



## Filing Receipt

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WATER UTILITY TARIFF

FOR

Elim Water Compnay, Inc.

(Utility Name)

P.O. Box 1229

(Business Address)

San Marcos, Texas 78667-1229

(City, State, Zip Code)

(512) 396-3098

(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate(s) of Convenience and Necessity:

11564

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

This tariff is effective in the following county(ies):

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Hays and Guadalupe

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This tariff is effective in the following cities or unincorporated towns (if any):

San Marcos

This tariff is effective in the following subdivisions or systems:

Greenhaven Systems: Greenhaven Subdivision, Country Hills Mobile Home Park, Briarwood Subdivision and Surrounding Areas, Oakridge Systems: Subdivisions of Oakridge, Village West, Southridge Estates, Countryside, Deerwood, Sleepy Hollow, Hunters Ridge, Lowman Ranch and Surrounding Areas Including the San Marcos Factory Stores and Adjacent Tanger Stores

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SECTION 1.0 - RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Base Rate</u>	<u>Gallonge Charge</u>
5/8" or 3/4"	\$ <u>20.70</u> (INCLUDING 3000 GALLONS)	\$ <u>1.30</u>
1"	\$ <u>28.40</u>	per 1000 gallons
1½"	\$ <u>55.94</u>	same for all meter sizes
2"	\$ <u>83.30</u>	
3"	\$ <u>168.00</u>	
4"	\$ <u>280.06</u>	
6"	\$ <u>559.94</u>	
8"	\$ <u>895.94</u>	
10"	\$ <u>1288.06</u>	

TEMPORARY SERVICE ..... \$ 25.00  
 TEMPORARY SERVICE UP TO 72 HOURS FOR TESTING, CLEANING, ETC. AT CUSTOMER'S REQUEST  
 (WITH NO TRANSFER FEE BEING CHARGED).

REGULATORY ASSESSMENT ..... 1.0%  
 A REGULATORY ASSESSMENT, EQUAL TO ONE PERCENT OF THE CHARGE FOR RETAIL  
 WATER SERVICE ONLY, SHALL BE COLLECTED FROM EACH RETAIL CUSTOMER.

Section 1.02 - Miscellaneous Fees

TAP FEE ..... \$ 300.00  
 THE TAP FEE IS BASED ON THE AVERAGE OF THE UTILITY'S ACTUAL COST FOR MATERIALS  
 AND LABOR FOR STANDARD RESIDENTIAL CONNECTION OF 5/8" or 3/4" METER. PLUS ACTUAL COST  
 OF ROAD BORES AND OTHER EXTRAORDINARY COST PERMITTED BY 30 TAC 291.86 (a) (1)(A) - (C).

RECONNECTION FEE  
 THE RECONNECT FEE WILL BE CHARGED BEFORE SERVICE CAN BE RESTORED  
 TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:

- a) Non payment of bill (Maximum \$25.00) ..... \$ 25.00
- b) Customer's request ..... \$ 25.00  
 OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF
- c) After hours reconnection at customer's request ..... plus \$ 10.00

TRANSFER FEE ..... \$ 12.50  
 THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT  
 THE SAME SERVICE LOCATION WHERE THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE ..... \$ 2.00 OR 5%  
 A ONE TIME PENALTY MAY BE MADE ON DELINQUENT BILLS BUT MAY NOT BE APPLIED  
 TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE ..... \$ 10.00

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Section 1.02 - Miscellaneous Fees (continued)

LARGE METER TAP . . . . . Actual Cost of Tap

CUSTOMER DEPOSIT (Maximum \$50) . . . . . \$ 50.00

OTHER CUSTOMER DEPOSIT [\$291.84(a)(2)] . . . . . 1/6 Estimated Annual Bill

SEASONAL RECONNECTION FEE . . . . . Monthly minimum bill for meter size for each month of disconnection not to exceed six months.

METER TEST FEE (actual cost of testing the meter up to) . . . . . \$ 25.00

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY.

UNDERGROUND WATER DISTRICT FEE PASS THROUGH CLAUSE:

Changes in fees imposed by any underground district having jurisdiction over the Utility shall be passed through as an adjustment to the water gallonage charge according to the following formula:

- AG =  $G + B / (1 - L)$ , where
- AG = adjusted gallonage charge, rounded to the nearest one cent;
- G = approved gallonage charge (per 1,000 gallons);
- B = district gallonage charge (per 1,000 gallons);
- L = system average line losses for preceding 12 months, not to exceed 0.15.

To implement or modify the Underground Water District Fee, the utility must comply with all notice and other requirements of 30 T.A.C. 291.21(h).

TEMPORARY WATER RATE:

Unless otherwise superseded by TNRCC order or rule, if the Utility is ordered by a court or governmental body of competent jurisdiction to reduce its pumpage, production or water sales, the Utility shall be authorized to increase its approved gallonage charge according to the following formula:

- Temporary Gallonage Charge =  $CGC + PRR \times CGC \times R / (1.0 - R)$ , where
- CGC = current gallonage charge;
- R = water use reduction expressed in a decimal fraction (pumping restriction);
- PRR = percentage of revenues to be recovered expressed as a decimal fraction not to exceed 0.50 (i.e. 50% = 0.50)

To implement the Temporary Water Rate, the utility must comply with all notice and other requirements of 30 T.A.C. 291.21(1) .

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Section 1.02 - Miscellaneous Fees (continued)

**GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE CLAUSE:**

Increases in inspection fees and water testing costs imposed by state or Federal law may be passed through as an adjustment to the monthly base rate charge under the terms and conditions of 30 T.A.C. 291.21(k) (2) after notice to the public and the TNRCC.

**LINE EXTENSION AND CONSTRUCTION CHARGES:**

In addition to the fees and charges set forth in this section, applicants for service may be charged line extension and construction charges at cost consistent with the provisions and restrictions of the TNRCC rules [30 TAC 291.86 (a) and (c)]. Pursuant to 30 TAC 230.46 (h), the Utility has adopted the San Marcos building and plumbing codes as the Utility' s required plumbing ordinance; therefore, all plumbing and water utility construction must be constructed to these standards which become the minimum allowable standards under the TNRCC's Water Hygiene Rules and Customer Service Rules. Any income taxes (state and federal) associated with all contributions or charges resulting in tax liability to the Utility between the effective date of TNRCC Application No. 31180-R and the effective date of the 1996 federal tax changes exempting certain contributions from taxable income shall be a component of recoverable costs. Recovery of federal tax liability ("Tax Cash Requirement") shall be made according to the formula provided in this tariff. All prepayments for income tax expense (state and federal) shall be subject to reconciliation within six months of the filing of the Utility' s tax return(s) for the period of taxable contribution when the actual experienced tax rate (s) is known.

**STANDBY FEES :**

Where authorized by 30 TAC 291,87 (o) (1) , residential property developers may be charged a standby fee of \$16.80 per lot per month. This charge is equal to the minimum monthly bill for a residential 3 / 4" meter less the cost of the included 3,000 gallons. Non-residential property developers shall be charged a standby fee of \$52.04 per lot per month. This charge is equal to the minimum monthly bill for a 1 1/2" meter less the cost of the included 3,000 gallons.

**TAX CASH REQUIREMENT CALCULATION PROVISION::**

A customer/applicant in order to pay the total federal income tax arising from contributions in aid of construction (CIAC) from that customer applicant:

1. ESTIMATE OF TAX CASH REQUIREMENT - At the time Elim completes a Contract/Application from a Customer/Applicant will not have completed its Federal tax year ("Tax Year"). Therefore, any required Tax Cash Requirement must of necessity be only an estimate until after the end of Elim's Tax Year.

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Section 1.02 - Miscellaneous Fees (continued)

2. EXACT TAX CASH REQUIREMENTS - Within six months of the filing of Elim's Federal Income Tax Return, Elim will calculate the exact Tax Cash Requirement from the CIAC. At that time Elim will send to the Customer/Applicant a copy of the calculation, along with a refund check if the collected Tax Cash requirement is in excess of the amount owed. (If Elim has received more than one CIAC, the order in which each Tax Cash Requirement will be computed is by the acceptance date of the related Contract/Application.)

If the correct Tax Cash Requirement is in excess of that paid by the Customer/Applicant, then Elim shall present a statement by certified mail to the Customer/Applicant. The Customer/Applicant shall have 30 days from the date of mailing in which to pay the remaining Tax Cash Requirement.

If the Customer/Applicant has not paid the remaining Tax Cash Requirement within 30 days of the mailing date, then Elim shall by certified mail send notice to the Customer/Applicant that Customer/Applicant's water service will be disconnected in 15 days unless payment in full has been received prior to that date. If service is disconnected due to the non-payment of the Tax Cash Requirement, then service shall remain disconnected until the Tax Cash Requirement has been paid in full. In the event that the Customer/Applicant is a developer, than no further connections will be made on any other properties in this or future subdivisions developed by the developer until the remaining Tax Cash Requirement has been paid.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS

Section 2.01 - Texas Natural Resource Conservation Commission Rules

The utility will have the most current Texas Natural Resource Conservation Commission Rules, Chapter 291, Water Rates, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.02 - Application for and Provision of Water Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff) and will be signed by the applicant before water service is provided by the utility. A separate application or contract will be made for each service location.

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers may be required to install a customer owned cut-off valve on the customer's side of the meter or connection.

Section 2.03 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the TNRCC Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant a complaint may be filed with the Commission.

Section 2.04 - Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 of this tariff. The utility will keep records of the deposit and credit interest in accordance with TNRCC Rules.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.04 - Customer Deposits (cont.)

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any customer who has paid 18 consecutive billings without being delinquent.

Section 2.05 - Meter Requirements, Readings, and Testing

All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers. One meter is required for each residential, commercial or industrial facility in accordance with the TNRCC Rules.

Service meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum \$25 for a residential customer. Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.06 - Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next work day after the due date.

A late penalty of either \$2.00 or 5.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide all information required by the TNRCC Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a telephone number (or numbers) which may be reached by a local call by customers. At the utility's option, a toll-free telephone number or the equivalent may be provided.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

Section 2.07 - Service Disconnection

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the TNRCC Rules.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.07 - Service Disconnection (cont.)

Utility service may also be disconnected without notice for reasons as described in the TNRCC Rules.

Utility personnel must be available to collect payments and to reconnect service on the day of and the day after any disconnection of service unless service was disconnected at the customer's request or due to a hazardous condition.

Section 2.08 - Reconnection of Service

Service will be reconnected within 24 hours after the past due bill and any other outstanding charges are paid or correction of the conditions which caused service to be disconnected.

Section 2.09 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

**Prorated Bills** - If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.10 - Quality of Service

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the TNRCC Rules or in the Texas Natural Resource Conservation Commission's "Rules and Regulations for Public Water Systems."

Section 2.11 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.11 - Customer Complaints and Disputes (cont.)

of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through the Texas Natural Resource Conservation Commission complaint process. Pending resolution of a complaint, the commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

SECTION 2.20 - SPECIFIC UTILITY SERVICE RULES AND REGULATIONS

This section contains specific utility service rules in addition to the rules previously listed under Section 2.0. It must be reviewed and approved by the Commission and in compliance with TNRCC Rules to be effective.

The utility adopts the administrative rules of the Texas Natural Resource Conservation Commission, as the same may be amended from time to time, as its company specific service rules and regulations. These rules will be kept on file at the company's offices for customer inspection during regular business hours. In the event of a conflict between the TNRCC's amended rules and the provisions of this tariff, the amended rules shall prevail. Where necessary, any conflicting provision of this tariff shall be deemed to have been superseded by the TNRCC rule in question to the degree that the Utility may conduct its lawful business in conformance with all requirements of said rule. Any cost or charge not expressly provided in this tariff by which is otherwise recoverable by TNRCC rule shall be deemed to be included herein by reference due to the utility's adoption of such rule as part of its tariff.

All payments for utility service shall be delivered or mailed to the utility's business office. If the business office fails to receive payment prior to the time of noticed disconnection for non-payment of a delinquent account, service will be terminated as scheduled. Utility service crews shall not be allowed to collect payments on customer accounts in the field.

Payment of an account by any means which has been dishonored and returned by the payor or payee's bank, shall be deemed to be delinquent. All returned payments must be redeemed with cash or valid money order. If a customer has two returned payments within a twelve month period, the customer shall be required to pay a deposit if one has not already been paid and make future payments by cash or valid money order for a period of twelve months.

Customers shall not be allowed to use the utility's cutoff valve on the utility's side of the meter. Existing customers may install cutoff valves on their side of the meter and are encouraged to do so. All new customers must install customer-owned and -maintained cutoff valves on their side of the meter.

All non-residential customers requiring a greater than 1" meter or any customer with irrigation or fire fighting systems, must install backflow prevention devices which have been approved by the utility or its consulting engineers on each of their customer service lines.

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SECTION 2.20 - SPECIFIC UTILITY SERVICE RULES AND REGULATIONS (cont.)

Customer shall be liable for any damage or injury to utility-owned property or personnel shown to be caused by the customer, his invitees, his agents, his employees, or others directly under his control.

Limitation on Product/Service Liability - Public water utilities are required to deliver water to the customer's side of the meter or service connection which meets the potability and pressure standards of the Texas Natural Resource Conservation Commission. The utility will not accept liability for any injury or damage to individuals or their property occurring on the customer's side of the meter when the water delivered meets these state standards. The utility makes no representations or warranties (expressed or implied) that customer's appliances will not be damaged by disruptions of or fluctuations in water service whatever the cause. The utility will not accept liability for injuries or damages to persons or property due to disruption of water service caused by: (1) acts of God, (2) acts of third parties not subject to the control of the utility if the utility has undertaken such preventive measures as are required by TNRCC rules, (3) electrical power failures in water systems not required by TNRCC rule to have auxiliary power supplies, or (4) termination of water service pursuant to the utility's tariff and the TNRCC's rules. The utility is not required by law and does not provide fire prevention or fire fighting services. The utility therefore does not accept liability for fire-related injuries or damages to persons or property caused or aggravated by the availability (or lack thereof) of water or water pressure (or lack thereof) during fire emergencies. The utility will accept liability for any injury or damage to individuals or their property directly caused by defective utility plant (leaking water lines or meters) or the repairs to or construction of the utility's facilities.

If the services of a registered professional engineer are required as a result of an application for service received by the Utility for service to that applicant's service extension only, such engineer will be selected by the Utility and the applicant, and the applicant shall bear all expenses incurred therein.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection. Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction (as may be allowed by TNRCC rule) for the actual costs of any additional facilities required to maintain compliance with the Texas Natural Resource Conservation Commission minimum design criteria for water production, treatment, pumping, storage and transmission.

Any applicant or existing customer required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be entitled to a written explanation of such costs prior to payment and/or commencement of construction. If the applicant or existing customer does not believe that these costs are reasonable or necessary, the applicant or existing customer shall have the right to appeal such costs to the TNRCC or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's or existing customer's property(ies) is located.

Tap fees may be increased by the cost of road bores where pavement cuts are not permitted or other unique costs not normally incurred as may be permitted by 30 TAC §291.85(a)(1)(c).

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SECTION 2.20 - SPECIFIC UTILITY SERVICE RULES AND REGULATIONS (cont.)

The utility adopts the City of San Marcos Building and Plumbing Code pursuant to TNRCC Rule 290.46(i). The piping and other equipment on the premises furnished by the customer will be maintained by the customer at all times in conformity with the requirements of the TNRCC, the Uniform Plumbing Code, any applicable municipal plumbing codes, and with the service rules and regulations of the Utility. The customer will bring out his service line to his property line at the point on the customer's property mutually acceptable to the customer and the Utility subject to such requirements as may exist by TNRCC rule. No water service smaller than 5/8" will be connected. No pipe or pipe fitting which contains more that 8.0% lead can be used for the installation or repair of plumbing at any connection which provides water for human use. No solder for flux which contains more than 0.2% lead can be used at any connection which provided water for human use.

The utility will have the right of access to the customer's premises at all times reasonable for the purpose of installing, testing, inspecting or repairing water mains or other equipment used in connection with its provision of water service, or for the purpose of removing its property and disconnecting lines, and for all other purposes necessary to the operation of the utility system including inspecting the customer's plumbing for code, plumbing or tariff violations. The customer shall allow the utility and its personnel access to the customer's property to conduct any water quality tests or inspections required by law. Unless necessary to respond to equipment failure, leak or other condition creating an immediate threat to public health and safety or the continued provision of adequate utility service to others, such entry upon the customer's property shall be during normal business hours. The customer may require any utility representative, employee, contractor, or agent seeking to make such entry identify themselves, their affiliation with the utility, and the purpose of their entry.

Except in cases where the customer has a contract with the utility for reserve or auxiliary service, no other water service will be used by the customer on the same installation in conjunction with the utility's service, either by means of a cross-over valve or any other connection. Customer shall not connect, or allow any other person or party to connect, onto any water lines on his premises. Two places shall not be permitted to be supplied with one service pipe where there is a water main abutting the premises.

No connection shall be allowed which allows water to be returned to the public drinking water supply. No backflow prevention device shall be permitted to be installed in the customer's plumbing without notice to and written permission from the utility. Any backflow prevention devices so installed shall be inspected annually by a licensed backflow prevention device inspector or appropriately licensed plumber and a written report of such inspection delivered to the utility.

No application, agreement or contract for service may be assigned or transferred without the written consent of the utility.

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SECTION 2.20 - SPECIFIC UTILITY SERVICE RULES AND REGULATIONS (cont.)

It is agreed and understood that any and all meters, water lines and other equipment furnished by the utility (excepting the customer's individual service lines from the point of connection to customer's structures on customer's premises) are and shall remain the sole property of the utility, and nothing contained herein shall be construed to reflect a sale or transfer of any such meters, lines or equipment to any customer. All tap and extension charges shall be for the privilege of connecting to said water lines and for installation, not purchase, of said meters and lines.

Applicants for service at new consuming facilities or facilities which have undergone extensive plumbing modifications are required to deliver to the Utility a certificate that their facilities have been inspected by a state licensed inspector and that they are in compliance with all applicable plumbing codes and are free of potential hazards to public health and safety. Service may be denied until the certificate is received or any identified violations or hazards remedied. The Utility is not required to perform these inspections for the applicant/customer, but will assist the applicant/customer to locate and obtain the services of a licensed inspector in a timely manner. When potential sources of contamination are identified which, in the opinion of the inspector or the Utility, require the installation of a state-approved back flow prevention device, such back flow prevention device shall be installed on the customer's service line or other necessary plumbing facilities by an appropriately licensed plumber/back flow prevention device specialist at the customer's expense. The back flow prevention device shall be maintained by the customer at his expense and inspected annually by a licensed inspector. Copies of the annual inspection report must be provided to the Utility. Failure to comply with this requirement may constitute grounds for termination of water service with notice.

All customers or service applicants shall provide access to meters and utility cutoff valves at all times reasonably necessary to conduct ordinary utility business and after normal business hours as needed to protect and preserve the integrity of the public drinking water supply. Access to meters and cutoff valves shall be controlled by the provisions of 30 TAC 291.89 (c). Standby fees may be charged when authorized by 30 TAC 291.87 (o) (1).

Where necessary to serve an applicant's property, the Utility may require the applicant to provide it a permanent recorded public utility easement on and across the applicant's real property sufficient to provide service to that applicant and adjacent land owners inside the Utility's certificated service area. Such easement(s) shall not be used for the construction of production, storage or pressure facilities unless they are needed for adequate service to that applicant.

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SECTION 3.0 - EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

LINE EXTENSION AND CONSTRUCTION CHARGES. No contribution in aid of construction may be required of any customer except as provided for in this approved extension policy.

The customer will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

The utility will bear the full cost of any oversizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

COST UTILITIES SHALL BEAR. Within its certificate area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision. However, if the residential customer requesting service purchased the property after the developer was notified of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Developers may be required to provide contributions in aid of construction in amounts to furnish the system with all facilities necessary to comply with the Texas Natural Resource Conservation Commission's "Rules and Regulations for Public Water Systems."

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

31180 RCGN 11154 NOV 13 '96

D.A. APPROVED TARIFF BY BF ah

SECTION 3.20 - SPECIFIC UTILITY EXTENSION POLICY

This section contains the utility's specific extension policy which complies with the requirements already stated under Section 3.01. It must be reviewed and approved by the Commission and in compliance with TNRCC Rules to be effective.

Residential customers not covered under Section 3.01 will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the full cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Developers will be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with Texas Natural Resource Conservation Commission minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or Texas Natural Resource Conservation Commission minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

The utility adopts the administrative rules of the Texas Natural Resource Conservation Commission, as amended from time to time, as its company specific extension policy. These rules will be kept on file at the company's business office for customer inspection during normal business hours. In the event of a conflict between the TNRCC's amended rules and the provisions of this tariff, the amended rules shall prevail. Where necessary, any conflicting provision of this tariff shall be deemed to have been superseded by the TNRCC rule in question to the degree that the Utility may conduct its lawful business in conformance with all requirements of said rule. Any cost or charge not expressly provided in this tariff but which is otherwise recoverable by TNRCC rule shall be deemed to be included herein by reference due to the utility's adoption of such rule as part of this tariff.

When an individual residential applicant requires an extension of a main line beyond 200 feet, the charge to that applicant shall be the actual cost of such extension in excess of 200 feet, plus the applicable tap fee plus such other approved costs as may be provided in this tariff and/or TNRCC rules.

When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge based upon the capacities of production, transmission, storage, pumping and treatment facilities, compliant with the Texas Natural Resource Conservation Commission minimum design criteria, which must be committed to such extension. As provided by 30 T.A.C. 291.85(e)(3), for purposes of this section, commercial, industrial, and wholesale customers shall be treated as developers.

Any service extension to a subdivision (recorded or unrecorded) shall be subject to the provisions and restrictions of 30 TAC 291.86(d).

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to



maintain compliance with the Texas Natural Resource Conservation Commission minimum design criteria for water production, treatment, pumping, storage and transmission.

Unless expressly exempted to TNRCC rule, each point of use (as defined by 30 TAC 291.3) must be individually metered.

The imposition of additional extension costs of charges as provided by Sections 2.20 and 3.20 of this tariff shall be subject to appeal as provided in this tariff, TNRCC rules, or the rules of such other regulatory authority as may have jurisdiction over the utility's rates and services.

Any applicant required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be entitled to a written explanation of such costs prior to payment and/or commencement of construction. If the applicant does not believe that these costs are reasonable or necessary, the applicant shall have the right to appeal such costs to the TNRCC or such other regulatory authority having jurisdiction over the utility's service area in which the applicant's property (ies) is located. Unless the TNRCC or other regulatory authority enters interlocutory orders to the contrary, service to the applicant may be delayed until such appeal is resolved.

Residential tap fees may be increased by the actual cost of road bores where pavement cuts are not permitted or other unique costs not normally incurred as permitted by TNRCC rule. Larger meter taps shall be made at actual cost associated with that tap which shall include such extraordinary expenses.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
APPROVED  
Date 5-13-96 Docket 31180-R  
File 11564 By RF al  
TARIFF CLERK

SECTION 4.0 - WATER RATIONING PROGRAM

In cases of extreme drought, periods of abnormally high usage, or extended reduction in ability to supply water due to equipment failure, temporary restrictions may be instituted to limit water usage. The purpose of the Water Rationing Program is to limit the total amount of water demanded from the utility and to encourage customer conservation.

Water rationing is not a legitimate alternative when water systems are deficient in meeting the Texas Natural Resource Conservation Commission's "Rules and Regulations for Public Water Systems" and the Commission Rules during normal use periods, or when the utility is not making all immediate and necessary efforts to replace or repair malfunctioning equipment.

Section 4.01 - General Provisions

**DECLARATION OF WATER RATIONING:** When there is an acute water supply shortage to such an extent that normal use patterns will no longer be possible, the utility may implement a water rationing program in the following manner.

**NOTICE REQUIREMENTS:** Written notice must be provided to each customer prior to implementing the rationing program. Mailed notice must be given 72 hours prior to the start of rationing. If notice is hand delivered, the utility cannot enforce the provisions of the plan for 24 hours after notice is provided.

Notice will be provided by telephone to the Commission prior to implementing the program and will be followed within 10 days with a copy of the utility's rationing notice. The customer's written notice will contain the following information:

1. the date rationing will begin;
2. the date rationing will end;
3. the stage of rationing and explanation of the restrictions to be implemented; and,
4. explanation of penalties for violations.

**The utility must file a status report of its rationing program with the Commission every 30 days that rationing continues.**

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
31180 R CON 10064 MAY 15 '96  
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SECTION 4.0 - WATER RATIONING PROGRAM (CONT.)

Section 4.01 - General Provisions (cont.)

VIOLATION OF RATIONING RULES:

1. First violation - the customer will be notified by written notice of their specific violation.
2. Second violation - after written notice the utility may install a flow restricter in the line to limit the amount of water which will pass through the meter in a 24 hour period. The cost to be charged to the customer's account will be the actual installed cost to the utility, not to exceed \$50.00.
3. Subsequent violations - the utility may terminate service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility will apply for restoration of service.

EXEMPTIONS OR VARIANCES FROM RATIONING RULES: The utility may grant any customer an exemption or variance from the uniform rationing program for good cause. A customer who is refused an exemption or variance may appeal such action of the utility by written appeal to the Texas Natural Resource Conservation Commission. The utility will treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances.

RATES: All existing rates schedules will remain in effect during the rationing period, and no charges may be levied against a customer which are not contained in the approved tariff of the utility as filed with the Commission.

Section 4.02 - Stages of Rationing

Unless there is an immediate extreme reduction in water production, to declare an emergency or severe condition the Utility must initially declare Stage I rationing. If, after a reasonable period of time, demand is not reduced enough to alleviate outages, Stage II may be declared with Stage III to follow if necessary.

STAGE I (MILD RATIONING CONDITIONS): Under Stage I (Mild Rationing Conditions) the Utility may select only one of the alternatives listed below. Usage of water for outdoor purposes such as lawns, gardens, car washing, etc. will be restricted to:

1. Alternate Day Use - Customers with even numbered addresses may use water outdoors on even numbered days and customers with odd numbered addresses may water outdoors on odd numbered days. (When there are no addresses, North and West sides of streets: even days; South and East sides of streets: odd days.)

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31180 RCCN 1 1964 MAY 13 '96

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SECTION 4.0 - WATER RATIONING PROGRAM (CONT.)

Section 4.02 - Stages of Rationing (cont.)

- 2. Restricted Hours of Use - Outside watering is allowed daily only during periods described in the customer notices.
- 3. Every Five Day Use - Customers whose addresses end in 0 and 1 may use water outdoors on the 1st day of the month; 2 and 3--on the 2nd; 4 and 5--3rd; 6 and 7--4th; 8 and 9--5th; 0 and 1--6th.... and so on. The utility must provide a calendar noting the respective watering days and the order should remain consecutive as new months begin.

STAGE II (MODERATE RATIONING CONDITIONS): All outdoor water usage is prohibited except by hand held hoses with manual turn-on/off nozzles. Water usage for livestock is exempt

STAGE III (SEVERE RATIONING CONDITIONS): All outdoor water usage is prohibited; livestock may be exempted by the utility. All consumption may also be limited to each customer in one of the following ways:

- 1. An average of the customer's winter months' average to be uniformly applied on a systemwide basis, each customer being notified of this average amount;  
OR
- 2. Based upon technical data of the utility's facilities, a maximum number of gallons per meter (customer) per month, with notice to each customer of this number. Approval of the Commission must be obtained prior to implementing this restriction.

All meters shall be read as often as necessary to insure compliance with this program for the benefit of all the customers.

SECTION 4.20 - SPECIFIC UTILITY WATER RATIONING PROGRAM

This section contains a specific utility water rationing program in addition to the one stated under Section 4.0. It must be reviewed and approved by the Commission and in compliance with the TNRCC Rules to be effective.

The utility adopts the administrative rules and orders of the Texas Natural Resource Conservation Commission, court, or governmental agency of competent jurisdiction, as amended from time to time, as its company specific water rationing policy. These rules and orders will be kept on file at the company's business office for customer inspection during normal business hours. In the event of a conflict between the rules and orders and the provisions of this tariff, the amended rules shall prevail. Where necessary, any conflicting provision of this tariff shall be deemed to have been superseded by the rule or order in question to the degree that the Utility may conduct its lawful business in conformance with all requirements of said rule or order.

The utility shall exercise due diligence in preventing the need for water rationing and for the elimination of water rationing when rationing is necessary. Except as provided in the two following

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

SECTION 4.20 - SPECIFIC UTILITY WATER RATIONING PROGRAM (CONTI.)

paragraphs related to water conservation, water rationing shall not be imposed unless forces of nature or water system component malfunctions temporarily disrupt the utility's ability to produce and deliver potable water sufficient to meet normal domestic water demands of customers. Water rationing shall be implemented in the least restrictive manner consistent with the situation causing the need for rationing. Water rationing shall be implemented in a fair and equitable manner with the goal of disrupting or limiting normal water service to the fewest customers for the shortest time possible.

In the interest of conservation of natural resources, the utility may request its customers to undertake a voluntary water rationing program during peak usage seasons and at any other time it appears that customer usage patterns are becoming excessive for normal water needs of a subdivision of the type being served. The voluntary rationing program will consist of a request to curtail outdoor water uses including a limitation on lawn and garden watering to alternate days with such water being done during early morning and evening hours.

The utility reserves the right to use water rationing as a means to implement water conservation orders or rules of the Texas Natural Resource Conservation Commission or any other governmental agency having such lawful jurisdiction if those orders or rules allow this means of enforcement. The use of water rationing as a conservation enforcement tool shall be implemented only under the terms and conditions of the TNRCC or other agency orders or rules which shall be available or inspection in the utility's business office.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

31180 R 0001 11064 MAY 13 '96

D.A. APPROVED TARIFF BY B.F. et

ELIM WATER COMPANY, INC.  
302 West Hopkins, Suite 2  
P. O. Box 1229  
San Marcos, Texas 78667-1229  
(512) 396-3098

## CONTRACT/APPLICATION FOR UTILITY SERVICE

This Contract/Application for Utility Service ("Contract/Application") is by and between Elim Water Company, Inc. a corporation organized under the laws of the State of Texas, its successors and assigns ("Elim") and the applicant ("Applicant/Customer") whose name and signature is shown below on the last page of this document:

**APPLICANT/CUSTOMER LIABILITY:** Applicant/Customer shall be liable for any damage or injury to Elim owned property or personnel shown to be caused by the Applicant/Customer, his invitees, his agents, his employees, or others under his control.

**LIMITATION ON ELIM PRODUCTION/SERVICE LIABILITY:** Elim, as a public water utility, is required to deliver water to the Applicant's/Customer's side of the meter or service connection which meets the potability and pressure standards of the Texas Natural Resource Conservation Commission ("TNRCC"). Elim will not accept liability for any injury or damage to individuals or to their properties occurring on the Applicant's/Customer's side of the meter when the water delivered meets these state standards. Elim makes no representations or warranties (expressed or implied) that Applicant's/Customer's appliances and/or plumbing will not be damaged by disruption of or fluctuations in water service whatever the cause. Elim will not accept liability for injuries or damages to persons or property due to disruption of water service caused by: (1) acts of God, (2) acts of third parties not subject to the control of Elim if Elim has undertaken such preventive measures as are required by TNRCC rule (3) termination of water service pursuant to Elim's tariff and the TNRCC's rules. Elim will accept liability for a injury or damage to individuals or their property directly caused by its defective utility plant (leaking water line or Elim's side of leaking meters) or the repair to or construction of Elim's facilities.

**FIRE PROTECTION:** Elim is not required by law to, and does not, provide fire prevention or fire fighting service. Elim therefore does not accept liability for fire-related injuries or damages to persons or property caused or aggravated by the availability (or lack thereof) of water or water pressure (or lack thereof) during fire emergencies.

Elim may (but is not required to) contract with Applicant/Customer to provide water service capacities to the properties in excess of the TNRCC's domestic water system regulations so that such water volumes and pressure may be used by the Applicant/Customer or local fire department (at their sole election and responsibility) for fire fighting purposes. Such additional water service capacities shall be provided only in response to and accord to design criteria and/or plans prepared by the Applicant's/Customer's registered professional engineer. Notwithstanding any understanding or intent of such Applicant/Customer for the use of such excess water service capacity, Elim does not profess, state, warrant, guarantee, or imply that such additional water service capacity is, or shall ever be, adequate or sufficient for fire fighting. Elim neither possesses nor claims to possess knowledge or expertise in fire fighting or the requirements of fire fighting. No statement or action of Elim shall ever be interpreted or mean to suggest that any facility of Elim comply with any state or local fire code.

**PLUMBING CODE:** Elim has adopted the plumbing code of the City of San Marcos. Any extensions and/or facilities shall comply with that code and with all standards established by the TNRCC. Where conflicts arise, the more stringent standard must be followed.

**EXTENSION AND FACILITIES:** If the services of a registered professional engineer are required as a result of this Contract/Application for service to Applicant/Customer only, such engineer will be selected by Elim and Applicant/Customer, and Applicant/Customer shall bear all expenses incurred therein.

If Applicant/Customer requires service other than the standard service provided by Elim, such Applicant/Customer will be required to pay all expenses incurred by Elim in excess of the expenses that would be incurred in providing the standard service and connection. If Applicant/Customer places unique or non-standard service demands on the system, Applicant/Customer may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the TNRCC's minimum design criteria for public water systems plus meeting any additional requirement needed to meet local service conditions. Elim and Applicant/Customer shall bear all expense related to main oversizing or additional production, storage, or treatment facilities. Applicant/Customer is an individual residential Applicant/Customer with normal domestic service demands.

INITIALS

(Continued)

The piping and other equipment on the premises furnished by the Applicant/Customer will be maintained by the Applicant/Customer at all times in conformity with the requirements of the applicable regulatory authorities and with the service rules and regulations of Elim. The Applicant/Customer will bring out his service line to his property line at a point mutually acceptable to Elim and the Applicant/Customer. No water service smaller than 5/8" will be connected. The Applicant/Customer shall install and maintain a cut-off valve on the Applicant/Customer side of the meter and within three (3) feet of the meter. If the Applicant/Customer desires water at a lower pressure than that which is delivered at the meter, and such delivery pressure does not exceed any TNRCC rule or order pressure standard, the Applicant/Customer will install at the Applicant's/Customer's expense the equipment necessary for such reduction in pressure. It shall be the Applicant's/Customer's responsibility to maintain such equipment in good repair and working order.

Except in cases where the Applicant/Customer has a contract with Elim for reserve or auxiliary service, no other water service will be used by the Applicant/Customer on the same installation in conjunction with Elim's service either by means of a cross-over valve or any other connection. Applicant/Customer shall not connect, or allow an other person or party to connect, onto any water lines on his premises. Two places shall not be permitted to be supplied with one service pipe where there is a water main abutting the premises; each shall have separate service lines and meters. For the purposes of this paragraph, each residence shall be construed to be one entire consuming facility.

It is agreed and understood that any and all meters, water lines and other equipment furnished by Elim is and shall remain the sole property of Elim, and nothing contained herein shall be construed to reflect a sale or transfer of any such meters, lines or equipment to any Applicant/Customer. Applicant/Customer shall furnish and retain as his sole property the individual service lines from Applicant's/Customer's point of connection to his point of ultimate use. All tap charges shall be for the privilege of connecting to said water lines and for installation, no purchase, of said meters and lines.

**PERIOD OF USE:** Applicant/Customer shall tie into the Elim system within sixty (60) days of the date of this Contract/Application, or this Contract/Application shall be deemed void. Any additional request for service at this location must then be made by a new Contract/Application. If major utility construction is needed before service being connected, the above date may be extended for another sixty (60) days, or conversely Applicant/Customer may begin paying a monthly water bill based upon an average of the estimated annual gallon as shown below.

**ASSIGNMENT:** This Contract/Application, agreement or contract for service may NOT be assigned or transferred without the written consent of Elim.

**OTHER CONTRACTS:** It is possible that Applicant/Customer and Elim will enter into, or have entered into, an additional contract pertaining to water service at this location. Any such contract will be in addition to this Contract/Application. Nothing therein will negate any provisions of this Contract/Application.

**RIGHT OF ACCESS AND EASEMENTS:** Elim will have the right of access to the Applicant's/Customer's premises at all reasonable times for the purpose of installing, inspecting or repairing water mains or other equipment used in connection with its provision of water service, or for the purpose of removing its property and disconnecting lines, and for all other purposes necessary to the operation of Elim system, including inspecting the Applicant's/Customer's plumbing for code, plumbing or tariff violations. This right of access shall not include the right to construct and maintain production, storage or treatment facilities unless these facilities are required to provide continuous and adequate service to the individual property in question.

If the property to be served does not have dedicated, recorded public utility easements available for Elim's use providing water utility service to the property, the Applicant/Customer (or the Applicant's/Customer's landlord in the case of a tenant Applicant/Customer) shall be required to provide Elim with a suitable recorded easement as a condition of service. Such easement shall be in a location acceptable to Elim and shall be for a corridor less than fifteen (15') in width. The easement shall be signed by (and shall be binding upon) all record title owners of the property in question. No Applicant/Customer shall be deemed to be a "qualified" Applicant/Customer under the TNRCC's rules until such easement is recorded.

**LANDLORD GUARANTEE:** If Applicant/Customer is a tenant, this Contract/Application must be countersigned by the owner of the property. By signing the Contract/Application, the landlord grants all required rights of access. If the landlord is designated herein as the person responsible for the bill then the landlord GUARANTEES PAYMENT for all utility service charges and fees incurred by or compensable damages caused by their tenant.

**PLUMBING RESTRICTIONS:** Applicant/Customer shall NOT perform prohibited plumbing practices. The following undesirable plumbing practices are prohibited by state regulations. Other prohibitions are found in the City of San Marcos plumbing code and/or Elim's tariff.

- A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public drinking water system by an air-gap only.
- B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap only.
- C. No connection which allows water to return to the public drinking water supply is permitted.
- D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
- E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

**APPEAL TO THE TNRCC OR OTHER REGULATORY AUTHORITY:** If Applicant/Customer is now or in the future required by Elim to pay for any costs not specifically set forth in the rate schedule pages of Elim's approved tariff, Applicant/Customer shall be entitled to a written explanation of such costs prior to payment and/or commencement of construction. If the Applicant/Customer does not believe that these costs are reasonable or necessary, the Applicant/Customer shall have the right to appeal such costs to the TNRCC or such other regulatory authority with jurisdiction over Elim's rates in that portion of Elim's service area in which the Applicant's/Customer's property is located. Unless the TNRCC or other regulatory authority enters interlocutory orders to the contrary, service to the Applicant/Customer may be delayed until such appeal is resolved.

**PLUMBING INSPECTION:** If Contract/Application is for service at new consuming facilities or facilities which have undergone extensive plumbing modifications, Applicant/Customer shall deliver to Elim as required by State law a certificate that Applicant's/Customer's facilities have been inspected by a state-licensed inspector and that they are in compliance with all applicable plumbing codes and are free of potential hazards to public health and safety. Applicant/Customer shall also deliver to Elim such certificates pertaining to any extensive plumbing modifications to Applicant's/Customer's water system made after the initial date of service to Applicant/Customer. Installation of a landscaping sprinkler system shall be considered extensive plumbing modifications. If the Applicant/Customer installs, and/or maintains a landscaping sprinkler system, the Applicant/Customer must present appropriate inspection reports, including annual inspection reports, if required. Service may be denied until the certificate is received or any identified violations or hazards remedied. When potential sources of contamination are identified which, in the opinion of the inspector or Elim, require the installation of a state-approved backflow prevention device, such back flow prevention device shall be installed on the Applicant's/Customer's service line or other necessary plumbing facilities by an appropriately licensed plumber/back flow prevention device specialist at the Applicant's/Customer's expense. The backflow prevention device shall be maintained by the Applicant/Customer at his expense and shall be inspected annually by a licensed inspector. Applicant/Customer shall provide copies of the annual inspection report to Elim. Failure to comply with these inspection and reporting requirements may constitute grounds for termination of Applicant's/Customer's water service with notice.

**APPLICANT/CUSTOMER AGREEMENT:** BY SIGNING THIS APPLICATION FOR PUBLIC UTILITY SERVICE, I AGREE TO COMPLY WITH ELIM'S RULES AND TARIFF AND ALL RULES AND REGULATIONS OF THE TNRCC AND OTHER APPLICABLE REGULATORY AGENCIES. I GUARANTEE PROMPT PAYMENT OF ALL UTILITY BILLS FOR THE SERVICE ADDRESS PRINTED ABOVE. I AGREE TO REMAIN RESPONSIBLE FOR UTILITY BILLS FOR THIS SERVICE ADDRESS FROM THE DATE SERVICE IS STARTED UNTIL THE DATE SERVICE IS TERMINATED EITHER AT MY REQUEST OR BY INVOLUNTARY TERMINATION AS PROVIDED IN ELIM'S TARIFF.

I AGREE TO TAKE NO ACTIONS TO CREATE A HEALTH HAZARD OR OTHERWISE ENDANGER ELIM'S PLANT, ITS PERSONNEL, OR ITS CUSTOMERS. I AGREE TO PUT NO UNSAFE, NON-DOMESTIC SERVICE DEMANDS ON ELIM'S SYSTEM WITHOUT NOTICE TO AND PERMISSION FROM ELIM.

I HAVE BEEN SHOWN A COPY OF ELIM'S TNRCC-APPROVED TARIFF AND I AGREE TO PAY THE RATES IN THE TARIFF AND ABIDE BY THE REQUIREMENTS IN THIS APPLICATION. I ACKNOWLEDGE THAT THE RATES AND/OR TERMS OF SERVICE IN THE TARIFF MAY BE CHANGED BY FUTURE ORDER OF THE TNRCC OR OTHER REGULATORY AUTHORITY HAVING JURISDICTION OVER ELIM'S RATES.

INITIAL \_\_\_\_\_

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MISCELLANEOUS INFORMATION

1. Applicant/Customer's Name: \_\_\_\_\_  
 Driver Lic. #: \_\_\_\_\_ SS#: \_\_\_\_\_ Home Telephone #: \_\_\_\_\_
2. Billing address (below): \_\_\_\_\_ Work Telephone #: \_\_\_\_\_ Fax or E-mail: \_\_\_\_\_  
 \_\_\_\_\_ (Line 1) \_\_\_\_\_  
 \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip)
3. Address or location of requested service (Attach plat or drawing if new facilities): \_\_\_\_\_  
 Subdivision: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Facilities are:  Existing with previous water service  Existing without previous water service  New  
 At this location Applicant/Customer is a:  Landowner  Tenant  Builder  Developer
4. Water service: Type -  residential  commercial  industrial. Meter size - \_\_\_\_\_  
 Length of water service -  permanent  3 Days Only  temporary, (non-potable) for construction use only  
 temporary, construction use only, changing to permanent upon Elim's acceptance of required certifications.  
 (During construction period water is non-potable - not to be used for domestic purposes.)  
 Temporary service termination date - \_\_\_\_\_
5. Purpose for which water is to be used:  Residential  non-potable, construction use only  
 Other (Explain Other) \_\_\_\_\_
6. Gallon Requirement (pertaining to non-residential use only) Annual \_\_\_\_\_ High Day \_\_\_\_\_
7. Person responsible for utility service bills (Other than Applicant/Customer): \_\_\_\_\_  
 Relationship to Applicant/Customer \_\_\_\_\_ Telephone # (H) \_\_\_\_\_  
 Driver Lic. # \_\_\_\_\_ SS# \_\_\_\_\_ Telephone # (W) \_\_\_\_\_
8. Applicant/Customer's Previous Water Service: Utility \_\_\_\_\_  
 Utility Location \_\_\_\_\_  
 Applicant/Customer Account # \_\_\_\_\_ Date Disconnected \_\_\_\_\_
9. Misc. fees required as a condition of service:  \$12.50 Transfer Fee  \$300.00 Residential Tap Fee  
 \$ \_\_\_\_\_ 10.00 After Hours Fee (After hours service done at Customer's Request)  
 \$ \_\_\_\_\_ Large Meter Tap Fee Estimated? Yes  No   
 \$ \_\_\_\_\_ Line Extension Fee Estimated? Yes  No   
 \$ \_\_\_\_\_ Capital Recovery Fee Estimated? Yes  No   
 \$ \_\_\_\_\_ Other Fee (Type) \_\_\_\_\_ Estimated? Yes  No
10. Customer Deposit to be paid: Amount:  \$50.00  Other \$ \_\_\_\_\_  Exempt  
 If exempt, reason for exemption: \_\_\_\_\_
11. Date of application: \_\_\_\_\_ Date to begin service: \_\_\_\_\_  
 Contract/Application Acceptance/Execution Date: \_\_\_\_\_ (To Be Entered Only by Elim)
12. Signatures:

\_\_\_\_\_  
 Applicant/Customer

\_\_\_\_\_  
 Guarantor (If Different from Applicant/Customer)

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

\_\_\_\_\_  
 Landlord

\_\_\_\_\_  
 ELIM REPRESENTATIVE

Memo for Elim Personnel: Received - \$ \_\_\_\_\_ Meter Reading \_\_\_\_\_  
 Actual Service Date \_\_\_\_\_ Date \_\_\_\_\_  
 Account Number \_\_\_\_\_ Bank Dep # \_\_\_\_\_ Work Order Number \_\_\_\_\_