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The following Terms and Conditions made by the **Jackman Utility District** and filed with the Maine Public Utilities Commission constitutes a contract between the Customer and the Utility. The Customer agrees to adhere to these Terms and Conditions and to take water only for purposes stated in the application and at the established rates.

DEFINITIONS

The word "Commission" refers to the Maine Public Utilities Commission.

The word "Utility" refers to the Jackman Utility District.

The word "Customer" means any person, firm, corporation or governmental division who has applied for and is granted service or who is responsible for payment of the service.

The word "Main" means a water pipe, owned, operated and maintained by the Utility, which is used to transmit or distribute water but is not a water Service Pipe.

The words "Service Pipe" mean the pipe running from the Main to the premises of the Customer.

- 1. <u>APPLICATION FOR SERVICE</u>. Pursuant to Chapter 620 of the Commission's Rules and Regulations, the owner or the owner's agent, or the occupant of the establishment to be served may apply for service on forms provided by the Utility. If seasonal rental property, only the property owner may be an applicant for service. Any tenant may become a Customer if the tenant assumes responsibility for future service under the conditions set forth in Title 35-A MRSA §706(2), Chapter 660, Sec. 10(I)(2) of the Commission's Rules and Regulations, and under Section 10 below. If a new service connection or other work on the establishment is required, the owner must authorize the Utility to enter the premises to do the necessary work.
- 2. SEASONAL CUSTOMER. A seasonal Customer regularly takes service for only a portion of the year from either a summer or year-round main. A seasonal Customer will be subject to the rules and charges of seasonal rates, if in effect, or of annual rates, if seasonal rates are not in effect. A Customer regularly vacating the premises for three months or less may elect in writing to be classified as an annual Customer subject to annual rules and charges.
- **3.** <u>BILLING PROCEDURES.</u> Minimum charges and water used in excess of the minimum for both annual and seasonal metered service shall be billed quarterly in arrears at the end of the billing quarter. The Utility reserves the right to render bills monthly in advance for annual or seasonal service, if it so desires. The Utility also reserves the right to render bills for excess water used by seasonal Customers immediately after the final reading for the season.

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3. BILLING PROCEDURES (continued).

Public and private fire protection charges will be billed and payable quarterly in advance, at the beginning of each calendar quarter.

Bills may be paid by any Utility-approved payment method, including but not limited to by mail or in person, and must be received at the offices of the Utility or at any designated collection station. Failure of the Customer to receive his/her bill does not relieve him/her of the obligation of its payment nor for the consequences of non-payment.

- 4. <u>CREDIT AND COLLECTION PROCEDURES</u>. All credit and collection procedures for residential and non-residential Customers will be based upon Chapter 660 and Chapter 870 of the Commission's Rules and Regulations. The Utility may demand a deposit from a residential Customer as permitted by Chapter 660. Pursuant to Chapter 870, the interest rate on Customer deposits shall be the rate set from time to time by the Commission.
- **5.** TERMS OF PAYMENT. Customers are legally obligated to pay for the services they receive. Bills are payable upon being issued. Failure of the Customer to receive his/her bill does not relieve him/her of the obligation of payment for services received nor for the consequences of non-payment. The due date for payment, in order to avoid the incurrence of late fees or the initiation of collection action, will be 30 days after the bill is mailed or hand delivered. The late payment charge for overdue bills will be no more than the maximum amount allowed under Chapter 870 of the Commission's Rules and Regulations, to be determined annually.
- **6.** CHARGE FOR RETURNED CHECKS. As provided in Chapter 870 of the Commission's Rules and Regulations, the Utility may charge \$5.00 per account to which the check is applied or the amount the bank charges the Utility, not to exceed \$15.00 for each check returned for nonpayment by a bank. If the Utility charges more than \$5.00, the Utility shall furnish the customer with proof of the bank charge.
- **7.** <u>COLLECTION TRIP FEE</u>. As permitted in Chapter 660 of the Commission's Rules and Regulations, if Utility personnel visit the Customer's premises to disconnect service for non-payment and in lieu of actual disconnection, the Customer pays or makes a payment arrangement for the entire past due balance, the Utility will charge a collection trip fee. The amount of this fee will be \$20.00.
- **8.** <u>CHARGE FOR OPENING OF SERVICE</u>. The Utility will charge \$20.00 to establish water service if it is not necessary for the Utility to visit the premises to connect the service. If it is necessary for the Utility to visit the premises to connect the service, the Utility will charge a \$40.00 fee, payable at the time the service is rendered. No fee shall be charged for closing a Customer's service.

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9. <u>CHARGE FOR RESTORATION OF SERVICE</u>. The Utility will charge a Customer a \$40.00 reconnection fee for restoration of service at the Customer's premises if service was disconnected for any reason allowable under these Terms and Conditions or under Chapter 660 of the Commission's Rules and Regulations, including but not limited to at the Customer's request

10. <u>DISCONNECTION OF LEASED OR RENTED PROPERTY.</u> Before disconnecting a leased or rented residential property, the Utility shall comply with the notice requirements contained in Chapter 660 of the Commission's Rules and Regulations.

<u>Leased or Rented Single-meter, Multi-unit Residential Property</u>: Pursuant to Chapter 660, in addition to the above, before disconnecting a leased or rented single-meter, multi-unit residential property, the Utility shall:

- a. Apply any existing deposit to the current account balance, and
- b. Assess, against the landlord, a collection fee of **\$65.00** in addition to any applicable reconnection fee set forth in Section 9 of these Terms and Conditions.

In addition, at its discretion, the Utility may separately meter or cause to be separately metered, at the landlord's expense, each dwelling unit within the property.

- 11. CHARGES FOR REMOVAL OF SNOW, ICE, OR OTHER OBSTACLES DURING DISCONNECTIONS REQUESTED BY THE CUSTOMER. The Customer will be responsible for clearing snow, ice, or any obstacles to the shut-off valve and/or meter when requesting a winter disconnection. If the Customer does not fulfill this responsibility and the Utility must clear the area to perform the requested disconnection, the Utility will charge the Customer at the following rates: \$35.00 per man-hour, with a one-hour minimum charge, plus the cost of equipment rental, if applicable. If the disconnection request relates to a trip for the repair or replacement of a damaged meter, the equipment fees and total labor hours incurred for removal services will be combined with the totals in section 25E and calculated together.
- **12.** <u>DISCONNECTION PROCESS FOR OVERDUE COMBINED WATER AND SEWER BALANCES.</u> Pursuant to Title 35-A MRSA §6111-C, the Utility may disconnect water service to Customers receiving sewer service for non-payment of an undisputed balance, if the Total Amount Overdue is more than \$100.00 or over ninety days old, or if the Utility bills 4 times a year or less, unless the limitation in Section 12.5 is applicable.

12.1 Definitions.

Total Account Balance means the total water and sewer amount owed by a Customer who has been properly billed.

Total Amount Overdue means the total water and sewer amount billed to a Customer that has not been paid by the due date of the bill or by a date otherwise agreed upon by the Utility and the Customer. Disputed amounts and fees and charges for estimated sewer service usage will not be included in the Total Amount Overdue.

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12.2 Billing. Bills for the Utility shall be issued in accordance with Chapter 660 of the Commission's Rules and Regulations, and Section 3 of these Terms and Conditions.

12. DISCONNECTION PROCESS FOR OVERDUE COMBINED WATER AND SEWER BALANCES (continued).

- **12.3 Disconnection and Reconnection.** A 14 day disconnection notice shall be issued when a Customer does not pay or make a payment arrangement on an undisputed balance, and the Total Amount Overdue is consistent with the requirement in Chapter 660 of the Commission's Rules and Regulations.
- **12.4 Collection Action.** Subsequent collection actions, including disconnection and reconnection, shall be in accordance with Chapter 660 of the Commission's Rules and Regulations and with these Terms and Conditions.
- 12.5 Limitation for Multiunit Rental Facilities of Greater than Two Units. Pursuant to 35-A MRSA §6111-C, the Utility may not disconnect water service for non-payment of sewer service to a multiunit rental facility greater than two units, unless the owner of the facility occupies a unit that would be subject to the disconnection, or unless the Utility has a Charter provision enacted prior to August 1, 2010, establishing the authority for such disconnection.
- <u>12.6 Payment Allocation.</u> Pursuant to Chapter 660, when a Utility receives payment that is insufficient to pay the full account balance, the Utility must apply payment to the oldest basic service balance due, no matter if water or sewer, unless instructions from the Customer, a disputed bill, or a payment arrangement requires otherwise.
- **12.7 Payment Arrangement.** The Utility shall continue to serve a Customer who cannot pay the Total Account Balance, provided satisfactory payment arrangements are made in accordance with Chapter 660 of the Commission's Rules and Regulations and with these Terms and Conditions.
- **12.8 Dispute Resolution.** The Utility shall resolve disputes in accordance with Chapter 660 of the Commission's Rules and Regulations.
- **12.9 Annual Filings.** The Utility shall annually file a disconnection report with the Commission as specified in Title 35-A MRSA §6111-C and Chapter 660.
- **12.10 Assistance Programs.** Pursuant to Title 35-A MRSA §6111-C and to Chapter 660, the Utility shall provide financial assistance information to Customers who are in imminent threat of disconnection, including but not limited to 2-1-1, The Department of Health and Human Services, the Community Action Agencies, and local Town or City Government.

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13. ACCESS TO PREMISES. Pursuant to Chapter 620 of the Commission's Rules and Regulations, as a condition of service, Customers shall provide access to Utility employees having proper identification, to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to set, remove or read meters, to ascertain the amount of water used and manner of use, and to enforce these Terms and Conditions.

- **14.** MAINTENANCE OF PLUMBING. Pursuant to Chapter 620 of the Commission's Rules and Regulations, a Customer must maintain the plumbing and fixtures within his/her own premises in good repair and protect them from freezing or from heat damage. If damage does occur, the Customer is liable for any expenses incurred.
- 15. <u>UNAUTHORIZED USE OF WATER</u>. No Customer shall supply water to another nor use it for any purposes not mentioned in his/her application without Utility approval. No Customer or his agent shall obtain water from any hydrant or other fixture of the Utility without the previous consent of the Utility. No Customer or his agent shall bypass any meter, nor restore service without Utility authorization, nor unreasonably interfere with Utility service nor otherwise take action to prevent the proper metering of water consumed by the Customer. In the event of the discovery of such unauthorized use of water, the Customer shall be immediately disconnected, pursuant to Chapter 660. In addition, the Utility shall be entitled to bill and recover from the Customer or responsible person the cost of the estimated amount of water consumed, based on the Utility's approved rates, plus interest at an annual rate of 5%. Where the unauthorized use of water has occurred, the Utility may also assess the Customer or responsible person a fee of \$35.00 per man hour, with a minimum of one hour, for each service visit to the Customer's premises necessary to investigate and address the unauthorized use of water, including removing the meter bypass, taking measures to prevent further diversion of water, and verifying that corrective measures have been taken and maintained. In no case shall the total of such hourly fees exceed \$100.00. In addition, pursuant to Title 35-A MRSA §2706 as amended or replaced, the Customer or person responsible for the unauthorized use may be liable in a civil action to the Utility for all other reasonable costs to the Utility, including attorney's fees, costs of undertaking and completing the investigation resulting in the determination of liability, and for a civil penalty not to exceed twenty five hundred dollars (\$2,500.00), due and payable to the Utility for each violation.
- **16. NO TAMPERING WITH UTILITY PROPERTY.** No person may tamper with Utility property. No valve, valve sealing mechanism, meter, shutoff, hydrant or standpipe that is the property of the Utility shall be opened or closed or otherwise operated, modified, or removed by other than persons authorized by the Utility. Tampering will subject a Customer or other responsible party to the same charges and actions outlined in Section 15, entitled *Unauthorized Use of Water*. In addition, in the event of such tampering, the responsible party may be subject to a civil action, pursuant to Title 35-A MRSA §2707, as amended or replaced.

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- 17. <u>LIABILITY</u>. The Utility will only be liable for any damages arising from claims to the extent liability is expressly provided in the Maine Tort Claims Act, as set forth in Title 14 MRSA, Chapter 741. The Utility will not be responsible for any damages caused by discolored water, and makes no representations or warranties, expressed or implied, about the suitability of any water provided by the Utility for any particular purpose.
- **18. STOP VALVE.** Pursuant to Chapter 620 of the Commission's Rules and Regulations, every service must be provided with an operable stop valve located inside the building near the service entrance, easily accessible, and protected from freezing. All plumbing must be installed to prevent back-siphonage and to permit draining whenever necessary.
- 19. CROSS CONNECTIONS. Pursuant to Chapter 620 of the Commission's Rules and Regulations, no cross connection between the public water supply system and any other supply will be allowed unless properly protected, based upon the Maine Cross Connection Control Rules and the Maine Internal Plumbing Code. No new cross connection may be installed without the express, written approval of the Utility. In addition, no connection will be permitted capable of causing back flow, including back siphonage or back pressure, between the public water supply system and any plumbing fixture, device or appliance, or between any waste outlet or pipe having direct connection to waste drains. If the owner of such a connection fails or refuses to break or properly protect the connection within a time limit specified by the Utility, the Utility may disconnect the service according to Chapter 660 of the Commission's Rules and Regulations. The Utility's Cross Connection Control Program is on file at the Utility office.
- **20.** CHARGES FOR ANNUAL BACKFLOW RPZ TESTING. Customers are responsible for completing RPZ testing annually, and must send the Utility a copy of the signed, certified test by December 31 of each year. A Customer may select a licensed professional of its choice for the installation. If the Utility is selected, the work will be done as jobbing, as detailed in Section 27 of these Terms and Conditions.
- **21.** FLUCTUATION OF PRESSURES BY CUSTOMER'S APPARATUS. Pursuant to Chapter 620 of the Commission's Rules and Regulations, Customers may not install or use any device that will affect the Utility's pressure or water quality without prior Utility written permission.
- **22.** SAFEGUARDING DIRECT PRESSURE WATER DEVICES AND SYSTEMS SUPPLIED BY AUTOMATIC FEED VALVES. Pursuant to Chapter 620 of the Commission's Rules, Customers must install vacuum, temperature and pressure relief valves or cutouts to prevent damage to a direct pressure water device or secondary system supplied by an automatic feed valve.

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23. <u>JOINT USE OF SERVICE PIPE TRENCH.</u> Pursuant to Chapter 620 of the Commission's Rules and Regulations, normally, water Service Pipes will not be placed in the same trench with other Utility facilities. Where possible, a horizontal separation of ten feet will be provided. Where extenuating, unusual or special

circumstances are encountered, a lesser separation of joint use of trench may be allowed if all parties agree, provided that the installation complies with all applicable laws, rules and regulations.

24. <u>WINTER CONSTRUCTION</u>. No new service or extension of Mains will be installed for the convenience of a Customer during winter weather conditions that increases the cost of construction unless deemed by the Utility to be an emergency.

25. POLICIES FOR METERING, NEW SERVICE LINES, AND MAIN EXTENSIONS.

- **A.** <u>Separate Metering of Buildings.</u> No Customer shall supply water to another, nor use it for purposes not mentioned in his/her application without prior written Utility approval. At its discretion, the Utility reserves the right to require separate piping and a separate meter and shut-off for each building as a condition of service.
- **B.** Metering of Multi-Unit Premises. Except as provided in Chapter 660 of the Commission's Rules and Regulations, where there is more than one occupant of a premises supplied with water, the Utility may require the owner to arrange the plumbing to permit separate connections with shutoffs and meters in locations acceptable to the Utility for each place of business or abode. In the case of a condominium, each unit owner may be required to have a separate meter and shutoff in locations acceptable to the Utility.
- **C.** <u>Submetering.</u> Additional or auxiliary meters for showing subdivision of water use must be furnished, installed, read and maintained at the Customer's own expense.
- **D.** <u>Meter Pits.</u> As permitted in Chapter 620 of the Commission's Rules and Regulations, the Utility reserves the right to require a meter pit at the Customer's expense under the following circumstances:
 - The Customer does not provide a clean, warm, dry and accessible location for the meter and its appurtenances; or
 - The length of the service is over 200 feet; or
 - The service passes over land belonging to another party. In this case, the Utility will require a deeded right of way.

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D. Meter Pits (continued).

As an alternative to a meter pit, the Utility may instead require a Customer to box in and insulate the meter in an appropriate area with an access door. Prior to installation, the design must be submitted to the Utility for approval. Written approval or rejection of the design shall be provided by the Utility within ten business days. Should the Utility not meet this timeframe, the design shall be considered approved by default.

A Customer may select the contractor of its choice for the installation. If the Utility is selected, the work will be done as jobbing, as detailed in Section 27 of these Terms and Conditions. All work and materials must comply with the Utility's approved standards and specifications, available in the Utility office. The Utility reserves the right to inspect all materials and work at a charge of \$35.00, and to require work to be redone if the standards and specifications are not met. If a follow-up inspection is required due to inadequate preparation or lack of adherence to the specifications by the Customer or Contractor, the Customer will be responsible for the cost of the extra visit(s).

25. METERING (continued).

- E. Charges for Repair or Replacement of Damaged Water Meters or Other Utility Equipment.

 Pursuant to Chapter 620 of the Commission's Rules and Regulations, the Utility may charge a

 Customer for costs incurred for the repair or replacement of meter(s) or other Utility equipment
 damaged due to improper care or negligence by Customers. During the normal business hours of

 8:00 a.m. to 4:00 p.m., Monday through Friday, the labor charge will be \$35.00 per man hour.

 During holidays and other than normal business hours, the labor charge will be \$52.50 per man hour
 with a one-hour minimum. In all cases, the Customer will be charged for the cost of the necessary
 replacement parts, including the meter. As specified in Section 11 of these Terms and Conditions, if
 obstacles must be removed to complete the requested repair, total hours and equipment fees for the
 removal services will be added to those for this section and calculated together.
- **F.** Meter Testing. The Utility will test its water meters according to the schedule and standards in Chapter 620 of the Commission's Rules and Regulations. Upon Customer request, the Utility will test the Customer's water meter at no charge in the presence of the Customer or representative, unless the Customer requests more than one test in an 18-month period. If the Customer requests a test more frequently, the Utility may require the Customer to pay a deposit to cover the cost of the test. If a meter tested at the Customer's request does not conform to standards, the Customer's deposit will be refunded and the Utility will adjust the Customer's bill according to the provisions of Chapter 620. If the meter conforms to standards, the Utility may keep the Customer's deposit and continue to use the meter at the Customer's premises.

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G. Extensions of Mains. All requests for water Main extensions shall be at the Customer's expense, as permitted in 35-A MRSA §6106. The Customer is required to complete a main extension application on file at the Jackman Utility District office. The Utility will calculate the Customer's projected costs for the Main extension and prepare an estimate, including the cost of the estimate itself. If the Customer proceeds with the construction, a deposit equal to the estimate will be collected prior to the Utility performing the work. A final reconciliation of the job costs will be done upon completion, and if applicable, the Utility will return any excess deposit at that time. If the actual cost exceeds the deposit, the Customer must pay the additional amount as per the written agreement between the Utility and the Customer, as a condition of service.

The Utility will contract an excavator and boring company, if applicable, and will be responsible for the pipe laying and the Main tap. Utility work will be completed during the normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. All contractor work must be in compliance with applicable plumbing codes and Utility work standards and material specifications, available at the Utility office. If no alternative reliable source is available, the contractor may be required to purchase materials directly from the Utility. The Customer will pay all contractor charges directly to the contractor.

In order to manage and inspect the process, a Utility representative will be present intermittently during the work. If the Utility discovers work irregularities or a lack of adherence to the preapproved plan or the standards and specifications, it may stop the installation at any time. All Utility-provided services, including inspection, will be charged to the Customer at the rate of \$35.00 per hour plus the cost of materials.

H. <u>New Service Lines and Meters.</u> As permitted in 35-A MRSA §6106, each applicant for a new water service will be responsible for the costs of the entire Service Line, including permits for the new service application, for opening the pavement or boring across the road, and if applicable, equipment rental, labor and materials and necessary appurtenances for installation, including the meter.

The Customer will be responsible for contracting the portion of the installation from the curb box into the building and for obtaining the Utility's written approval for the work. The Service Line location will be set by the Utility, and must be installed to the Utility's standards and specifications, available at the Utility office. Only Utility approved materials may be used. All contractor charges will be paid by the Customer directly to the contractor. The Utility reserves the right to inspect the materials and installation, and must be notified before they are buried or enclosed. If a site visit has been scheduled, and if the Utility must later return to the premises due to inadequate preparation by the Customer or contractor or lack of adherence to the specifications, the Customer will be responsible for the cost of the extra visit(s).

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H. New Service Lines and Meters (continued).

The Customer will be responsible for the cost of the Utility to install the Service Line from the Main to the curb box shut-off, including excavation, tapping the Main, and installing the meter and other appurtenances. At its discretion, the Utility may subcontract out any part of this installation. The District will remain ownership of the water meter installed. The work will be available during the regular business hours of **8:00 a.m.** to **4:00 p.m.**, Monday through Friday. The costs to the Customer for the Utility installed/subcontracted portion of the Service Line and appurtenances are:

- A charge of \$35.00 per man-hour on the above-described installation if done by the Utility.
- A main tapping fee of \$100 will be charged to the customer.
- A permit fee of \$15 will be charged to the customer.
- An inspection fee of \$15 will be charged to the customer per water service line.
- Costs of the necessary materials, parts, and equipment rental, if applicable, including the cost of the meter.
- Utility contractor charges for piping across the road, which may consist of either boring
 across the road or opening the road, plus additional costs, including but not limited to
 digging, permits, and flagging, charged as required by the situation.
- A meter fee(installation and/or inspection fee) of \$125 will be charged to the customer.

A written estimate will be given to the Customer for the Utility-provided work and materials, and a deposit equal to the estimate will be collected prior to the initiation of any work. A final reconciliation of the job costs will be done upon completion, and if applicable, the Utility will return any excess deposit at that time. If the actual cost exceeds the deposit, the Customer must pay the additional amount as per the written agreement between the Utility and the Customer.

- **26.** <u>UTILITY SERVICE AREA</u>. As permitted in the Jackman Utility District Charter, P & SL 208, LD 667, approved May 20, 1997, the Utility is permitted to serve the territory comprised of the Town of Jackman, the Town of Moose River, Dennistown Plantation, and Attean Township.
- **27.** <u>UTILITY JOBBING</u>. Before a Utility will provide unregulated Utility service, a Customer must complete a written application on forms provided by the Utility. As permitted in Chapter 620 of the Commission's Rules and Regulations, a deposit may be required equal to the Utility's written estimate. Unless the work is done on a flat rate basis, the Utility will return any excess deposit upon completion. If the final cost exceeds the deposit, the Customer must pay the additional amount upon completion.
- **28.** CONSERVATION. Customers must prevent all unnecessary waste of water. The Utility will decide what constitutes waste or improper use and will restrict usage when necessary. The Utility may restrict or prohibit the use of hoses and sprinklers for all Customers when necessary to conserve the water supply, pursuant to Chapter 620 of the Commission's Rules and Regulations.

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- **29. SERVICE INTERRUPTION.** As specified in Chapter 660 of the Commission's Rules and Regulations, the Utility will provide reasonable notice of any planned shut-off to affected Customers. If the interruption is expected to last more than 5 hours or to affect more than 10 Customers or a single commercial Customer on a dedicated line, notice will be given at least twenty-four hours in advance of the interruption of service. The Utility will notify the Customers when practicable of the cause and duration of any unplanned shut-off. Pursuant to Chapter 620, if a Customer requests, the Utility will make a pro rata reduction in the Customer's minimum bill if service is interrupted for longer than forty-eight hours and the interruption is not due to negligence or improper care of equipment by the Customer.
- **30. FIRE HYDRANTS.** Fire hydrants may not be used for any purpose other than to extinguish fires unless prior permission is given by the Utility. In no case shall fire hydrants be opened by any person other than an agent of the Utility or a duly authorized representative of the municipality or the owner.
- **31.** PRIVATE FIRE PROTECTION. Customers desiring private fire protection must first consult with the Utility as to the nature of available service. Such service will be rendered in accordance with Chapter 640 of the Commission's Rules and Regulations. If available, fire service will be installed at the Customer's expense within the bounds of the public way or right of way. After installation, the fire service line will be owned and maintained in the public way or right of way by the Utility. The Utility does not guarantee any quantity of water or pressure available through a fire protection service.

From time to time, the owner of the service shall determine the adequacy of supply through the fire service by conducting tests of his private system. Timely notice must be given to the Utility so a representative of the Utility can be present to observe the test.

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