings and appliances ready for service. The structure must be under construction at the time advance payment amounts are determined. If actual revenues are less than the estimated revenues used to calculate an advance credit, and there is a material effect on the advance payment amount, Utilities may adjust the advance payment amount to be based on actual revenues rather than the estimated revenues.

vii. Applicant Requested Extras

Utilities will require Applicants to pay all costs for Applicant requested extras including the following without limitation:

- a. frost excavation in excess of 18 inches in depth, including backfilling and compaction of trenches;
- b. removal and replacement of paving, except for main tie-ins required to provide gas to the requested parcels;
- c. any overtime performed by Utilities or its contractor; and/or
- d. Customer service lines and Customer fuel lines installed by Utilities.

These costs will become a contribution-in-aid of construction and will not be eligible for refund.

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Natural Gas – cont'd

viii. Natural Gas Service Lines

All service lines must be installed in accordance with Utilities' *Line Extension and Service Standards* for Natural Gas.

- a. Polyethylene natural gas service lines two inches in diameter or smaller.

1. General Conditions

The Owner, developer or Customer will install, or cause to be installed, at no cost to Utilities, all materials necessary for the connection of natural gas service from the location of the primary point of use structure to Utilities system at the property line of the Premise. Such natural gas service installations include all trenching, backfilling and restoration as well as materials necessary for the installation.

The natural gas service installation shall become the property of Utilities on and after the date of its inspection and connection to the Utilities system.

The Owner, developer and Customer warrants to Utilities all materials and labor related to the natural gas service installation from its point of connection to the Utilities system to the Premise for a period of three years from the date of its inspection and connection to the Utilities system.

In the event of a defect in the natural gas service installation during the three-year warranty period, then the Owner, developer and Customer immediately shall repair or replace the natural gas service installation at no cost to Utilities. The Owner, developer and Customer acknowledge that this warranty continues to be the obligation of the Owner, developer and Customer even though that

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Owner, developer or Customer ceases to be the Owner of the Premise, the developer of the Premise or the Customer of record at the Premise.

The Owner, developer and Customer agree to indemnify and hold Utilities harmless from any damages, loss, cost, or liability (including, but not limited to, any death, injury, legal fees and the cost of enforcing this indemnity) arising out of, or resulting from the use of, the natural gas service installation during the three-year period of the warranty.

2. Inspection

The Owner, developer and Customer shall schedule an appointment with Utilities, in accord with Utilities' policies, to inspect and connect the natural gas service to the Utilities system.

3. Inspection and Connection Fees

Utilities shall inspect and connect the natural gas service to the Utilities system. The natural gas service shall be installed as a single service or shall be installed jointly with Residential electric service See Section I.B. Fee Table.

The Joint Service Inspection and Connection Fee is also listed under the Electric section of these Utilities Rules and Regulations. However, that fee is only paid once for a joint natural gas service and Residential electric service inspection and connection.

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NATURAL GAS RATE SCHEDULES

NATURAL GAS

Natural Gas – cont'd

4. Return Trip Inspection and Connection Fees

In some instances, the service inspection and connection appointment may be cancelled outside the time frame set out in Utilities' policies or the service installation may not comply with Utilities' *Line Extension and Service Standards* when it is inspected. See Section I.B. Fee Table.

5. Cancellation Fees

In certain instances, under Utilities' policies, a reduced fee may be charged for cancellation of inspection and connection appointments. See Section I.B. Fee Table.

- b. Polyethylene natural gas service lines larger than two inches in diameter and all steel natural gas service lines must be installed by Utilities under a time and materials contract. See Section I.B. Fee Table.

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WATER

VIII. WATER

A. Water Connection Charges and Fees

Water connection charges and fees are assessed for each new connection to Utilities' supply system except for those Customers receiving service under the Augmentation Water Service Rate Schedule or Contract Service – Regional Rate Schedule which is addressed in Section VIII.K. below. The water connection charges and fees consist of the Water Development Charge (WDC) and the Water Resource Fee (WRF). The WDC is based on the capacity requirement for each new connection associated with existing facilities. The WRF is based on the capacity requirement of each new connection associated with facilities needed to serve new development.

1. For each Single-Family Residential Connection with a ¾ inch water meter:

a. Inside City Limits:

WDC -

Less than 1,500 square foot lot	\$5,297.00
Between 1,500 and 2,999 square foot lot.....	\$5,436.00
Between 3,000 and 4,999 square foot lot.....	\$5,760.00
Between 5,000 and 6,999 square foot lot.....	\$7,243.00
Between 7,000 and 8,999 square foot lot.....	\$7,984.00
Between 9,000 and 10,999 square foot lot.....	\$8,725.00
Between 11,000 and 14,999 square foot lot.....	\$9,837.00
15,000 square foot or larger lot.....	\$10,949.00

WRF -

Less than 1,500 square foot lot	\$3,847.00
Between 1,500 and 2,999 square foot lot.....	\$3,948.00
Between 3,000 and 4,999 square foot lot.....	\$4,183.00
Between 5,000 and 6,999 square foot lot.....	\$5,260.00
Between 7,000 and 8,999 square foot lot.....	\$5,798.00
Between 9,000 and 10,999 square foot lot.....	\$6,337.00
Between 11,000 and 14,999 square foot lot.....	\$7,144.00
15,000 square foot or larger lot.....	\$7,952.00

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b. Outside City Limits:

WDC -

Less than 1,500 square foot lot	\$7,946.00
Between 1,500 and 2,999 square foot lot.....	\$8,154.00
Between 3,000 and 4,999 square foot lot.....	\$8,640.00
Between 5,000 and 6,999 square foot lot.....	\$10,865.00
Between 7,000 and 8,999 square foot lot.....	\$11,976.00
Between 9,000 and 10,999 square foot lot.....	\$13,088.00
Between 11,000 and 14,999 square foot lot.....	\$14,756.00
15,000 square foot or larger lot.....	\$16,424.00

WRF -

Less than 1,500 square foot lot	\$5,770.00
Between 1,500 and 2,999 square foot lot.....	\$5,922.00
Between 3,000 and 4,999 square foot lot.....	\$6,275.00
Between 5,000 and 6,999 square foot lot.....	\$7,890.00
Between 7,000 and 8,999 square foot lot.....	\$8,698.00
Between 9,000 and 10,999 square foot lot.....	\$9,505.00
Between 11,000 and 14,999 square foot lot.....	\$10,716.00
15,000 square foot or larger lot.....	\$11,927.00

2. For each Nonresidential, Single-Family Residential (1 inch or larger meter), Multi-Family or Mixed-Use connection based on meter size:

a. Inside City Limits:

WDC -

3/4 inch or less (excludes Single-Family Residential).....	\$7,904.00
1 inch.....	\$13,174.00
1-1/2 inch	\$26,347.00
2 inch.....	\$42,156.00
3 inch.....	\$92,216.00
4 inch.....	\$158,084.00
6 inch.....	\$355,690.00
8 inch.....	\$421,558.00
10 inch.....	\$632,337.00
12 inch.....	\$889,224.00

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WRF -

3/4 inch or less (excludes Single-Family Residential).....	\$5,740.00
1 inch.....	\$9,567.00
1-1/2 inch	\$19,135.00
2 inch.....	\$30,615.00
3 inch.....	\$66,971.00
4 inch.....	\$114,807.00
6 inch.....	\$258,316.00
8 inch.....	\$306,152.00
10 inch.....	\$459,228.00
12 inch.....	\$645,790.00

b. Outside City Limits:

WDC -

3/4 inch or less (excludes Single-Family Residential).....	\$11,856.00
1 inch.....	\$19,761.00
1-1/2 inch	\$39,521.00
2 inch.....	\$63,234.00
3 inch.....	\$138,324.00
4 inch.....	\$237,126.00
6 inch.....	\$533,534.00
8 inch.....	\$632,337.00
10 inch.....	\$948,506.00
12 inch.....	\$1,333,836.00

WRF -

3/4 inch or less (excludes Single-Family Residential).....	\$8,611.00
1 inch.....	\$14,351.00
1-1/2 inch	\$28,702.00
2 inch.....	\$45,923.00
3 inch.....	\$100,456.00
4 inch.....	\$172,211.00
6 inch.....	\$387,474.00
8 inch.....	\$459,228.00
10 inch.....	\$688,842.00
12 inch.....	\$968,684.00

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Mixed-Use Premises shall pay the rate per water meter under Section VIII.A.2. when one water meter is requested. If more than one water meter is requested, the nonresidential use shall pay the rate per water meter under Section VIII.A.2. and the Multi-Family use shall pay the rate per water meter in Section VIII.A.3. multiplied by the number of dwelling units for individually metered connections provided the metering configuration is approved by Utilities.

3. For each Multi-Family Residential Premises connection or for each additional 3/4 inch Residential connection on a Single Platted Lot:

- a. Inside City Limits:
 - WDC\$4,072.00
 - WRF\$2,957.00
- b. Outside City Limits:
 - WDC\$6,108.00
 - WRF\$4,436.00

Individually metered Multi-Family Premise connections shall pay the applicable WDC and WRF in Section VIII.A.3. multiplied by the number of dwelling units, while Master Metered Multi-Family Premise connections shall pay the WDC and WRF per meter under Section VIII.A.2.

- 4. For Nonpotable Water Connection Based on Meter Size:
 - 2 inches or less \$10,714.00
 - 3 inch..... \$23,614.00
 - 4 inch..... \$37,680.00
 - 6 inch..... \$75,167.00

Upon approval of Utilities, payment of the WDC for a new nonpotable point of service is not required if there will be an offsetting reduction in potable water consumption from an existing potable water service. Requests for new or additional water demands will be required to pay the nonpotable WDC. No WRF is applied to nonpotable water connections.

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5. Additional WDC and WRF Due

An additional WDC and WRF is applicable to:

- a. any increase in size of an existing meter, or
- b. any increased consumption that results in damage to Utilities' facilities or exceeds the capacity of the meter. The Customer shall pay the cost to upgrade the service and replace the meter and applicable WDC and WRF, or
- c. any increased water consumption that occurs because of changes in operations, the remodeling or moving of existing buildings or structures, or the construction of additional buildings or structures.

The additional WDC and WRF will be assessed for any such increase in meter size in an amount representing the difference between the charge which would be imposed for the existing meter size and the charge which would be imposed for the size of the proposed meter. Payment for the additional WDC and WRF charge will be collected prior to issuance of a building or nonpotable permit or as provided in Section VIII.A.11. or when the increased water consumption begins. Any request for a change in water service shall be administered as a new application for service and subject to all requirements of the City Code and tariffs. If the change in use does not result in an increase in meter size, no additional WDC and WRF is due.

6. Non-waiver of the WDC and WRF

The applicable WDC and WRF will not be waived for any governmental, quasi-governmental or nonprofit organization or any other entity requesting connection to Utilities' supply system.

7. WDC and WRF Deferral for Community Gardens

A Community Garden established on a Premise within the Exclusive Water Service Territory may be eligible for deferral of the WDC and WRF.

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A nonprofit entity may submit an application to Utilities for WDC and WRF deferral for the purposes of a Community Garden. The WDC and WRF may be deferred for qualifying Community Gardens until such time as use of the service line is no longer solely for a Community Garden or is not for nonprofit use. Upon a change of use from a Community Garden, if the Premise requires a permanent water service connection, the WDC and WRF shall be due in accordance with the then current Tariffs for a new connection.

8. Credit for Prior WDC and WRF Payment

Credit for the WDC and WRF paid for a prior development may be given for reuse of existing connections or for new connections to a land parcel where all connection fees and charges were paid in full at issuance of the building permit. Credit is determined based on the then current WDC and WRF for the existing meter size. Credit for Multi-Family Residential dwelling units and nonresidential service must be determined by inspection by Utilities before any remodeling, moving or demolition of the structure occurs. No refund for excess credits will be given.

Credit for the WDC and WRF may only be transferred between Premises if all of the conditions listed below are met to Utilities' satisfaction. Any sale of credit for the WDC and WRF is expressly prohibited. Credit for a WDC and WRF can only be transferred one time. Any paid recovery agreement charges shall remain with the donor Premises and are not eligible to be transferred. No refund of excess credits, if any, will be given.

Conditions:

- a. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WDC and WRF must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
- b. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
- c. The donor Premises must be a vacant parcel without structure(s);
- d. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;

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- e. The recipient Premises must have an approved development plan, in accordance with applicable laws and regulations, prior to Utilities' approval of a transfer of the WDC and WRF credit;
- f. If the donor Premises will be left without any remaining WDC and WRF credits, the Owner shall remove the water service line to the donor Premises in accordance with City Code and Utilities' *Line Extension and Service Standards* for Water;
- g. All service line ordinances, regulations, and policies shall apply to transferred WDC and WRF credit and any applicable charges and/or fees shall be paid; and
- h. The party requesting the credits transfer shall pay to Utilities a fee of \$100.00 and shall commit to be responsible for all costs associated with the transfer, including but not limited to, title commitment, processing, and recording fees.

Upon the completion of a transfer of credit for the WDC and WRF, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

9. Request for WDC and WRF Refund

Requests for a refund of the WDC and WRF for connections not constructed must be made in writing to Utilities within two years of payment of the WDC and WRF. No refunds of any such charges will be made unless a request is received by Utilities within two years of payment and no service has been connected.

10. Inactive Water Service

In the event that a service line was classified as abandoned and/or inactive through prior Utilities' Rules and Regulations standards and/or City Code provisions, the property Owner(s) may request to reestablish utility service from Utilities and Utilities shall reestablish the service upon payment of applicable fees and compliance with applicable rules and regulations.

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11. Timing of Payment of the WDC, WRF, and related Connection Charges

Payment for a new connection or increased service level as provided in Section VIII.A.5.:

- a. Shall be due in full in cash or check prior to the issuance of a building permit, or
- b. The WDC and WRF may be deferred until the time prior to the installation of a meter to serve a Premise. The deferred WDC, WRF, Recovery Agreement Charges or any other fees – shall be paid at the then current rates plus an additional charge equal to a five percent annual interest rate, calculated per day, of the deferred amount and shall be paid in full in cash or check prior to the installation of meters and prior to the provision of service. The payment of all Water Service Permit Fees and all other related charges as determined by Utilities shall be paid prior to the issuance of the building permit.

12. WDC and WRF Deferral for Primary Employers

A Primary Employer enlarging its facilities or building new facilities within the City limits may be eligible for deferral of the WDC and WRF.

If the commercial or nonresidential operation meets the Primary Employer criteria, it may submit an application for development charge deferral to Utilities. Upon approval of the application by the Greater Colorado Springs Economic Development Corporation and the City of Colorado Springs Office of Economic Development, the company is qualified to pay the WDC and WRF on a five-year payment schedule. Payments can be made either on a monthly or yearly basis at a preset date as agreed in the contract for service. Interest charges on WDC and WRF not paid will be calculated in accordance with the published ten-year U.S. Treasury Note rate (Interest Rate).

13. WDC Deferral for Affordable Housing

The Affordable Housing Program for WDC deferral is based on the targeted income level for the affordable housing project. Effective January 1, 2022, no new deferrals through the Affordable Housing Program for WDC will be granted. Deferrals granted prior to January 1, 2022, remain subject to the terms and conditions herein.

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Single-family residences or Multi-Family Residential Premises construction that meet:

- a. The affordable housing criteria as defined by the City of Colorado Springs Housing and Community Development Office, and
- b. The energy and water conservation standards defined in Utilities' Affordable Housing Program are eligible for a deferral of the WDC.

Affordable Housing projects target individuals whose income is equal to or less than 80% of the area median income.

Deferral of the WDC is on a first come, first-served basis and will not, in aggregate, exceed five percent of Utilities' previous year's total WDC revenues. Therefore, regardless of the number of applications reviewed and preliminarily approved, deferrals will be issued on an annual basis up to, but not exceeding, the financial guidelines. All projects obtaining a service contract during a given year after this limitation has been met will not receive deferrals, nor will the WDC be eligible for refund in subsequent calendar years.

The amounts to be repaid under the Affordable Housing Program will be based on the WDC in effect at the time the first repayment is made but will not exceed the deferred amount plus interest charges. Interest charges used to determine the "not-to-exceed" amount will be calculated from the date of deferral to the date of first repayment in accordance with the Interest Rate in effect on the date of deferral, compounded annually.

- Zero percent of total WDC is due at time of application for utilities.
- 100% of total WDC plus any applicable interest is due at first subsequent sale of property or beginning in the sixth year after deferral (or at any time prior to that date at Owner's option) and for four years thereafter. Repayment of the 100% of WDC deferral is collected annually as follows:

6th year – 20%

7th year – 20%

8th year – 20%

9th year – 20%

10th year – 20% Final Payment

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The deferred WDC fee will constitute a lien on the property in the form of a Deed of Trust executed by the property Owner until such time that it is paid in full.

If the property Owner(s) elect(s) to repay the outstanding balance in five annual payments, then interest will be charged on the outstanding balance during such repayment period based on the Interest Rate, compounded annually. A calculation will be made by Utilities at the time of first repayment such that the five annual payments are equal.

In the event there is a subsequent sale of the property, all remaining unpaid amounts related to that property are due and payable at the time of the subsequent sale.

Failure to make payments in accordance with the above programs will be subject to applicable Utilities' Tariffs, policies and procedures.

The property Owner has the right to prepay the principal amount, plus any applicable interest, outstanding under the program, in whole or in part, at any time without penalty.

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B. Water Extension Policy

A property Owner or developer is responsible for the cost of engineering, construction, and materials for all water system infrastructure and related appurtenances necessary to serve the Premises or development. Utilities will approve the plans and specifications of such facilities and appurtenances and inspect and approve the actual construction prior to connection of such facilities. The property Owner or developer is also responsible for any required pumping facilities (including pressure relief valves, pressure-reducing valves and flow-control valves) and vaults, and all fire hydrants that are necessary to serve the Premises or development.

1. Pipelines

Utilities may require that a property Owner or developer construct water distribution facilities through or adjacent to unserved or undeveloped lands. In such circumstance, the property Owner or developer may be required to pay the entire cost of such facilities. However, Utilities may agree in a Recovery Agreement with such property Owner or developer to collect a pro rata share of the eligible cost of such facilities and interest as provided within Section VIII.C., Water Recovery Agreement Charge, of these Rules and Regulations from the property Owner or developer of such unserved or undeveloped lands at the time of connection to the facilities and refund such cost as provided in the Recovery Agreement.

Utilities may require that a property Owner or developer construct a Water Distribution Main of a larger diameter than that required for the property Owner's or developer's needs to provide for the service of lands beyond the Premises or development. In the event Utilities determines that construction of such an oversized Water Distribution Main is necessary for the efficient expansion of the system, the property Owner or developer served may be responsible for the costs of engineering, materials and installation of such main. In that circumstance, the property Owner or developer may recover the cost of capacity associated with the oversizing requirement.

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Utilities may agree in a Recovery Agreement with such property Owner or developer to collect the oversize capacity cost allocation from benefiting future developments. Escalation of Oversize Recovery Charges follow the process as provided within Section VIII.C., Water Recovery Agreement Charge, of these Rules and Regulations.

a. Large Main Extension Fund

Subject to funding availability and program rules as developed by Utilities, Utilities' Large Main Extension Fund is available to assist in the financing of qualifying offsite water and wastewater facilities. See also Section IX. C.1.a. The initial fund balance is limited to \$10,000,000 for water and wastewater facilities combined. At its sole discretion, Utilities may increase the fund balance to \$15,000,000 for water and wastewater facilities combined.

i. Qualifications

Utilities will review applications and award funds to the highest-ranking qualified projects. Utilities may award partial funding based on funding availability and/or project ranking. Facilities eligible for consideration must meet the following qualifications, as well as those qualifications established by Utilities in the program rules.

- a. Premises or developments served by the facilities must be located inside the City limits; and
- b. Pipelines must have a 24-inch minimum diameter; and
- c. The estimated facility cost must exceed \$1,500,000; and
- d. Property Owner or developer must apply within Utilities' application period and the facility must be selected under Utilities' program rules. Separate applications are required for water and wastewater facilities. Fund qualifications and limitations apply separately to each water or wastewater facility; and
- e. At the time of application, the property Owner or developer must provide cost estimates and other documentation as required under Utilities' program rules.

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- ii. Administration
 - a. The property Owner or developer served by the qualifying facility is responsible for engineering, construction, materials, and installation of large mains. All applicable rules and regulations and Water Line Extension and Service Standards apply.
 - b. As established by program rules, Utilities will review cost documentation. Failure to efficiently manage project cost or meet program rules may result in denial of fund payments. Fund payments to the property Owner or developer will be paid after construction of the qualifying facility and upon determination of the costs of such construction or as otherwise determined by Utilities. Payments from the fund reduce the fund balance.
 - c. The property Owner or developer served by the qualifying facility is responsible for the cost of capacity required to serve the property Owner's or developer's proposed development (the Property Owner's or Developer's Share). The property Owner or developer will repay the outstanding balance of the Property Owner or Developer's Share in three annual payments. Interest will be charged on the outstanding balance during such repayment period based on the Interest Rate, compounded annually. Utilities will calculate the outstanding balance of the Property Owner's or Developer's Share at the time of completion of construction of the facility such that the three annual payments are equal.
 - d. A qualifying facility is limited to \$4,000,000 of funding. In the event the estimated construction costs exceed the funding limit, the property Owner or developer will be required to fund the balance of cost.

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- e. All costs advanced by Utilities for construction of the oversize capacity allocation benefiting future developments will be collected with interest through Recovery Agreement Charges. Future developments are not eligible to apply for Fund financing.
- f. Costs collected by Utilities, whether through annual payments from property Owners or developers of served facilities or Recovery Agreement Charges, will be credited to the Fund.

If Utilities determines that extension of a water distribution system is in the best interest of Utilities to protect water service to existing Customers, to allow for the continued development within the service area, and/or to provide benefit to the entire service area, Utilities may, at its sole discretion, design and construct the water distribution system located outside the boundaries of the unserved or undeveloped land. Utilities will recover the cost to design and construct such facilities, with interest, through a Recovery Agreement Charge from the property Owner or developer of unserved or undeveloped lands prior to connection to such facilities. Utilities may implement an Advance Recovery Agreement Charge to collect the cost of the facilities in advance of its construction. Advance Recovery Agreements are limited to Utilities' designated projects to the extent Utilities determines, at its sole discretion.

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Owners of property in designated enclave areas which are platted and which contain occupied dwellings are responsible for the cost of engineering, construction and materials of all Water Distribution Mains and appurtenances necessary to serve the proposed property. The extension will extend from the nearest public water distribution source to the furthest property line of the Owner. The Owner is eligible to recover a pro rata share of such facilities. Utilities may participate in the cost of such extension to the extent Utilities determines, in its sole discretion, that installation of water distribution facilities will sufficiently reduce operational expenses to justify the extension and that the extension is required for efficient and safe operation of the system.

All costs incidental to or resulting from the procurement by Utilities of any required easement or right-of way, whether obtained by dedication, contract, condemnation or otherwise is borne by the property Owner(s) or developer and may be includable in a Recovery Agreement.

All costs advanced by Utilities for construction of extensions may be recovered through Recovery Agreement charges for connection to the mains extended by Utilities prior to such connections.

If Utilities determines that extension of Water Distribution Mains are in Utilities' best interest to protect water service to existing Customers, allow for the continued development within the service area, and provide benefit to the entire service area, Utilities may, at its sole discretion, design and construct the Water Distribution Mains located outside the boundaries of the unserved or undeveloped land. Utilities will recover the cost to construct such facilities, with interest, through a Recovery Agreement charge from the Owner(s) or developer of unserved or undeveloped lands prior to connection to such facilities. Utilities may implement a Recovery Agreement charge to collect the cost of the facilities in advance of its construction. Advance Recovery Agreements are based on estimated costs and are limited to Utilities' designated projects to the extent Utilities determines, in its sole discretion.

2. Service Lines

All cost and expenses incidental to the installation and connection of a Water Service Line to a Premises will be borne by the Owner(s) of the Premises. The Owner(s) will indemnify Utilities for any loss or damage to Utilities that may directly or indirectly be occasioned by installation of such Water Service Line.

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3. Pumping Facilities

In the event that pumping facilities are required, the cost of such facilities, land, and all appurtenances, is the responsibility of the property Owner or developer for the Premises served; provided however, that Utilities provides the necessary engineering at no expense to the property Owner or developer. Where it appears that more area or lands may be served by the pumping capacity than necessary to serve the initial development, Utilities may require a greater pumping capacity. Where greater capacity is required, Utilities will establish a Recovery Agreement with the property Owner or developer to assist in the collection of a pro rata share of the actual cost of such facilities from the Owner(s) of the Premises served by such facilities at the time of connection to the system and will refund such share of the cost to the property Owner or developer.

4. Water Distribution Storage

In the event that water distribution storage facilities are required (hydropneumatic and above-ground storage), Utilities will be responsible for the costs of land, design and construction.

5. Interim Facilities

Interim facilities are those not in conformance with Utilities' long-range system master plan. If interim or temporary facilities are necessary to serve a proposed development, the property Owner or developer will be responsible for the full cost of the interim and permanent facilities on a non-refundable basis. The nature and timing of necessary interim or permanent facilities is at the sole discretion of Utilities. When interim facilities are being utilized, Utilities may approve an Advance Recovery Agreement based on its estimate of the total recoverable cost for the permanent facilities.

C. Water Recovery Agreement Charge

1. Recovery Agreement Charges

A Recovery Agreement charge may be assessed for each connection to a Water Distribution Main or other facility, where such line or facility is planned or constructed by Utilities or is the subject of a Recovery Agreement between Utilities and the property Owner(s) or developer who constructed such line or facility. Consistent with such agreements, the charge will be in an amount which represents a pro rata share of the cost of construction of the line or facility. Property Owner(s)

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or developer-initiated Recovery Agreements will be collected prior to issuance of a building permit. Utilities-initiated Recovery Agreements will be collected prior to issuance of building permit, or at the time of final plat or as provided for in the Recovery Agreement. No credits or refunds will be made for these changes.

Except as otherwise provided within these Rules and Regulations, the property Owner(s) or developer is responsible for the costs and construction of all facilities and related appurtenances in and through the Premises or development upon approval of the plans and specifications by Utilities as provided in the City Code. Utilities will inspect and approve the actual construction prior to connection of structures.

2. Recovery for Oversizing

Utilities may require the property Owner(s) or developer to construct a line or other facility larger than that required for their needs for the service of lands adjacent to the Premises or development. A property Owner(s) or developer may also find it necessary to construct facilities through or adjacent to unserved or undeveloped lands. In either case, the property Owner(s) or developer will pay the entire cost of such facilities. Utilities may enter into a Recovery Agreement with the property Owner(s) or developer to collect a pro rata share of the costs of such construction from the Owner(s) of the adjacent lands at the time of their connection. Utilities will pay such collected Recovery Agreement charges to the Recovery Agreement contract holder.

3. Unit Recovery Charge Calculation

If the property Owner(s) or developer desires to enter into a Recovery Agreement with Utilities, they must submit a Notice of Intent in writing prior to the start of construction, pay the specified fee, and provide a complete detailed summary of all construction costs and support documentation as determined by Utilities within 365 days after the date of final acceptance notice by Utilities. The agreement holder and Utilities will jointly determine the service area of the facilities constructed and determine a Unit Recovery Charge (URC) for the service area. In the event that the agreement holder and Utilities fail to agree, the determination of Utilities is final. For facilities constructed by Utilities, Utilities will solely determine the service area of the facilities constructed.

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The amount of the URC per lot, per acre or per single family equivalent is computed by the following:

$$\text{URC} = \frac{a * (1 + (b + .03) * 5)}{c}$$

where a = total construction cost less the cost of service lines.

where b = Federal Reserve Daily Bank Prime Loan interest rate prevailing at the time the computation of the URC is made, expressed as a decimal.

where c = the number of equal or nearly equal units upon which the URC is based.

The method for establishing a URC for Advance Recovery Agreements will be determined by Utilities, at its sole discretion.

4. Recovery Agreement Reimbursement

Utilities or agreement holder’s rights to reimbursement under the provisions of the Recovery Agreement will not exceed the construction costs plus the interest factor for a period of 20 years from execution of the agreement, unless Utilities approves a contract period exceeding that time. Utilities or agreement holder’s right to reimbursement expires two years after expiration of the Recovery Agreement. No requests for reimbursement by the agreement holder made more than two years after the expiration date will be considered by Utilities.

To receive reimbursements under a Recovery Agreement, the agreement holder will advise Utilities in writing of any changes of address and any assignments of such Recovery Agreement. No later than 90 days following the expiration of the Recovery Agreement, Utilities will notify the agreement holder entitled to reimbursement of all amounts eligible for reimbursement and the date after which reimbursements will not be made. The notice will be made to the agreement holders last known address as reflected in Utilities’ records.

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D. Augmentation Water Service Extension

Customers contracting with Utilities for Augmentation Water Service will be responsible for all facility costs, including well, pond or diversion development costs, materials and construction costs, and operational and maintenance costs including electrical pumping and meter costs. Facilities will be designed and constructed in accordance with the applicable *Line Extension and Service Standards* for Water. Service will only be available upon approval by Utilities of the plans and specifications of such facilities and appurtenances. Utilities will inspect and approve the actual construction prior to initiation of service.

E. Nonpotable Water Service Extension

At its option, Utilities may fund the extension of the nonpotable distribution system to facilitate the development of economically feasible alternative sources of nonpotable water supply.

F. Water Service Permit Fees

1. Water service permits are required for: 1) each connection of a Service Line to the Water Distribution Main, (tap), 2) each repair or alteration to a Service Line (only when a Wastewater Permit is not required), or 3) each disconnection of a Service Line from the Water Distribution Main, or 4) for Temporary Service-Hydrant Use. Water Permit fees are due upon receipt of invoice or prior to issuance of Water Permit. See Section I.B. Fee Table.
2. Any connection of a Service Line to the Water Distribution Main, any repair or alteration to a Service Line, or any disconnection of a Service line from the Water Distribution Main, may only be performed by private contractors as provided within the Utilities' *Line Extension and Service Standards* for Water.
3. Connection, repair, alteration, or disconnection of Service Lines.
 - a. New, developer-installed Water Distribution Mains.
 - i. For residential and nonresidential Customers with new construction and with Service Lines of two inches or less in diameter that are tapping into new, developer-installed Water Distribution Mains.

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- a. All construction will be performed by the Customer's, the Owner's or the developer's private contractor. The private contractor must comply with all contractor requirements of the Utilities' *Line Extension and Service Standards* for Water. All construction by the private contractor must strictly conform to the Utilities' *Line Extension and Service Standards* for Water.
- b. Utilities must inspect and must approve all such construction. If the construction does not comply with the Utilities' *Line Extension and Service Standards* for Water, then Utilities must re-inspect the construction until it may be approved. See Section I.B. Fee Table.
- c. The Customer, the Owner and the developer warrants to Utilities all materials and labor related to the Service Line construction from (and including) the Service Line's point of connection to the Utilities system to the Premises for a period of two years from the date of its inspection and approval.

In the event of a defect in the Service Line construction during the two-year warranty period, then the Customer, the Owner and the developer immediately shall repair or replace the construction at no cost to Utilities. The Customer, the Owner and the developer acknowledge that this warranty continues to be the obligation of the Customer, the Owner and the developer even if that Customer, Owner, or developer ceases to be the Customer of record at the Premises, the Owner of the Premises, or the developer of the Premises.

The Customer, the Owner, and the developer agree to indemnify and to hold Utilities harmless from any damages, loss, cost, or liability (including, but not limited to, any death, injury, legal fees and the cost of enforcing this indemnity) arising out of, or resulting from the use of, the construction during the two-year period of the warranty.

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- ii. For all taps into new, developer-installed Water Distribution Mains that are larger than two inches in diameter, all construction will be performed by Utilities. See Section I.B. Fee Table.
 - b. All Utilities-owned and maintained Water Distribution Mains.
 - i. For residential and nonresidential Customers for Service Lines of two inches or less that are tapping into Utilities-owned and maintained Water Distribution Mains, Utilities will perform all construction.
 - ii. For all taps into Utilities-owned and maintained Water Distribution Mains that are larger than two inches in diameter, all construction will be performed by Utilities. See Section I.B. Fee Table.
 - c. Emergency and After-Hours

All fees listed in Section VIII.F.3.a. and Section VIII.F.3.b. are for non-emergency and normal business hour inspections and tapping construction. All emergency and after-hours inspections or tapping construction will be billed on a time-and-material basis in addition to the listed fee.
- 4. Temporary Service-Hydrant Use
 - a. A Temporary Water Service Permit for the use of a Fire Hydrant will be valid for a maximum period of 12 months. The applicable Water Service Permit Fees must be paid prior to the issuance of a Water Service Permit. Applicant must adhere to the terms and conditions set forth in the Temporary Water Service Permit and comply with Fire Hydrant use requirements as specified in the Utilities' *Line Extension and Service Standards* for Water.
- 5. Non-compliance with Tariff or the Utilities' *Line Extension and Service Standards* for Water.
 - a. Non-compliance with this Tariff section of the Utilities Rules and Regulations or the provisions of the Utilities' *Line Extension and Service Standards* for Water that are referred to in this Tariff section, including but

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not limited to failure to obtain a Water Service Permit, including a Temporary Water Service Permit for Fire Hydrant Use, and to obtain applicable inspections, may result in fines. See Section I.B. Fee Table.

- b. All costs to remove non-complying construction or to otherwise remedy such non-compliance may be assessed as provided in the Utilities' *Line Extension and Service Standards* for Water.

6. Prohibited Construction

- a. Only Utilities may tap into a Utilities-owned and maintained Water Distribution Main.
- b. Only Utilities may install taps for Service Lines larger than two inches in diameter.

7. Pipe Cuts

Utilities performed pipe cuts are available on a Time and Material basis.

8. Hydrant Laterals

As specified in the Utilities' *Line Extension and Service Standards* for Water, taps are not permitted on hydrant laterals of the Water System.

G. Utilities' Liability – Water

Utilities is not liable for failure to maintain water pressures sufficient for any proposed use of water. This section is in addition to, and does not limit, Utilities Rules and Regulations – General.

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H. Backflow Test Entry Fee

Backflow prevention assemblies prevent water from flowing back into Utilities' water distribution system and are owned and operated by Owner, as defined in these Utilities Rules and Regulations, and/or User, as defined in the City Code. The Colorado Department of Public Health and Environment establishes the backflow prevention requirements applicable to Utilities and Utilities' Customers which are codified in Colorado Springs City Code. Utilities tracks the number of backflow prevention assemblies associated with Utilities' water distribution system and the annual testing results of those backflow prevention assemblies to ensure compliance with requirements. The Customer is responsible for hiring a backflow tester to perform annual compliance test and enter confidential results into Utilities' system. The Backflow Test Entry Fee will be assessed to Customers or authorized testers when requested that Utilities perform that test entry.

I. Applicability of City Code – Water

Water service outside City limits and outside the Exclusive Water Service Territory defined in these Tariffs is subject to the requirements of the City Code (including without limitation Part 2 of Article 6 of Chapter 7 pertaining to Annexations) as the City Code is now in effect and as it may be amended from time-to-time hereafter by City Council.

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J. Exclusive Water Service Territory

In addition to all areas within the municipal limits of the City of Colorado Springs, the following areas have been designated as being within Utilities Exclusive Water Service Territory:

- (1) The Fort Carson cantonment area: That portion of Township 15 South, Range 66 West and of Section 36, Township 15 South, Range 67 West, of the 6th P.M., El Paso County, Colorado more particularly described as follows:

BEGINNING at the Northwest corner of Section 10, Township 15 South, Range 66 West; thence southeasterly on the easterly line of Tract No. 1 as described in Decree on Declaration of Taking, recorded in Book 985 at Page 346 of the records of said county about 4480 feet to the northerly line of Parcel No. A-1-A as described in Decree on Declaration of Taking No. 2, recorded in Book 985 at Page 405 of said records; thence easterly on said northerly line about 990 feet to the westerly right-of-way line of Interstate Highway 25; thence southerly on said westerly right-of-way line about 0.5 mile to the West line of the East half of the Northeast quarter of the Northeast quarter of Section 15, Township 15 South, Range 66 West; thence southerly on said West line about 600 feet; thence easterly on the South line of said East half of the Northeast quarter of the Northeast quarter of Section 15 about 485 feet to said westerly right-of-way line of Interstate Highway 25; thence southerly on said westerly right-of-way line about 4.4 miles to the South line of Section 36, Township 15 South, Range 66 West; thence westerly on the South lines of Sections 36, 35, 34, 33, 32 and 31, Township 15 South, Range 66 West and on the South line of Section 36, Township 15 South, Range 67 West about 6.1 miles to the easterly right-of-way line of Colorado State Highway 115; thence northerly on said easterly right-of-way line about 5.6 miles to the North line of Section 9, Township 15 South, Range 66 West; thence easterly on the North lines of Sections 9 and 10, Township 15 South, Range 66 West about 2.0 miles to the Point of Beginning.

- (2) The United States Air Force Academy: That portion of Township 12 South, Range 67 West and of Sections 6, 7, 18, 19, 20, 29, 30, 31, and 32, Township 12 South, Range 66 West and of Sections 5 and 6, Township 13 South, Range 66 West and of Section 1, Township 13 South, Range 67 West of the 6th P.M., El Paso County, Colorado more particularly described as follows:

BEGINNING at the Southwest corner of Section 5, Township 13 South, Range 66 West and with all bearings herein being relative to the Colorado coordinate system of 1927 central zone; thence N01°01'41"W on the West line of said section, 295.44 feet to a point on the northeasterly right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence S38°22'56"E on said northeasterly right-of-way line, 161.96 feet; thence N31°51'43"E, 751.80 feet; thence N55°05'43"E, 150.80 feet; thence N02°47'17"W, 543.00 feet; thence N01°16'00"E, 1216.51 feet; thence N50°50'42"E, 4249.41 feet to the Southeast corner of the West half of the East half of

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UTILITIES RULES AND REGULATIONS

WATER

Water – cont'd

Section 32, Township 12 South, Range 66 West; thence northerly on the East line of said West half of the East half of Section 32 and on the East line of the West half of the Southeast quarter of Section 29 to the North line of said Southeast quarter of Section 29; thence S89°44'53"W on said North line, 706.63 feet; thence S67°01'23"W, 802.60 feet; thence S89°43'28"W, 600.00 feet; thence N22°58'08"W, 1176.83 feet; thence S89°47'17"W, 100.00 feet; thence N00°25'53"W, 225.00 feet; thence S89°47'17"W, 50.00 feet; thence N00°12'22"W, 408.41 feet; thence N19°07'55"W, 1303.37 feet to a point on the South line of Section 20; thence continue N19°07'55"W, 2796.94 feet to the Southeast corner of the Northeast quarter of Section 19; thence N00°15'03"W on the East line of said Northeast quarter, 2021.39 feet to a point on the southwesterly line of that parcel described in Book 5762 at Page 619 of said records; thence N36°37'02"W on said southwesterly line, 775.91 feet to a point on the South line of Section 18 and on the northeasterly line of that parcel described in Book 5762 at Page 622 of said records; thence continue N36°37'02"W on said northeasterly line, 992.27 feet; thence N59°45'15"W, 392.17 feet; thence N00°25'15"W, 620.00 feet; thence N87°59'45"E, 73.20 feet; thence on the arc of a curve to the left whose chord bears N23°36'28"W, having a central angle of 03°33'53", a radius of 6330.00 feet and an arc length of 393.83 feet; thence N25°23'25"W, 3673.36 feet to a point on the South line of Section 7; thence continue N25°23'25"W, 4957.46 feet; thence N06°00'35"E, 653.50 feet; thence N40°08'05"E, 236.62 feet to a point on the South line of Section 6; thence continue N40°08'05"E, 33.08 feet; thence N25°11'25"W, 120.00 feet; thence N56°36'25"W, 500.47 feet to a point on the East line of Section 1, Township 12 South, Range 67 West; thence N56°38'25"W, 630.29 feet; thence N25°23'25"W, 5014.33 feet to a point on the North line of the Northeast quarter of said Section 1; thence S89°35'52"W on said North line, 7.22 feet to the Northeast corner of the Northwest quarter of said Section 1; thence westerly on the North lines of Sections 1, 2, 3, and 4 to the Northeast corner of Section 5; thence S88°54'09"W on the North line of said section, 985.50 feet; thence S03°00'59"E, 659.99 feet; thence S88°54'09"W, 330.00 feet to the West line of the East half of the East half of said Section 5; thence southerly on said West line to the South line of said Section 5; thence easterly on said South line to the Northwest corner of Section 9; thence southerly on the West lines of Sections 9 and 16 to the South line of said Section 16; thence easterly on the South line of Section 16 to the West line of the Northeast quarter of Section 21; thence southerly on said West line to the North line of the Southwest quarter of said Section 21; thence westerly on said North line to the West line of said Section 21; thence southerly on said West line to the South line of said Section 21; thence easterly on said South line to the West line of the East half of Section 28; thence southerly on said West line and on the West line of the East half of Section 33 to the South line of said Section 33; thence easterly on the South lines of Sections 33, 34, 35, and 36 to a point on the North line of Section 1, Township 13 South, Range 67 West from which point the Northeast corner of said Section 1 bears N89°34'26"E, 1320.00 feet; thence S63°50'35"E, 1474.87 feet to a point on the West line of Section 6, Township 13 South, Range 66 West from which point the Northwest corner of said

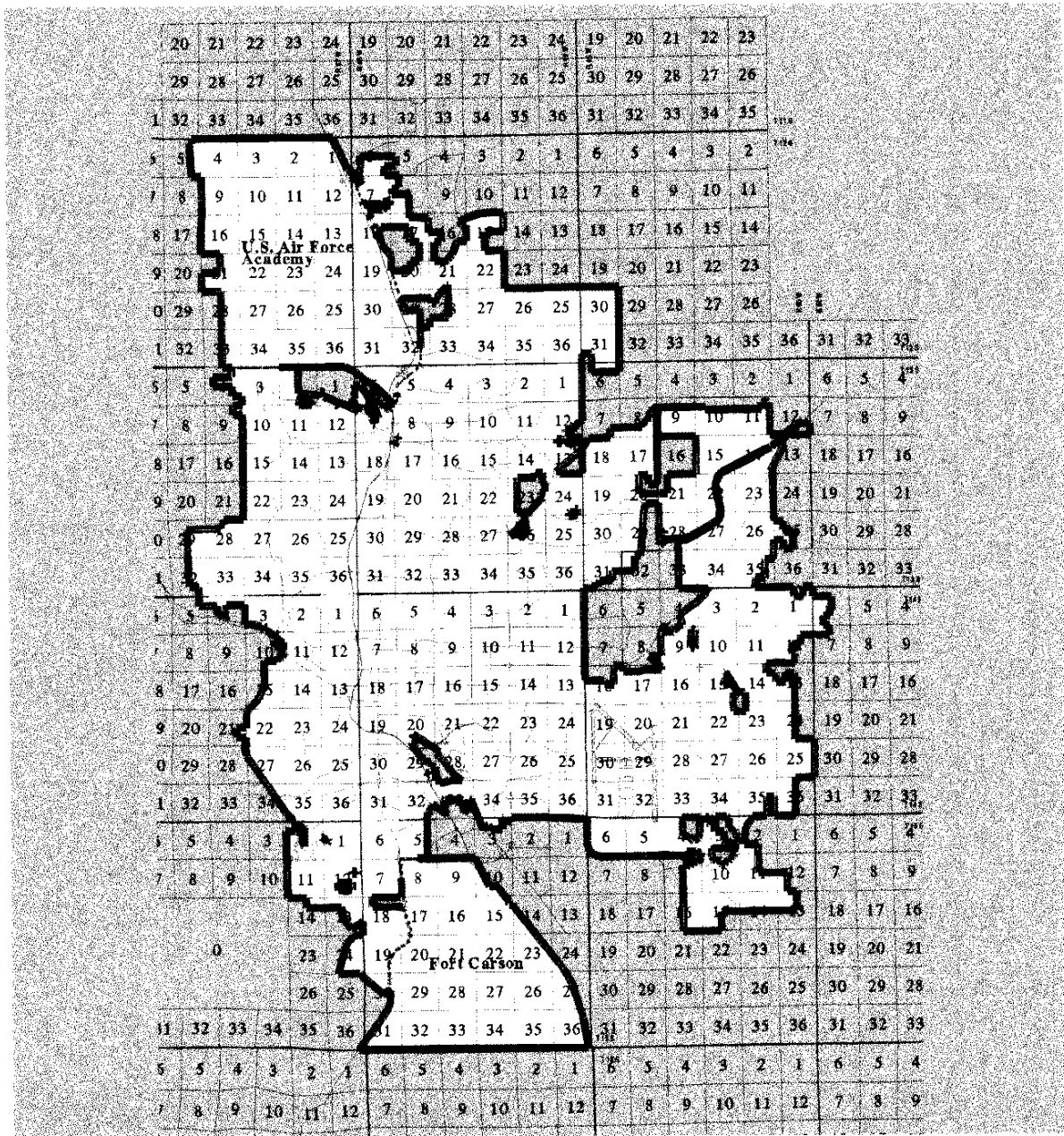
Approval Date: June 12, 2018
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UTILITIES RULES AND REGULATIONS

WATER

Water – cont'd

Section 6 bears N00°20'10"W, 660.00 feet; thence S49°23'10"E, 1819.33 feet; thence S59°59'00"E, 1530.86 feet; thence S46°49'58"E, 1826.71 feet; thence S44°22'35"E, 1921.83 feet to the Point of Beginning.



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UTILITIES RULES AND REGULATIONS

WATER

Water – cont’d

K. Water Regional System Availability Fee

A Water Regional System Availability Fee (WRSFAF) is assessed for each new connection to Utilities’ supply system by contract outside the corporate limits of the City in areas where Utilities’ water system is available for use by Utilities to serve institutions, plants, organized water districts, municipal corporations, or other similar organizations and only with prior approval by the City Council. Customer can elect to pay the WRSFAF in full at the time of connection or make an annual payment for a period not to exceed 25 years. Interest will be charged on the outstanding balance during such repayment period based on the Interest Rate, compounded annually. A calculation will be made by Utilities at the time of connection such that the 25 annual payments are equal. Utilities may assess a deposit to ensure Customer’s payment of the WRSFAF at the time of connection pursuant to the contract in its sole discretion.

Any entity that paid a WRSFAF or an analogous charge through a contract in place prior to the implementation of this tariff is deemed to have met the obligation of this tariff and will not be charged an additional WRSFAF except as required by Section VIII.K.3.

1. Base WRSFAF based on meter size:

	<u>Total</u>	<u>Annual</u>
2 inch.....	\$1,258,047.00.....	\$71,145.00
3 inch.....	\$2,731,945.00.....	\$154,496.00
4 inch.....	\$5,036,310.00.....	\$284,812.00
6 inch.....	\$9,980,129.00.....	\$564,393.00
8 inch.....	\$19,191,421.00.....	\$1,085,307.00
10 inch.....	\$31,473,827.00.....	\$1,779,898.00
12 inch.....	\$46,827,341.00.....	\$2,648,165.00

2. WRSFAF Full Service Option - Annual Cost of Water

Customers contracting for the Full Service Option will also pay an annual fee of \$1,760 per acre foot of water based upon the maximum number of acre feet that can be delivered to a Customer in any contract year under each individual Full Service contract.

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UTILITIES RULES AND REGULATIONS

WATER

Water – cont’d

3. Standby Service Option WRSAF

Regional Customers contracting for the Standby Service Option to help meet their water needs, on a temporary basis, when their normal operations are disrupted will pay the Standby Service Option WRSAF per contracted:

	<u>Total</u>	<u>Annual</u>
Acre Foot	\$2,263.00.....	\$128.00
MGD	\$2,799,374.00.....	\$158,309.00

4. Additional WRSAF Due

An additional WRSAF charge is applicable to:

- a. any increase in size of an existing meter, or
- b. any increased consumption that results in damage to Utilities’ facilities or exceeds the capacity of the meter.

The Customer shall pay the cost to upgrade the service and replace the meter and applicable WRSAF. The additional WRSAF will be assessed for any such increase in meter size in an amount representing the difference between the charge which would be imposed for the existing meter size and the charge which would be imposed for the size of the new meter. Payment for the additional WRASF will be collected:

- c. at the time the meter size is increased in relation to Section VIII.K.4.a and
- d. in accordance with Utilities’ billing requirements in relation to Section VIII.K.4.b.

Any request for a change in water service type shall be administered as a new application for service and is subject to all requirements of the City Code and tariffs. If the change in use does not result in an increase in meter size, no additional WRSAF is due.

5. Non-waiver of the WRSAF

The applicable WRSAF will not be waived for any entity requesting connection to Utilities’ water supply system.

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 Resolution No. 188-23

UTILITIES RULES AND REGULATIONS

WASTEWATER

IX. WASTEWATER

A. Wastewater Permit Fee

Wastewater Permit fees are due upon receipt of invoice or prior to issuance of a Wastewater Permit. A Wastewater Permit fee will be assessed for:

1. new connection to Utilities' wastewater treatment system;
2. repair or alteration of each existing wastewater service line; and/or
3. disconnection from Utilities' wastewater treatment system.

All construction must strictly conform to the Utilities' *Line Extension and Service Standards* for Wastewater.

4. New Connection. See Section I.B. Fee Table.
5. Additional Installation, Repair or Alteration. See Section I.B. Fee Table.
6. Emergency and After-Hours Inspections

All fees listed above in subsections 4 and 5 are for non-emergency inspections conducted during Utilities' normal business hours. Emergency and after-hours inspections will be billed on a time and materials basis. See Section I.B. Fee Table.

7. Reinspection Fee

In some instances, the service installation itself may not comply with Utilities' *Line Extension and Service Standards* for Wastewater when it is inspected. The Wastewater Permit fee covers the initial inspection and one return trip to the Premise. See Section I.B. Fee Table.

8. Non-compliance with Tariff or the Utilities' *Line Extension and Service Standards* for Wastewater.

Non-compliance with this Tariff section of the Utilities' Rules and Regulations or the provisions of the Utilities' *Line Extension and Service Standards* for Wastewater that are referred to in this Tariff section, including but not limited to failure to obtain a Wastewater Permit and to obtain inspections, may result in fines. See Section I.B. Fee Table.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont’d

All costs to remove non-complying construction or to otherwise remedy such non-compliance may be assessed as provided in the Utilities’ *Line Extension and Service Standards* for Wastewater.

B. Wastewater Development Charge (WWDC)

A WWDC is assessed for each new connection to Utilities’ wastewater treatment system except for those Customers receiving service under the Contract Service – Regional Rate Schedule addressed in Section IX.H. below. The charge is based on type of building, facility or unusual wastewater characteristics of the new connection and assists the ratepayer by partially defraying the costs of capital improvements of the system. The applicable WWDC is shown below.

1. For each Single Family Residential connection – with a ¾ inch water meter.

Inside City Limits

Wastewater Service Area.....\$1,868.00

Outside City Limits

Wastewater Service Area.....\$2,802.00

2. For each Multi-Family Premise connection for each dwelling unit within a Multi-Family Residential Premise with individual ¾ inch water meters.

Inside City Limits

Wastewater Service Area.....\$1,213.00

Outside City Limits

Wastewater Service Area\$1,820.00

Individually metered Multi-Family Premise connections shall pay the rate in Section IX.B.2. multiplied by the number of dwelling units, while Master Meter Multi-Family Premise connections shall pay the WWDC per meter size in Section IX.B.3.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

3. For each Nonresidential, Single-Family Residential (1" or larger water meter), Multi-Family or Mixed-Use connection based on meter size:

Inside City Limits

Wastewater Service Area based on water meter size:

3/4 inch or less (excludes Single-Family Residential).....	\$2,604.00
1 inch.....	\$4,349.00
1-1/2 inch	\$8,671.00
2 inch.....	\$13,879.00
3 inch.....	\$26,040.00
4 inch.....	\$43,409.00
6 inch.....	\$138,871.00
8 inch.....	\$243,031.00
10 inch.....	\$364,560.00
12 inch.....	\$460,049.00

Outside City Limits

Wastewater Service Area, based on water meter size:

3/4 inch or less (excludes Single-Family Residential).....	\$3,906.00
1 inch.....	\$6,524.00
1-1/2 inch	\$13,007.00
2 inch.....	\$20,819.00
3 inch.....	\$39,060.00
4 inch.....	\$65,114.00
6 inch.....	\$208,307.00
8 inch.....	\$364,547.00
10 inch.....	\$546,840.00
12 inch.....	\$690,074.00

Mixed-Use Premises shall pay the rate per water meter under Section IX.B.3. when one water meter is requested. If more than one water meter is requested, the nonresidential use shall pay the rate per water meter under Section IX.B.3. and the Multi-Family use shall pay the rate per water meter under Section IX.B.2. multiplied by the number of dwelling units for individually metered connections provided the metering configuration is approved by Utilities.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

4. Additional WWDC for Services

An additional WWDC may be assessed for large nonresidential service for the incremental increase in Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). In the event of collection system or treatment system capacity constraints, Utilities reserves the right to limit the availability of service or require recycling of wastewater if individual circumstances warrant such restrictions.

An additional WWDC may also be assessed as follows:

- a. any increase in size of an existing water meter;
- b. when wastewater service conditions change as a result of changes in Customer operations;
- c. the remodeling or moving of existing Customer buildings or structures; or
- d. the construction of additional Customer buildings or structures.

The WWDC will be assessed for any such increase in the size of an existing meter in an amount equal to the difference between the WWDC which would be imposed for the existing service conditions and the WWDC imposed for the proposed service conditions. Payment of the WWDC is due in full in cash or check, prior to the issuance of a building permit or as provided in Section IX.B.8. Any request for a change in wastewater service shall be administered as a new application for service and subject to all requirements of the City Code and these Tariffs. If the service does not result in an increase in water meter size, no additional WWDC is due.

5. Non-waiver of WWDC

The applicable WWDC will not be waived for any governmental, quasi-governmental or nonprofit organization or any other entity requesting connection to Utilities' wastewater system.

6. Credit for Prior WWDC Payment

Credit for the WWDC paid for a prior development may be given for reuse of existing connections, or for new connections to a land parcel where the WWDC charge was paid. Credit for Multi-Family Residential dwelling units and nonresidential service must be determined by inspection by Utilities before any remodeling, moving or demolition of the structure occurs. No refund for excess credit will be given.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

Credit for the WWDC may only be transferred between Premises if all of the conditions listed below are met to Utilities' satisfaction. Any sale of credit for the WWDC is expressly prohibited. Credit for a WWDC can only be transferred one time. Any paid recovery agreement charges shall remain with the donor Premises and are not eligible to be transferred. No refund of excess credits, if any, will be given.

Conditions:

- a. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WWDC must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
- b. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
- c. The donor Premises must be a vacant parcel without structure(s);
- d. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;
- e. The recipient Premises must have an approved development plan, in accordance with applicable laws and regulations, prior to Utilities' approval of a transfer of the WWDC credit;
- f. All service line ordinances, regulations, and policies shall apply to transferred WWDC credits and any applicable charges and/or fees shall be paid; and
- g. The party requesting the credit transfer shall pay to Utilities a fee of \$100.00 and shall commit to be responsible for all costs associated with the transfer, including but not limited to, title commitment, processing, and recording fees.

Upon the completion of a transfer of credit for the WWDC, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

7. Request for WWDC Refund

Requests for a refund of the WWDC for connections not constructed must be made in writing to Utilities within two years of payment of the WWDC. No refunds of any such charges will be made unless a request is received by Utilities within two years of payment and no service has been connected.

8. Inactive Wastewater Service

In the event that a service line was classified as abandoned and/or inactive through prior Utilities' Rules and Regulations standards and/or City Code provisions, the property Owner(s) may request to reestablish utility service from Utilities and Utilities shall reestablish the service upon payment of applicable fees and compliance with applicable rules and regulations.

9. Timing of Payment of the WWDC and Related Connection Charges

Payment for a new connection or increased service level as provided in Section IX.B.4.:

- a. Shall be due in full in cash or check prior to the issuance of a building permit, or the WWDC may be deferred until the time prior to the installation of a meter to serve a Premise. The deferred WWDC, Recovery Agreement Charges or any other fees shall be paid at the then current rates plus an additional charge equal to a five percent annual interest rate of the deferred amount, calculated per day, and shall be paid in full in cash or check prior to the installation of meters and prior to the provision of service. The payment of all Wastewater Permit Fees and all other related charges, as determined by Utilities, shall be paid prior to the issuance of the building permit.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

10. WWDC Deferral for Primary Employers

A Primary Employer enlarging its facilities or building new facilities within the City limits may be eligible for deferral of the WWDC.

If the commercial or industrial operation meets the Primary Employer criteria, it may submit an application for development charge deferral to Utilities. Upon approval of the application by Utilities, the company is qualified to pay the WWDC on a five-year payment schedule. Payments can be made either on a monthly or yearly basis at a preset date as agreed to in the contract for service. Interest charges on WWDC not paid will be calculated in accordance with the published 10-year U.S. Treasury Note rate (Interest Rate).

11. WWDC Deferral for Affordable Housing

The Affordable Housing Program for WWDC deferral is based on the targeted income level for the affordable housing project. Effective January 1, 2022, no new deferrals through the Affordable Housing Program for WWDC will be granted. Deferrals granted prior to January 1, 2022, remain subject to the terms and conditions herein.

Single-family residences or Multi-Family Residential Premises construction that meet:

- a. the affordable housing criteria as defined by the City of Colorado Springs Housing and Community Development Office, and
- b. the energy and water conservation standards defined in Utilities' Affordable Housing Program are eligible for a deferral of the WWDC.

Affordable Housing projects target individuals whose income is equal to or less than 80% of the area median income.

Deferral of the WWDC is on a first-come, first-served basis and will not, in aggregate, exceed five percent of Utilities' previous year's total WWDC revenues. Therefore, regardless of the number of applications reviewed and preliminarily approved, deferrals will be issued on an annual basis up to, but not exceeding, the financial guidelines. All projects obtaining a service contract during a given year after this limitation has been met will not receive deferrals, nor will the WWDC be eligible for refund in subsequent calendar years.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

The amounts to be repaid under the Affordable Housing Program will be based on the WWDC in effect at the time the first repayment is made, but will not exceed the deferred amount plus interest charges. Interest charges used to determine the “not-to-exceed” amount will be calculated from the date of deferral to the date of first repayment in accordance with the Interest Rate in effect on the date of deferral, compounded annually.

- Zero percent of total WWDC is due at time of application for utilities.
- 100% of total WWDC plus any applicable interest is due at first subsequent sale of property, or beginning in the sixth year after deferral (or at any time prior to that date at Owner’s option) and for four years thereafter. Repayment of the 100% of WWDC deferral is collected annually as follows:

6th year – 20%

7th year – 20%

8th year – 20%

9th year – 20%

10th year – 20% Final Payment

The deferred WWDC will constitute a lien on the property in the form of a Deed of Trust executed by the property Owner until such time that it is paid in full.

If the property Owner(s) elect(s) to repay the outstanding balance in five annual payments, then interest will be charged on the outstanding balance during such repayment period based on the Interest Rate, compounded annually. A calculation will be made by Utilities at the time of first repayment such that the five annual payments are equal.

In the event there is a subsequent sale of the property, all remaining unpaid amounts related to that property are due and payable at the time of the subsequent sale.

Failure to make payments in accordance with the above programs will be subject to applicable Utilities’ Tariffs, policies and procedures.

The property Owner has the right to prepay the principal amount, plus any applicable interest, outstanding under the program, in whole or in part, at any time without penalty.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

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Resolution No. 123-19

UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

C. Wastewater Extension Policy

A property Owner or developer is responsible for the cost of engineering, construction and materials for all wastewater collection system infrastructure and related appurtenances necessary to serve the Premises or development. Utilities will approve the plans and specifications of such facilities and appurtenances and inspect and approve the actual construction prior to connection of such facilities.

1. Pipelines

Utilities may require that a property Owner or developer construct wastewater collection facilities through or adjacent to unserved or undeveloped lands. In such circumstance, the property Owner or developer may be required to pay the entire cost of such facilities. However, Utilities may agree in a Recovery Agreement with such property Owner or developer to collect a pro rata share of the eligible cost of such facilities and interest as provided within Section IX.D., Wastewater Recovery Agreement Charge, of these Rules and Regulations from the property Owner or developer of such unserved or undeveloped lands at the time of connection to the facilities and refund such cost as provided in the Recovery Agreement.

Utilities may require that a property Owner or developer construct a Wastewater Collection Main of a larger diameter than that required for the property Owner's or developer's needs to provide for the service of lands beyond the Premises or development. In the event Utilities determines that construction of such an oversized Wastewater Collection Main is necessary for the efficient expansion of the system, the property Owner or developer served may be responsible for the costs of engineering, materials, and installation of such main. In that circumstance, the property Owner or developer may recover the cost of capacity associated with the oversizing requirement

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Resolution No. 189-22

UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

Utilities may agree in a Recovery Agreement with such property Owner or developer to collect oversize capacity cost allocation from benefiting future Escalation of Oversize Recovery Charges follow the process as provided within Section IX.D., Wastewater Recovery Agreement Charge, of these Rules and Regulations.

a. Large Main Extension Fund

Subject to funding availability and program rules as developed by Utilities, Utilities' Large Main Extension Fund is available to assist in the financing of qualifying offsite water and wastewater facilities. See Section VII.B.1.a.

If Utilities determines that extension of a wastewater collection system is in the best interest of Utilities to protect wastewater service to existing Customers, to allow for the continued development within the service area, and/or to provide benefit to the entire service area, Utilities may, at its sole discretion, design and construct the wastewater collection system located outside the boundaries of the unserved or undeveloped land. Utilities will recover the cost to design and construct such facilities, with interest, through a Recovery Agreement Charge from the property Owner or developer of unserved or undeveloped lands prior to connection to such facilities. Utilities may implement an Advance Recovery Agreement Charge to collect the cost of the facilities in advance of its construction. Advance Recovery Agreements are limited to Utilities' designated projects to the extent Utilities determines, at its sole discretion.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

All costs incidental to or resulting from the procurement by Utilities of any required easement or right-of-way, whether obtained by dedication, contract, condemnation or otherwise, is borne by the property Owner or developer and may be included in a Recovery Agreement.

When residents in designated enclave areas, which are platted and which contain occupied dwellings, request extension of the wastewater collection system, Utilities may participate in the cost of such extension to the extent Utilities determines, at its sole discretion, that installation of wastewater collection facilities will sufficiently reduce operational expenses to justify the extension and that the extension is required for efficient and safe operation of the system. At its sole discretion, Utilities may participate in the cost of extensions to serve designated enclave or unsewered areas. All costs advanced by Utilities for participation in such extensions will be recoverable as Recovery Agreement Charges for connection to the collection system extended by Utilities at the time such connections are made or as stipulated in the Recovery Agreement.

A property Owner or developer will be responsible for the cost of construction of relief systems and necessary appurtenances when proposed flow demand exceeds existing system capacity. These relief facilities may be constructed on the property of the property Owner or developer or off-site at other locations within the collection system. At the discretion of Utilities, Utilities may enter into a cost-sharing agreement with the property Owner or developer to pay a pro rata share of the construction cost of relief systems based on the determination of benefit to Utilities. Benefit to Utilities may be derived from, but not limited to, the following:

- a. relief of pipelines operating in excess of design capacity;
- b. replacement of structurally deficient pipelines;
- c. replacement of pipelines subject to flooding or other hazards;
- d. replacement of pipelines with inadequate operations and maintenance access;
- e. replacement of pipelines subject to excessive inflow/infiltration; and
- f. pipelines that provide for the elimination of pump stations and force mains.

The property Owner(s) or developers and Utilities will have the right to reimbursement under the provisions of the Recovery Agreement for construction of relief facilities, as determined by Utilities.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

2. Service Lines

The Owner(s) of the Premise will be responsible for all costs and expenses incidental to the installation and connection of a service line to a Premise. The Owner(s) will indemnify Utilities for any loss or damage that may directly or indirectly be occasioned by installation of such service line.

3. Pump Stations and Force Mains

In the event that pump station facilities and associated force mains are required, the necessary land and cost of such facilities is the responsibility of the property Owner or developer for the property served. Where it appears that more area or lands may be served by the pump station capacity than necessary to service the initial development, Utilities may require a greater pumping capacity than necessary to service the initial development. Where greater capacity is required, Utilities may establish a Recovery Agreement with the property Owner or developer to assist in the collection of a pro rata share of the actual cost of such facilities from the property Owner or developer of the Premise served by such facilities at the time of connection to the system and will refund such share of the cost to the property Owner or developer.

The system will be designed, where possible, so as to permit an eventual connection into a gravity system with a minimum of expense. Where practicable, easements will be provided, and lines constructed to tie into the gravity system. Utilities may require deposits from the property Owner or developer requiring said force system, where deemed necessary, to pay for the eventual construction of gravity lines.

4. Interim Facilities

Interim facilities are those not in conformance with Utilities' long-range system master plan. If interim or temporary facilities are necessary to serve a proposed development, the property Owner or developer will be responsible for the full cost of the interim and permanent facilities on a non-refundable basis. The nature and timing of necessary interim or permanent facilities is at the sole discretion of Utilities. When interim facilities are being utilized, Utilities may approve an Advance Recovery Agreement based on its estimate of the total recoverable cost for the permanent facilities.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

D. Wastewater Recovery Agreement Charge

1. Recovery Agreement Charge

A Recovery Agreement Charge may be assessed for each connection to a collection line or use of a pumping station and force mains, where such line or facility is planned or constructed by Utilities or is the subject of a Recovery Agreement between Utilities and the property Owner or developer who constructed such line or facility. Consistent with such agreements, the charge will be in an amount which represents a pro rata share of the cost of construction of the line or facility. Property Owner or developer initiated Recovery Agreements will be collected prior to issuance of a building permit. Utilities initiated Recovery Agreements will be collected prior to issuance of a building permit, or at the time of final plat or as provided for in the Recovery Agreement. No credits or refunds will be made for these charges.

Except as otherwise provided within these Rules and Regulations, the property Owner or developer is responsible for the costs and construction of all facilities and the appurtenances thereto in and through the Premises or development upon approval of the plans and specifications by Utilities as provided in the City Code. Utilities will inspect and approve the actual construction prior to connection of structures.

2. Collection Line Recovery

Utilities may require the property Owner or developer to construct a collection line larger than that required for their needs for the service of lands adjacent to the Premise or development. In that case, Utilities may enter into a Recovery Agreement with the property Owner or developer to collect a pro rata share of the costs of such construction from the Owner of the adjacent lands at the time of their connection and refund such costs to the property Owner or developer. When a property Owner or developer finds it necessary to construct facilities through or adjacent to unserved or undeveloped lands, the property Owner or developer will pay the entire cost of such facilities. However, Utilities may agree in writing with the property Owner or developer to collect a pro rata share of the costs from the Owner of property served by such facilities at the time of connection to the system and will refund such monies to the property Owner or developer.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

3. Pump Station and Force Main Recovery

If required, the cost of constructing pump stations and/or force mains is the responsibility of the Owner of the Premise served by these facilities. Where it appears that more area or land may be served by the pump station/force mains, Utilities may require a larger capacity than necessary to serve the initial development. Where such larger capacity is required, Utilities may enter into a Recovery Agreement similar in fashion to that of collection lines.

4. Establishing a Recovery Agreement

If a property Owner or developer desires to enter into a Recovery Agreement with Utilities, they must submit a written Notice of Intent prior to the start of construction, pay the specified fee and provide a written complete detailed summary of all construction costs to Utilities within 365 days after the date of final acceptance notice by Utilities.

5. Unit Recovery Charge Calculation

The agreement holder and Utilities will jointly determine the service area of the facilities constructed and determine a Unit Recovery Charge (URC) for the service area. In the event that the agreement holder and Utilities fail to agree, the determination of Utilities is final, subject to review by the City Council. The amount of the URC per lot, per acre or per single family equivalent is computed by the following:

$$\text{URC} = \frac{a * (1 + (b + .03) * 5)}{c}$$

where a = total construction cost less the cost of service lines.

where b = Federal Reserve Daily Bank Prime Loan interest rate prevailing at the time the computation of the URC is made, expressed as a decimal.

where c = the number of equal or nearly equal units upon which the URC is based.

The method for establishing a URC for Advance Recovery Agreements will be determined by Utilities, at its sole discretion.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

6. Recovery Agreement Reimbursement

The agreement holder's rights to reimbursement under the provisions of the Recovery Agreement will not exceed the construction costs plus the interest factor for a period of 20 years from execution of the agreement, unless Utilities approves a contract period exceeding that time. The agreement holder's rights to reimbursement expires two years after expiration of the Recovery Agreement. No requests for reimbursement by the agreement holder made more than two years after the expiration date will be considered by Utilities.

E. Discharge Permit Fee

1. A Discharge Permit Fee will be assessed to all significant industrial users proposing to connect to, and discharge into, any part of the wastewater treatment system and collected at the time of application. This fee is non-refundable and will not be assessed on a pro rata basis. See Section I.B. Fee Table.
2. An annual renewal Discharge Permit Fee will be assessed to existing Discharge Permit holders in accordance with the City Code. This fee is non-refundable and will not be assessed on a pro rata basis. See Section I.B. Fee Table.

F. Zero Discharge Permit Fee

A Zero Discharge Permit Fee will be assessed to all significant industrial users proposing to connect to any part of the wastewater treatment system and collected at the time of application or any subsequent renewal. This fee is non-refundable and will not be assessed on a pro rata basis. See Section I.B. Fee Table.

G. Applicability of City Code – Wastewater

Wastewater service outside City limits is subject to the requirements of the City Code (including without limitation Part 2 of Article 6 of Chapter 7 pertaining to Annexations and Part 3 of Article 5 of Chapter 12 pertaining to Wastewater Service) as the City Code is now in effect and as it may be amended from time to time hereafter by City Council.

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UTILITIES RULES AND REGULATIONS
WASTEWATER

Wastewater – cont’d

H. Wastewater Regional System Availability Fee (WWRSAF)

A WWRSAF is assessed for each new connection to Utilities’ wastewater collection system by contract outside the corporate limits of the City in areas where Utilities’ wastewater collection system is available for use to serve institutions, plants, organized sewer districts, municipal corporations, or other similar organizations and only with prior approval by the City Council. Customer shall pay the WWRSAF in full at the time of connection.

Any entity that paid a WWRSAF or an analogous charge through a contract in place prior to the implementation of this tariff is deemed to have met the obligation of this tariff and will not be charged an additional WWRSAF except as required by Section IX.H.2.

1. WWRSAF based on average flow capacity in MGD:

	<u>Total</u>
Less than 0.10 MGD	\$7,162.00
Between 0.10 and 0.29 MGD	\$28,216.00
Between 0.30 and 0.59 MGD	\$64,390.00
Between 0.60 and 0.74 MGD	\$96,947.00
Between 0.75 and 0.99 MGD	\$125,886.00
Between 1.00 and 1.49 MGD	\$180,148.00
Between 1.50 and 1.99 MGD	\$252,496.00
Between 2.00 and 2.49 MGD	\$324,844.00
Between 2.50 and 2.99 MGD	\$397,193.00
3.00 MGD or greater.....	\$434,091.00

2. Additional WWRSAF Due

An additional WWRSAF charge is applicable to:

- a. any increase in MGD outside the current range, or
- b. any increased collection that results in damage to Utilities’ facilities or exceeds the capacity of the meter.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

The Customer shall pay the cost to upgrade the service and replace the meter and applicable WWRSF based on MGD. The additional WWRSF will be assessed for any such increase in MGD in an amount representing the difference between the charge which would be imposed for the existing MGD range and the charge which would be imposed for the new MGD range. Payment for the additional WWRSF will be collected:

- c. at the time the increased collection begins in relation to Section IX.H.2.a.;
and
- d. in accordance with Utilities' billing requirements in relation to Section IX.H.2.b.

Any request for a change in wastewater service shall be administered as a new application for service and subject to all requirements of the City Code and tariffs. If the change in use does not result in an MGD range greater than the current MGD range, no additional WWRSF will be due.

3. Non-waiver of the WWRSF

The applicable WWRSF will not be waived for any entity requesting connection to Utilities' wastewater collection system.

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