

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

Docket WJ 34

In the Matter of)	ANSWER OF ASPEN LAKES
)	UTILITY COMPANY, LLC TO ASPEN
Request for Rate Regulation of Aspen Lakes)	LAKES ESTATES OWNERS, INC.
Utility, LLC)	AMENDED PETITION
)	

On January 26, 2018, the Aspen Lakes Estates Owners, Inc., (“HOA”) filed an Amended Petition seeking Oregon Public Utility Commission (“Commission”) rate regulation of the Aspen Lakes Utility Company, LLC (“Company.”). The Company answers the Amended Petition as follows:

I. Introduction and Relief Requested

The Company admits that it provides domestic and irrigation water services to the Aspen Lakes community that includes 78 residential domestic customers, 78 residential irrigation customers, 2 commercial domestic customers and 2 commercial irrigation customers. The commercial customers include a golf course and the HOA recreation facility and pool. The domestic and irrigation water systems are separate, are separately metered and have a separate distribution system. The Company also charges different rates for domestic and irrigation water service.

The Company also maintains fire hydrants and associated facilities, and charges each lot owner for such protection whether or not the lot is developed or receives water service.

The Company denies that its rates are discriminatory or that the Company has failed to be transparent with its rates.

The Company denies that it should be subject to rate regulation for the following reasons:

(1) The Company serves less than 500 customers and its rates do not exceed the limits in OAR 860-036-1910;

- (2) The HOA's Petition is untimely;
- (3) The Company has not verified the percentage of petitioners.

II. Parties

The Company address is:

Aspen Lakes Utility Company, L.L.C.
16900 Aspen Lakes Dr.
Sisters, OR 97759

The Company is represented by:

William J. Ohle
Jessie Schuh
Schwabe Williamson & Wyatt
1211 SW Fifth Ave., Suite 1900
Portland, OR 97204
(503) 222-9981
wohle@schwabe.com
jschuh@schwabe.com

III. Basis for the Requested Relief

A. The Company Rates do not Exceed the Threshold Rates in OAR 860-036-1910.

The Company denies that its rates, proposed or currently in effect, exceed the threshold annual average monthly charges provided in OAR 860-036-1910. Attached as Exhibit A is the Company's current Naming Rate schedule. All but two developed residential lots are serviced by two one-inch meters, one meter for domestic supply and a second meter for irrigation supply. The monthly residential domestic and irrigation base rate for both one-inch meters is \$22.00, with a 3,000 gallon monthly allowance for domestic use. There is a \$2.00 charge for each 1,000 gallons of additional domestic water used and for each 1,000 gallons of irrigation water used.

The average annual monthly customer charge for domestic and irrigation water service is below the \$45 annual average monthly threshold charge in OAR 860-036-1910(2). Furthermore, since the combined domestic and irrigation services are delivered through two one-inch connections, the flow rate through the two combined meters exceeds the rate of a single one-inch diameter connection making the applicable threshold the \$128 annual average monthly charge in

OAR 860-036-1910(4) for services larger than one inch. The customer charges do not exceed the \$128 threshold.

Finally, each lot in the community, whether developed or undeveloped, is charged a stand-by fire protection fee of \$22 per month that covers the expenses for constructing and maintaining the community's fire hydrants and associated facilities. This is not a rate charged for "water service" as that term is used in ORS 757.061 or OAR Division 36, and therefore should not be used in calculating rates applicable to the threshold amount. In any event, even including this charge, the annual average monthly charge to customers does not exceed the \$128 threshold.

B. The Petition is Untimely

The Company provided notice of its rates to customers effective March 9, 2017. The Commission allowed customers until May 1, 2017, to file the requisite number of petitions. The current Petition, claiming the requisite 20% customer petitions under OAR 860-036-1900(3)(c), was not filed until January 26, 2018, nearly nine months after the Commission's deadline. The petition is too late and no additional waiver should be granted.

C. The Customer Petitions have not been Verified.

The Company has insufficient knowledge to admit or deny the accuracy of the customer petitions filed with the Petition and therefore denies that the requisite number of valid petitions has been filed.

Unless expressly admitted above, the Company denies each and every remaining allegation in the Petition.

IV. Request for Relief

Therefore, the Company requests that the Commission deny the HOA's requested relief and dismiss the Petition. The Company also requests that the Commission grant such other relief

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as it deems appropriate.

DATED this 15th day of February, 2018.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: /s/ William J. Ohle
William J. Ohle, OSB 913866
Email: wohle@schwabe.com
Jessie Schuh
Email: jschuh@schwabe.com
Of Attorneys for Aspen Lakes
Utility Company, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2018, I caused to be served the foregoing ANSWER OF ASPEN LAKES UTILITY COMPANY, LLC’S ANSWER TO ASPEN LAKES ESTATES OWNERS, INC. AMENDED PETITION on the following parties at the following addresses:

Tommy A. Brooks
Chad M. Stokes
Cable Huston LLP
1001 SW Fifth Ave., Suite 2000
Portland, Oregon 97204-1136
(503) 224-3092 (phone)
tbrooks@cablehuston.com
cstokes@cablehuston.com

by:

- U.S. Postal Service, ordinary first class mail
- U.S. Postal Service, certified or registered mail,
- return receipt requested
- hand delivery
- facsimile
- electronic service
- other (specify) _____

/s/ William J. Ohle

William J. Ohle, OSB 913866

NAMING RATES FOR

ASPEN LAKES UTILITY COMPANY, LLC
16900 Aspen Lakes Drive
Sisters, OR 97759
(541) 549-3660

Serving water in the vicinity of Aspen Lakes, Oregon

**Containing Rules and Regulations
Governing Service**

Effective: January 1, 2017

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SCHEDULE NO. 1

RESIDENTIAL METERED RATE

Available: To customers of the Utility at Aspen Lakes, Oregon, and vicinity.

Applicable: To residential premises for residential and irrigation use.

Base Rate

<u>Size of Meter</u>	<u>Monthly Base Rate</u>	<u>Usage Allowance</u> (Gallons)
1 inch	\$22.00	3,000
1 ½ inch	\$35.00	3,000

Variable Usage Rate

\$2.00 per 1,000 gallons above 3,000 gallons per month for domestic water usage.

Irrigation usage will be separately metered and charged at \$2.00 per 1,000 gallons used.

Special Provisions:

1. These rates are based on continuous service. Discontinuation of service may not be employed to avoid monthly charges for service. See Rule 26, Voluntary Discontinuance.
2. Water used during the construction of buildings, etc., shall be metered. Charges shall be made at the rates specified in this schedule. When setting of a meter is impracticable, the amount of water used shall be estimated, and the charges shall be made at specified rates for the amounts so estimated.

SCHEDULE NO. 2

COMMERCIAL METERED RATES

Available: To customers of the Utility at Aspen Lakes, Oregon, and vicinity.

Applicable: To commercial premises.

Base Rate

<u>Size of Meter</u>	<u>Monthly Base Rate</u>	<u>Usage Allowance (Gallons)</u>
1 inch	\$22.00	3,000
1 ½ inch	\$35.00	3,000
2 inch	\$60.00	3,000
3 inch plus	\$125.00	10,000

Variable Usage Rate

\$2.00 per 1,000 gallons above 3000 gallons for meters smaller than 3"

\$2.00 per 1,000 gallons above 10,000 gallons for meters 3" and larger

Water Trucks - \$10.00 per 1,000 gallons - \$35.00 per load minimum

Commercial Irrigation water: \$550 per month base price for the first 50,000 gallons plus \$1.20 per 7,500 gallons above the 50,000 base volume.

Special Provisions:

1. These rates are based on continuous service. Discontinuance of service may not be employed to avoid monthly charges for service. See Rule No. 26, Voluntary Discontinuance.
2. Water used during the construction of buildings, etc., shall be metered. Charges shall be made at the rates specified in this schedule. When setting of a meter is impracticable, the amount of water used shall be estimated, and the charges shall be made at specified rates for the amounts so estimated.

SCHEDULE NO. 3

STAND-BY FIRE PROTECTION

Available: To customers of the Utility at Aspen Lakes, Oregon, and vicinity.

Applicable: To customers for service at one or more locations for fire protection purposes.

Base Rate

<u>Stand-by Fire Protection Only</u>	<u>Monthly Rate</u>
6 inch valve and fire hydrant	\$22.00

SCHEDULE NO. 4

MISCELLANEOUS SERVICE CHARGES

This schedule lists the miscellaneous charges that are included in the utility's Rules and Regulations; refer to the appropriate rules for an explanation of charges and conditions under which they apply.

Connection Charge for new Service (Rule No. 9):

Standard 1 inch service	\$4,500.00
Larger than 1 inch	\$4,500.00 plus any additional costs
Meter Charge	\$1,000.00
New account set up fee (Rule No. 4)	\$100.00

Meter Tests (Rule No. 21):

First test within 12-month period	No charge
Second test within 12-month period	\$50.00

<u>Cross Connection Tests (Rule No. 31)</u>	\$50.00
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Late Payment Charge (Rule No. 22)

Charged on amounts more than 30 days past due	1 ½ %
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<u>Returned Check Charge (Rule No. 24):</u>	\$25.00 each occurrence
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Trouble-Call Charge (Rule No. 32):

After normal office hours / emergency	\$30.00 per hour
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	\$50.00 per hour
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Re-connection Charge (Rule No. 33)

During normal office hours	\$30.00
After normal office hours on special request	\$50.00

<u>Unauthorized Restoration of Service (Rule No.34):</u>	Re-connection charge plus costs
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<u>Unauthorized-Use Charge</u>	\$100.00 plus costs
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<u>Damage / Tampering Charge (Rule 37):</u>	At Cost
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<u>Disconnect-Visit Charge (Rule No. 33)</u>	\$25.00
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RULES AND REGULATIONS

Rule 1: Jurisdiction of the Commission

The Rules Regulations herein shall be subject to the rules and regulations of the Public Utility Commission of Oregon.

Rule 2: Definitions

- A. “Utility” shall mean the Aspen Lakes Utility Company, LLC.
- B. “Applicant shall mean any person, business, or organization who applies for service, or reapplies for service at a new or existing location after service has been discontinued, except as noted in the definition of “Customer”.
- C. “Commission” shall mean the Public Utility Commission of Oregon.
- D. “Customer” shall mean any person, business, or organization who has applied for, been accepted to receive, or is currently receiving service. A customer who voluntarily discontinues service at the same or different premises within 20 days after discontinuance retains customer status.
- E. “Residential premises” shall mean any dwelling and its land, including, but not limited to, a house, apartment, condominium unit, townhouse, cottage, cabin, mobile home, or trailer house.
- F. “Commercial premises” shall mean any premises at which a customer carries on any major activity of gaining a livelihood or performing a public service. Such activity may be of a business, industrial, professional, or public nature.
- G. “Main” shall mean the pipe laid in the street, alley, or other right-of-way, for the distributions of water to customers. It shall not include service connection.
- H. “Service connection” shall mean the pipe, valves, stops, fittings, and meter and meter box, if any, laid from the main to the property line of the premises served.
- I. “Customer line” shall mean the pipe, stops, and fittings leading from the property line to the premises served, excluding any meter or meter box.

APPLICATION FOR SERVICE

Rule 3: Customer/Applicant information (OAR 860-036-0015)

The utility shall provide or be able to provide customers or applicants with the following information:

- A. Instructions on how to read meters, either in writing or by explanation;
- B. Application and contract forms;
- C. Utility rules and regulations;
- D. Commission rules and regulations;
- E. Approved tariffs;
- F. Rights and Responsibilities Summary for Oregon Utility Consumers;
- G. Notices in foreign languages, if applicable;
- H. The utility's business address, telephone number, and emergency telephone number; and
- I. Notices approved by the Commission.

Rule 4: Application for Service (OAR 860-036-0035)

Application for water service must be made for each individual service. The application shall identify the applicant, the premises to be served, the billing address if different, the type of use to which the water is to be put, and an agreement to conform to the Rules and Regulations of the utility as a condition for receiving such service. The applicant shall, at this time, pay any scheduled fees or deposits. An application is a request for water utility service and shall not be accepted until the applicant establishes credit as set forth in OAR 860-036-0040.

An application for water service must be made where:

- A. An applicant who has not previously been served by the water utility requests service;
- B. Service has been involuntarily discontinued in accordance with the utility and Commission rules, and service is sought;
- C. Service has been voluntarily discontinued and a request to restore service has not been made within 20(twenty) days; or
- D. There is a change in the identity of a customer, the type of use to which the water is put, or the number of premises served.

Rule 5: Deposit for Service (OAR 860-036-0040)

In accordance with the Commission's rules for credit establishment and deposit waiver, an applicant or a customer may be required to make a deposit to secure payment of bills for service. The deposit shall not exceed one-sixth (1/6) the amount of reasonable estimated billings for one year's use of service at the premises during the prior year or upon the type and size of the customer's equipment that will use the service. (OAR 860-036-0040)

The utility shall pay interest on deposits at the rate established by the Commission. After the customer has paid bills for service for 12 (twelve) consecutive months without having had service discontinued for nonpayment or more than 2 (two) occasions in which a shut-off notice was issued, and the customer is not then delinquent in the payment of bills, the company shall promptly and automatically refund the deposit plus accrued interest.

Rule 6: Customer Service Line

The customer shall own and maintain the customer service line and promptly repair all breaks and leaks. The utility shall not be responsible for any damage or poor service due to inadequacy of the customer line or any portion of the customer's plumbing. All leaks in the customer line, faucets, and all other parts of the plumbing owned or controlled by the customer shall be promptly repaired so as not to waste water.

Rule 7: Separate Control of Service

All premises supplied with water will be served through service lines so placed as to enable the utility to control the supply to each individual premises using a valve placed within and near the line of the street, the utility right-of-way, or at the meter.

Rule 8: Service Connections (OAR 860-036-0060)

The utility shall furnish and install at its own expense, all trenching, pipe, valves, and fittings between its main line and the customer's service line. Such installation shall be designed as the service connection. The utility shall own, operate, maintain, and replace the service connection when necessary and promptly repair all breaks and leaks. The customer shall not be responsible for any damage or poor service due to inadequacy of the service lines or any portion of the utility's plumbing.

Rule 9: Service Connection Charge

An applicant requesting permanent water service to a premises not previously supplied with permanent water service by the utility shall be required to pay the service connection charge listed in the utility's Miscellaneous Service Charges Schedule.

Rule 10: Main Line Extension Policy (OAR 860-036-0065)

The utility shall specify the size, character, and location of pipes and appurtenances in any main line extension. Main line extensions shall normally be along streets, roads, highways, or satisfactory rights-of-way. All construction work shall conform to all applicable rules, regulations, codes, and industry standards. Each mainline extension shall normally extend along applicant's property line to the point the applicant's service line would be at a 90-degree angle to the street or main line.

Rule 11: Main Line Advances and Refunds Policy

Each new customer requesting a main line extension shall advance the utility the cost-base amount necessary to extend the main line to provide service.

For a period of 1 (one) year after construction of the requested main line extension, the utility shall also collect from any additional applicants whose service connections or service lines shall connect to said main line extension an amount per foot equal to the new applicant's share of the main line extension cost for that portion used. The utility will then refund the share differential amount to those customers who previously shared the cost of said main line extension. Refunds shall not exceed the amount originally advanced. No part of the distribution system installed prior to the request for a main line extension shall be used to calculate any customer advance or refund.

Rule 12: Types of Use

Water service may be supplied for residential, commercial, irrigation, or fire prevention purposes. The service will normally be supplied on a metered basis.

Rule 13: Multiple Residences

An apartment building, mobile home park, motel, trailer camp, duplex, townhouse, or any other property consisting of more than one residential unit, if served through one service line, shall be considered to be equivalent to the number of dwelling units.

Rule 14: Utility Access to Private Property (OAR 860-036-0120(3)(b) and OAR 860-036-0205(3))

Customers shall provide access during reasonable hours to company-owned service lines that extend onto the premises of the customer, for the purposes of reading meters, maintenance, or removal of company property at the time service is to be terminated.

Rule 15: Restriction on Entering a Customer Residence (OAR 860-036-0085)

No water utility employee shall enter the residence of its customers without proper authorization except in an emergency when life or property is endangered.

REFUSAL OF SERVICE

Rule 16: Refusal of service Due to Customer Accounts (OAR 860-036-0080(1-3))

The utility may refuse to serve an applicant until receipt of full payment of overdue amounts, or other obligations related to a prior account of the applicant with the utility, when the following circumstances exist:

- A. An overdue amount remains outstanding by a customer at the service address;
- B. The applicant resided at the service address indicated in (A) during the time the overdue charges were incurred; or
- C. The person indicated in (A) will reside at the location to be served under the new application. (OAR 860-036-0080)

Service shall not be refused for matters not related to water service. Residential service shall not be refused due to obligations connected with nonresidential service.

If service is refused under this rule, the utility shall inform the applicant or customer of the reasons and of the Commission's dispute resolution process.

Rule 17: Refusal of Service Due to Utility Facilities (OAR 860-036-0080(7))

The utility shall not accept an application for service or materially change service to a customer if the utility does not have adequate facilities or water resources to render the service applied for, or if the

desired service is of a character that is likely to unfavorably affect reasonable service to other customers.

For refusal of service under this rule, the utility shall provide a written letter of refusal to the applicant informing applicant that the details upon which the utility's decision was based may be requested. A copy of such notice will be sent to the Commission. The details will include, but not be limited to:

- A. Current capacity and load measured in gallons or cubic feet per minute;
- B. Current capacity and load measured in pounds per square inch;
- C. Cost to the utility for additional capacity in order to provide the additional service; and
- D. Information regarding the appeal process of the utility's refusal to provide service, available through the Commission's dispute resolution process pursuant to OAR 830-036-0025.

Rule 18: Refusal of Service Due to Customer Facilities (OAR 860-036-0080(4-6))

The utility shall refuse service to an applicant or customer whose facilities do not comply with applicable plumbing codes, or, if in the best judgment of the utility, are of such a character that safe and satisfactory service cannot be given.

If service is refused under this rule, the utility will provide written notification to the customer within 10 (ten) working days stating the reason(s) for refusal and providing information regarding the Commission's complaint process. A copy of the notification will also be sent to the Commission.

METERS

Rule 19: Utility Meters (OAR 860-036-0105)

The utility shall own, maintain, and operate all meters. Meters placed in service shall be adequate in size and design for the type of service, set at convenient locations, accessible to the utility, subject to the utility's control, and placed in a meter box or vault between the street curb and property line or within the utility easement. Each meter box or vault shall be provided with a suitable cover.

Where additional meters are furnished by the utility or relocated for the convenience of the customer, a reasonable charge may be made in accordance with a schedule approved by the Commission.

The water utility shall have the right to set meters or other devices for the detection and prevention of fraud or waste without notice to the customer.

Each customer shall provide the utility with regular access to the meter on the customer's property. Failure to permit access at reasonable times and after reasonable notice by the utility requesting access is grounds for disconnection. (OAR 860-036-0120) Should damage result to the meter from molesting, tempering, or willful neglect on the part of the customer, the utility shall repair or replace the meter and may bill the customer for the reasonable cost. (OAR 860-036-0105(6))

Rule 20: Meter Testing (OAR 860-036-0110)

The meter shall be tested prior to or within 30 (thirty) days of installation to determine it is accurate to register not more than 2 (two) percent error. No meter shall be allowed to remain in service if it registers

an error in excess of 2 (two) percent under normal operating conditions. The utility shall maintain a record of all meter tests and results. Meter test result records shall include:

- A. Information necessary to identify the meter;
- B. Reason for making the test;
- C. Date of test;
- D. Method of testing;
- E. Meter readings;
- F. Test results; and
- G. Any other information required to permit convenient checking of methods employed.

Rule 21: Customer-Requested Meter Test (OAR 860-036-0115)

A customer may request that the utility test the service meter; such test shall be made within 20 (twenty) working days of the receipt of such request at no cost to the customer. The customer has the right to be present during said test, which is to be scheduled at a mutually agreeable time. A written report shall be provided to the customer stating:

- A. Customer's name;
- B. Date of the customer's request;
- C. Address at which the meter has been installed;
- D. Meter identification number;
- E. Date of actual test; and
- F. Test results.

If a customer requests a meter test more often than once in any 12 (twelve) month period, the deposit listed on the Miscellaneous Service Charges Schedule may be required to recover the cost of the test. If the meter is found to register more than 2 (two) percent fast under conditions of normal operation, the utility shall refund the deposit to the customer.

BILLING

Rule 22: Billing Information / Late Payment Charge (OAR 860-036-0120 and OAR 860-036-0125)

Bills are due and payable when rendered by deposit in the mail or other reasonable means of delivery. As near as practical, meters shall be read at monthly intervals on the corresponding day of each meter reading or billing period. The bill shall be rendered immediately thereafter. (OAR 860-036-0120(3) requires water utilities to bill at monthly intervals. A utility may request upon application, special authority by the Commission to bill at intervals other than monthly.)

The utility shall make reasonable efforts to prepare opening and closing bills from actual meter readings. When there is good reason for doing so, estimated bills may be submitted. Any estimated billings shall be clearly designated as such.

The late-payment charge determined by the Commission and listed on the miscellaneous Service Charges Schedule shall be applied to all overdue balances at the time of preparing the subsequent month's bill for

balances owing that are 30 (thirty) days old.

All bills become delinquent if not paid within 15 days of the date of transmittal of the bill. (OAR 860-036-0125 requires a minimum of 15 (fifteen) days.) If permitted to become delinquent, water service may be terminated after proper notice as provided in Rule 29, Disconnection / Re-connection Visit Charge.

All water service bills shall show:

Rule 23: Information

All bills shall state the delinquent date of the bill and the type of rate schedule or schedule number under which the bill was computed. All metered bills shall show the readings of the meter at the beginning and end of the period of service to which the bill applies, the dates of the meter reading, the amount of water consumed, and any other information necessary to the computation of the bill. However, when there is good reason for so doing, estimated bills may be submitted.

Rule 24: Returned Check Charge

The returned check charge listed on Schedule No. 5 shall be billed for each occasion a customer submits a check for payment which is not honored, for any reason, by a bank or other financial institution.

Rule 25: Prorating of Bills

Initial and final bills will be pro-rated according to the number of days service was rendered and on the basis of a thirty-day month. For metered services, the meter will be read upon opening and closing a customer's account. Consumption will be charges at scheduled rates, and any minimum monthly charge will be pro-rated.

Rule 26: Adjustment of Bills

When an under or over billing occurs, the company shall provide written notice to the customer detailing the circumstances, period of time, and amount of adjustment. If it can be shown that the error was due to some cause, the date of which can be fixed, the over or undercharge shall be computed back to such date. If no date can be fixed, the company shall refund the overcharge or re-bill the undercharge for no more than six months' usage. In no event shall an over or under billing be for more than three years' usage.

No billing adjustment shall be required to repay an under billing, the customer shall be entitled to enter into a time payment agreement without regard to whether the customer already participates in such an agreement. If the customer and company cannot agree upon payment terms, the Commission shall establish terms and conditions to govern the repayment obligation. The company shall provide written notice advising the customer of the opportunity to enter into a time payment agreement and of the Commission's appeal and complaint process.

Rule 27: Voluntary Discontinuance

Except for emergencies, a notice must be given to the company five days in advance and payment in full of all arrears must be made should a customer desire discontinuance of service. Until receipt of notice,

the customer shall be held responsible for all service rendered.

RESPONSIBILITY OF COMPANY AND CUSTOMER

Rule 28: Service Lines

The company will make all connections to its mains and will furnish, install, maintain and own all service lines from the main to the property line.

Rule 29: Customer Lines

The customer shall furnish, install, maintain, and own the customer line. The company shall not be responsible for any damage or poor service due to inadequacy of the customer line or any portion of the customer's plumbing.

Rule 30: Permission Required for Connection Work

No person shall be allowed to make connections with the mains, or to make any alterations to service lines, or to turn a meter stop off or on to any premises, without permission of the company.

Rule 31: Cross-Connection (OAR 333-061-0070)

Aspen Lakes Utility Company, LLC is required under OAR 333-061-0070 to undertake a cross connection control program to protect the public water system from pollution and contamination.

The customers of the company, for the elimination or control of existing cross-connections, actual or potential, between the customer's potable water system and non-potable water systems, plumbing fixtures or industrial piping systems, must comply with Aspen Lakes Utility, LLC cross-connection backflow prevention program.

The company's cross connection control program consists of the following requirements;

a) All connections made after June 1, 2009 must have a testable, state approved backflow prevention assembly installed downstream from the water meter at the street.

b) All connections installed prior to June 1, 2009 shall will be required to have a testable, state approved backflow prevention assembly installed downstream from the water meter at the street on or before June 1, 2014 or upon the sale of that lot, whichever is sooner. Exceptions, which would require immediate installation, include systems that are hooked up to an irrigation system, water feature, hot tub, or any other such installation as might be required by current plumbing code.

c) The company will test all backflow prevention devices annually and make repairs as necessary to ensure that they are in working order. This work will be billed to the customer.

The company has the right to turn off water to the customer if the customer fails to comply with the provisions of the cross connection control program.

Rule 32: Customer Requested Service Visits

The fee listed on Schedule No. 5 will be charged whenever a customer requests the company to visit the customer's premises during normal business hours to interrupt service or to remedy a service problem and the problem is due to the customer's facilities. The emergency or non-emergency off-hours fee will be charged when the visit is requested for other than the normal business hours.

Rule 33: Turning Water Off / On and Charges for Delinquency / Noncompliance

When a customer fails to comply with the company's rules and regulations, or permits any bill or charge to become delinquent, the company shall give 5 days written notice before the water may be shut off. The notice shall state the reasons for shut off, the earliest date for shut off, and shall inform the customer of the Commission's appeal and complaint process. Service shall not be restored until the rules and regulations are complied with or payment is made in the amount due, including charges for the expense of turning the water off and on.

Rule 34: Unauthorized Restoration of Service

After the water has been shut off at the meter stop or at the meter, if it should be turned on by any person not authorized by the company, the water service line may be disconnected. Service shall not be reconnected until all arrears and all costs of service disconnection and re-connection are paid.

Rule 35: Shut Off for Repairs

The company shall have the right to shut off the water supply temporarily for repairs or other necessary purposes. The company shall use all reasonable and practicable measures to notify the customer in advance of such discontinuance of service except in the case of emergency repairs. The company shall not be liable for any inconvenience suffered by the customer or damage to his property arising from such discontinuance of service.

Rule 36: Irrigation

Special restrictions on irrigation and other outside uses may be established by the company. Irrigation may be prohibited entirely in cases of emergency or water shortage to maintain service for domestic purposes.

Rule 37: Damages

Should damage result to any of the company's property from molesting or willful neglect by the customer, or to a meter or meter box located in the customer's building from molesting or willful neglect by any person, the company will repair or replace such equipment and may bill the customer for the costs incurred.