

P.S.C. MO No. 2

Original Sheet No. 1

Canceling P.S.C. MO No. 1

Name of Utility: Middle Fork Water Company

Service Area: Stanberry and Grant City, MO

Rules and Regulations Governing Rendering of  
Water Service

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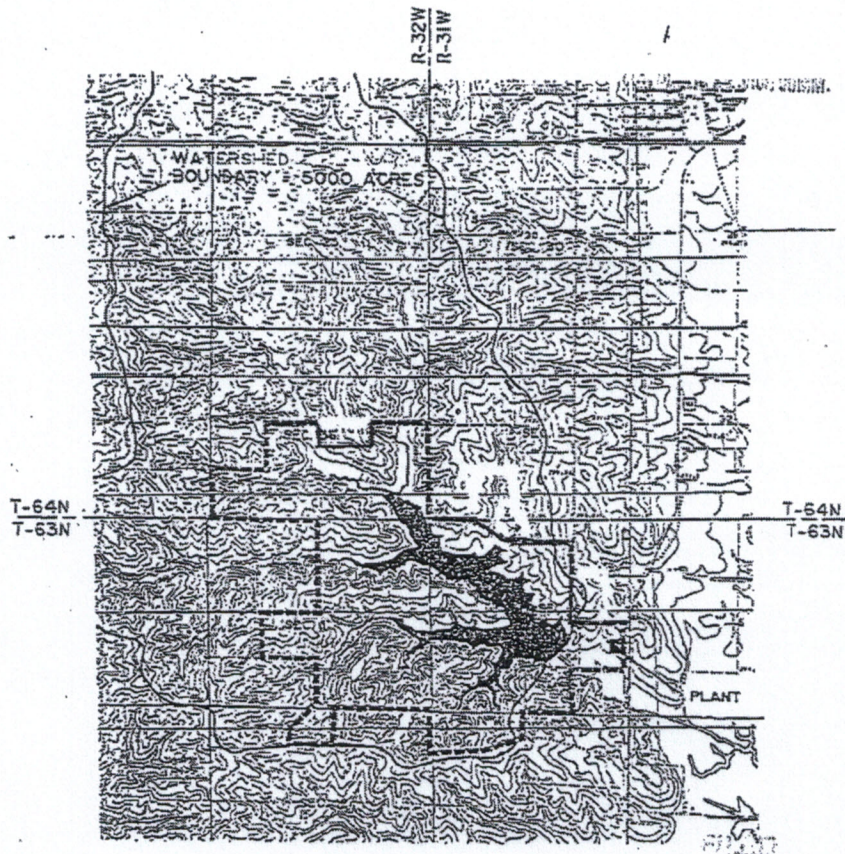
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Map of Service Area



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Legal Description of Service Area

The following is a metes and bounds description of the property presently under option to the Middle Fork Water Co., for the purpose of constructing a water reservoir and treatment plant on the following described property.

Beginning at the SE corner of Section 36 T 64 N, R 32 W, thence North  $\frac{1}{2}$  mile, thence West approximately 1448', thence South 1000', thence West app. 1160', to the NW corner of the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Sec. 36 T 64 N, R 32 W. Thence South  $\frac{1}{4}$  mile, thence West  $\frac{1}{4}$  mile, thence South  $\frac{1}{4}$  mile to the SW corner of Sec. 36 T 64 N, R 32 W.

From that point thence in a Southwesterly direction following the meanderings of the branch app. 850', until intersecting an existing fence at a point app. 440' North of the intersection of a country road running in a generally East-West direction with another country road running in a generally Southerly direction from the point of intersection.

From that point running thence along the existing fence in a generally Southerly direction to the intersection of the two public roads previously described.

From that point running thence along the county road in a generally Easterly direction app. 1190' to the intersection of a county road intersecting from the North, thence North along said road app. 1000' to the North section line of Sec. 12 T 63 N, R 32 W, thence East along the Section line to the corner of Sec. 12 T 63 N, R 32 W.

From the NE corner of Sec. 12 T 63 N, R 32 W, running South app.  $\frac{1}{4}$  mile to the intersection of the county road running in a generally East-West direction, thence running along the center-line of said county road app. 2610', in a Easterly direction, to the East line of the West  $\frac{1}{2}$  of Sec. 7 T 63 N, R 31 W. From that point thence North app. 780' to the NE corner of the NW  $\frac{1}{4}$  of Sec. 7 T 63 N, R 31 W.

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Legal Description (Cont.)

From the NE corner of the NW  $\frac{1}{4}$  of Sec. 7 T 63 N, R 31 W, thence East app. 1340', to a point located 100' West of the SE corner of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec. 6 T 63 N, R 31 W, thence North  $\frac{1}{4}$  mile, thence East app. 1400', to a point located at the intersection of the North line of the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Sec. 6 T 63 N, R 31 W with the West right-of-way of Hwy. 169, running in a generally North-South direction. Thence North app.  $\frac{1}{4}$  mile along the West Hwy. 169 right-of-way, to the intersection of said right-of-way with the North line of the South  $\frac{1}{2}$  of Sec. 6 T 63 N, R 31 W.

From that point thence West along the North line of the South  $\frac{1}{2}$  of Sec. 6 T 63 N, R 31 W app. 1380' to a point located app. 260' West of the NE corner of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of SEC. 6 T 63 N, R 31 W, said point being located due South of the West right-of-way of the county road running generally North in the North  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Sec. 6 T 63 N, R 31 W, thence North along the existing fence app.  $\frac{1}{4}$  mile, to the intersection of the right-of-way with said county road.

From that point North along the West right-of-way of said road to the intersection with the county road running in a generally Westerly direction through the North  $\frac{1}{2}$  of Sec. 6 T 63 N, R 31 W, to a point described as the intersection of the South right-of-way of said road with the West right-of-way of the county road running in a Northerly direction, through the N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Sec. 6 T 63 N, R 31 W.

From that point following the South right-of-way of the Westerly running road, to the NW corner of Sec. 6 T 63 N, R 31 W, thence to the point of beginning.

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Schedule of Rates

Applicability:

The following rates and charges apply to water service provided by the Company to the City of Grant City, and Stanberry, Missouri.

Water Rate:

For each 1000 gallons of usage per month- \$3.25

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Schedule of Service Charges

The following Miscellaneous Charges apply as authorized and Described elsewhere in the Company's filed Rule and Regulations:

**Connection Fee**

**Actual Cost**

The charge for one (1) connection to the Company's water system will be borne by the Company. Charge(s) for additional or other connections shall consist of the costs incurred by the Company for construction including parts, material, labor and equipment, but excluding the cost of the meter. See Rule 5 B.

**Late Charges**

**\$5 or 3%**

The late charge is calculated monthly with the greater amount above being added to the delinquent bill in accordance with Rule 10 G.

**Returned Check Charges**

**\$25**

**Comment [JM1]:** Only if the company thinks they need late charges. The contract with the cities may not even permit this.

**Comment [JM2]:** If company thinks this is necessary

Sales, Gross Receipts, Occupation or Franchise Taxes:

These shall be added to the customer's bill as a separate item, an amount equal to the proportionate part of any sales, license, occupation, franchise or other similar fee or tax now or hereafter imposed upon the Company by any municipality or any other governmental authority, whether imposed by ordinance, franchise or otherwise, in which the fee or tax is based upon a percentage of gross receipts, net receipts, revenue or income from the provision of water service by the Company. When such tax or fee shall be included as a separate item on the customer's bill and shall be calculated by applying thereto to the same percentage factor as the total annual amount of the tax bears to the gross receipts of the Company from sale of water during the preceding calendar year to customers located within the boundaries of the taxing entity. These tax or fee amounts shall be added to the customer's bill only where water is purchased by customers located within the boundaries of the entity imposing such tax.

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Rules and Regulations Governing Rendering of  
Water Service

Rule 1 Definitions

- A. The "COMPANY" is Middle Fork Water Company, acting through its officers, managers, or other duly authorized employees or agents.
- B. The "CURB STOP" is a valve on the Service Connection, located at or near the Customer's property line, and used to shut off water service to the premises. The Curb Stop is owned and maintained by the Company.
- C. "Company Facilities" are all plant and equipment of the Company, including impoundments, wells, water treatment plants, transmission lines or mains, elevated towers, standpipes, or ground storage tanks or vaults, or other water storage structures, pumping stations, meters or other measuring devices, flow control and pressure control devices, meter pits, and all appurtenances thereto;
- D. A "CUSTOMER" is any person, firm, corporation or governmental body which has contracted with the Company for water service or is receiving service from Company, or whose facilities are connected for utilizing such service, and except for a guarantor is responsible for payment for service. city, incorporated town or village, public water supply district, or other entity, which is a purchaser of water for resale pursuant to a Water Supply Contract;
- E. An "EMERGENCY" is a break of a major water main, major damage or destruction of a water production or storage facility, and fires;
- F. The "METER" is a device, owned by the Company, used to measure and record the quantity of water that flows through a point of delivery.
- G. "POINT(S) OF DELIVERY" is the point or points of interconnection between the Company's Facilities and the facilities of the Customer;
- H. A "RETURNED CHECK" is a check that is returned to the Company from any bank unpaid for any reason.

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Rules and Regulations Governing Rendering of  
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Rule 1 Definitions (Cont.)

- I. A "WATER RATE" is the amount established by the Company applicable to the particular customer, and set forth in its Schedule of Rates and Charges and approved by the Public Service Commission;
- J. "WATER SERVICE" is the availability of water for a Customer's use subject to these Rules and Regulations;
- K. A "WATER SUPPLY CONTRACT" is the written contract between the Company and Customer for the purchase and sale of water pursuant to which Water Service is made available;
- L. "WHEELING AGREEMENT" is an agreement between the Company and the owner of a water distribution system whereby water supplied by the Company is transported through the water mains of such owner for consideration in order to enable the Company to deliver water to a Customer;

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Rules and Regulations Governing Rendering of  
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Rule 2 General Rules and Regulations

- A. Every applicant, upon signing an application or a Water Supply Contract for any water service rendered by the Company, or any Customer upon taking of water service, shall be considered to have expressed consent to be bound by these Rates, Rules and Regulations.
- B. The Company's Rules and Regulations governing rendering of service are set forth in these numbered sheets. The rates applicable to appropriate water service or service in particular service areas are set forth in rate schedules and constitute a part of these Rules and Regulations.
- C. The Company reserves the right, subject to authority of the Missouri Public Service Commission, to prescribe additional Rates, Rules or Regulations or to alter existing Rates, Rules or Regulations as it may from time to time deem necessary and proper.
- D. After the effective date of these Rules and Regulations, all new facilities, construction contracts, and written agreements shall conform to these Rules and Regulations, and in accordance with the statutes of the state of Missouri and the Rules and Regulations of the Missouri Public Service Commission. Pre-existing facilities that do not comply with applicable Rules and Regulations may remain, provided that their existence does not constitute a service problem or improper use, and reconstruction is not practical.
- E. Wholesale Contracts: Water will be provided at wholesale by the Company pursuant to Water Supply Contracts specifying minimum amounts of water that must be purchased or, if less than the minimum amount is purchased in any month, a minimum payment to be made. Water Supply Contracts will be entered into with Customers for wholesale supplies of water. All such contracts shall be subject to these rules and Regulations and PSC approval.

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Rule 2 General Rules and Regulations (Cont.)

- F. Sole Use of Customer: Water service provided by the Company to a Customer is for the sole use of such Customer and its retail customers within its service area. Water supplied by the Company may not be resold or delivered by any Customer to any other city, public water supply district, or other public or private water company, except with Company's written consent. Notwithstanding the foregoing, any Customer is not prohibited from selling or delivering water received by it from the Company to any city, public water supply district, or to any community water system in the case of an emergency affecting such system.

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Rule 3 Continuity of Service

1. The Company will operate and maintain its facilities in an efficient manner and will take such action as may be necessary to furnish the Customers with Water Service in such quantity and quality as they may require. Temporary or partial failure to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or if the supply of water available to the Company is otherwise diminished over an extended period of time, the supply of Water to each Customer shall be reduced or diminished in the same ratio or proportion as the supply to all Customers is reduced or diminished.
2. The Company will establish, to the extent practicable, scheduled periods when its Facilities shall be shut down for maintenance and will give the Customers, whenever possible, at least one hundred twenty (120) days' notice of such periods.
3. The Company may temporarily interrupt or reduce delivery of water from its Facilities if the Company determines that such interruption of reduction is necessary in case of emergencies affecting the ability of the Company to produce or deliver water from its Facilities and in order to install equipment, make repairs and replacements to and make investigations and inspections of or perform maintenance work on the Company's Facilities.

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Rule 4 Connections to Company's Facilities

1. The Company shall install and make all connections to the Company's Facilities at all Points of Delivery as set forth herein. All such connections shall be metered. The Company shall provide for the initial connection of each Customer at Company's expense.
2. Points of Delivery connections shall be by a meter of  $\frac{3}{4}$  inch or larger. All such meters, flow control devices, meter pits or vaults, pressure reducing valve (if needed in the opinion of the Company's consulting engineer), and other facilities at such connections, including pipe on the outlet side of such meter pit or vault for a distance of 5 feet, shall belong to and be the property of the Company. No customer of the Company shall have access to, adjust, alter, or in any way tamper with, any meter, flow control device, valve or other appurtenant equipment at a Point of Delivery connection, except at the express direction of the Company.
3. The Customer shall contract for or provide, operate and maintain, all without cost to the Company, such water lines, pumps and other facilities as may be necessary to enable it to receive and use water purchased under the Water Supply Contract at and from the Point(s) of Delivery, including such protective devices as may be necessary in the reasonable judgment of the Company to protect the Company's Facilities and the waterworks systems of all other Customers from disturbance thereto caused by the Customer.

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Rule 5 Meters

1. The Company will furnish, install, operate and maintain at Point(s) of Delivery the necessary metering equipment, including a meter house or pit and required devices of standard type for properly measuring the quantity of Water delivered to the Customer and such flow controls, valves, and backflow prevention devices as may be required by the Rules and Regulations, and the same shall belong to the Company. The Company may calibrate or test such metering equipment whenever requested by the Customer, but no more frequently than every twelve (12) months, and shall test same without request at least annually. A meter not measuring more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the three (3) months previous to such test in accordance with the percentage of inaccuracy found by such test, and billings for such three (3) months shall be adjusted accordingly. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the same period of the preceding year or such other amount as may be agreed upon by the Company and the Customer. In the event that testing is performed at the written request of the Customer and no inaccuracy of more than two percent (2%) is found, then all costs of such testing shall be paid by the Customer, otherwise such costs shall be paid by the Company. Any adjustment, when made, shall constitute full adjustment of any claim between the Company and the Customer arising out of such inaccuracy of metering equipment. The metering equipment shall be read on or about the last day of each month.

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Rule 5 Meters (Cont.)

2. Any Customer may request the Company to make a special test of the accuracy of the meter through which water is supplied to the Customer. This test will be made in accordance with water industry test procedures for the meter size, and to check for accuracy as required by Regulations of the Missouri Public Service Commission.
3. The Company reserves the right to remove and test a meter at any time and to substitute another in its place. In case of a dispute involving a question as to the accuracy of the meter, a test will be made by the Company upon the request of the Customer without charge if the meter has not been tested within twelve (12) months preceding the requested test; otherwise, an approved charge will be made if the test indicates meter accuracy within five percent (5%).
4. A meter test requested by the Customer may be witnessed by the Customer or the Customer's duly authorized representative, except for tests of meters larger than two inch (2") inlet, which will be conducted by the water manufacturer or an authorized meter testing contractor. A certified copy of the test report will be provided to the Customer.
5. If a test shows an average error of more than five percent (5%), billings shall be adjusted in accordance with Rule 13.

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Rule 6 Bill Adjustments Based on Meters

- A. Whenever any test by the Company of a meter while in service or upon its removal from service shall show such meter to have an average error of more than five percent (5%) on the test streams prescribed by the Missouri Public Service Commission, the Company shall adjust the Customer's bills by the amount of the actual average error of the meter and not the difference between the allowable error and the error as found. The period of adjustment on account of the under-registration or over-registration shall be determined as follows:
1. Where the period of error can be shown, the adjustment shall be made for such period; or
  2. Where the period of error cannot be shown, the error found shall be considered to have existed for three (3) months preceding the test.
- B. If the meter is found on any such test to under-register, the Company may render a bill to the Customer for the estimated consumption not covered by bills previously rendered during the period of inaccuracy as above outlined. Such action shall be taken only when the Company was not at fault for allowing the inaccurate meter to remain in service.
- C. If the meter is found on any such test to over-register, the Company shall refund to the Customer any overcharge caused during the period of inaccuracy as above defined. The refund shall be paid within a reasonable time and may be in the form of a bill credit.

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Rule 7 Statements

1. WHEN RENDERED-

The Company shall submit to the Customers a monthly written statement for water delivered to such Customer at points of delivery on or before the fifteenth (15<sup>th</sup>) day of each month.

2. AMOUNT CHARGED-

The amount charged shall be in accordance with the Company's schedule of rates and charges as approved by the PSC. The amount of water delivered shall be rounded off to the next highest thousand gallons. Failure of the Company to submit a statement shall not excuse a Customer from its obligation to pay for water delivered when a statement is submitted.

3. WHEN PAYABLE-

a) Statements for Water Service shall be payable not later than the thirtieth (30<sup>th</sup>) day of the month in which they are submitted. Any statement not paid by the thirtieth (30<sup>th</sup>) day of such month shall be considered delinquent and shall bear an additional charge equal to the lessor of one and one-half percent interest of (1.5%) per month, compounded monthly, or the maximum amount permitted by law, until such delinquent amount and such additional charge are paid in full.

b) In the event of any dispute as to any portion of any monthly statements, the Customer shall nevertheless pay in the full amount shown on such statement when due and shall, within sixty (60) days from the date of such statement give written notice of the dispute to the Company. Such notice shall identify the disputed statement, state the amount in dispute and set forth a full statement of the grounds on which such dispute is based. No adjustment shall be

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Rule 7 Statements (Cont.)

considered or made for disputed charges unless notice is given as aforesaid. The Company shall give consideration to such dispute and shall advise the Customer with regard to the Company's position relative thereto within thirty (30) days following receipt of such written notice. Upon determination of the correct amount, any difference between such correct amount and such full amount shall be subtracted from the statement next submitted to the Customer.

4. CONTENTS

Statements rendered by the Company shall set forth the total quantity of water delivered at the point(s) of delivery in the billing period, the total amount charged for water delivered, and any other appropriate rates and charges.

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Rule 8 Discontinuance of Service

In the event any Customer shall fail to perform any obligation under these Rates and Regulations or under its Water Supply Contract (including the failure to make to the Company, when due, any payment for which provision is made therein), and if such failure shall continue for fifteen (15) days following written notice to such Customer from the Company specifying such failure, the Company may, at any time thereafter, upon 10 days' written notice to such Customer, cease and discontinue delivering water to such Customer so long as such failure shall continue; provided, however, that any such cessation and discontinuance shall not relieve such Customer of any obligation under such Water Supply Contract, including the obligation to pay amounts becoming due on and after the date of such cessation and discontinuance.

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Water Service

Rule 9 Wheeling Agreements

It is the policy of the Company to bear all reasonable costs and expenses in accordance with these Rules and Regulations appropriate and necessary to deliver water to a Customer with whom the Company has entered into a Water Supply Contract. In the event that the Company determines that the best and most feasible manner distribution system of a city or public water supply district or private water company, the Company may enter into a Wheeling Agreement with the owner of such water distribution system.

- \* Indicates new rate or text
- + Indicates change

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ISSUED BY

Mr. Brock Pfost, President, R.R. 1, Maryville, MO 6446  
Name and Title of Issuing Officer Mailing Address