

Exhibit No.:
Issue: Sewer Tariffs, Inflow and
Infiltration and Resolution
Witness: Tena Hale-Rush
Sponsoring Party: Aqua Missouri
Type of Exhibit: Amended Surrebuttal Testimony
Case No.: SC-2007-0044, et al.
Date Testimony Prepared: February 2, 2007

MISSOURI PUBLIC SERVICE COMMISSION

AQUA MISSOURI, INC.

**AMENDED SURREBUTTAL TESTIMONY
OF
TENA HALE-RUSH**

BECKER v. AQUA MISSOURI, INC.

CASE NO. SC-2007-0044 et al.

Aqua
Missouri Exhibit No. 5
Case No(s) SC-2007-0044
Date 4-23-07 Rptr JMB

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Issue: Sewer Tariffs, Inflow and
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MISSOURI PUBLIC SERVICE COMMISSION

AQUA MISSOURI, INC.

SURREBUTTAL TESTIMONY

OF

TENA HALE-RUSH

BECKER v. AQUA MISSOURI, INC.

CASE NO. SC-2007-0044 et al.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

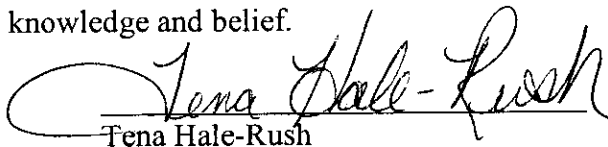
Jason Becker,)
Becker Development Company,)
)
Complainant,)
)
vs.)
)
Aqua Missouri, Inc.,)
)
Respondent.)

Case No. SC-2007-0044 et al.

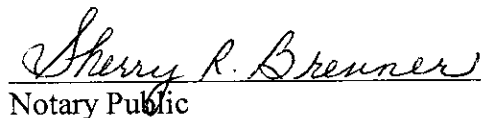
AFFIDAVIT OF TENA HALE-RUSH

STATE OF MISSOURI)
)
COUNTY OF COLE)

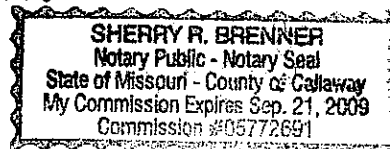
Tena Hale-Rush, being of lawful age, on her oath states: that she has participated in the preparation of the foregoing Surrebuttal Testimony in question and answer form, consisting of 5 pages to be presented in the above case; that the answers in the foregoing Surrebuttal Testimony were given by her; that she has knowledge of the matters set forth in such answers; and that such matters are true and correct to the best of her knowledge and belief.


Tena Hale-Rush

Before me personally appeared Tena Hale-Rush, who being duly sworn stated that the foregoing is true and correct.


Notary Public

My Commission Expires: Sept. 21, 2009



1 Service Commission, specifically focusing on the extension portion. Those Tariffs are as
2 follows: Ascension Resorts Ltd., Bear Creek Water & Sewer LLC, Calvey Brook Sewer Inc.
3 District, Emerald Pointe Utility Company, Highway U Utilities, Inc., KMB Utility
4 Corporation, Missouri-American, Platte County Sewer, Taney county Utility Corporation,
5 Lakeway, Central Jefferson County Utilities, Central Rivers Wastewater Utility, Inc., Four
6 Seasons Lakesites Water and Sewer Company, Warren County Water and Sewer Co., The
7 Meadows Water Company, Foxfire Utility Company, House Springs Sewer Company, Cedar
8 Hill Utility Company, Inc., W.P.C. Sewer Company and Roark Water & Sewer, Inc.

9 **Q. What was the result of your research on these Tariffs?**

10 A. The first fourteen read in the same manner as the attached Tariff from Algonquin Water
11 Resources of Missouri, LLC, at Rule 11, pages 32-33, (attached as Exhibit 2 hereto) contains
12 the language regarding extension of collecting sewers. There is no capacity charge in this
13 Tariff or any of the other fourteen as implied and stated by Mr. Merciel.

14 **Q. Why is the capacity charge important for purposes of this case?**

15 A. Because Mr. Merciel's testimony referred to "most sewer utilities" and their Tariffs. Based
16 upon the review of these eighteen Sewer Tariffs, most of the Tariffs do not contain such
17 capacity requirements.

18 **Q. What about the other five Tariffs which you reviewed?**

19 A. I found one Tariff to be, for the most part, identical to our own: Foxfire Utility Company.
20 I found the House Spring Sewer Company Tariff to be similar to the majority listed above
21 except it states, "The applicant shall pay the Company a fee of \$0.10 per foot for the
22 preliminary cost estimate." It further stated, "Deposit with the Company a sum equal to ten

1 percent (10%) of the estimated costs of construction to cover the engineering costs.” Other
2 than these differences it read very similar to the thirteen (13) listed above: House Springs
3 Sewer Company.

4 The Cedar Hill Utility Company, Inc. Tariff again was found similar to the above majority
5 with the difference of “\$240 for an engineering estimate of cost.” They charge for the
6 engineering estimate before they provide the cost estimate for the deposit.

7 I found that the W.P.C. Sewer Company Tariff in addition to the CIAC deposit of costs
8 charges the “appropriate customer connection fee(s).”

9 I found the Roark Water & Sewer, Inc. Tariff in addition to the CIAC deposit of costs
10 charges, “plus a connection fee of \$360 per connection.”

11 These Tariffs were all found on the MPSC web-site in the EFIS program under Tariffs for
12 Missouri PSC regulated companies.

13 **Q. Do you believe these eighteen Tariffs represent a good overview of the Missouri Sewer**
14 **Tariffs on file with the Public Service Commission?**

15 A. Yes, I do.

16 **Inflow and Infiltration**

17 **Q. Have you reviewed Mr. Merciel’s testimony regarding Inflow and Infiltration (INI) at**
18 **Lake Carmel?**

19 A. Yes, I have.

20 **Q. Do you know what the predominant cause of the INI in the Lake Carmel system is?**

21 A. Yes, I do. It is leaking of the lake water through the dam at Lake Carmel.

22 **Q. Who owns and controls the dam at Lake Carmel?**

1 A. I do not know who has title and ownership of the dam, however, Aqua Missouri has no rights
2 to the dam, with the exception of the easements for the sewer line.

3 **Q. If the leaking in the dam were repaired would the INI be reduced in the sewer system?**

4 A. I believe that a repair of the dam would solve many of the INI problems with respect to the
5 Lake Carmel Treatment Facility. Alternatively, repair of the sewer lines, if they are
6 necessary, will not resolve this issue due to the volume of the lake leakage.

7 **Complaint Resolution**

8 **Q. Have you reviewed Mr. Merciel's testimony regarding complaint resolution and his**
9 **summary?**

10 A. Yes.

11 **Q. What is your opinion of his proposed resolution of the complaint?**

12 A. I do not believe the Tariff should be modified, instead, pursuant to the current Tariff, Mr.
13 Becker and Becker Development must execute a Developer Agreement to allow Aqua
14 Missouri to begin the process of determining the proper method to correct the treatment
15 expansion needs based upon Mr. Becker's developable lots.

16 **Q. Has Mr. Becker entered into such a Developer Agreement?**

17 A. No. He has consistently refused to sign any Developer Agreement and expressly refused to
18 sign the Developer Agreement on file with the Public Service Commission.

19 **Q. Based upon your review of other Tariffs of sewer companies, do you believe that Tariff**
20 **modification is needed to address the concerns at Lake Carmel?**

21 A. No. Based upon the other Tariffs I have reviewed, I do not believe that substantial
22 modification of the Tariff is necessary based upon the situation at Lake Carmel. If any

1 changes are recommended, it should mandate that the developer place a down payment for
2 design costs and allow that to be non-refundable if the developer chooses not to go forward
3 with the ultimately prepared design. In the absence of making such change, I believe the
4 Tariff addresses the current situation where the plant is at capacity and any expansion to
5 address the specific parcels owned by developer must be paid for solely by the developer.

6 **Q. What is your opinion of a contribution in aid of construction charge as discussed by**
7 **Mr. Merciel?**

8 A. A contribution in aid of construction charge might work, providing it was significant enough
9 to address the costs necessary to increase treatment capacity when a developer adds lots or
10 when an individual decides to tap on. However, the implementation of a contribution in aid
11 of construction charge would not address the current situation where the developer seeks to
12 pay nothing for the increased capacity required to allow his developable land to be attached
13 to the treatment facility. As of the date of this testimony, the developer has not placed any
14 money down, nor agreed to pay any amount for the increase in capacity.

15 **Q. In your opinion, what is the proper resolution of this case?**

16 A. I believe that the current Tariff should be applied and this Commission should dismiss the
17 complaint and require the developer to enter into the Developer Agreement contained in the
18 existing Tariff and place a deposit with the company in an estimated amount of the cost of
19 the design and construction of a treatment facility addition that is sufficient to address the
20 additional lots.

21 **Q. Does this conclude your Surrebuttal Testimony?**

22 A. Yes.

P.S.C. MO No. 2

Original

Sheet No. Title Page

Algonquin Water Resources of Missouri, LLC
Name of Issuing Company

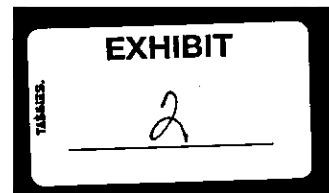
For: All Missouri Service Areas
Community, Town or City

SEWER TARIFF TITLE PAGE

ALGONQUIN WATER RESOURCES OF MISSOURI, LLC

**SCHEDULE OF RATES, RULES, REGULATIONS
AND CONDITIONS OF SERVICE GOVERNING THE
PROVISION AND TAKING OF SEWER SERVICE**

* Indicates New Rate or Text
+ Indicates Change



Issue Date: August 23, 2005
Month/Day/Year

Effective Date: September 22, 2005
Month/Day/Year

Issued By: Michael D. Weber
Vice President & General Manager
Name and Title of Issuing Officer

111 W. Wigwam Blvd., Suite B
Litchfield Park, AZ 85340
Company Mailing Address

FILED
MO PSC

P.S.C. MO No. 2

First Revised Sheet No. A
Canceling Original Sheet No. A

Algonquin Water Resources of Missouri, LLC

For: Certified Service Areas
Previously Served by Silverleaf
Resorts, Inc.
Community, Town or City

Name of Issuing Company

SEWER TARIFF ADOPTION NOTICE

Algonquin Water Resources of Missouri, LLC, hereby adopts, ratifies, and makes its own, in every respect, all tariffs filed with the Public Service Commission, State of Missouri, under the name Silverleaf Resorts, Inc., currently on file with and approved by the Commission, representing the rates, terms and conditions of the regulated water service previously provided by Silverleaf Resorts, Inc.

* Indicates New Rate or Text
+ Indicates Change

Issue Date: August 23, 2005
Month/Day/Year

Effective Date: September 22, 2005
Month/Day/Year

Issued By: Michael D. Weber
Vice President & General Manager
Name and Title of Issuing Officer

111 W. Wigwam Blvd., Suite B
Litchfield Park, AZ 85340
Company Mailing Address

FILED
MO PSC

P.S.C. MO No. 2

Third Revised Sheet No. 1

Canceling Second Revised Sheet No. 1

Algonquin Water Resources of Missouri, LLC
Name of Issuing Company

For: All Missouri Service Areas
Community, Town or City

Rules & Regulations Governing the Rendering of
Sewer Service

INDEX

Sheet No.

A	Adoption Notice
1	Index
2a, 2b, 2c	Map of Service Area
3a, 3b, 3c	Legal Description of Service Area
4	Schedule of Rates
5	Schedule of Service Charges

Rule No.

6	1. Definitions
9	2. General Rules and Regulations
10	3. Limited Authority of Company Employees
11	4. Applications for Sewer Service
13	5. Inside Piping and Customer Service Sewer
16	6. Improper or Excessive Use
18	7. Discontinuance of Service by Company
20	8. Interruptions in Service
21	9. Bills for Service
23	10. Special Contract for Excess Capacity
24	11. Extensions of Collecting Sewers

* Indicates new rate or text

+ Indicates change

Issue Date: August 23, 2005
Month/Day/Year

Effective Date: September 22, 2005
Month/Day/Year

Issued By: Michael D. Weber
Vice President & General Manager
Name and Title of Issuing Officer

111 W. Wigwam Blvd., Suite B
Litchfield Park, AZ 85340
Company Mailing Address

FILED
MO PSC

P.S.C. MO

No. 2 Cancelling

1st Revised
Original

Sheet No. 2a
Sheet No. 2a

Name of Utility: Silverleaf Resorts, Inc.
Service Area:

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JUN 01 1998

MO. PUBLIC SERVICE COMM

Rules Governing Rendering of
Sewer Service

Map of Service Area

[HELD FOR FUTURE USE]

FILED

JUL 01 1998

MISSOURI
Public Service Commission

DATE OF ISSUE June 1, 1998
month day year

DATE EFFECTIVE July 1, 1998
month day year

ISSUE BY Robert Levy Vice President/Operations 1221 Riverbend, Suite 120
Name of Officer Title address Dallas Texas 75247

NAME OF ISSUING UTILITY:
COMMUNITY OR AREA SERVED:

Ascension Resorts, Ltd.
Ozark Mountain Resort

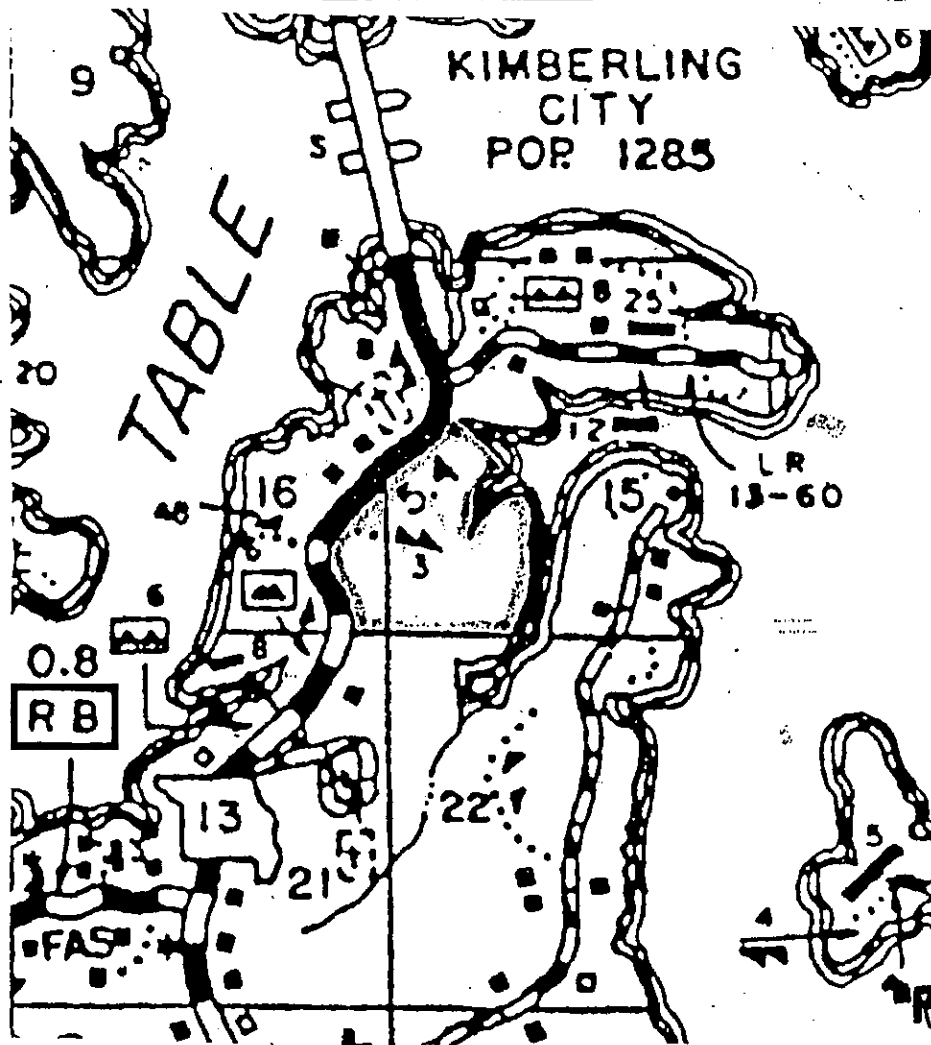
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JUL 13 1994

Rules Governing Rendering of
Sewer Service

MISSOURI**Public Service Commission**

Map of Service Area.



* Indicates new rate or text
+ Indicates change

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AUG 21 1994
94-246
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DATE OF ISSUE July 22, 1994
Month Day Year

DATE EFFECTIVE August 21, 1994
Month Day Year

ISSUED BY Sandra Cearly Secretary 1221 Riverbend Dallas, TX 75247
name of officer title address

Name of Utility: Silverleaf Resorts, Inc.
Service Area: Timber Creek Resort

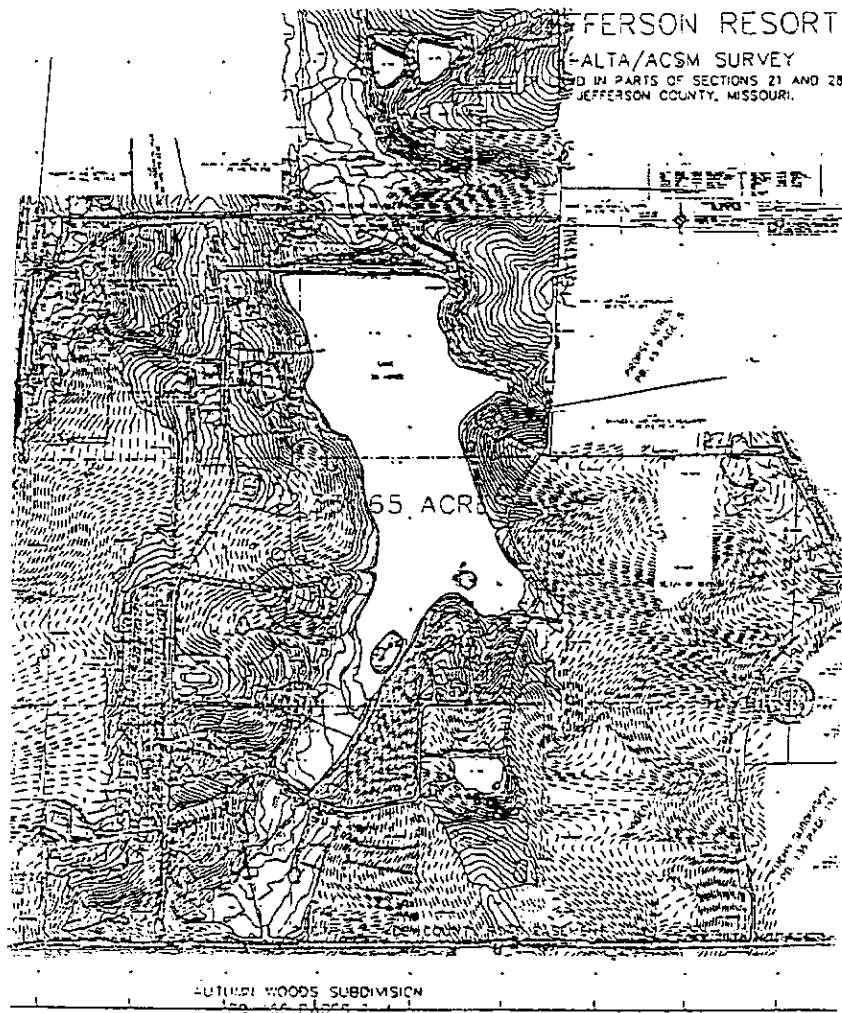
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Rules Governing Rendering of
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Map of Service Area

**FILED**APR 25 1998
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MO. PUBLIC SERVICE COMM

DATE OF ISSUE April 15, 1998
month day year

DATE EFFECTIVE April 25, 1998
month day year

ISSUE BY Robert Levy Vice President/Operations 1221 Riverbend, Suite 120
Name of Officer Title address Dallas Texas 75247

P.S.C. MO

No. 2 Cancelling

1st Revised
Original

Sheet No. 3a
Sheet No. 3a

Name of Utility: Silverleaf Resorts, Inc.
Service Area:

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Rules Governing Rendering of
Sewer Service

JUN 01 1998

MO. PUBLIC SERVICE COMM

Legal Description of Service Area

EXHIBIT "A" (withdrawn)
(2 pages)

[HELD FOR FUTURE USE]

FILED

JUL 01 1998

MISSOURI
Public Service Commission

DATE OF ISSUE June 1, 1998
month day year

DATE EFFECTIVE July 1, 1998
month day year

ISSUE BY Robert Levy Vice President/Operations 1221 Riverbend, Suite 120
Name of Officer Title address Dallas Texas 75247

EXHIBIT "A"

A tract of land in Taney County, Missouri, more particularly described as the E $\frac{1}{4}$ of Lot 1 of the NE $\frac{1}{4}$ of Sec. 3, Twp. 22, Rng. 21; the N $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 3; the S $\frac{1}{4}$ of the W $\frac{1}{4}$ of Lot 1 of the NE $\frac{1}{4}$ of said Section 3; that part of the E $\frac{1}{4}$ of Lot 2 of NE $\frac{1}{4}$ of said Section 3 described as beginning at the SW Corner of said E $\frac{1}{4}$ of Lot 2 of NE $\frac{1}{4}$; thence Northeasterly following the center of the big hollow a distance of 767.62 feet to a point near the little wet-weather spring; thence East 40 feet; thence North 40 feet; thence West 40 feet; thence North 60 feet; thence North 0°58' West 88 feet to a point 572 feet South of the North line of the E $\frac{1}{4}$ of Lot 2 of the NE $\frac{1}{4}$ of said Section 3; thence North 89°57.5' East 950.59 feet to the East line of said E $\frac{1}{4}$ of Lot 2 NE $\frac{1}{4}$; thence South to the Southeast Corner of said E $\frac{1}{4}$ of Lot 2 of the NE $\frac{1}{4}$; thence West along the South line of said E $\frac{1}{4}$ of Lot 2 of the NE $\frac{1}{4}$ to the point of beginning. All of the above being in Sec. 3, Twp. 22, Rng. 21 subject to the Highway 86 (now Hwy. 76, January, 1984) right-of-way along the East side thereof. (The subdivision of Heritage Place lies within the above described tract of land.) And, also, a tract of land described as all that part of the NW $\frac{1}{4}$ of Sec. 2, Twp. 22, Rng. 21, lying South of Highway 86 described as follows: Beginning at the SW Corner of said NW $\frac{1}{4}$ thence due East approximately 1400 feet to the Southwesterly boundary line of Heritage Estates Subdivision; thence N36°W approximately 490 feet to a point which is the SW Corner of Lot 13 of said Heritage Estates Subdivision; thence North 9°26' West 167.71 feet; thence North 54° East 75 feet; thence North 36° West 170.83 feet; thence North 19°15' East 124.04 feet to a point on the Southerly right-of-way line of Highway 86 (now 76); thence Northwesterly along said Highway 86 (now 76) right-of-way line to the West line of said NW $\frac{1}{4}$; thence South along the West line of said NW $\frac{1}{4}$ to the point of beginning. And, also, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and that part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ described as follows: Beginning at a point 280 feet due West of the NE Corner of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Sec. 2, Twp. 22, Rng. 21; thence South to the South right-of-way line of Highway 86 (now 76) as now located (January, 1984) for a new point of beginning; thence West to a point where the East boundary line of Heritage Estates Subdivision intersects the South right-of-way line of Highway 86 (now 76) as now located; thence South 24°74' West 190.26 feet; thence North 68°33' West 40 feet; thence South 24°74' West 150 feet; thence North 65°524' West along a 5.6919° curve to the right approximately 535 feet to the North line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$; thence West to the NW Corner of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$; thence South to the SW Corner of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$; thence East 663 feet; thence North 660 feet; thence East 377 feet; thence North to the new point of beginning; all in Sec. 2, Twp. 22, Rng. 21; and also a tract described as: That part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ in Sec. 10, Twp. 22, Rng. 21, and the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ in Sec. 3, Twp. 22, Rng. 21, lying North of Hollister-Kirbyville Road except the following: Beginning at the SE Corner of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ in Sec. 3, Twp. 22, Rng. 21; thence N64°05' West 579.32 feet; thence North 71°24' West 433.40 feet; thence South 27°16' West 94.20 feet; thence South 60°39' East 506.14 feet; thence South 67°29' East 516.30 feet; thence East 57.15 feet to the East line of said Sec. 10, Twp. 22, Rng. 21; thence North 141.33 feet to the point of beginning.

THE FOLLOWING ARE EXCEPTIONS FROM THE ABOVE LEGAL DESCRIPTION:

1. All of Country Club Estates, a subdivision, as per the recorded plat thereof.
2. All of Heritage Estates, a subdivision, as per the recorded plat thereof.
3. All of a tract of land being a part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 2, Township 22, Range 21, more particularly described as follows: Starting at a point 280 feet West of the NE corner of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2; thence South to the South right-of-way line of Highway 86 (now 76) for a point of beginning; thence West to a point on said South right-of-way line, which point is 50 feet East of the East boundary line of Heritage Estates; thence S40°18'15"W, 87.25 feet; thence S130°W, 66 feet; thence East 100 feet; thence South 109.65 feet; thence East to a point due South of the point of beginning; thence North to the point of beginning.

The following described tract is subject to a 30 foot road easement along the North and East sides thereof: A tract in the N $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, Township 22, Range 21, described as follows: Beginning at the SE corner of said Section 2; thence North along the East line of said SW $\frac{1}{4}$, 2401.89 feet; thence West 496.50 feet to a new point of beginning; thence South 109.65 feet; thence West 150.29 feet; thence N24°7'30"E, 123.21 feet; thence S1°30'W, 2.80 feet; thence East 100 feet to the new point of beginning.

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Public Service Commission**

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94-246**

MO. PUBLIC SERVICE COMM.

EXHIBIT "A"

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MISSOURI
Public Service Commission

This is a subdivision of land in the North 1/2 of the Southwest 1/4 of Section 2, Township 22 North, Range 21 West, Taney County, Missouri, more particularly described as follows:

Beginning at the Northeast corner of Lot 21, Harbige Estates as per recorded plat thereof, said point being 1122.35 feet North and 1870.69 feet East of the Southwest corner of the North 1/2 of the Southwest 1/4 of said Section 2, thence S 67° 09' E along a 6.6865 curve to the left, 10.00 feet, thence S 22° 51' W, 177.31 feet, thence S 89° 14' W, 79.77 feet, thence along a 116.6116 curve to the left, 37.97 feet, thence S 16° 29.5' W, 172.52 feet, thence S 53° 14' W, 303.21 feet, thence along a 202.3871 curve to the left, 29.36 feet, thence S 5° 11.5' E, 156.18 feet, thence S 81° 16.5' W, 10.00 feet, thence S 78° 03' W, 66.13 feet, thence S 79° 25' W, 113.34 feet, thence S 76° 11.5' W, 121.13 feet, thence S 76° 26' W, 114.16 feet, thence S 76° 16.5' W, 181.17 feet, thence N 25° 39.5' E, 118.65 feet, thence N 61° 20.5' W along a 19.9510 curve to the right, 254.12 feet, thence along a 8.1975 curve to the right, 606.79 feet, thence N 10° 30' E, 135.51 feet, thence N 15° 23' E, 59.16 feet, thence S 71° 27' E, 10.00 feet, thence N 26° 13.5' E, 196.30 feet, thence N 72° 01.5' E, 153.25 feet, thence along a 20.7736 curve to the right, 139.88 feet, thence along a 3.9803 curve to the right, 178.80 feet, thence S 71° 17.5' E, 116.34 feet, thence S 0° 28.5' W, 87.17 feet, thence N 89° 31.5' E, along a 10.0939 curve to the left, 84.17 feet, thence N 81° 36' E, 153.96 feet, thence N 69° 18' E, 82.36 feet, to the South line of said Lot 21, thence S 62° 56' E along the South line of said Lot 21 having a 5.6919 curve to the left, 71.03 feet to the Southeast corner of said Lot 21, thence N 22° 51' E along the East line of said Lot 21, 150.00 feet, to the point of beginning.

Also known as:

All of Lots 1, 2, 3, 4, 5, 6, and 7 in Block 1; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 in Block 2; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 in Block 3, all in COUNTRY CLUB ESTATES, a subdivision as per the recorded plat thereof, Taney County, Missouri.

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AUG 21 1994
94 - 246
MO. PUBLIC SERVICE COMM.

NAME OF ISSUING UTILITY: Ascension Resorts, Ltd.
 COMMUNITY OR AREA SERVED: Ozark Mountain Resort

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Rules Governing Rendering of
Sewer Service

JUL 13 1994

MISSOURI

Public Service Commission

Legal Description of Service Area

A PARCEL OF LAND SITUATED IN THE THE E 1/2 OF THE SE 1/4 OF SECTION 16 AND THE SW 1/4 OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 23 WEST, STONE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 16, THENCE N 87 degrees 33' 28" W ALONG THE SOUTH LINE OF THE SE 1/4, 621.13 FEET, TO THE EAST R/W LINE OF MISSOURI STATE HIGHWAY #13, THENCE NORTHERLY ALONG SAID EAST R/W LINE TO THE NORTH LINE OF THE SW 1/4 OF SECTION 15, THENCE N 89 degrees 10' 14" E ALONG SAID NORTH LINE OF SECTION 15, 103.62 FEET TO CORPS OF ENGINEERS MONUMENT # T648-S, THENCE ALONG THE GOVERNMENT FEE TAKING LINE, TABLE ROCK LAKE, TO THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 15, THENCE N 87 degrees 34' 53" W, 1315.91 FEET TO THE POINT OF BEGINNING.

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94 - 246

MO. PUBLIC SERVICE COMM.

* — Indicates new rate or text
 + Indicates change

DATE OF ISSUE July 22, 1994
 Month Day Year

DATE EFFECTIVE August 21, 1994
 Month Day Year

ISSUED BY Sandra Cearly Secretary 1221 Riverbend Dallas, TX 75247
 name of officer title address

RECEIVED

Name of Utility: Silverleaf Resorts, Inc.
Service Area: Timber Creek Resort

APR 15 1998

Rules Governing Rendering of
Sewer Service

MO. PUBLIC SERVICE COMM

Legal Description of Service Area

A tract of land in parts of Sections 21 and 28, Township 39 North, Range 5 East in Jefferson County, Missouri being more particularly described as follows; commencing at the Section Corner common to Sections 21, 22, 29 and 28; thence along the North line of said Section 28, North 89 degrees 16 minutes 19 seconds West, 283.16 feet to the West line of a 100 foot wide abandoned railroad to the point of beginning; thence southerly on a non tangent curve concave southeasterly, having a radius 931.47 feet a chord bearing South 07 degrees 32 minutes 56 seconds West an arc distance 473.98 feet to a point of tangent; thence South 07 degrees 01 minutes 43 seconds East 600.00 feet to a point of curve; thence along a curve concave westerly having a radius of 1024.30 feet a chord bearing South 00 degrees 58 minutes 16 seconds West an arc distance of 286.02 feet to a point on the south line of the North 1/2 of the North 1/2 of said Section 28; thence South 89 degrees 30 minutes 09 seconds West 1106.58 to a found iron rail; then continuing on said North line South 89 degrees 30 minutes 09 seconds West 1339.06 feet to a found iron rail; thence continuing on said North line South 89 degrees 26 minutes 03 seconds West 1322.21 feet to a point 30.00 feet East of the southwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 28; thence North 01 degrees 53 minutes 59 seconds East 662.34 feet to a point; thence South 89 degrees 33 minutes 42 seconds West 30.03 feet to a point on the West line of the said Northeast 1/4 of the Northwest 1/4 of Section 28; thence North 01 degrees 53 minutes 59 seconds East 687.47 feet to a point on the North line of said Section 28; thence westerly along said North line South 89 degrees 59 minutes 18 seconds West 263.97 feet to the easterly right-of-way line of Missouri State Highway Route 67; thence along the said right-of-way line North 04 degrees 51 minutes 26 seconds East 612.52 feet; thence South 85 degrees 08 minutes 34 seconds East 25.00 feet; thence North 04 degrees 51 minutes 26 seconds East 1200.00 feet; thence North 85 degrees 08 minutes 34 seconds West 25.00 feet thence North 04 degrees 51 minutes 26 seconds East 867.51 feet to a point on the North line of the South 1/2 of said Section 21; thence leaving the said right-of-way line along the said North line of the South 1/2 North 89 degrees 16 minutes 10 seconds East 1414.75 feet to the center of said Section 21; thence North 89 degrees 27 minutes 46 seconds East 1415.39 feet to a point on the westerly line of Propst Acres a subdivision recorded in Plat Book 45 on page 8 and also being the northeast corner of the Northwest 1/4 of the Southeast 1/4 of said Section 21; thence South 02 degrees 41 minutes 23 seconds West 1309.06 feet to an iron rod marking the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 21; thence North 89 degrees 27 minutes 45 seconds East 1258.33 feet to a point on the westerly right-of-way line of Missouri State Highway "JJ" (60' wide); thence southeasterly along said right-of-way line South 27 degrees 52 minutes 25 seconds East 180.37 feet; thence leaving said right-of-way line South 02 degrees 14 minutes 06 seconds West 803.79 feet to a point in the said northerly right-of-way of the abandoned railroad; thence along a curve concave southerly having a radius of 931.47 feet, a chord bearing South 37 degrees 24 minutes 21 seconds an arc distance of 496.80 to the point of beginning containing 331.65 acres, more or less.

FILED

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98-129

MO. PUBLIC SERVICE COMM.

DATE OF ISSUE April 15, 1998
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ISSUE BY Robert Levy Vice President/Operations 1221 Riverbend, Suite 120
Name of Officer Title address Dallas Texas 75247

FORM NO. 13

P.S.C. MO. No. 2

1st

Original
Revised

SHEET No. 4

Cancelling P.S.C. MO. No. 2

Original
Revised

SHEET No. 4

Silverleaf Resorts, Inc.
Name of Issuing CorporationFor All Missouri Service Areas
Community, Town or CityMissouri Public
Service CommissionRules Governing Rendering of
Sewer Service

REC'D JUL 20 1998

Schedule of RatesMonthly Customer Charge

<u>Water Meter Size</u>	<u>Customer Charge</u>
3/4"	\$ 6.00
1.0"	\$ 10.00
1.5"	\$ 20.00
2.0"	\$ 32.00
2.5"	\$ 48.00
3.0"	\$ 60.00
4.0"	\$100.00

Commodity Charge: \$7.57 per 1,000 gallons for all usage in the billing period

These rates are exclusive of applicable federal, state or local taxes.

Missouri Public
Service Commission

FILED SEP 04 1998

99-032

* Indicates New Rate or Text
+ Indicates Change in Rate or TextDATE OF ISSUE: July 17, 1998
month day yearDATE EFFECTIVE: September 1, 1998
month day yearISSUED BY: Howard Kitchen Missouri Regional Director Branson, MO
Name of Officer Title Address

Cancelling P.S.C. MO. No. 2

Silverleaf Resorts, Inc.
Name of Issuing Corporation

For All Missouri Service Areas
Community, Town or City

Missouri Public
Service Commission

Rules Governing Rendering of
Sewer Service

REC'D JUL 20 1998

Schedule of Service Charges and Fees

Construction of Customer-Owned Service Sewer (optional) - Actual Cost

Reconnection of Service Sewer After Physical Disconnection - Actual Cost

Reconnection of Service for Disconnects Caused by Nonpayment of Bill - \$25.00 (1)

Reconnection of Service for Voluntary Disconnects of Less Than 30 Days - \$25.00 (1)

Reconnection of Service for "Seasonal" Disconnects - \$25.00 plus the monthly customer charge times the number of months "off-system" (not to exceed 6 months) where the same beneficial service recipient discontinues and restores service to the same location within a 12-month period. Restoration of service of a nonpayment disconnect after 45 days is deemed to be a seasonal reconnection of service. (1)

Late Payment Fee - Greater of 5% of bill or \$2.00

Transfer Fee - \$25.00 for change of customer accounts at same service location when no physical disconnection occurs.

Returned Check Fee - \$25.00

Customer Deposits - 1/6th of estimated annual bill.

(1) These charges apply in those situations where the discontinuance of service was accomplished by the discontinuance of water service via a water meter shut-off.

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99 - 032

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ISSUED BY: Howard Kitchen Missouri Regional Director Branson, MO
Name of Officer Title Address

NAME OF ISSUING UTILITY: Ascension Resorts, Ltd.
COMMUNITY OR AREA SERVED: Missouri Service Areas

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Rules Governing Rendering of
Sewer Service**MISSOURI****Public Service Commission**Rule 1 DEFINITIONS

- A. An "APPLICANT" is a person, firm, corporation, governmental body, or other entity which has applied for service or a sewer extension; two or more such entities may make one application for a sewer extension, and be considered one APPLICANT.
- B. "B.O.D" denotes biochemical oxygen demand. It is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions expressed in milligrams per liter.
- C. A "COLLECTING SEWER" is a pipeline, including force lines, gravity sewers, interceptors, laterals, trunk sewers, manholes, lampholes, and necessary appurtenances, including service wyes, which is owned and maintained by the company, located on public property or on private easements, and used to transport sewage waste from the customer's service connection to the point of disposal.
- D. The "COMPANY" is Ascension Resorts, Ltd., acting through its officers, managers, or other duly authorized employees or agents.
- E. A "CUSTOMER" is any person, firm, corporation or governmental body which has contracted with the company for sewer service or is receiving service from company, or whose facilities are connected for utilizing such service.
- G. The "DATE OF CONNECTION" shall be the date the permit for a service connection is issued by the company. In the event no permit is taken and a service connection is made, the date of connection shall be determined based on available information, such as construction/occupancy permits, or water or electric service turn-on dates.

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94 - 246

MO. PUBLIC SERVICE COMM.

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+ Indicates change

DATE OF ISSUE July 22, 1994

Month Day Year

DATE EFFECTIVE August 21, 1994

Month Day Year

ISSUED BY Sandra Cearly Secretary 1221 Riverbend Dallas, TX 75247
name of officer title address

NAME OF ISSUING UTILITY: Ascension Resorts, Ltd.
 COMMUNITY OR AREA SERVED: Missouri Service Areas

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Rules Governing Rendering of
Sewer Service

- H. A "DEVELOPER" is any person, firm, corporation, partnership or any entity that, directly or indirectly, holds title to, or sells or leases, or offers to sell or lease, or advertises for sale or lease, any lots in a subdivision.
- I. "DISCONTINUANCE OF SERVICE" is intentional cessation of the use of sewer service by action of the company not at the request of the customer. Such DISCONTINUANCE OF SERVICE may be accomplished by methods including physical disconnection of the service sewer, or disconnection of water service by the water utility at the request of the company.
- J. "DOMESTIC SEWAGE" is sewage, excluding storm and surface water, resulting from normal household activities; and, "NON-DOMESTIC SEWAGE" is all sewage other than DOMESTIC SEWAGE including, but not limited to, commercial or industrial wastes. (See Rule 6 pertaining to Improper Waste and Excessive Use.)
- K. A "FOUNDATION DRAIN" is a pipe installed inside or outside the foundation of a structure for the purpose of draining ground or subsurface water away from the foundation.
- L. "pH" is the relative degree of acidity or alkalinity of water as indicated by the hydrogen ion concentration. PH is indicated on a scale reading from 1-14, with 7 being neutral, below 7 acid, and above 7 alkaline; more technically defined as the logarithm of the reciprocal of the hydrogen ion concentration.
- M. A "SERVICE CONNECTION" is the connection of a service sewer to the company collecting sewer either at the bell of a wye branch or the bell of a saddle placed on the barrel of the collecting sewer.
- F. A "SERVICE SEWER" is a pipe with appurtenances installed, owned and maintained by the customer, used to conduct sewage from the customer's premises to the collecting sewer, excluding service wyes or saddles.

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Rules Governing Rendering of
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- N. A "SUBDIVISION" is any land in the state of Missouri which is divided or proposed to be divided into two or more lots or other divisions of land, whether contiguous or not, or uniform in size or not, for the purpose of sale or lease, and includes resubdivision thereof.
- O. "SUSPENDED SOLIDS" are the insoluble materials suspended or dispersed in waste water, expressed in milligrams per liter on a dry weight basis, as determined by standard procedures.
- P. "TERMINATION OF SERVICE" is the cessation of the use of sewer service requested by the customer. Such TERMINATION OF SERVICE shall be accomplished by a method verified and recognized by the company, and may include physical disconnection of the service sewer, termination or disconnection of water service by the water utility, or the company's observation of non-occupancy of the unit served.
- Q. The word "UNIT" shall be used herein to define the premises or property of a single sewer user, whether or not that sewer user is the customer. It shall pertain to any building whether multi-tenant or single occupancy, residential or commercial, owned or leased. Each mobile home in a mobile home park, and each rental unit of a multi-tenant rental property are considered as separate UNITS for each single family or firm occupying same as a residence or place of business.

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Rules Governing Rendering of
Sewer Service

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Public Service Commission

Rule 2 GENERAL RULES AND REGULATIONS

- A. Every customer, upon signing an application for service or accepting service rendered by the company, shall be considered to have expressed consent to be bound by these rates and rules.
- B. The company's rules governing rendering of service are set forth in the numbered sheets of this tariff. The rates applicable to appropriate class of service are set forth in rate schedules and constitute a part of this tariff.
- C. The company reserves the right, subject to the authority from the Public Service Commission of Missouri, to prescribe additional rates or to alter existing rates or rules as it may deem necessary or proper.
- D. At the effective date of these rules, all new facilities, construction contracts and written agreements shall conform to these rules in accordance with the statutes of the State of Missouri and authority of the Public Service Commission of Missouri. Pre-existing facilities which do not conform with these rules may remain, if said facilities do not cause any service problems and reconstruction is impractical.
- E. The company shall have the right to enter upon the customer's premises for the purpose of inspecting for compliance with these rules. Company personnel shall identify themselves and such inspections shall be conducted during reasonable hours.

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Rules Governing Rendering of
Sewer Service

MISSOURI**Public Service Commission****Rule 3 LIMITED AUTHORITY OF COMPANY EMPLOYEES**

- A. Employees or agents of the company are expressly forbidden to demand or accept any compensation for any service rendered to its customers except as covered in the company's rules.
- B. No employee or agent of the company shall have the right or authority to bind it by any promise, agreement or representation contrary to the letter or intent of these rules.

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Rule 4 APPLICATIONS FOR SEWER SERVICE

- A. A written application for service, signed by the customer, and accompanied by the appropriate fees as provided in the Schedule of Rates, Service Charges, or Rule 11 - Extension of Collecting Sewers, and other information required by these rules, must be received from each customer before service is provided to any unit. Said application must be filed in writing 24 hours in advance stating the street, house number, name of the applicant, name of the property owner, and the time, at which connection is to be made. The company shall have the right to refuse service for failure to comply with the rules herein, or if the customer owes a past due bill not in dispute for sewer service at any location within the company's service area. In any case where a sewer extension, or unusual construction or equipment expense is necessary to furnish the service, the company may require a contract for service specifying a reasonable period of time for the company to provide the service. If the customer is a tenant, the company shall notify the owner of the property that the owner may be responsible for payment of the sewer service bill.
- B. A prospective commercial or industrial customer shall, upon request of the company, present in writing to the company a list of devices which will discharge to the collecting sewers, the amount and specifications of any discharge, and the location of any buildings. The company will then advise the customer of the form and the character of the waste water collection facilities available. If a sewer extension as provided for in Rule 11 - Extension of Collecting Sewers will be necessary, or if the customer will be required to own, operate, and maintain a pretreatment facility, the customer will also be so advised.
- C. When sewer charges are based on water usage, the company reserves the right to refuse sewer service to any applicant unless said applicant agrees to install a water meter accessible by the company, so that there will be a basis for sewer charges. The company and customer may agree to an estimated water use amount, on an interim basis for a period not to exceed six (6) months, to allow time to install

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Rules Governing Rendering of
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Public Service Commission

suitable metering equipment.

- D. The company will determine or approve the location of the service connection. Service sewers will not be extended along public streets or roadways or through property of others in connecting with collecting sewers. If a service connection is requested at a point not already served by a collecting sewer of adequate capacity, the collecting sewer shall be extended in accordance with Rule 11 - Extension of Collecting Sewers, unless, in the company's judgement such a collecting sewer would serve no other purpose and a service sewer may be constructed to serve the customer's premises in a reasonable manner.
- E. A new service connection shall be authorized when all conditions of Paragraphs A, B, C, and D, above, are met.
- F. When a service sewer is to be connected to the collecting sewer, the plumber employed by the customer shall obtain the connecting accessories from the company. The plumber shall advise the company 24 hours in advance of when he expects to make the connection so a representative of the company can inspect the installation. The company must inspect any connection made by the customer prior to trench backfilling.
- G. No substantial addition to the water using equipment or appliances connected to the sewer system shall be made by commercial or industrial customers except upon written notice to and with the written consent of the company.
- H. Any change in the location of an existing service connection and/or service sewer requested by the customer shall be made at the customer's expense.

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Rules Governing Rendering of
Sewer Service

Rule 5 INSIDE PIPING AND CUSTOMER SERVICE SEWER

- A. The customer is obligated to construct, repair, and maintain the service sewer from the collecting sewer to the building, and make the connection to the collecting sewer. At the customer's option, the company is available to construct the service sewer at the customer's expense. The customer shall notify the company prior to cleaning or repairing the service sewer.
- B. Construction of the service sewer, and connection to the collecting sewer shall be subject to the inspection and approval of the company. No backfill shall be placed until the work has been inspected by the company. In the event the customer or the customer's agent shall damage a wye branch or saddle, or cause damage to the collecting sewer, then the customer shall be responsible for the cost to repair any such damage, including replacement of pipe or appurtenances as necessary.
- C. Plumbing specifications of all governmental agencies having jurisdiction, and the company's rules, in effect at the time of connection must be met. The company may deny service or may discontinue service where foundation drains, downspouts, or other sources of surface or storm water are permitted to enter the sewer system through either the inside piping or through the building sewer.
- D. A separate and independent service sewer shall generally be required for every building. Exceptions are:
- (1) When one building stands at the rear of another building on an interior lot where a proper service sewer cannot be constructed through an adjoining easement. In that situation, the service sewer from the front building may be extended to the rear building and it will be considered as one service sewer.
- (2) When two or more buildings are a part of a complex which cannot be subdivided.

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Rules Governing Rendering of
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- E. The service sewer shall be one of the following: ductile iron pipe, vitrified clay sewer pipe (VCP), or polyvinyl chloride pipe (PVC), ASTM specification or equal; or other suitable material approved by the company. Only those jointing materials and methods which are approved by the company may be used. Joints shall be tight and waterproof. Any part of the service sewer that is located within ten (10) feet of a water service pipe shall be constructed of ductile iron or PVC pressure pipe. The pipe shall be bedded according to the manufacturer's specifications, and on undisturbed earth or fill compacted to at least 95% proctor density. Fill may be non-organic soil or aggregate.
- F. The size and slope of the service sewer shall be subject to the approval of the company, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-eighth (1/8) inch per foot.
- G. Whenever possible the service sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall. The depth shall be sufficient to afford protection from frost. The service sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.
- H. Existing service sewers may be used in connection with new buildings only when they are found on examination and test to meet all requirements of the company.
- I. In any building in which a building drain is too low to permit the required slope of the service sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the service sewer. No water operated sewage ejector shall be used.

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Rules Governing Rendering of
Sewer Service

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Public Service Commission

- J. All excavations required for the installation of a service sewer and connection to the collecting sewer shall be open trench work unless otherwise approved by the company. Pipe laying and backfill shall be performed in accordance with the latest published engineering specifications of the manufacturer of the materials used, and all applicable local plumbing codes.
- K. The connection of the service sewer to the collecting sewer shall be made at the wye branch, if such branch is available at a suitable location. If the collecting sewer is vitrified clay pipe of 12" diameter or less and there is no properly located wye branch at a suitable location, a wye branch shall be installed at a location specified by the company. If the collecting sewer is greater than 12" in diameter, or is PVC of any size, a neat hole may be cut at a location specified by the company, and a saddle installed to which the service sewer will be connected. The invert of the service sewer at the point of connection shall be at the centerline or higher elevation of the collecting sewer. The connection shall be secure and watertight. A wye branch or a saddle may be obtained from the company at cost.
- L. Company personnel may not work on piping or facilities not owned by the company unless authorized by the customer.

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Rules Governing Rendering of
Sewer Service

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Public Service Commission

Rule 6 IMPROPER OR EXCESSIVE USE

- A. The following requirements for the use of sewer service provided by the company shall be observed. Violation of the requirements will result in the discontinuance of service to the customer or an additional charge where discharge limits are exceeded.
- B. The company may require a customer discharging non-domestic sewage to install a pretreatment facility, grease trap or other device on the premises, to prevent exceedence of discharge limits or other adverse impacts upon the company's system. The installation of any such device as well as its operation and maintenance shall be the responsibility of the customer, and subject to approval and inspection by the company.
- C. No customer shall discharge or cause to be discharged any storm water, surface water, ground water, swimming pool water, roof runoff, sub-surface drainage, or cooling water into the collecting sewers.
- D. The customer shall be required to take any action necessary to meet the following described waste water limits before the wastewater is discharged into the collection sewer:
- (1) Maximum temperature of 150 degrees Fahrenheit.
 - (2) Maximum strength of 400 parts per million Biological Oxygen Demand (B.O.D.).
 - (3) A maximum of 100 parts per million, by weight, any fat, oil or grease.
 - (4) A maximum of 25 parts per million, by weight, any soluble oils.

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MISSOURI
Public Service Commission

- (5) No gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (6) No garbage that has not been properly shredded.
- (7) No ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.
- (8) Waste water having a pH greater than 5.0 or less than 9.0, or having any other corrosive property, capable of causing damage or hazard to structures, equipment or personnel of the company.
- (9) No waste water containing heavy metals, toxic material, or Chemical Oxygen Demand (C.O.D.), in sufficient quantity to disrupt the operation of treatment facilities, or exceeding any limits which may be specified in a service contract for any such substance.

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MISSOURI**Public Service Commission**

Rules Governing Rendering of
Sewer Service

Rule 7 DISCONTINUANCE OF SERVICE BY COMPANY

- A. The company reserves the right of discontinuance of service for any of the following reasons:
- (1) For failure to comply with these rules.
 - (2) For nonpayment of the sewer utility bill (see Rule 9).
 - (3) For resale of sewer service.
 - (4) For an unauthorized service connection to the company's collecting sewer.
- B. Discontinuance of service to a customer for violation of these Rules shall not prevent the Company from pursuing any lawful remedy by action at law or otherwise for the collection of monies due from the customer.
- C. In the event of discontinuance of service by the company for any violation of these rules, then any monies due the company shall become immediately due and payable.
- D. The company reserves the right of discontinuance of service to a customer, or to refuse service to any applicant or for any unit to protect itself against fraud or abuse.
- E. At least thirty (30) days prior to discontinuance of service, the company will mail a written notice to the customer, and to the property owner if different than the customer, by certified mail, return receipt requested, with a copy of the notice sent to the Public Service Commission. Said notice shall state the nature of the violation, the amount of money owed if for a past due bill including the amount of any service charges owed, and that service may be discontinued at any time after the expiration of the notice period, provided satisfactory arrangements for

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continuance of the service have not been made by the customer. The thirty (30) day notice may be waived if there is any waste discharge which might be detrimental to the health and safety of the public, or cause damage to the sewer system. In the event of discontinuance of service without the thirty (30) day notice as above provided, the customer and the Public Service Commission shall be notified immediately with a statement of the reasons for such discontinuance of service. If service is provided to a multi-tenant building or complex, the company will make an effort to notify tenants by door hangars or other type of notice of the possibility of discontinuance of service.

- F. Reconnection of any customer after discontinuance of service by authority of this rule will be made subject to payment of the cost of reconnection.
- G. Where the owner of rental property is the customer and has been notified of the intent of disconnection, the tenants shall be given the opportunity in a reasonable and timely manner to pay delinquent bills in lieu of disconnection of service.
- H. Termination of service at the customer's request may be accomplished at the expense of the customer, as provided in Rule 9 B.

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COMMUNITY OR AREA SERVED: Missouri Service Areas

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Rule 8 INTERRUPTIONS IN SERVICE

- A. The company reserves the right to limit sewer service in its collecting sewers at any time, in a reasonable and non-discriminatory manner, for the purpose of making repairs to the sewer system.
- B. Whenever service is limited for repairs, all customers affected by such limitation will be notified in advance whenever it is possible to do so. Every effort will be made to minimize limitation of service.
- C. No refunds of charges for sewer service will be made for limitations of service unless due to willful misconduct of the company.

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Rule 9 BILLS FOR SERVICE

- A. The charges for sewer service shall be at the rates specified in this tariff, which is on file with the Missouri Public Service Commission and at the company's office. The point of assumption of sewer service shall be at the service connection. Service charges for connection or disconnection are set forth in the Schedule of Service Charges.
- B. A customer who is or has been taking sewer service at one or more units connected to the collecting sewer shall be held liable for payment of any applicable charges for service furnished to such units from the date of connection until the date requested by the customer in writing for service to be terminated, or until service is discontinued by the company. If termination of service must be accomplished by physical disconnection, the customer shall notify the company of the date and time of the disconnect in writing at least five days prior to the disconnection. If termination is accomplished by discontinuance or termination of water service, on or before the date of the water turnoff. Service may not be terminated for one unit of a multi-unit building if the building is served by one service sewer, unless accomplished by discontinuance or termination of water service. The method used for termination of service shall be determined by the company.
- C. Bills for sewer service will be mailed or delivered to the customer's last address as shown by the records of the company, but failure to receive the bill will not relieve the customer from the obligation to pay the same.
- D. Payments shall be made at the office of the company or at a convenient location designated by the company, or by mailing to the company's office.
- E. Separate bills shall be rendered for each location at which sewer service is provided, even though one entity may be the customer at such separate locations.

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- F. The company shall have the right to render bills monthly in advance. Bills shall have the due date indicated on the bill. The company shall have the right to charge customers on a monthly basis in arrears when the sewer charges are based on water usage.
- G. Neither the company nor the customer will be bound by bills rendered under mistake of fact as to the quantity of service rendered or as a result of clerical error. Customers will be held responsible for charges based on service provided.
- H. All bills for sewer service become delinquent after the due date stated on the bill. Service may be discontinued after thirty (30) days written notice by certified mail return receipt requested from the company as provided by Rule 7, Discontinuance of Service by Company.
- I. When bills are rendered for a period of less than a complete billing period due to the connection or termination of service, the billing shall be for the proportionate part of the monthly charge, or where water usage is the basis for the charge, at the appropriate rate for water used. Customers terminating after taking service for less than one month shall pay not less than the monthly minimum.
- J. The owner of the property served will be held responsible for ultimate payment of a bill. Copies of all notices of violations of the rules, or of disconnection of service shall also be sent to the owner of the property.

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Rule 10 SPECIAL CONTRACT FOR EXCESSIVE CAPACITY

- A. In the event that the customer to be served proposes to discharge into the company's system an abnormally high volume or strength of waste as to require an enlargement of the company's existing sewage treatment plant or the construction of a temporary sewage treatment plant, and/or the construction or reconstruction of sewer lines or pump facilities, service shall be provided to such customer under the terms and conditions of a mutually satisfactory contract, in a form approved by the Public Service Commission, pursuant to which the cost of such improvements will be financed in such a manner as to be fair and reasonable to both parties and so as not to constitute a burden upon the company or the existing customers of the company.

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Rule 11 EXTENSION OF COLLECTING SEWERS

- A. Collecting sewers will be extended within the company's certificated service area, at the applicant's cost (sometimes referred to in this rule as the "original applicant"), if service is requested by the applicant at a location where facilities do not exist. The applicant shall enter into a contract with the company. The applicant may choose to have the company perform all work under the terms and conditions of Paragraph C, following, or have a private contractor perform the work under the terms and conditions of Paragraph D, following. For purposes of this rule, an extension could include, in addition to a collecting sewer, one or more pump station or treatment plant facilities, as necessary to provide the service.
- B. The pipe used in making extensions shall be of a type and size which will be reasonably adequate for the area to be served. Such determination as to size and type of pipe shall be left solely to the judgment of the company. If the company desires a pipe size, lift station, treatment plant, or any other facility larger than reasonably required to provide service to the applicant, the additional cost due to larger size shall be borne by the company.
- C. The company will extend collecting sewers for the applicant under the following terms and conditions:
- (1) Upon receipt of written application for service as provided in Rule 4, Applications for Service, the company will provide the applicant an itemized estimate of the cost of the proposed extension. Said estimate shall include the cost of all labor and materials required, including reconstruction of existing facilities if necessary, and the direct costs associated with supervision, engineering, permits, and bookkeeping. Applicable income tax cost calculated at the maximum rate will be added to this estimate.

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- (2) The applicant shall enter into a contract with the company for the installation of said extension and shall tender to the company a contribution-in-aid-of-construction equal to the amount determined in Paragraph C (1) above, plus any appropriate fees as provided in the Schedule of Rates or the Schedule of Service Charges.
- (3) If, as a result of reasonably unforeseen circumstances, the actual cost of the extension exceeds the estimated cost of the extension, the applicant shall pay the additional cost.
- D. When the applicant elects to construct an extension, the company will connect said extension to its existing collecting sewers under the following terms and conditions:
- (1) Applicant shall enter into a contract with the company which provides that the applicant construct said collecting sewers and/or other facilities to meet the requirements of all governmental agencies and the company's rules. Plans for the extension shall be submitted to the company for approval prior to construction. Applicant's choice of construction contractor is subject to approval by the company. Applicant shall contribute said facilities to the company with a detailed accounting of the actual cost of construction, contribute to the company an amount equal to the company's estimated income tax cost calculated at the maximum rate, and contribute to the company the estimated cost of the company's inspection.
- (2) The company, or its representative, shall have the right to inspect and test the extension prior to connecting it to the existing collecting sewers and acceptance of ownership.
- (3) Connection of the extension to existing company collecting sewers shall be made only by representatives of the company.

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- (4) The company shall have the right to refuse ownership and responsibility for the sewer extension until applicant has met the contractual obligations as provided in Paragraph D (1).
- E. The cost to additional applicants connecting to the sewer contributed by the original applicant shall be as follows:
- (1) For a single-family residential applicant applying for service in a platted subdivision, the company shall divide the actual cost of the extension, including income taxes, by the number of lots abutting said extension to determine the per lot extension cost. When counting lots, corner lots which abut existing sewers shall be excluded.
 - (2) For a single-family residential applicant requesting service to areas that are not platted in subdivision lots, the applicant's cost shall be equal to the total cost of the extension times 100 feet divided by the total length of the extension in feet.
 - (3) For an industrial, commercial, or multi-family residential applicant, the cost will be equal to the amount calculated for a single-family residence in E (1) above or E (2) above, as appropriate, multiplied by a water usage factor. The water usage factor shall be determined by dividing the average monthly usage in gallons by 7,000 gallons, but shall not be less than 1.
- F. Refunds of contributions shall be made to the original applicant as follows:
- (1) Should the actual cost of an extension constructed by the company under Paragraph C, or actual costs for inspection by the company under Paragraph D, above, be less than the estimated cost, the company shall refund the difference as soon as the actual cost has been ascertained.
 - (2) After the company has closed its books for the year, in which a contribution was made, it will determine its actual income tax cost

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associated with each extension and refund any excess income tax costs collected from the applicant.

- (3) During the first ten years after the extension is completed, the company will refund to the original applicant who paid for the extension monies collected from additional applicants in accordance with Paragraph E above.
 - (4) The sum of all refunds to the applicant shall not exceed the total contribution, including income tax and inspection costs associated with the extension, which the applicant has paid.
 - (5) If two or more entities are considered an original applicant, the refund shall be distributed to each entity based upon the percentage of the actual extension cost contributed by each entity.
- G. Any extension made under this rule shall be and remain the property of the company in consideration of its perpetual upkeep and maintenance.
- H. The company reserves the right to connect additional extensions to a collecting sewer contributed by the applicant. The connection of new customers to such additional extensions shall not entitle the applicant to any refund.

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