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~~WATER~~ UTILITY TARIFF

FOR

Kelly Lane Utility Company, Inc.
(Utility Name)

205 East 43rd Street
(Business Address)

Austin, Texas 78751
(City, State, Zip Code)

(512 474-7211
(Area Code/Telephone)

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

20720

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

Travis

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

None

This tariff is effective in the following subdivisions or systems:

Steed's Crossing, FIMSA, Fairways of Blackhawk

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TEXAS WATER COMMISSION
APPROVED
DATE 5-20-92 DOCKET 9446-L
FILE 20720 BY DH
TARIFF CLERK

SECTION 1.0--RATE SCHEDULE

Section 1.01--Rates

CONNECTION TYPE

- (A) Residential customers who have a 3/4" or 5/8" water meter (also referred to as "Standard Residential Connection") shall be charged \$40.00 per month flat rate;
- (B) Commercial Customers
 - (1) Any non-residential customer which is not an industrial customer and which has a 5/8" or 3/4" water meter and which discharges only domestic wastewater shall be charged \$40.00 per month flat rate;
 - (2) Any non-residential customer which is not an industrial customer and which has a water meter larger than 3/4" shall be charged the following:
 - (a) 1" meter - \$40.00 per month for the first 3,000 gallons of water used, plus \$1.25 per each additional 1,000 gallons or any part thereof.
 - (b) 1 1/2" meter - \$60.00 per month for the first 3,000 gallons of water used, plus \$1.25 per each additional 1,000 gallons or any part thereof.
 - (c) 2" meter - \$80.00 per month for the first 3,000 gallons of water used, plus \$1.25 per each additional 1,000 gallons or any part thereof.
 - (3) Any industrial customer (which includes any non-residential customer with a larger than 2" meter) - \$160.00 per month for the first 3,000 gallons, plus \$1.25 per each additional 1,000 gallons or any part thereof.

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SECTION 1.0--RATE SCHEDULE

Section 1.02--Miscellaneous Fees

TAP FEE.....\$ 400.00

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.

NON-STANDARD CONNECTION TAP FEE.....\$ 400.00

Actual cost if greater than \$ 400.00.

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

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.....\$ 15.00

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

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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 Sewer 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 sewer 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 a service connection, which may include a 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 use.

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.

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Section 2.04--Customer Deposits

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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

It is not a requirement that the utility use meters to measure the quantity of sewage disposed of by individual customers. When a sewer utility is operated in conjunction with a water utility which serves the same customers, the charge for sewage disposal service may be based on the winter months' average monthly consumption of water as registered on the consumer's water meter. One connection is required for each residential, commercial or industrial facility in accordance with the TWC Rules.

Section 2.06--Billing

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 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.

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

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.

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.

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

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 and operate a treatment and collection facilities of sufficient size and capacity to provide a continuous and adequate service for all reasonable consumer uses and to treat sewage and discharge the effluent at the quality required by its discharge permit issued by the Commission. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the TWC Rules.

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.

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 the TWC Rules to be effective.

- (1) No two single family dwellings, homes, units or lots will be connected to a single connection unless authorized by the Utility
- (2) The Utility will seek to hold interruption of service to a minimum and typically for necessary maintenance. Inability or failure of the Utility to deliver or the customer to receive service shall not be the basis of claims for damages sustained by either party when due to an act of God, the elements, accidents breakage of

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equipment of other causes or contingencies reasonably beyond the control of the Utility. The Utility shall never be liable for consequential or punitive damages, and any claims for damages shall be actual damages actually incurred by the customer for interruption of service and no other basis.

- (3) Collect telephone calls to notify the Utility of sewer service interruption will be accepted. When calling to report interruption of service, the office may not accept your call, which means that a report has already been received.
- (4) All notices and bills shall be considered properly made when mailed by the Utility or any agent for the Utility to the address given by the customer has the duty to notify the Utility of any changes of his address. Each customer shall, upon request of the Utility, provide to the Utility a copy of the water bill(s) received by the customer for each connection within the system. If a manner to the Utility, the Utility, if required to do so, may estimate the number of gallons of water used by any connection during any billing period.
- (5) The charges shall be subject to any tax imposed upon the Utility by local, state, county or any other government agency having jurisdiction.
- (6) Office hours are between 10:00 a.m. and 4:00 p.m. weekdays, and the office is closed on Saturday, Sunday and holidays. Emergency calls may be answered by an answering service.
- (7) The word "construction: in the context of these rules shall mean all labor, materials, professional fees and other costs of any kind or character chargeable directly or indirectly to any particular project.
- (8) The customer agrees to grant to the Utility an easement of right-of-way on such terms as the Utility may reasonable determine for the purpose of installing, maintaining and operating such pipelines, meters, valves and other equipment which may be deemed necessary for the Utility on such forms as is requested by the Utility. the Utility shall have access to its property and equipment located upon the customer's premises at all reasonable times for any purposes connected with or in the furtherance of the Utility's operations, and upon discontinuance of service shall have the right to remove any of its property from the customer's premises.

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- (9) The Utility may have a water utility or some other third party handle the billing and collection of funds for the Utility. However, the Utility remains responsible for the actions of such agent as long as the agent's are in accordance with this Tariff.

Section 2.21--New Taps and Services.

Applicants for new sewer tap and service must provide the Utility with acceptable evidence from all Regulatory Agencies that such tap and service will not violate any existing rules and regulations of such Agencies regarding the plant and standards regarding processing and disposal of waste.

(a) Utility sewer main in place abutting user's property. After proper application is made by an applicant and receipt of the fees by the Utility, the user or customer shall advise the Utility if standard or non-standard is required. The Utility shall verify the request and if Standard Service is required, the Utility shall install a tap.

(b) Utility sewer main not on user property or abutting. See Sections 3.01 and 3.20 herein.

(c) Non-Standard Service. Paragraphs (A) and (B) of this Section 2.21 are subject to Section 2.23 and 2.29 dealing with Non-Standard Service.

Section 2.22 -- Application Requiring Professional Services of Engineer.

If the services of a registered professional engineer are required as a result of an application for non-standard service received by the Utility, the engineer will be selected by the Utility and the applicant for service will bear all expenses incurred for those services.

Section 2.23 -- Request for Non-Standard Service.

If an applicant requires other than the Standard Service provided by the Utility, such applicant will be required to pay all expenses incurred by the Utility to cover the cost of such pretreatment systems, at the applicant's cost, as may be required by the Utility.

Section 2.24 -- Provision for Easements.

In case the applicant is not the owner of the lot or of any intervening property between the applicant's lot and the Utility's lines, the applicant will obtain from the other property owner or owners the necessary consents and easements, as required by the utility, to install and maintain such piping and other equipment to supply such service to the applicant.

Section 2.25 -- Standard Service.

The standard service is one connection for one single family residence or unit of a duplex on each platted lot using a 3/4" or 5/8" water meter with a tap and line within 200 feet of a main and without the need to do other work than is normal and standard; otherwise, such service shall be considered non-standard service.

Section 2.26 -- Half-month Billing.

Sewer service connected after the first day of a calendar month will be billed on a pro rata basis with the numerator being the number of days of service in the month and the denominator being the number of days in the month.

Section 2.27 -- Destruction of Payment.

If because of geologic reasons or otherwise it is necessary to cut a paved street in order to facilitate a service connection and maintain standards required by governmental agencies or the Utility's engineer, a charge equal to the actual cost of any permit or permits and such additional work will be paid by the customer or applicant in addition to the regular service connection charges.

Section 2.28 -- Change in Billing Period.

The utility reserves the right to stagger billing periods between service areas if the work load requires such practice. After a billing period has been changed, the billings shall be sent on the new change date unless otherwise determined by the Utility.

Section 2.29 -- Non-Standard Service.

Commercial and Industrial rates apply to any service of a nonstandard nature, and an excess cost over that which would be for standard service shall be paid by the applicant. No lines will be replaced or enlarged at the Utility's expense to facilitate a commercial or industrial connection.

Section 2.30 -- Developers.

"Developer" shall mean one who subdivides or requests more than two meters on a piece of property.

Section 2.31 -- Compliance with TDH and TWC Regulations.

In accordance with the policy of the Texas Department of Health, and Texas Water Commission, the Utility reserves the right to prescribe acceptable plumbing practices prior to the installation of sewer lines and taps in order to comply with the requirements of both agencies. Further, this Tariff and the operation of the Utility is subject to applicable Rules of Texas Water Commission.

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Section 2.32 -- Utility.

The use of the term Utility in this Tariff means Kelly Lane Utility Company.

Section 2.34 -- Non-Standard Connection.

Any connection which may not be categorized under Section 1.01 shall be considered a non-standard application.

Section 2.35 -- Pretreatment.

Any Commercial, Industrial or Non-Standard service shall provide pretreatment to its wastewater before it enters into the sewer system if required by the Utility's engineer. Such pretreatment shall comply with all Regulatory Requirements and the standards set by the Utility's engineer. no application for service shall be granted where pretreatment is required unless the pretreatment has been reviewed, approved by and instilled under the supervision of the engineer for the Utility. All charges for pretreatment including the engineering fees shall be paid by the applicant.

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 collection mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional treatment capacity or facilities. Contributions in aid of construction may not be required of individual residential customers for treatment capacity or collection 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 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.

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SECTION 3.0--EXTENSION POLICY (CONT.)

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 Water Commission Rules.

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 collection 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 treatment capacity 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 Water Commission's minimum design criteria for facilities used in the collecting, treating and discharging wastewater effluent. For purposes of this subsection, a developer is one who subdivides or requests more than two connections on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

(A) It is the policy of the Utility that:

- (1) all standard residential customers shall be required to pay the costs of any additional collection line beyond the first 200 feet necessary to serve his property;
- (2) residential customers who place unique or nonstandard service demands on the system shall be charged the actual costs of any additional collection or pumping facilities required over and above standard requirements; and
- (3) when a Developer requests an extensions of service, the charge shall be based upon the cost of such extension, plus a pro rata charge based upon the capacities of collection, transmission, pumping and treatment facilities which must be committed to such extension.

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- (B) It is the policy of the Utility that all extensions or improvements of and/or to facilities not included in (A) above required as a result of an application or applications for service by Developers shall be paid in include the cost of engineering, etc. Payment received by the Utility for such extensions or improvements shall be in addition to the tap fee and other fee requirements contained herein.
- (C) In the event the Utility's facilities do not have sufficient capacity to serve any developer applicant (or applicant seeking nonstandard service) with service without reducing service to existing users below regulatory standards, such applicant shall, in addition to paying the regular tap fee, pay for such additional facilities as may be required to provide the service.

If any applicant requests 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 expense that would be incurred in providing the standard service.

APPLICATION FOR SEWER SERVICE
FROM KELLY LANE UTILITY COMPANY

2112 Rio Grande
Austin, Texas 78705
(512) 474-7211

Information

Name _____
Service Address _____

Telephone (Home) _____
Telephone (Work) _____
Employer _____
Employer's Address _____

_____ Deposit: \$50.00
Initial _____

I, the undersigned, hereby request sewer service from Kelly Lane Utility Company (hereinafter "Kelly Lane") in the form of _____ taps or connections at the service address.

In so requesting, I agree to pay all costs of service, including construction costs, as allowed under the Tariff now existing or hereafter amended on file with the Texas Water Commission and applicable law.

I also agree to abide by all rules and regulations of Kelly Lane. In particular I agree to grant to Kelly Lane any easements required to provide me with the requested sewer service.

APPLICANT

Signature: _____
Date: _____
Payment Enclosed: _____

APPROVAL

_____ Approved	_____ Standard Service
	_____ Non-Standard Service
_____ Not Approved	_____ Standard Service
	_____ Non-Standard Service

By: _____ Signature
_____ Printed Name
_____ Title

Filing of this application with Kelly Lane does not require Kelly Lane to provide sewer service until approved by a representative of Kelly Lane.