



## Filing Receipt

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**Control Number - 53075**

**ItemNumber - 345**

**WATER UTILITY TARIFF  
FOR**

TCW Supply, Inc.  
(Utility Name)

301 Industrial Boulevard, Box 5  
(Business Address)

Borger, Texas 79008  
(City, State, Zip Code)

(806) 274-5291  
(Area Code/Telephone)

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

11957

This tariff is effective in the following county:

Hutchinson

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

N/A

This tariff is effective in the following subdivisions or systems:

Meadowlark, Clearview, Huber, Country Club Terrace, Country Club Valley, Vista Estates, Westridge, Windsong, Golf Course, Gibson/Whittenburg, Beverley Hills, Johnson Camp, Coffee Camp Electric City, Gulf Dial, Scotts Acres, Suburban Tracts, Hodges Hills, Plemons School, Sanford Camp, and Texroy Camp (PWS ID # 1170012).

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SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallonge Charge</u>
5/8" x 3/4" gallons	<u>\$22.56</u> (Includes 0 gallons all meters)	<u>\$1.70</u> per 1000 gallons up to 3,000
Same for all meter sizes gallons		<u>\$2.30</u> per 1000 gallons above 3,000

FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash X, Check X, Money Order X, Credit Card \_\_\_\_\_, Other (specify) \_\_\_\_\_

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT ..... 1.0%  
TCEQ RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL.

Section 1.02 - Miscellaneous Fees

TAP FEE 5/8x3/4" Meter ..... \$450.00  
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Large meter)..... Actual Cost  
TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METERS LARGER THAN SATANDARD 1" METER.

METER TEST FEE ..... \$25.00  
THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST 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. THE FEE MAY NOT EXCEED \$25.

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SECTION 1.0 -- RATE SCHEDULE (CONT.)

RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non payment of bill (Maximum \$25.00) .....\$25.00
- b) Customer's request that service be disconnected .....\$50.00

TRANSFER FEE .....\$25.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL) ..... 10%

TCEQ RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE .....\$15.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

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

COMMERCIAL & NON-RESIDENTIAL DEPOSIT ..... 1/6TH OF ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE .....N/A

WHEN AUTHORIZED IN WRITING BY TCEQ AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [30 TAC 291.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

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TEXAS COMM. ON ENVIRONMENTAL QUALITY  
35443-R, CCN 11957, OCT. 17, 2006  
APPROVED TARIFF BY *[Signature]*

## SECTION 2.0 - SERVICE RULES AND REGULATIONS

Section 2.01 - Texas Water Commission Rules

The utility will have the most current Texas Water 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 at each separate 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, the utility will reconnect the service 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 TWC 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 that he may file a complaint with the Commission.

Section 2.04 - Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant will 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 TWC Rules.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (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 TWC 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 presence or in that of his authorized representative, make without charge a test of the accuracy of the customer's meter. The test will be made during the utility's normal working hours at a time convenient to the customer if he desires to observe the test. The test will be made preferably on the customer's premises, but may, at the utility's discretion, be made at the utility's test laboratory. 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 2.06 - Billing

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Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. Payment is considered late if not received by 5:00 PM at the utility's office or postal address within sixteen (16) days of the billing date. The postmark on the envelope

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

of the bill or the recorded date of mailing by the utility, if there is no postmark on the envelope, will constitute proof of the date of issuance. 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 TWC Rules. The utility will maintain and note on the monthly billing a telephone number (or numbers) which may be reached by a local call by customers of each of the systems it operates. 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 TWC Rules.

Utility service may also be disconnected without notice for reasons as described in the TWC 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 because of a hazardous condition.

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## SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

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 TWC Rules or in the Texas Department of Health'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 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 Water 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.

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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 TWC Rules to be effective.

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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 sewer collection 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 Department of Health's "Rules and Regulations for Public Water Systems."

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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 TWC 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 Department of Health minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or Texas Water 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.

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SECTION 4.0 -- DROUGHT CONTINGENCY PLAN  
(Utility must attach copy of TCEQ approved Drought Contingency Plan)

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## Drought Contingency Plan for a Wholesale Public Water Supplier

Texas Commission on Environmental Quality

**Instructions:** The following form is a model of a drought contingency plan for a wholesale public water supplier. Not all items may apply to your system's situation. This form is supplied for your convenience, but you are not required to use this form to submit your plan to the TCEQ. Submit completed plans to: Water Supply Division MC 160, TCEQ, P.O. Box 13087, Austin TX 78711-3087.

TCW SUPPLY, INC.

(Name of Utility)

301 Industrial Blvd., Box 5, Borger, TX 79008

(Address, City, Zip Code)

11957

(CCN#)

1170012

(PWS #s)

July 14, 2005

(Date)

### Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the TCW Supply, Inc. (name of your water supplier) adopts the following Drought Contingency Plan (the Plan).

### Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by TCW Supply, Inc. (name of your water supplier) by means of private notice (describe methods used to inform the public and wholesale customers about

### Section III: Wholesale Water Customer Education

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The TCW Supply, Inc. (name of your water supplier) will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of bill mail outs (e.g., describe methods to be used to provide customers with information about the Plan; for example, providing a copy of the Plan or periodically including information about the Plan with invoices for water sales).

#### Section IV: Coordination with Regional Water Planning Groups

The water service area of the TCW Supply, Inc. (name of your water supplier) is located within the Region A (name of regional water planning area or areas) and the TCW Supply, Inc. (name of your water supplier) has provided a copy of the Plan to the Panhandle (name of your regional water planning group or groups). Region A group

#### Section V: Authorization

The manager (designated official; for example, the general manager or executive director), or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

#### Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the TCW Supply, Inc. (name of your water supplier). The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

#### Section VII: Criteria for Initiation and Termination of Drought Response Stages

The manager (designated official), or his/her designee, shall monitor water supply and/or demand conditions on a (e.g., weekly, monthly) basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or

termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on:  
a statistical analysis of the vulnerability of the water source under drought of record conditions.

(provide a brief description of the rationale for the triggering criteria; for example, triggering criteria are based on a statistical analysis of the vulnerability of the water source under drought of record conditions).

**Stage 1 Triggers -- MILD Water Shortage Conditions**

Requirements for initiation - The TCW Supply, Inc. (name of your water supplier) will recognize that a mild water shortage condition exists when <sup>example 4</sup> begins in observance (\*) (describe triggering criteria, see examples below).

*Below are examples of the types of triggering criteria that might be used in a wholesale water supplier's drought contingency plan. One or a combination of such criteria may be defined for each drought response stage:*

**Example 1:** Water in storage in the \_\_\_\_\_ (name of reservoir) is equal to or less than \_\_\_\_\_ (acre-feet and/or percentage of storage capacity).

**Example 2:** When the combined storage in the \_\_\_\_\_ (name of reservoirs) is equal to or less than \_\_\_\_\_ (acre-feet and/or percentage of storage capacity).

**Example 3:** Flows as measured by the U.S. Geological Survey gage on the \_\_\_\_\_ (name of river) near \_\_\_\_\_, Texas reaches \_\_\_\_\_ cubic feet per second (cfs).

(\*) **Example 4:** When total daily water demand equals or exceeds <sup>60</sup> ~~million~~ thousand gallons for <sup>10</sup> consecutive days or <sup>80</sup> ~~million~~ thousand gallons on a single day.

**Example 5:** When total daily water demand equals or exceeds \_\_\_\_\_ percent of the safe operating capacity of \_\_\_\_\_ million gallons per day for \_\_\_\_\_ consecutive days or \_\_\_\_\_ percent on a single day.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 (e.g., 30) consecutive days. The TCW Supply (name of water supplier) will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

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**Stage 2 Triggers -- MODERATE Water Shortage Conditions**

Requirements for initiation - The TCW Supply, (name of your water supplier) will recognize that a moderate water shortage condition exists when total (describe triggering criteria), daily water demand equals or exceeds 80 thousand gallons for 10 consecutive days or 100 thousand gallons on a single day.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 (e.g., 30) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The TCW Supply (name of your water supplier) will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

**Stage 3 Triggers -- SEVERE Water Shortage Conditions**

Requirements for initiation - The TCW Supply, (name of your water supplier) will recognize that a severe water shortage condition exists when total (describe triggering criteria; see examples in Stage 1), daily water demand equals or exceeds 100 thousand gallons for 10 consecutive days or 120 thousand gallons on a single day.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 (e.g., 30) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The TCW Supply (name of your water supplier) will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 3 of the Plan.

**Stage 4 Triggers -- CRITICAL Water Shortage Conditions**

Requirements for initiation - The TCW Supply, (name of your water supplier) will recognize that an emergency water shortage condition exists when either (describe triggering criteria; see examples below). Example 1 or Example 2 exists shown below.

**Example 1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or**

**Example 2. Natural or man-made contamination of the water supply source(s).**

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 (e.g., 30) consecutive days. The TCW Supply (name of your water supplier) will notify its wholesale customers and the media of the termination of Stage 4.

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**Section VIII: Drought Response Stages**

The manager (designated official), or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VI, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

**Stage 1 Response -- MILD Water Shortage Conditions**

**Target:** Achieve a voluntary 10 percent reduction in daily water demand (e.g., total water use, daily water demand, etc.).

**Best Management Practices for Supply Management:**

*Describe additional measures, if any, to be implemented directly by manager (designated official), or his/her designee(s), to manage limited water supplies and/or reduce water demand. Examples include modifying reservoir operations procedures, interconnection with another water system, and use of reclaimed water for non-potable purposes.* He shall interconnect with another water system.

**Water Use Restrictions for Reducing Demand:**

(a) The manager (designated official), or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).

(b) The manager (designated official), or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**Stage 2 Response -- MODERATE Water Shortage Conditions**

**Target:** Achieve a 15 percent reduction in daily water demand (e.g., total water use, daily water demand, etc.).

**Best Management Practices for Supply Management:**

*Describe additional measures, if any, to be implemented directly by manager*

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*(designated official), or his/her designee(s), to manage limited water supplies and/or reduce water demand. Examples include modifying reservoir operations procedures, interconnection with another water system, and use of reclaimed water for non-potable purposes.* He shall interconnect with another water system.

#### Water Use Restrictions for Reducing Demand:

(a) The manager (designated official), or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(b) The manager (designated official), or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).

(c) The manager (designated official), or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section VI of the Plan.

(d) The manager (designated official), or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

#### Stage 3 Response -- SEVERE Water Shortage Conditions

**Target:** Achieve a 20 percent reduction in daily (e.g., total water use, daily water demand, etc.).  
water demand.

#### Best Management Practices for Supply Management:

*Describe additional measures, if any, to be implemented directly by manager (designated official), or his/her designee(s), to manage limited water supplies and/or reduce water demand. Examples include modifying reservoir operations procedures, interconnection with another water system, and use of reclaimed water for*

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*non-potable purposes.* He shall interconnect with another water system.

**Water Use Restrictions for Reducing Demand:**

- (a) The manager (designated official), or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).
- (b) The manager (designated official), or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section VI of the Plan.
- (c) The manager (designated official), or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**Stage 4 Response -- EMERGENCY Water Shortage Conditions**

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the manager (designated official) shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.
5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

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**Section IX: Pro Rata Water Allocation**

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 – Severe Water Shortage Conditions have been met, the manager (designated official) is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039.

### Section X: Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

1.25 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.

1.50 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.

1.75 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.

2.00 times the normal water charge per acre-foot for water diversions and/or deliveries more than 15 percent above the monthly allocation.

The above surcharges shall be cumulative.

### Section XI: Variances

The manager (designated official), or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

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- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the manager (designated official) within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the TCW Supply (governing body), and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the TCW Supply, Inc. (governing body) shall be subject to the following conditions, unless waived or modified by the TCW Supply (governing body) or its designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

## Section XII: Severability

It is hereby declared to be the intention of the TCW Supply, Inc. (governing body) of your water

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supplier) that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the TCW Supply, Inc. (governing body of your water supplier) without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

TEXAS COM. ON ENVIRONMENTAL QUALITY

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