



RATE ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10099
ELLIS AND DALLAS COUNTIES, TEXAS

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SECTION A.

ADOPTION & AUTHORITY

1. **Effective Date.** This Rate Order was adopted by the Board of Directors of the Rockett Special Utility District on December 16, 2003 pursuant to Ordinance No. 2003-004. This Rate Order supersedes all utility service policies, rules and tariffs adopted or passed by the Board of Directors prior to the date of adoption of this Rate Order. This Rate Order shall take effect immediately upon its approval.
2. **Pre-existing Penalties and Vested Rights.** The adoption of this Rate Order shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or vested right established or accrued prior to the effective date of the adoption of this Rate Order.
3. **Official Copy Available.** An official copy of the Rate Order shall be available to the customers of the District during regular office hours of the District. Requests for copies shall be subject to reproduction charges. The reproduction charge shall be **\$5.00**. The general manager of the District shall maintain the original copy of this Rate Order as approved, and clearly exhibit all additions, deletions and amendments hereto.
4. **Conflicts.** Rules and regulations of state and federal agencies having applicable jurisdiction, promulgated under any applicable state or federal law, shall supersede all terms of this Rate Order that directly conflict with such State and Federal rules or regulations. If any section, paragraph, sentence, clause, phrase, word or words of this Rate Order are declared unconstitutional or in violation of law, the remainder of this Rate Order shall not be affected thereby and shall remain in full force and effect.

SECTION B. STATEMENTS

1. **Organization.** The District is a special utility district organized and operating under the terms and conditions of Texas law. It exists for the purpose of furnishing potable water utility service. The management of the District is controlled by the Board of Directors, the members of which are elected by qualified voters residing within the District's boundaries.
2. **Non-Discrimination Policy.** Service is provided to all applicants that comply with the provisions of this Rate Order regardless of race, creed, color, national origin, sex, disability or marital status.
3. **Policy and Rule Application.** These policies, rules and regulations apply to the service provided by the District. Failure on the part of a customer or applicant to observe these policies, rules and regulations gives the District the authority to deny or discontinue service.
4. **Fire Protection Responsibility.** The District does not provide or imply that fire protection is available on the District's water system. All hydrants or flush valves are for the operation and maintenance of the system and may be used for refill only by authorized fire departments. The District reserves the right to remove any hydrant due to improper use or detriment to its water system, as determined by the District, at any time without notice, refund or compensation to the contributors unless such hydrants are installed pursuant to the terms of a Non-Standard Service Contract, in which event the terms and conditions of the contract shall apply.
5. **Damage Liability.** The District is not liable for damages caused by service interruptions due to waterline breaks or equipment failure, tampering by third persons or customers of the District, normal system failures, system maintenance or repairs, or other events beyond the District's control, or for damages caused by negligent acts of the District, its employees, designated representatives and contractors. The limit of liability of the District is the extent of the cost of service provided.
6. **Public Information Disclosure.** The records of the District shall be kept at the District's office at 126 Alton Adams Drive, Waxahachie, Texas 75165. All information collected, assembled or maintained by or for the District shall be disclosed to the public in accordance with the Texas Public Information Act. An individual customer may request in writing that the District keep the customer's name, address, telephone number or social security number confidential. Such confidentiality does not prohibit the District from disclosing this information to an official or employee of the state or a political subdivision of the state acting in an official capacity or an employee of the District acting in connection with the employee's duties. A reasonable charge as established pursuant to the Texas Public Information Act may be assessed to any person requesting copies of District records.

7. **Notice of Change in Rates.** The District will give written notice of a change to monthly water rates by publication, mail or hand delivery to all affected customers at least thirty (30) days prior to the effective date of the new rate. The notice shall contain the old rates, new rates and effective date of the new rates. Failure of the District to give the notice shall not invalidate the changed rate or any change based on the changed rate.

8. **Customer Service Inspections.** The District requires that a customer service inspection certificate be completed prior to providing continuous water service to new construction and for all new customers as part of the activation of standard and some non-standard service. Customer service inspections are also required on any existing service when the District has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction or addition to the customers' water distribution facilities. This inspection is limited to the identification and prevention of cross connections, potential contaminant hazards and illegal lead materials. [30 TAC § 290.46(I-j)].

9. **Public Works Standards.** The District has adopted public works standards, effective March 11, 1991, as shown on Standard Detail Sheets 1 through 3 attached to this section and incorporated by reference.

10. **Submetering Responsibility.** Submetering and non-submetering by Master Metered Accounts may be allowed in the District's water or sewer system provided the Master Metered Account customer registers with the Texas Commission On Environmental Quality and complies with its rules on submetering at Title 30, Chapter 291, Subchapter H of the Texas Administrative Code. The District has no jurisdiction over or responsibility to tenants receiving water under a Master Metered Account, and such tenants are not considered customers of the District. Any interruption or impairment of water service to the tenants is the responsibility of the Master Metered Account customer. Any complaints regarding submetering should be directed to the Texas Commission on Environmental Quality.

11. **District Forms Policy.** The sample forms in Appendices A, B and C of this Rate Order are the same or similar in form to those used by the District and are attached hereto for informational purposes. The District reserves the right to amend, revise and discontinue use of any of the attached forms, and to create and use new forms, at its sole discretion, for purposes that include, without limitation, complying with federal and state laws and regulations, improving District administrative efficiency, providing better service to customers, fulfilling the unique and facilities needs of subdividers, developers and non-standard service applicants, and meeting the future system demands of the District.

SECTION C.
DEFINITIONS

The following words and terms, when used in this Rate Order, shall have the following meanings unless the context clearly indicates otherwise:

Applicant — A person applying to the District for service.

Designated representative (or) district representative — The general manager of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed by this Rate Order pursuant to either general or specific authorization to do so from the general manager or the Board of Directors.

Board of Directors (or) Board — The governing body of the District elected by qualified voters residing within the District's boundaries in accordance with applicable election laws.

Certificate of Convenience and Necessity (or) CCN — The authorization granted by the Texas Commission On Environmental Quality under Chapter 13, Subchapter G, of the Texas Water Code for the District to provide water utility service within a defined territory. The District has been issued Certificate No. 10099.

Certificated service area (or) service area — The service territory defined in CCN No. 10099. [See Section D, Certificated Service Area Maps].

Customer — Any person receiving services from the District.

Developer — Any person that subdivides land or requests two (2) or more service connections on a single contiguous tract of land. [See Water Code § 13.2502(e)(1)].

Disconnection of service — The discontinuance of water service to a customer of the District.

District — The Rockett Special Utility District.

Easement — A private perpetual dedicated right-of-way for the installation of water and/or sewer service lines and facilities that allows access to property for future operation, maintenance, replacement, facility upgrades, and/or installation of additional pipelines (if applicable), and may include restrictions on the adjacent area to limit installation of other pipelines or structures that would restrict the District's use of any area of the easement.

Final plat — A complete and exact plan for the subdivision and/or development of a tract of land which has been approved by all local governments having jurisdiction pursuant to Chapters 212 or 232 of the Texas Local Government Code. The District shall determine if a plat submitted under this Rate Order qualifies as a final plat. [See 30 TAC § 291.85].

General manager — The general manager of the District appointed by the Board of Directors.

Hazardous condition — A condition that jeopardizes the health and welfare of District customers or employees as determined by the District or any other regulatory authority with jurisdiction.

Person — Any natural person, firm, corporation, cooperative, limited liability company, partnership, unincorporated association, public agency or governmental entity, or any other public or private organization or entity of any type or character.

Re-Service — Providing service to an applicant at a location at which service previously existed and at which there is an existing setting for a meter. Costs of such re-servicing shall be as established in this Rate Order or based on justifiable expenses in connection with such re-servicing.

Service agreement — A written agreement on the current service agreement form between an applicant and the District defining the specific type of service requirements requested, and the responsibilities of each party regarding the service to be provided.

Service classification/unit — The type of water service required by an applicant as may be determined by the District based on specific criteria such as usage, meter size, demand, type application, and other relevant factors related to the applicant's request. The base service unit used by the District in facilities design and rate making in this Rate Order is a 5/8" x 3/4" water meter.

Service — Any act performed, anything furnished or supplied, and any facilities used by the District in the performance of its duties under the Texas Water Code to its customers, employees, other retail public utilities and the public, as well as the interchange of facilities between the District and one or more retail public utilities.

Service Investigation Fee — A fee paid by a potential customer of the District for the purpose of determining the feasibility of providing service or of a construction, line extension and/or expansion project.

Subdivide — To divide the surface area of land into lots or tracts. [See Local Gov't Code § 232.021(11)].

Subdivision — An area of land that has been subdivided into lots or tracts. [See Local Gov't Code § 232.021(13)].

Temporary service — The classification for non-standard water service assigned to an applicant for purposes of inspection or clean-up following construction. The District may provide temporary water service for up to thirty (30) days from the date of application for temporary service.

Texas Commission on Environmental Quality (or) TCEQ — The state regulatory agency having jurisdiction of water and sewer service utilities and appellate jurisdiction over the rates and fees charged by the District.

Water system — The water production, treatment, supply, storage and distribution facilities operated by or constructed by or for the District, and any water system extensions, improvements or facilities that may be built within the District's boundaries or service area in the future.

SECTION D.
GEOGRAPHIC AREA SERVED

CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Pursuant to the Texas Water Code
and Texas Commission on Environmental Quality Substantive Rules

Certificate No. 10099

1. Certificate Holder:

Name:	Rockett Special Utility
District Physical Address:	126 Alton Adams Drive Waxahachie, Texas 75165
Mailing Address:	P. O. Box 40 Red Oak, Texas 75154

- 2. General Description and Location of Service Area:** The service area consists of approximately 176 square miles of land. Most of the service area is located in north Ellis County, with a smaller portion located in south Dallas County.
- 3. Certificated Service Area Maps:** The certificate holder is authorized to provide water service in the area identified on the Commission's official service area maps, WRS-57 and WRS-71, maintained in the offices of the Texas Commission on Environmental Quality, 12015 Park 35 Circle, Austin, Texas with all attendant privileges and obligations.

This certificate is issued subject to the rules and orders of the TCEQ, the laws of the State of Texas, and conditions contained in the certificate, and may be revoked for violations thereof. The certificate is valid until amended or revoked by the TCEQ.

SECTION E.

SERVICE RULES AND REGULATIONS

1. **Service Entitlement.** An applicant requesting service to real property located within the District's service area shall be considered qualified and entitled to water service when proper application has been made, the terms and conditions of service have been met and continue to be met, and all fees have been paid as prescribed. An applicant requesting service to real property located outside the boundaries of the District's service area shall be considered for service in accordance with current District policies on providing service outside the District's service area.

2. **Application Procedures and Requirements.**

(a) Service Classifications. Applications to the District for service shall be divided into the following two (2) classes:

(1) *Standard Service.* Standard service is defined as service from an existing service line where line or service facility extensions are not required and special design and/or engineering considerations are not necessary. Standard water service is provided through a 5/8" x 3/4" meter set on an existing waterline.

(2) *Non-standard Service.* Non-standard service is defined as any service request that requires a meter larger than a 5/8" x 3/4" meter or an addition to or extension of the District's water system. The District and its consulting engineer shall make a determination as to the appropriate size, number, and type of meter(s) for non-standard service. Applicants for non-standard service must comply with the service requirements prescribed by Section F of this Rate Order prior to receiving service.

(b) Requirements for Standard and Non-standard Service.

(1) Prior to receiving service, applicants requesting residential or standard retail water service shall complete a Service Application and sign a Service Agreement. [See Appendix A, Form A-02] Prior to receiving service, applicants requesting commercial or other non-standard service shall complete a Non-Standard Service Application and potentially be required to enter into a Non-Standard Service Contract with the District.

(2) As a condition for service, the applicant shall complete and execute an Easement and Right-of-Way, Sanitary Control Easement and/or such other easement form(s) required by the District to obtain a dedicated easement(s) to allow the District a right of access to construct, install, maintain, replace, upgrade, inspect or test any facility necessary to serve the applicant as well as the District's purposes in providing system-wide service. [See Tex. Water Code § 49.218; Appendix A, Form A-03] This requirement may be delayed for non-standard service applicants. New meters shall be located within a utility easement at or near the boundary line of the property designated for service.

(3) The applicant shall provide proof of ownership, control, or possession of the real property designated to receive service.

(4) At the request of a property owner or an owner's authorized agent, the District shall install individual meters owned by the District in an apartment house, manufactured home rental community, multiple use facility, or condominium on which construction begins after January 1, 2003, unless the District determines that the installation of individual meters is not feasible. If the District determines that installation of individual meters is not feasible, the property owner or manager shall install a plumbing system that is compatible with the installation of submeters or individual meters. The District shall be entitled to the payment of reasonable costs to install individual meters pursuant to 30 TAC § 291.122(d) and Section F of this Rate Order. The cost of individual meter installations shall be prepaid by the property owner as well as the cost of any additional facilities or system improvements required to satisfy the total water service demand of the property at full occupancy, as determined under applicable provisions of Section F. The District shall consider master metering and/or non-standard service to apartments, condos, trailer/RV parks, or business centers and other similar type enterprises at an applicant's request provided the total number of units to be served are all:

(A) owned by the same person, partnership, cooperative, corporation, agency, or public or private organization of any type, but not including a family unit;

(B) directly inaccessible to a public right-of-way; and

(C) considered a commercial enterprise (i.e., for business, rental or lease purposes).

(5) Notice of application approval and costs of service as determined by the District shall be presented to the applicant in writing and shall remain in effect for a period not to exceed thirty (30) days. After that time the applicant must re-apply for service. [30 TAC § 291.81(a)(1)].

(6) If a water main has been located in the public right-of-way and is adjacent to applicant's property due to the current or previous landowner's refusal to grant easement to the District for the purpose of installing the water main and appurtenances, and the District has documentation of such refusal, the applicant, prior to receiving the requested service, shall grant an easement as required under this Rate Order and, in addition to the normally required fees for new customer service, shall pay such sums as are reasonably necessary to remove or cap the existing water main in the public right-of-way and to construct the appropriate lines within that easement for the District's system-wide service.

(7) If an applicant fails to provide all documentation or information required at the time of application, the District will issue written notice that the

applicant must provide the documentation and/or information within ten (10) days or service will be terminated. This provision applies to both standard and non-standard service requests. [See Appendix C, Form C-13]

(8) If an applicant requests service to property located outside the political boundaries of the District, then the District shall require the applicant to file a petition to annex the property into the District as a condition of service.

3. **Activation of Standard Service.**

(a) New Service Connection. The District shall charge a non-refundable Connection Fee and Deposit as required under Section G of this Rate Order. The Connection Fee shall be quoted in writing to the applicant. An applicant must pay all fees or enter into a Deferred Payment Agreement prior to installation of a new service connection or tap.

(b) Re-service. On property where service previously existed, the District shall charge a Deposit, Re-Service Fee, and any other applicable fees, as required under Section G of this Rate Order, prior to installing a meter and restoring service.

(c) Performance of Work. All tap, meter and equipment installations specified by the District shall be performed and completed by District employees or designated representatives after all application requirements have been met. The District shall install a tap for standard service within twenty (20) working days after approval and receipt of payment of all quoted fees for new service at the property designated to receive service. This time period may be extended for installation of facilities and equipment necessary to serve a request for non-standard service.

(d) Customer Service Inspections. The District shall perform a customer service inspection of an applicant's property and private water distribution facilities to insure compliance with state required *Minimum Acceptable Operating Practices For Public Drinking Water Systems* as promulgated by the TCEQ or its successor agency. [See Section B.8]. As a result of such an inspection the District may require that an applicant or customer must, at his or her own expense, properly install a backflow prevention device and subsequently inspect, test and maintain the device, and provide all required documentation to the District. [30 TAC § 290.46(j)].

4. **Activation of Non-Standard Service.**

(a) Activation of Non-Standard Service. Activation of non-standard service shall be conducted pursuant to Section F of this Rate Order.

(b) Re-service. The provisions applicable to standard re-service requests under the previous subsection 3(b) shall also apply to non-standard re-service requests.

5. **Changes in Service Classification.** If at any time the District determines that the service classification of a customer has changed from that originally applied for and

that additional or different facilities are necessary to provide adequate service, the District shall require the customer to re-apply for service under the terms and conditions of this Rate Order. Customers failing to comply with this provision shall be subject to Disconnection with Notice under subsection 14(a) below.

6. Landlords and Tenants.

(a) In cases of landlord/tenant relationships, the District may require both parties to sign an agreement specifying which party is responsible for monthly bills, deposits and other fees. This agreement may be included as a provision of the District's approved service application form. The District shall not require the landlord to guarantee the tenant's customer deposit or monthly service bill as a condition of service. However, if the landlord signs a guarantee of payment for deposits, monthly service bills and fees, the guarantee shall remain in full force and effect until the guarantee is withdrawn in writing by the landlord and copies are provided to both the District and the tenant.

(b) The owner of property designated to receive service under this Rate Order shall be solely responsible for payment of service extension fees if the facilities will remain in service to the property after the tenant vacates the premises.

7. Refusal of Service. The District may refuse to serve an applicant for the following reasons:

(a) failure of an applicant to complete all required easement forms and pay all required fees and charges;

(b) failure of an applicant to comply with the rules, regulations and policies of the District;

(c) existence of a hazardous condition at the applicant's property which would jeopardize the welfare of other customers of the District upon connection;

(d) failure of an applicant to provide representatives or employees of the District reasonable access to property, for which service has been requested;

(e) failure of an applicant to comply with all rules and regulations of the District which are in this Rate Order on file with the state regulatory agency governing the service applied for by the applicant;

(f) failure of an applicant to provide proof of ownership of the property designated to receive service to the satisfaction of the District; and/or

(g) the District has determined that the applicant's service facilities are known to be inadequate or of such character that satisfactory service cannot be provided.

8. Applicant's Recourse. In the event the District refuses to serve an applicant under the provisions of this section, the District shall inform the applicant in writing of the basis of its refusal and that the applicant may file a written complaint with the Board of Directors.

9. **Insufficient Grounds for Refusal of Service.** The following shall not constitute sufficient cause for the refusal of service to an applicant:

(a) delinquency in payment for service by a previous owner or tenant of the property designated to receive service;

(b) failure to pay a bill to correct previous under billing more than six (6) months prior to the date of application;

(c) violation of the District's rules pertaining to operation of non-standard equipment or unauthorized attachments which interferes with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said requirements;

(d) failure to pay a bill of another customer as guarantor thereof unless the guarantee was made in writing to the District as a condition precedent to service;

(e) failure to pay the bill of another customer at the same address except where the change of customer identity is made to avoid or evade payment of a utility bill;

(f) failure to comply with regulations or rules for anything other than the type of utility service specifically requested including failure to comply with septic tank regulations or sewer hook-up requirements.

10. **Deferred Payment Agreement.** The District may offer a deferred payment plan to a service applicant or customer who cannot pay an outstanding balance, charge or fee in its entirety, and is willing to pay the amount due in reasonable monthly installments as determined by the District, including any late payment penalties on the monthly balance. The payment plan may require the applicant or customer to pay a portion of the balance or fee in advance and the plan may not exceed 12 monthly installments. Customers making installment payments must continue to pay regular monthly bills for service in a timely manner. The applicant or customer will indicate agreement to the terms and conditions of the deferred payment plan by signing a Deferred Payment Agreement prepared by the District. [See Appendix C, Form C-03]

11. **Indigent Care Policy.** Customers demonstrating an inability to pay for monthly service may apply for a waiver of part or all of the service charges pursuant to the District's Indigent Care Policy set forth at Section I of this Rate Order.

12. **Charge Distribution and Payment Application.**

(a) Base Rate. The applicable Base Rate shall be charged for the billing period from the first day to the last day of the customer's assigned billing cycle. Charges shall be prorated for meter installations and service terminations falling during the billing period. All service connections shall be subject to this charge whether or not there is use of service.

(b) Gallorage Charge. A Gallorage Charge shall be billed at the rate specified in Section G and shall be calculated in one thousand (1000) gallon increments. Charges for water usage are based on monthly meter readings and are calculated from reading date to reading date. The District shall take all meter readings used in calculating billing.

(c) Posting of Payments. All payments shall be posted against previous balances prior to posting against current billings.

13. Due Dates, Delinquent Bills, and Service Disconnection Date.

(a) Upon approval of an application for service, each customer is assigned a specific billing cycle:

- (1) Customers in Cycle One will be billed on or about the first (1st) day of the month.
- (2) Customers in Cycle Two will be billed on or about the fifth (5th) day of the month.
- (3) Customers in Cycle Three will be billed on or about the tenth (10th) day of the month.

(b) All bills shall be due and payable upon receipt and are past due beyond the date indicated on the bill (allowing approximately 15 days to pay), after which time, a penalty shall be applied pursuant to Section G. Payment for utility service is delinquent if the full payment, including late fees and regulatory assessments, is not received at the District by 4:30 p.m. on the due date. Water service will be restored to disconnected accounts only upon payment of all amounts due and owing the District with cash, money order or certified check during the normal business days of the District, Monday through Friday, 7:30 a.m. to 4:30 a.m., subject to the holiday schedule approved by the District's Board of Directors.

(c) Upon written request, any residential customer sixty-five (65) years of age or older who occupies the entire premises of a dwelling receiving water utility service from the District shall receive an extension of the past due date, without penalty. The extension shall not exceed ten (10) days beyond the usual fifteen (15) day payment period, for a total of no more than twenty-five (25) days from the date the bill is issued.

14. Rules for Disconnection of Service. The following describes the rules and conditions for disconnection of service.

(a) Disconnection with Notice. Water service may be disconnected after proper notice for any of the following reasons:

- (1) failure to pay a delinquent account for utility service provided by the District, failure to timely provide a deposit, or failure to comply with the terms of a Deferred Payment Agreement;

(2) violation of the District's rules pertaining to the use of service in a manner which interferes with the service of others;

(3) the operation of non-standard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;

(4) failure to comply with the terms of a service agreement, Non- Standard Service Contract or this Rate Order;

(5) failure to provide District personnel or designated representatives access to a meter or to property at which water service is received for purposes of inspecting and verifying the existence of potential hazardous conditions or policy violations;

(6) any misrepresentation of fact by an applicant or customer on any form, document or agreement required by the District; or

(7) failure to re-apply for service upon notification by the District that customer no longer meets the service classification originally applied for under the original service application.

(b) Disconnection Without Notice. Water service may be disconnected without prior notice for the following reasons:

(1) where a known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a violation of Chapter 341 of the Health and Safety Code and regulations adopted pursuant thereto, or where the District has reason to believe a dangerous or hazardous condition exists and the customer refuses to allow access for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition [See Section E.3(d); and E.23; 30 TAC § 290.46 (j)];

(2) where service is connected without authority by a person who has not made application for service;

(3) where service has been reconnected without authority following termination of service for nonpayment; or

(4) in instances of tampering with the District's meter or equipment, by-passing the meter or equipment, or other diversion of service. NOTE: Where reasonable, given the nature of the reason for disconnection, a written statement providing notice of disconnection and the reason therefore should be posted at the property, at a place of common entry, or upon the front door of an affected residential unit as soon as possible after service has been disconnected.

(c) Disconnection Prohibited. Utility service may not be disconnected for any of the following reasons:

(1) failure to pay for merchandise or charges for non-utility service provided by the District, unless there is an agreement whereby the customer guaranteed payment of non-utility service as a condition of service;

(2) failure to pay for a different type or class of utility service unless a fee for such service is included in the same bill;

(3) failure to pay charges arising from an under billing due to any misapplication of rates more than six (6) months prior to the current billing;

(4) failure to pay the account of another customer as guarantor thereof, unless the District has in writing the guarantee as a condition precedent to service;

(5) failure of the customer to pay charges arising from an under billing due to any faulty metering, unless the meter has been tampered with or unless such under billing charges are due under subsection 20 below (Inoperative Meters);

(6) failure of the customer to pay estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the District is unable to read the meter due to circumstances beyond its control; or

(7) in response to a request for disconnection by an owner of rental property where the tenant is billed directly by the District as authorized by the owner, and the renter's account is not scheduled for disconnection under the rules for disconnection of service in this Rate Order.

(d) Disconnection on Holidays and Weekends. Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on a day, or on a day preceding a day, when District personnel are not available to the public for the purpose of making collections and reconnecting service.

(e) Disconnection Due to Utility Abandonment. The District may not abandon a customer or a certificated service area without written notice to its customers and all similar neighboring utilities, and obtained approval from the TCEQ.

(f) Disconnection Due to Illness or Disability. The District may not discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person at that residence becoming seriously ill or more seriously ill if service is discontinued. To avoid disconnection under these circumstances, the customer must provide a written statement from a physician to the District prior to the stated date of disconnection. Service may be disconnected in accordance with subsection 14(a) of this section if the next month's bill and the past due bill are not paid by the due date of the next month's bill, unless the customer enters into a Deferred Payment Agreement with the District. [See Appendix C, Form C-03]

(g) Disconnection of Master-Metered Accounts. When a bill for service to a Master-Metered Account customer is delinquent, the following shall apply:

(1) The District shall send a notice to the customer as required. This notice shall also inform the customer that notice of possible disconnection will be provided to the customer's tenants or occupants of the master metered property in five (5) days if payment is not rendered before that time.

(2) At least five (5) days after providing notice to the customer, and at least five (5) days prior to disconnection, the District shall post notices, stating "Termination Notice" in public areas of the master-metered property to notify tenants or occupants of the scheduled date for disconnection of service.

(3) The tenants or occupants may pay the District for any delinquent bill in behalf of the customer to avert disconnection or to reconnect service to the master-metered property.

(h) Payment During Disconnection. The District is not obligated to accept payment of a bill when a District employee or designated representative is at a customer's property for the purpose of disconnecting service.

(i) Conditions for Service Restoration. Prior to the restoration of service, any customer whose service has been disconnected under the provisions of Section E.14 shall be required to pay all amounts due the District including, but not limited to, past due charges, service trip fees, delinquent fees, and equipment repair and replacement costs.

(j) Removal of Meter. After water service has been disconnected and no request has been made for re-service or fees paid for such re-service within 45 days, the District reserves the right to remove the meter(s) from the property. The District will re-install the meter(s) after the requirements for activation of service have been completed in accordance with Section G of the Rate Order.

15. **Returned Check Policy.** Payment by check which has been rejected for insufficient funds, closed account, or for which a stop payment order has been issued is not deemed to be payment to the District. The District shall mail, via the U.S. Postal Service, a Notice of Returned Check requiring that a returned instrument be redeemed at the District office within ten (10) days of the date of the notice. [See Appendix C, Form C-08]. Redemption of the returned instrument shall be made by cash, money order, credit card or certified check. Failure to meet these terms shall result in disconnection of service. [See Section G.11, Returned Check Fee].

16. **Billing Cycle Changes.** The District reserves the right to change its billing cycles at any time and for any reason.

17. **Billing Errors.** The District may back-adjust a customer's account for to 24 months of service charges not billed due to errors because of meter error, misapplied meter multiplier, incorrect meter readings, error in computing the customer's monthly bill(s), meter tampering, meter bypass, or diversion of service.

18. **Disputed Bills.** In the event of a dispute between a customer and the District regarding any monthly bill, the dispute shall be resolved or disposed of in accordance with the Grievance Procedures set forth in the following subsection 19, except as follows:

(a) Notice of the bill dispute must be submitted to the District, in writing, and a payment equal to the customer's average monthly usage at current rates must be received by the District prior to the due date posted on the disputed bill.

(b) The customer shall not be required to pay the disputed portion of a bill which exceeds the amount of that customer's average monthly usage at current rates pending the completion of the determination of the dispute. For purposes of this subsection, the customer's average monthly usage shall be the average of the customer's usage for the preceding 12-month period. Where no previous usage history exists, consumption for calculating the average monthly usage shall be estimated on the basis of usage levels of similar customers under similar conditions.

(c) Notwithstanding any other section of this Rate Order, a utility customer's service shall not be subject to discontinuance for nonpayment of that portion of a bill under dispute pending the completion of the determination of the dispute. The customer is obligated to pay any billings not disputed as established in subsection 14 of this Rate Order (relating to Disconnection of Service).

19. **Grievance Procedures.** Any customer of the District or person demonstrating an interest under the policies of this Rate Order in becoming a customer shall have an opportunity to voice concerns or grievances to the District by the following means and procedures:

(a) The aggrieved party must first submit written notice to the general manager or authorized staff member stating the concern or grievance and the desired result. The general manager shall investigate the matter and provide a response to the aggrieved party within fourteen (14) days after receipt the written notice of grievance.

(b) If the general manager does not resolve the grievance to the satisfaction of the aggrieved party, the party may appeal the general manager's decision, in writing, to the President of the Board of Directors for disposition. The written notice of appeal must be submitted to the District within seven (7) days after the date of the general manager's written response to the notice of grievance.

(c) Upon receipt of an appeal, the President of the Board of Directors shall review the request and determine the best means by which the grievance shall be resolved. The President may direct that a grievance be heard by the Board of Directors for final disposition, or initially by District staff appointed by the President and serving in an advisory capacity to the Board of Directors. The President shall also determine a reasonable time and place for the grievance to be heard, but such hearing shall take place within sixty (60) days of the date that the President received the written notice of appeal. Final disposition by the Board of Directors shall be reported to the aggrieved party in writing.

(d) If under this subsection an aggrieved party contests a charge or fee as sole or partial basis of a grievance, the contested charge or fee shall be suspended until such time as the grievance is satisfactorily resolved by the District's staff, the deadline for delivering an appeal to the District's Dispute Resolution Panel has passed, or the Dispute Resolution Panel President of the Board of Directors has passed, or the Board of Directors has rendered its decision. This provision does not apply to disputed monthly bills pursuant to subsection 18 above.

(e) If a customer of the District contests a charge or fee as basis of a grievance and the customer is not satisfied with the adjustments, if any, offered by the District's staff pursuant to this Rate Order, then the customer may appeal to the District's Dispute Resolution Panel (the "Panel") as the customer's sole administrative remedy. The Panel will be composed of one member of the District's board of directors, the District's general manager and the District's employee responsible for handling fee and charges disputes. The customer must file a written notice of appeal with the District within ten (10) days following the contested action taken by the District. The customer will be given at least ten (10) days prior written notice of the time and date that the Panel will consider the customer's appeal. The customer may be present in person or by telephone at the time that the Panel considers the customer's appeal. The decision of the Panel is final.

20. **Inoperative Meters.** Water meters found inoperative will be repaired or replaced by the District within a reasonable time. If a meter is found not to register for any period, unless by-passed or tampered with, the District shall make a charge for units used, but not metered, for a period not to exceed six (6) months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years.

21. **Bill Adjustment Due To Meter Error.** The District shall test any customer's meter upon written request of the customer. In the event the meter tests within the accuracy standards of The American Water Works Association, a meter test fee as prescribed in Section G of this Order shall be imposed. In the event the test results indicate that the meter is faulty or inaccurate, the test fee shall be waived, the meter shall be calibrated or replaced, and a billing adjustment may be made as far back as six (6) months. The billing adjustment shall be made to the degree of the meter's inaccuracy as determined by the test. The customer must complete and sign a Meter Test Authorization and Test Report prior to the test. [See Appendix C, Form C-05]

22. **Leak Adjustment Policy**

(a) Conditions. The District shall adjust a monthly bill that is excessive due to leakage if the affected customer has satisfied the following conditions:

(1) prior to the date of the bill immediately following the excessive bill, the customer must submit a written adjustment request (including statement that the customer has corrected the source of the leak) and a partial payment of the excessive bill equal to the customer's average monthly usage at current rates;

(2) the amount of excess water usage must be at least three times (3x) the customer's average monthly usage for the same property;

(3) the customer must submit documentary evidence that the leak has been repaired (e.g., a plumber's invoice or receipt for materials purchased to repair the leak); and

(4) the customer must not have received a leak adjustment during the previous twelve (12) months regardless of the number of meters serving the customer's property or properties.

(b) Adjustment Formula. Upon proof of eligibility, the District shall adjust the amount of the customer's excessive bill according to the following formula: *Estimated Bill (+) Discounted Excess (=) Adjusted Bill Amount*.

(c) Definitions. For purposes of this section, the following definitions shall apply:

(1) "Estimated Bill" shall mean the amount of the customer's average monthly usage at current customer rates.

(2) "Discounted Excess" shall mean the amount of water in excess of the customer's average monthly usage charged at one-half ($\frac{1}{2}$) the applicable rate.

(3) A "customer's average monthly usage" shall mean the average of the customer's usage for the preceding 12-month period, or lesser history if the customer has not been served at that site for 12 months, or, where no previous usage history exists for that customer at that site, consumption for calculating the average monthly water usage shall be estimated on the basis of usage levels of similar customers under similar conditions.

23. **Meter Tampering and Diversion of Service.** All meters connected to the District's water system shall be provided, owned, installed and maintained by the District. Meter-tampering, by-pass and diversion of service are prohibited. For purposes of this Rate Order, meter tampering, bypass, or diversion shall be defined as tampering with a District meter or service equipment causing damage or unnecessary expense to the District, bypassing the same, or other instances of diversion of service, such as:

- (a) removing or altering District equipment, including locks or shut-off devices installed by the District to discontinue service;
- (b) physically disorienting a meter;
- (c) attaching objects to a meter to divert service or to by-pass;
- (d) inserting objects into a meter;

- (e) other electrical and/or mechanical means of tampering with, by-passing, or diverting service;
- (f) connecting or reconnecting service without District authorization; or
- (g) connecting to the service line of adjacent customers or of the District.

The burden of proof of meter-tampering, by-passing, or diversion is on the District. Photographic evidence or any other reliable and credible evidence may be used; however, any evidence shall be accompanied by a sworn affidavit by one or more employees or agents of the District upon the initiation of an action for meter-tampering under this Rate Order. A court finding of meter tampering may be used instead of photographic or other evidence, if applicable. Unauthorized users of District services shall be prosecuted to the extent allowed by law under the Texas Penal Code § 28.03.

24. **Meter Relocation.** The District shall permit the relocation of meters or services provided that:

- (a) an easement for the proposed location has been granted to the District;
- (b) service capacity is available at the proposed location;
- (c) service was previously provided by the District at the proposed location; and
- (d) the customer pays a Meter Relocation Fee [See Section G.18].

25. **Prohibition of Multiple Connections To A Single Tap.** No more than one (1) residential, commercial or industrial service connection is allowed per meter. The District may permit the owner of an apartment building, mobile home/RV park or other commercial account to apply for a single meter as a "Master-Metered Account" pursuant to Section E.2(c)(4) of this Rate Order. Any unauthorized submetering or diversion of service shall be considered a "multiple connection" and subject to disconnection of service. If the District has sufficient reason to believe a multiple connection exists, the District shall discontinue service under the Disconnection with Notice provisions in subsection 14(a) above. [See Appendix A, Form A-02]

26. **Customer Responsibilities.**

(a) District Access to Meters. Customers shall allow District employees and designated representatives access to meters for the purpose of reading, testing, installing, maintaining and removing meters and using utility cutoff valves. If access to a meter is hindered so that the District is prevented from the reading of the meter, an estimated bill shall be rendered to the customer for the month and a notice of the hindrance shall be sent to the customer. If access is denied for three (3) consecutive months after notice to the customer, then service shall be discontinued and the meter removed with no further notice. [See Section E.3(d)].

(b) Compliance with On-Site Service and Plumbing Requirements.

Customers shall be responsible for complying with all District, local, state and federal codes, requirements and regulations concerning on-site service and plumbing facilities.

(1) All connections shall be designed to ensure against back-flow or siphonage into the District's water system. In particular, livestock water troughs shall be plumbed above the top of the trough with an air space between the discharge and the water level in the trough. [30 TAC § 290.46].

(2) The use of pipe and pipe fittings that contain more than 8.0% lead or solder and flux that contain more than 0.2% lead is prohibited for any plumbing installation or repair of any residential or non-residential facility providing water for human consumption and connected to the District's facilities. Customer service pipelines shall be installed by the applicant. [30 TAC § 290.46].

(3) All sewer and potable water service pipeline installations must be a minimum of nine feet (9') apart and meet all applicable regulations for line separation and crossing.

(c) Payment on Multiple Accounts. A customer owning more than one service connection shall keep all payments current on all accounts. Failure to maintain current status on all accounts shall be enforceable as per the Service Agreement executed by the customer or the terms of this Rate Order.

(d) Extent of District Ownership and Maintenance. The District's ownership and maintenance responsibility of water supply and metering equipment shall end at the meter or other service equipment. Therefore, all water usage registering upon and/or damages occurring to the metering equipment owned and maintained by the District shall be subject to charges pursuant to this Rate Order.

(e) Cut-off Valve Requirement. The District shall require each customer to have a cut-off valve on the customer's side of the meter for purposes of isolating the customer's service pipeline and plumbing facilities from the District's water pressure. The valve shall meet AWWA standards (a ball valve is preferred). The customer's use of the District's curb stop or other similar valve for such purposes is prohibited. A customer shall be subject to charges for any damage to the District's meter or other service equipment. A cut-off valve may be installed as a part of the original meter installation by the District.

27. Prohibited Plumbing Practices

(a) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination will be isolated from the public water system by an air gap or an appropriate backflow prevention device.

(b) No cross-connection between the water supply and a private water system is permitted. These potential threats to the public drinking water supply must be

eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

(c) No connection which allows water to be returned to the public drinking water supply is permitted.

(d) No pipe or pipe fitting which contains more than eight percent (8.0%) lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

(e) No solder or flux which contains more than two-tenths of one percent (0.2%) lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

28. **Water Service Connections.**

(a) Applications for water service connections shall be filed with the District on approved forms. Applicants shall meet all District requirements for service, including the grant of any necessary easements, as determined by the District, and the installation of a cut-off valve at the expense of the service applicant.

(b) No person, other than District employees or designated representatives, shall be permitted to tap or make any connection with the mains or service lines of the District's water system, or make any repairs or additions to or alterations in any tap, pipe, cock or other fixture connected to a water service line.

(c) A customer must allow his or her property to be inspected for possible cross-connections and other undesirable plumbing practices. These inspections will be conducted by the District prior to initiating service and may be conducted periodically thereafter. All inspections will be conducted during the District's normal business hours.

(d) The customer must, at the customer's expense, properly install a backflow prevention device as required by the District, including but not limited to:

(1) all industrial, commercial, and non-standard customers are required to have reduced pressure zone device ("RPZ") located at the meter; and

(2) all residential customers who have an irrigation system, cross-connection, or other health hazard.

(e) All costs to extend or oversize District water mains or service lines to serve any residential or commercial user or any undeveloped area within the District shall be the sole responsibility of the property owner and/or developer requesting service.

29. **Standards for Water Service Lines.** The following standards govern the installation of customer service lines for water service to residences or commercial buildings within the District:

(a) All new residential or commercial connections to the District's water system shall be made in accordance with previous subsection 28 and the Rules and Regulations for Public Water Systems issued by the TCEQ as set forth in Subchapter D, Chapter 290, Title 31 of the Texas Administrative Code. In the event of a conflict between the provisions of subsection 28 and the TCEQ's Rules and Regulations for Public Water Systems, the more stringent shall apply.

(b) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials.

(c) Water service lines and wastewater service lines shall not be less than three feet (3') apart horizontally and shall be separated by undisturbed or compacted earth.

(d) Water service lines or any underground water pipe shall not be run or laid in the same trench with non-metallic sewer or drainage piping unless all three of the following conditions are met:

(1) The bottom of the water service line at all points shall be at least twelve inches (12") above the top of the wastewater line.

(2) The water service line shall be placed on a solid shelf excavated at one side of the common trench and the two lines shall be separated by a minimum of eighteen inches (18").

(3) The water service line shall be installed with water tight joints tested to a minimum of 150 PSI.

(e) A minimum of four feet (4') of type "L" polyethylene pipe shall be installed at the end of the water service line at the connection to the water meter.

(f) Water service lines shall be bedded in washed sand to provide six inches (6") of cushion below the line. The trench bottom and walls shall be cleared of all protruding rocks which could damage the pipe before the sand bedding is placed.

(g) A District-owned water meter and a District-approved meter box shall be installed by the District or its designated representative.

(h) Potable water supply piping, water discharge outlets, backflow prevention devices, or similar equipment shall not be located so as to make possible the submergence of such equipment in any contaminated or polluted substance.

(i) Lawn sprinkling systems shall be equipped with an approved vacuum breaker installed in the discharge side of each of the last valves. The vacuum breaker shall be installed at least six inches (6") above the surrounding ground and above a sufficient number of heads so at no time will the vacuum breaker be subjected to back pressure or drainage.

(j) The District's water system shall be protected from swimming pool makeup water by means of an approved backflow prevention device or an adequate air gap.

(k) Upon the installation of a service line, a request for inspection shall be made to the District's office, and the line shall not be back-filled until the District has inspected and approved of the installation. The District shall perform the inspection within forty-eight (48) hours of receiving the request.

(l) Back filling of service line trenches must be accomplished within twenty- four (24) hours of inspection and approval, and no debris will be permitted in any service line trench.

30. **Enforcement and Penalties.**

(a) Civil Penalties. Any person violating any provision of this Rate Order may be subject to a civil penalty of not more than **\$2,000.00** for each violation. Each day that a violation of this Rate Order is permitted to exist shall constitute a separate violation. A penalty under this section is in addition to any other penalty or remedy provided by the laws of the State of Texas or this Rate Order. A penalty under this section may be enforced by complaint filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located.

(b) Liability for Costs. Any person violating any provision of this Rate Order shall be liable to the district for any expense, loss, or damage incurred by the District by reason of such violation and the District's enforcement thereof. If the District prevails in any legal action to impose a civil penalty or otherwise enforce this Rate Order, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court.

(c) No Waiver. The failure on the part of the District to enforce any article, section, clause, sentence, or provision of this Rate Order shall not constitute a waiver of the right of the District later to enforce any section, clause, sentence, or provision of this Rate Order.

SECTION F.
DEVELOPER, SUBDIVISION AND
NON-STANDARD SERVICE REQUIREMENTS

1. **District's Limitations.** All applicants shall recognize that the District must comply with state and federal laws and regulations as promulgated from time-to- time, and with covenants of current indebtedness. The District is not required to extend retail utility service to any applicant requesting standard service to a lot or tract in a subdivision where the developer responsible for the subdivision has failed to comply with the requirements of the District's subdivision service extension policies and non-standard service requirements set forth in this section. [See Section F.3; Appendix C, Form C-07]

2. **Purpose.** It is the purpose of this section to define the process by which the specific terms and conditions for service to subdivisions and other kinds of non- standard service are determined, including the non-standard service applicant's and the District's respective costs.

For purposes of this section, the term "applicant" shall refer to a developer or person that desires to secure non-standard service from the District. The applicant must be the same person or entity that is authorized to enter into a contract with the District setting forth the terms and conditions pursuant to which non-standard service will be furnished to the property. In most cases, the applicant will be the owner of the property for which non-standard service is sought. An applicant other than the property owner must furnish evidence to the District that the applicant has authority to request non-standard service on behalf the owner, or that it otherwise has authority to request non-standard service for the property.

3. **Application of Rules.** This section is applicable to subdivisions, additions to subdivisions, commercial, industrial and governmental developments, and any situation where additional service facilities are required to serve a single tract of property or which require a meter larger than a 5/8" x 3/4" meter for service. Most non-residential service applications will be considered non-standard by the District at its sole discretion. For purposes of this Rate Order, applications subject to this section shall be defined as "non-standard." This section may be altered or suspended for facility expansions constructed by the District at its expense. The District's general manager shall interpret, on an individual basis, whether or not an applicant's service request shall be subject to all or part of the conditions of this section. For purposes of this section the term "project" includes subdivisions, additions to subdivisions, and commercial, industrial and governmental developments.

This section sets forth the general terms and conditions pursuant to which the District will process non-standard service requests. The specific terms and conditions pursuant to which the District will provide non-standard service in response to any request will depend upon the nature of such request and may be set forth in a contractual agreement to be entered between the District and applicant. The contract may not contain any terms or conditions that conflict with this section.

4. **Non-Standard Service Application.** The applicant shall meet the following requirements prior to entering into a Non-Standard Service Contract with the District:

(a) The applicant shall complete and submit a Non-Standard Service Application to the District, while giving special attention to that portion entitled "Special Service Needs of the Applicant." [Appendix B, Form B-01]

(b) Simultaneous with submission of the Non-Standard Service Application, the applicant must submit three (3) copies of the proposed plat showing the applicant's requested service area for approval by the District. The plat must be approved by all governmental authorities exercising jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities. Plans, specifications, and special requirements of such governmental authorities shall be submitted with the plat. Applicants for single taps that require an extension or oversizing of District facilities shall be required to submit maps or plans detailing the location of the requested extension and details of demand requirements.

(c) The applicant shall pay a Service Investigation Fee to the District in accordance with the requirements of Section G for purposes of paying the District's administrative, legal and engineering fees. In the event such a fee is not sufficient to pay all expenses incurred by the District, the applicant shall pay to the District all remaining expenses that have been or will be incurred by the District.

(d) If after completing its service investigation the District determines that the applicant's service request is for property located wholly or partially outside the District's certificated service area, the District may still extend service provided that:

(1) the requested service area is not in an area receiving similar service from another retail utility;

(2) the requested service area is not within another retail utility's certificated service area; and

(3) the District's Certificate of Convenience and Necessity shall be amended to include the entirety of the applicant's property for which service is requested and the applicant shall pay all costs incurred by the District in amending its CCN, including but not limited to engineering and professional fees. If the service location is contiguous to or within one-fourth ($\frac{1}{4}$) mile of the District's certificated service area, the District may extend service prior to completing the amendment to its CCN, but will do so only upon applicant's legally enforceable agreement to fully support such amendment (including but not limited to payment of all professional fees, including legal, surveying and engineering fees incurred by District in securing the amendment).

5. **Facilities Design and Approval.** Upon receipt of the completed Non-Standard Service Application and Service Investigation Fee, the District shall study the design requirements of the applicant's required facilities before preparing a Non-Standard Service Contract in accordance with the following:

(a) The District's consulting engineer shall design, or review and approve plans for all on-site and off-site service facilities for the applicant's requested service in accordance with the District's specifications and any applicable municipal or other governmental codes and specifications.

(b) The consulting engineer fees shall be paid out of the Service Investigation Fee under subsection 4(c) above.

(c) The consulting engineer shall submit to the District a set of detailed plans and specifications, and cost estimates for the project.

(d) The consulting engineer shall ensure all facilities for any applicant meet the demands for service as platted and/or requested in the plans or plat submitted by the applicant. The District reserves the right to upgrade and/or oversize the planned service facilities to meet future customer demands on condition that the applicant shall be reimbursed the additional expense of such upgrading and/or oversizing in excess of the applicant's facility requirements.

(e) Water line size and location will be determined by the District's engineer, whose determination is final.

(f) All water line material fittings shall conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) standard 61 and must be certified by an organization accredited by ANSI and not less than ASTM-D2241 Class 200.

(g) Any water line extensions constructed by a developer shall be constructed completely across (property line to property line) the side of the subdivision or development which is contiguous and adjacent to the road or street on which the main entrance of the project is located.

(h) The water system shall be designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains shall be provided with acceptable flush valves and discharge piping. All dead-end lines less than two inches (2") in diameter will not require flush valves if they end at a customer service connection. Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation. [See 30 TAC § 290.44(d)(6)].

(i) Any applicant or customer who requires dedicated fire line on private property is also responsible for the installation of a vault with double-check backflow device and detector check valve, and all valves as required by the District, in addition to other requirements provided in this Rate Order. Use of dedicated fire lines for any purpose other than fire protection is prohibited; violation of such prohibited use is subject to disconnection, removal of tap, fees, fines, and other consequences as provided in this Rate Order and by law.

6. **Payment of Fees Required.** An applicant for non-standard service shall pay the fees required by the Non-Standard Service Contract executed by the District and the Applicant.

7. **High Density Developments.** The District reserves the right to declare a subdivision or development a "High Density Development." The District may determine that a project is a High Density Development based on lot sizes, the total number of lots or living units in the project, or both. The determination of whether a project is a High Density Development is within the sole discretion of the District. In the event the District declares that a project is a High Density Development, then the following regulations will apply:

(a) Off-Site Construction Costs.

(1) "Off-Site Construction Costs" are the costs to construct an adequate pipeline to serve a project of at least eight inch (8") I.D. in size from a point to be determined by the District to and across the frontage of the project. An applicant for service to a High Density Development project shall pay the Off-Site Construction Costs pursuant to a Non- Standard Service Agreement and/or Three-Way Contract by and between the applicant and District.

(2) In the event that all or a portion of any unallocated capacity in an existing pipeline previously constructed to serve a High Density Development or subdivision is utilized to transmit water to a subsequent project, then the applicant shall pay to the District the unrecouped construction costs of the line. Payment shall be made upon execution of a Non-Standard Service Agreement. The construction costs of a new pipeline, if any, will be paid in the manner stated in the previous paragraph.

(3) In the event that water is transmitted to the project through a pipeline on which all construction costs have been recouped, then no Off-Site Construction Costs relating to the pipeline will be charged.

(b) Reserved Service Fee. In order for an applicant to continue to reserve capacity within a water pipeline that was built pursuant to this subsection, the Reserve Service Fee established by the Section G of this Rate Order must be paid by the applicant. The applicant must pay the Reserve Fee each month for each lot in the project until the District is paid a deposit from the purchaser of a lot within the project. In the event that the Reserve Service Fee is not timely paid, then the District will not be obligated to continue to reserve capacity for the project.

(c) Conflict. If any other provision in this Rate Order conflicts with a provision of this subsection, then the provisions of this subsection will control. The determination of a conflict will be in the sole discretion of the District.

8. **Non-Standard Service Contract.** Applicants requesting or requiring non- standard service shall be required to execute a written Non-Standard Service Contract prepared by the District's attorney.

9. **Property and Right-of-Way Acquisition.** With regard to construction of facilities, the District shall require private right-of-way easements on private property per the following conditions:

(a) If the District determines that right-of-way easements or facility sites outside the applicant's property are required, the applicant shall secure easements or title to the right-of-way or facility sites in behalf of the District. All right-of-way easements and property titles shall be researched, validated, and recorded by the District at the expense of the applicant.

(b) All costs associated with facilities that must be installed in public right-of- ways on behalf of the applicant, due to the inability of the applicant to secure private right-of-way easements, shall be paid by the applicant. Alternatively, applicant shall pay all costs, including legal and other professional fees, and the condemnation award in the event District secures such private easements or facility sites through eminent domain proceedings. Any request of applicant to the District to commence eminent domain proceedings shall be made in writing. The District reserves the right to secure right-of-way easements or facility sites by eminent domain on its own initiative.

(c) The District shall require an exclusive dedicated right-of-way on the applicant's property (as required by the size of the planned facilities and as determined by the District) and title to property required for other on-site facilities.

(d) Easements and facilities sites shall be prepared for the construction of the District's pipeline and facility installations in accordance with the District's requirements and at the expense of the applicant.

10. **Contractor Selection & Qualification.** Applicants shall choose one of the following methods for selection of a contractor to construct line extensions and/or water distribution facilities required by the District to serve a development or project:

(a) the applicant may select a qualified contractor from the District's list of approved contractors; or

(b) the applicant may select a qualified contractor subject to the District's review and approval. The applicant shall provide references to the District for its review. The District reserves the right to reject any contractor selected by the applicant.

11. **Construction.**

(a) All road work shall be completed in accordance with applicable state, county and/or municipal standards prior to construction of project service facilities to avoid future problems resulting from road right-of-way excavation and completion. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage during construction of applicant's service facilities.

(b) The District shall, at the expense of the applicant, inspect the service facilities to ensure compliance with District standards.

(c) Construction plans and specifications shall be strictly adhered to, but the District reserves the right to revise any specifications by change-order due to unforeseen circumstances during the design phase or to better facilitate construction and/or

operation of the project service facilities. All change-order amounts shall be charged to the applicant.

12. **Dedication of Service Facilities.** Upon proper completion of construction of an applicant's on-site and off-site service facilities, final inspection and approval thereof by the District, and applicant's payment to the District of all required fees and charges in connection therewith, the applicant shall dedicate the service facilities to the District by an appropriate legal instrument approved by the District's attorney, and the District shall accept the dedication. The District shall thereafter own the service facilities subject to applicant's maintenance bond in an amount of not less than twenty percent (20%) of the total construction cost of the service facilities and for a term of not less than two (2) years. The maintenance bond is subject to prior approval by the District's attorney.

13. **Service within Subdivisions.** The District's objective to provide service to any customer located within a subdivision governed by this section is strictly limited to the non-standard service specified by an applicant. The applicant is responsible for paying for all costs necessary to provide non-standard service to a subdivision as determined by the District under the provisions of this Rate Order, and in particular, the provisions of this section. Should the applicant fail to pay these costs, the District has the right to require payment of these costs by any one or more of the persons purchasing lots within such subdivision before the District is obligated to provide water service to the subdivision. In addition, the District may elect to pursue any remedies provided by the Non-Standard Service Contract and the laws of Texas.

14. **Service to a Campus Development.** It is the District's policy that service to a development that has multiple facilities on a single site such as an educational, religious, or corporate campus will be through one or more large meters located on the outer perimeter of the campus development, the specifications of which must be approved in writing by the District's engineer. All internal water distribution lines, fire hydrants and other water supply facilities on the customer's side of the large meter(s) will be owned, operated and maintained by the owner or owner(s) of the facilities served through such perimeter meter(s).

15. **Pro-Rata Reimbursement.** The District may from time to time negotiate and enter into a pro-rata reimbursement agreement with a project applicant in accordance with the following provisions:

(a) the District's consulting engineer shall review each non-standard service application and advise the District as to whether a pro-rata reimbursement agreement is appropriate under the circumstances of each project;

(b) the project applicant (or "constructing applicant") must construct off-site service facilities to the District's water system;

(c) the constructing applicant must comply with a District requirement to oversize the off-site service facilities to service future growth not generated by the constructing applicant's project;

(d) developers of subdivision projects that connect to the off-site service facilities ("connecting applicants") will pay a pro-rate reimbursement fee to the District according to the amount of excess capacity utilized;

(e) the District will not collect pro-rate reimbursement fees from an applicant who requests standard residential service to a single tract or parcel of land;

(f) the District shall assess a five percent (5%) administrative fee for the administration of pro-rata fees collected by the District from subsequent connecting applicants, which shall be deducted from pro-rata reimbursements before remittance to the constructing applicant; and

(g) the pro-rata reimbursement agreement shall contain the following items:

- (1) the term of the agreement shall not exceed five (5) years;
- (2) reimbursement shall not be for more than eighty percent (80%) of the actual cost of the off-site improvement constructed; and
- (3) the amount due to the constructing applicant from a future connecting applicant shall be based on the following formula:

$$\frac{\text{Acres in connecting applicant's project}}{\text{Total potential acres served by off-site facilities of constructing applicant} \text{ (less) Total acres in constructing applicant's project}} \text{ (x) Actual cost of off-site facilities} \text{ (=) Pro- Rata Fee}$$

EXAMPLE:

$$\frac{100\text{(a)}}{(-) 100\text{(c)}} \text{ (x) } \$50,000.00\text{(d)} \text{ (=) } \$12,500.00\text{(e)} 500\text{(b)}$$

Where:

- (a) = Acres in connecting applicant's project.
- (b) = Total potential acres served by the off-site facilities constructed by the constructing applicant as determined by the District's consulting engineer.
- (c) = Total acres in the constructing applicant's project.
- (d) = Actual cost of the off-site facilities.
- (e) = Pro-rata fee to be collected from any water service applicant that connects or desires to connect to the off-site facilities.

SECTION G.
RATES AND SERVICE FEES

UNLESS SPECIFICALLY DEFINED IN THIS RATE ORDER, ALL FEES, RATES, AND CHARGES AS STATED SHALL BE NON-REFUNDABLE.

1. **Classes of Users.** All users of the District's water services shall be grouped into the following classes:

- (a) Residential users, consisting of residential users located within the District.
- (b) Commercial users, consisting of users located within the District to which service to a non-residential structure is provided.

Water charges will be assessed in such a manner that each class of users generally pays its share of debt service and operation and maintenance expenses for water service. The District may create additional classes of users in the future at its discretion.

All classes of users may be grouped into sub-classes according to the meter size provided to their residence and/or commercial establishment.

2. **Service Investigation Fee.** The District shall conduct a service investigation for each service application submitted to the District. An initial determination shall be made by the District, without charge, as to whether the request is for standard or non-standard service. An investigation shall then be conducted by the District and the results reported under the following terms:

(a) Standard Service Requests. All standard service requests for new standard service shall be subject to a Service Investigation Fee in the amount of **\$250.00**. All requests for standard service to property where service previously existed shall be investigated without charge. All applicable costs for providing service shall be quoted in writing to the applicant within twenty (20) working days of the application.

(b) Non-standard Single Service Requests for Residential or Irrigation Service. All non-standard single service requests for a meter larger than a 5/8" x 3/4" meter shall be subject to a Service Investigation Fee in the amount of **\$300.00**. The District may charge a Service Investigation Fee appropriate to the property and of sufficient amount to cover all administrative, legal and engineering costs associated with an investigation of the District's ability to provide service to the applicant's property, which may include:

- (1) presenting detailed plans and specifications as per final plat; and
- (2) providing other services as required by the District for such investigation.

(c) Non-standard Service Requests for Commercial, Industrial, Developer, or Subdivision. All non-standard service requests for meter(s), other than requests as defined

in Sections G.2.(a) and G.2.(b) above, shall be subject to a Service Investigation Fee in the amount of **\$3,000.00**, plus **\$10.00** for each service connection in excess of twenty (20) service connections, unless the District determines otherwise, in which case the District shall charge a Service Investigation Fee appropriate to the project and of sufficient amount to cover all administrative, legal and engineering costs associated with an investigation of the District's ability to provide service to the applicant's project, which may include:

- (1) providing cost estimates of the project;
- (2) presenting detailed plans and specifications as per final plat;
- (3) advertising and accepting bids for the project;
- (4) preparing a Non-Standard Service Contract between the District and applicant; and
- (5) providing other services as required by the District for such investigation.

A Non-Standard Service Contract shall be presented to the applicant within a suitable amount of time as determined by the complexity of the project.

(d) Fire Hydrant & Fire Line Service Requests. All requests for fire hydrant and fire lines shall be subject to a Service Investigation Fee in the amount of **\$500.00**.

3. **Deposits.**

(a) Initial Payment and Amount. At the time an application for service is approved, the applicant shall pay a Deposit to be held by the District, without interest, until settlement of the customer's final bill. The Deposit will be used to offset unpaid charges or bills.

- (1) The Deposit for residential water service is **\$100.00** for each service unit.
- (2) An additional **\$60.00** Deposit will be charged for residential water service for an applicant who will received sewer and garbage service from the city of Waxahachie, which will be billed by the District.
- (3) An additional **\$40.00** Deposit will be charged for residential water service for an applicant who will receive only garbage service from the City of Waxahachie, which will be billed by the District.
- (4) An additional **\$80.00** Deposit will be charged for residential water service for an applicant who will receive sewer and garbage service from the City of Red Oak.
- (5) The Deposits for commercial and nonresidential water service, including Master Metered Accounts, shall not exceed an amount equivalent to one-sixth of the estimated annual billings as determined by the District.

(b) Commercial and Nonresidential Customers. If actual monthly billings of a commercial or nonresidential customer are more than twice the amount of the estimated billings at the time service was established, a new deposit amount may be calculated and an additional deposit may be required to be made within fifteen (15) days after the issuance of written notice.

(c) Applicants 65 Years of Age or Older. No deposit may be required of a standard service applicant who is 65 years of age or older if the applicant does not have a delinquent account balance with the District or another water utility.

(d) Reestablishment of Deposit. Every service applicant who has previously been a customer of the District and whose service has been discontinued for nonpayment of bills, meter tampering, bypassing of meter or failure to comply with applicable state regulations or regulations of the District shall be required, before service is resumed, to pay all amounts due the District or execute a deferred payment agreement, if offered, and shall be required to pay a deposit if the District does not currently have a deposit from the customer.

(e) Refund of Deposit. If service is not connected, or after disconnection of service, the District shall refund the service applicant's or customer's deposit, if any, in excess of the unpaid bills for service furnished. In the event that a surplus of Five Dollars (**\$5.00**) or more exists after the final bill is paid, the balance of the Deposit will be paid to the customer within forty-five (45) days provided the customer has given the District notice of a forwarding address. All requests for Deposit refunds must be made to the District within ninety (90) days of termination of service. In the event that an outstanding balance exists after the Deposit is applied, the District shall attempt to collect the outstanding balance by all lawful means available.

4. **Easement Fee**. When the District determines that private right-of-way easements and/or easements for facility sites are necessary to provide service to an applicant, the applicant shall be required to make a good faith effort to secure such easements on behalf of the District or pay all costs incurred by the District to validate, clear and obtain such easements, including but not limited to legal fees and court costs, in addition to other fees required under this Rate Order to initiate service. [See Sections E.2(c)(2) and F.7(a)].

5. **Connection Fee**. The District shall charge a Connection Fee for service as follows:

(a) Standard Residential and Non-Standard Commercial Service. The Connection Fee for standard and non-standard commercial service shall include all labor, materials for construction, installation, or inspection of a tap or connection to the District's water system, including all necessary customer service lines and a meter. The Connection Fee shall be charged on a per meter basis in the following amounts:

<u>Meter Size</u>	<u>Connection Fee</u>
5/8" x 3/4"	\$3,500.00

For meter sizes larger than 5/8" x 3/4" the District will charge the applicant for the difference in the cost of the larger meter and the cost of a standard 5/8" x 3/4" meter

together with the increased cost of large valves, meter box or vault and the additional or increased cost of any ancillary materials that are necessary for the installation of a larger meter.

(b) Subdivision Projects. The Connection Fee for non-standard water to land that is being developed pursuant to the Texas Local Government Code, which at the time of platting was not being provided with water service by the District, shall be **\$2,600.00** for each standard service connection plus **\$500.00** for each standard meter installation, or as determined by the Board of Directors based on all relevant factors, including but not limited to, the supply, pumping, storage and treatment capacity required for the Development compared to the amount of unrestricted capacity available in the District's system. Prior to the installation of any facilities to which Non-Standard Connection Fees apply, the applicant shall execute a non-standard service agreement with the District.

(c) Extraordinary Expenses.

(1) *Generally*. Extraordinary expenses such as road bores, street crossings, system improvements and pipeline extension and/or relocations under Section E.2(c)(6) may be added to the Connection Fee and shall be paid by the applicant.

(2) *Street Crossings*. The fee for crossing under a street or county road with a service line is **\$1,000.00** or the actual cost, whichever is greater. The fee for crossing under a state highway with a service line is **\$1,500.00** or the actual cost, whichever is greater.

6. **Activation Fee**. When water service is requested by an applicant or customer to an existing meter located on property previously served by the District, the applicant or customer will pay an Activation Fee of **\$50.00**, plus the other applicable fees below, to the District, prior to the District reactivating water service.

(a) Deposit required. In addition to the Activation Fee, an applicant or customer will pay a Deposit to the District prior to the applicant or customer receiving water service on a property to be served by the District.

(b) Re-Service Fee. When water service is requested by an applicant or customer to a property that has previously received water service from the District but no longer has a meter installed in an existing meter box, the applicant or customer will pay a Re-Service Fee of **\$500.00**, together with the Activation Fee and a Deposit as mentioned above, to the District, prior to the District installing a water meter and the property receiving water service.

7. **Monthly Charges**.

(a) Base Rate. The Base Rate is that portion of a customer's monthly bill which is paid for the opportunity of receiving utility service, excluding standby fees and reserved service charges, which does not vary due to changes in service consumption. The District's monthly Base Rates for water service and meter size equivalents are as follows:

Residential	METER SIZE	MONTHLY RATE
	5/8" x 3/4"	\$25.00
	3/4" x 3/4"	\$37.50
	1"	\$62.50
	1½"	\$125.00
Commercial	5/8 x 3/4"	\$25.00
	3/4" x 3/4"	\$37.50
	1"	\$62.50
	1½"	\$125.00
	2"	\$200.00
	3"	\$437.50
	4"	\$750.00
	6"	\$1,562.50
	8"	\$2,000.00
	A3 1"	\$62.50
	A5 2"	\$200.00

(b) Gallorage Charge. In addition to the Base Rate, customers shall pay a Gallorage or volumetric rate at the following rates for water usage during anyone (1) billing period:

Residential Service

1 to 10,000 gallons	\$4.85 per thousand gallons
10,001 to 20,000 gallons	\$6.30 per thousand gallons
20,001 to 30,000 gallons	\$8.20 per thousand gallons
Over 30,000 gallons	\$9.45 per thousand gallons

Commercial Service

0 to 20,000 gallons	\$4.85 per thousand gallons
20,001 to 50,000 gallons	\$5.95 per thousand gallons
50,001 to 150,000 gallons	\$6.50 per thousand gallons
Over 150,000 gallons	\$7.05 per thousand gallons

ROCKETT SPECIAL UTILITY DISTRICT WHOLESALE WATER RATES

Distribution Wholesale Customer	Rate per 1,000 gallons
City of Ferris	\$5.09
City of Palmer	\$5.09
Rural Bardwell WSC	\$5.09

Transmission Wholesale Customer	Rate per 1,000 gallons
Sardis Lone Elm WSC	\$3.94

Bulk Water	Rate per 1,000 gallons
Bulk Water Rates	\$7.00

(c) Reserved Service Charge. The District shall assess a monthly Reserved Service Charge for each active account at a specific location for which a meter has not been installed but for which the District and an applicant have entered into a service agreement or Non-Standard Service Contract. This monthly charge shall be based on the District's fixed costs to service the applicant's dedicated facilities on a per service unit basis. This charge reserves service to the applicant's real property designated to receive service. This fee is determined by deducting **\$3.00** from the applicable Base Rate.

(d) Regulatory Assessment. In accordance with TCEQ regulations, the District shall collect from each customer a regulatory assessment equal to 0.5% of the monthly charges collected by the District for water utility service. [See 30 TAC § 291.76(d)(3)].

8. **Standby Fee**. The monthly charge imposed on undeveloped property (a tract, lot or reserve in the district to which no water or wastewater connections have been made and for which water facilities and services are available.). Upon adoption by the Board of Directors and approval by the TCEQ, the District shall charge a Standby Fee to owners of undeveloped property.

9. **Late Payment Fee**. Except for bills to political subdivisions and state agencies, a one-time penalty of **\$5.00** or **5.0%**, whichever is larger, shall be applied to delinquent bills. This late payment penalty shall not be applied to any balance to which the penalty was applied in a previous billing, but shall be applied to any unpaid balance during the current billing period. Political subdivisions and state agencies shall be assessed a late penalty of 1% on any amount unpaid on the 46th day after a bill or statement for service furnished is received by the state agency or political subdivision and an additional 1% shall be assessed for each month thereafter that the bill remains unpaid. [See Gov't Code Chapter 2251]

10. **Owner Notification Fee**. The District may, at the expense of the customer, notify said customer of a tenant's delinquent account status prior to disconnection of service. The District shall charge **\$15.00** per notification [See Appendix C, Form C-01].

11. **Returned Check Fee**. In the event a check, draft, or any other similar instrument is given by any person for payment of services provided for in this Rate Order, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the account for which the instrument was issued shall be assessed a return check charge of **\$35.00**. [See Appendix C, Form C-08]

12. **Delinquent Fee.** If any past due amount, greater than **\$20.00** is not received by the due date on the "Past Due Notice", then service is subject to immediate meter lock for non-payment. A delinquent fee of **\$50.00** will be assessed on the scheduled meter lock day per billing cycle. The past due amount and the delinquent fee are required to be paid before service is restored. Service will be restored during normal business hours only. If there are extenuating circumstances that require service to be restored after hours, an additional fee of **\$25.00** will be charged.

13. **Service Trip Fee.** If a service trip to a customer's meter during regular business hours is requested by a customer or deemed necessary by the District, then a **\$50.00** fee will be charged to the customer's account.

14. **After Hours Service Trip Fee.** If an after hour's service trip to the customer's meter is deemed necessary by the District, a **\$75.00** fee will be charged to the customer's account.

15. **Equipment Damage Fee.** The District shall charge for all labor, material, equipment, and all other actual costs necessary to repair or replace all equipment damaged due to negligence, theft or removal, meter tampering or bypassing, reconnecting service without authority or other service diversion. The utility may charge for all actual costs necessary to correct service diversion or unauthorized taps where there is no equipment damage, including incidents where service is reconnected without authority. An itemized bill of such charges shall be provided to the customer. In cases of meter tampering or service diversion, the District may disconnect the service of a customer and impose a **\$100.00** tampering fee for the 1st offense and **\$200.00** for any additional offenses. The tampering fee will be in addition to other equipment damage fees. In cases of meter tampering or service diversion, the District may disconnect the service of a customer refusing to pay damage charges. [See 30 TAC § 291.87(n)].

16. **Customer History Report Fee.** The District does not charge a fee to provide a copy of the customer's record of past water purchases in response to a customer's request for such a record.

17. **Meter Test Fee.** The District shall test a customer's meter upon written request of the customer and a Meter Test Fee of **\$50.00** shall be imposed on the affected account.

18. **Meter Relocation Fee.** The fee for moving a meter from one location to another under the terms of Section E.24 shall be **\$500.00** and for a maximum of 15' feet. If more than 15' feet is required, a new tap may be required with associated fees. During removal of the meter intended for relocation the District shall also remove the existing service tap

19. **Temporary Service Charges.** Temporary service is defined as service requested for purposes of inspection or clean up following construction on the property and expires at the end of thirty (30) days from the date requested. Prior to providing temporary water service, the District shall charge a non-refundable temporary service fee of **\$75.00**. Temporary service customers will be charged the current gallonage charge per thousand gallons of water used. In the event an additional thirty (30) days is required, the customer will be charged an additional, non-refundable, temporary service fee of **\$75.00**. [See Appendix C, Form C-19]

20. **Hydrant Meter Service.** All water taken from District owned hydrants and flush valves must be metered through a District supplied hydrant meter connected to a backflow prevention device (either a reduced pressure zone device (RPZ) or double-check valve). Hydrant service applicants must complete a Hydrant Meter Service Application and Agreement and pay a **\$2,500.00** deposit, which is refundable upon return of the hydrant meter and backflow prevention device less any outstanding service charges or costs to repair damage to the hydrant meter and backflow prevention device caused by customer. Hydrant meter service customers shall pay a monthly base rate in the amount of **\$200.00** plus the current bulk water gallonage charge per thousand gallons of water used. A **\$50.00** backflow device testing fee will be applied to the first month's bill. [See Appendix C, Form C-20] The District reserves the right to remove or retrieve a hydrant meter at any time and without notice to the hydrant meter service customer for any failure by the customer to comply with applicable District service polices or the Hydrant Meter Service Application and Agreement.

21. **Non-Disclosure Fee.** A fee of **\$2.00** may be assessed to any customer who requests in writing that personal information under the terms of this Rate Order not be disclosed to the public.

22. **Information Disclosure Fee.** All public information, except that which has been individually requested as confidential, shall be available to the public for a fee to be determined by the District based on the level of service and costs to provide such information, but not to be inconsistent with the terms of the Texas Publication Information Act, Chapter 552, Texas Government Code (f/k/a Texas Open Records Act).

23. **Customer Service Inspection Fee.**

(a) Residential. At the time service is requested, a customer service inspection fee of **\$50.00** will be assessed to a residential applicant. An additional **\$50.00** will be assessed for each additional inspection required.

(b) Commercial. At the time service is requested, a customer service inspection fee of **\$100.00** will be assessed to a commercial applicant. An additional **\$100.00** will be assessed for each additional inspection required.

24. **Franchise Fee Assessment.** A fee of **5.0%** of the amount billed for water service will be assessed each customer whose meter is located inside the corporate limits of a municipality that imposes a franchise tax on the District.

25. **Additional Assessments.** In the event any federal, state or local government imposes on the District a "per meter" fee or an assessment based on a percent of water charges, this fee or assessment will be billed and collected as a "pass through" charge to the customer.

26. **Fire Hydrant Fee.** The District shall charge a fee of **\$6,500.00** or the actual cost of the fire hydrant together with any and all other actual costs associated, whichever is greater, for each fire hydrant requested.

27. **Other Fees.** All services outside the normal scope of utility operations that the District may be compelled to provide at the request of a customer shall be charged to the recipient based on the cost of providing such service.

28. **Fees Non-refundable.** All fees, rates and charges contained in this Rate Order are non-refundable unless expressly stated otherwise.

SECTION H.

DROUGHT CONTINGENCY PLAN FOR RETAIL AND WHOLESALE WATER CUSTOMERS

1. **Declaration of Policy, Purpose, and Intent.** In order to conserve the available water supply and protect the integrity of its water district facilities, with particular regard for domestic water use, sanitation, and fire protection and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, Rockett Special Utility District (also to be referred herein as the "District") hereby adopts the following regulations and restrictions on the delivery and consumption of water by retail/wholesale water customers of the District.

Water uses regulated or prohibited under this Drought Contingency Plan ("Plan") are considered to be non-essential, and the continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water, which subjects the offender(s) to penalties as defined in Section 11 of this Plan.

2. **Public Involvement.** Rockett Special Utility District provided opportunities for the public and wholesale water customers to provide input into the preparation of this Drought Contingency Plan by means of complaints and issues presented to District staff over the previous drought situations.

3. **Water Customer Education.** Rockett Special Utility District will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Drought Contingency Plan, brochures on water conservation, and methods to conserve water.

4. **Coordination with Regional Water Planning Groups.** The water service area of Rockett Special Utility District is located within the Region C Water Planning area, and the District has provided a copy of this Plan to North Texas Municipal Water District.

5. **Authorization.** The General Manager of the District, including any person designated by the General Manager to act on the General Manager's behalf under this Plan, is hereby authorized and directed to implement the applicable provisions of this Plan upon determining that such implementation is necessary to protect public health, safety, and welfare. The General Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. Any reference to the General Manager in this Plan includes any person designated by the General Manager to act on the General Manager's behalf under this Plan.

6. **Application.** The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by Rockett Special Utility District. As used in this Plan, the terms "person" and "customer" include individual(s), corporations, partnerships, associations, and all other legal entities. The first two contingency plan stages in this Plan (Mild and Moderate) reflect voluntary conservation actions. The remaining two stages (Severe and Emergency) impose mandatory and increasingly restrictive limits on water usage.

7. **Definitions.** For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes, such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities, such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water, so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by Rockett Special Utility District.

Domestic water use: water use for personal needs or for household or sanitary purposes, such as drinking, bathing, heating, cooking, sanitation, or cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

(a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this Plan;

(b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;

- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life;
- (h) failure to repair controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

8. Criteria for Initiation and Termination of Drought Response Stages. The General Manager shall monitor water supply and demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The triggering criteria described below are based on previous experience and statistical data acquired over the last 40 years. Rockett Special Utility District has had a Plan in the past, but contracts have contained specific language for conservation and usage reduction for its customers when conditions warrant the need to do so or when the District's wholesale providers initiate their Drought Contingency Plan.

Stage 1 Triggers - MILD Water Shortage Conditions

Requirements for Initiation: Rockett Special Utility District will recognize that a mild water shortage condition exists when total daily water demands equals or exceeds 80% of the safe operating capacity of 10 million gallons per day for 3 consecutive days.

Requirements for Termination: Stage 1 of the Plan may be terminated when all of the conditions listed as triggering events cease to exist for a period of 30 consecutive days. Rockett Special Utility District will notify its customers of the termination of Stage 1 in the same manner as the notification of the initiation of Stage 1 of the Plan.

Stage 2 Triggers - MODERATE Water Shortage Conditions

Requirements for Initiation: Rockett Special Utility District will recognize that a moderate water shortage condition exists when the total daily water demands equals or exceeds 90% of the safe operating capacity of 11 million gallons per day for 3 consecutive days.

Requirements for Termination: Stage 2 of the Plan may be terminated when all of the conditions listed as triggering events cease to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Rockett Special Utility District will notify its customers of the termination of Stage 2 restrictions in the same manner as the notification of the initiation of Stage 2 of the Plan.

Stage 3 Triggers - SEVERE Water Shortage Conditions

Requirements for Initiation: Rockett Special Utility District will recognize that a severe water shortage condition exists when the total daily water demands equals or exceeds 100% of the safe operating capacity of 12 million gallons per day for 3 consecutive days.

Requirements for Termination: Stage 3 of the Plan may be terminated when all of the conditions listed as triggering events cease to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. Rockett Special Utility District will notify its customers of the termination of Stage 3 restrictions in the same manner as the notification of the initiation of Stage 3 of the Plan.

Stage 4 Triggers - EMERGENCY Water Shortage Conditions

Requirements for Initiation: Rockett Special Utility District will recognize that an emergency water shortage condition exists when a major water line breaks; pump or system failures occur, which causes unprecedented loss or capacity to provide water service; or natural or man-made contamination of the District's water supply sources occurs.

Requirements for Termination: Stage 4 of the Plan may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative. Rockett Special Utility District will notify its customers of the termination of Stage 4 restrictions in the same manner as the notification of the initiation of Stage 4 of the Plan.

9. **Drought Response Stages.** The General Manager will monitor water supply and demand conditions and, in accordance with the triggering criteria stated in Section 8 of this Plan, will determine when a mild, moderate, severe, or emergency water shortage condition exists and will implement the following actions:

Stage 1 Response - MILD Water Shortage Conditions

Target: Achieve a 20% reduction in total water use.

Best Management Practices for Supply Management: Inform the public to look for ways to voluntarily reduce water use; and notify wholesale, commercial, and other non-standard customers of the situation and request voluntary water use reductions.

Water Use Restrictions for Reducing Demand:

The General Manager may contact the District's wholesale customers to discuss the water supply and demand conditions and request that the District's wholesale water customers initiate voluntary measures to reduce water use by implementing Stage 1 of their drought contingency plans.

Stage 2 Response - MODERATE Water Shortage Conditions

Target: Achieve a 20% reduction in total water loss.

Best Management Practices for Supply Management: Continue voluntary usage under Stage 1 response. For all service addresses ending with an even number address, the suggested schedule for outside watering is Mondays and Thursdays between the hours of 6:00 p.m. and 10:00 a.m. For all service addresses ending with an odd number address, the suggested schedule for outside watering is Tuesdays and Fridays between the hours of 6:00 p.m. and 10:00 a.m. The General Manager may suggest other forms of reduction in water usage deemed unessential for public health or safety.

Water Use Restrictions for Reducing Demand:

(a) The General Manager may initiate weekly contact with wholesale water customers to discuss water supply and demand conditions and the possibility of pro rata curtailment of water diversions and/or delivery.

(b) The General Manager may request wholesale water customers to initiate mandatory measures to reduce unessential water use and to implement Stage 2 of their drought contingency plans.

(c) The General Manager may make preparations to implement pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each large-volume and wholesale customer of the District, according to the procedures specified in Section 10 of this Plan.

Stage 3 Response - SEVERE Water Shortage Conditions.

Target: Achieve a 20% reduction in total water loss.

Best Management Practices for Supply Management: All non-essential water uses will be completely prohibited. Only water usage required for the protection of public, health, safety, or welfare is permitted.

Water Use Restrictions for Reducing Demand:

(a) The General Manager will contact large-volume and wholesale customers as necessary to discuss water supply and demand conditions and will require wholesale water customers to initiate mandatory water restrictions by implementing Stage 3 of their drought contingency plans.

(b) The General Manager will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer, according to the procedures specified in Section 10 of the Plan.

Stage 4 Response - EMERGENCY Water Shortage Conditions.

Upon determining that an emergency water shortage condition exists as defined in Section 8 of this Plan, the General Manager shall:

(a) assess the severity of the problem and identify the actions needed and time required to solve the problem;

(b) notify the utility director, general manager, or other responsible official of each wholesale water customer by telephone or in person and discuss and require appropriate actions, according to the circumstances;

(c) inform the public to reduce water use until service is restored;

(d) contact municipal, county or state emergency response officials to request assistance, if appropriate;

(e) undertake necessary actions, including repairs and/or clean-up as needed; and

(f) prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

10. **Pro Rata Water Allocation.** In the event that the triggering criteria specified in Section 8 of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the General Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code § 11.039.

11. **Enforcement.** A violation of any provision of this Plan shall carry a penalty of forfeiture of Security Deposit (**\$100.00**) for each violation under Stage 2, Stage 3, and Stage 4 for retail customers. During any period when pro rata allocation of available water supplies is in effect, the District's wholesale water customers shall pay the following surcharges on excess water diversions and/or delivery:

(a) Two times (2x) the normal water charge per thousand gallons in excess of the monthly allocation up to five percent (5%) increase.

(b) Three times (3x) the normal water charge per thousand gallons in excess of the monthly allocation from five percent (5%) through ten percent (10%) above monthly allocation.

(c) Four times (4x) the normal water charge per thousand gallons in excess of the monthly allocation from ten percent (10%) through fifteen percent (15%) above monthly allocation.

(d) Five times (5x) the normal water charge per thousand gallons in excess of the monthly allocation from fifteen percent (15%) and above the monthly allocation.

12. **Variances.**

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

(1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; and/or

(2) Alternative methods achieve the same level of reduction in water use.

(b) Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within five (5) days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Board of Directors, and shall include the following:

- (1) Name and address of the petitioner(s);
- (2) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damages or harm will occur to petitioner or others if petitioner complies;
- (3) Description of the relief requested;
- (4) Period of time for which the variance is sought;
- (5) Alternative measures the petitioner is taking or purpose to take to meet the intent of this Plan and the compliance date; and
- (6) Other pertinent information required by the General Manager.

(c) Variances to this Plan granted by the General Manager shall be subject to the following conditions, unless waived or modified by the General Manager in writing:

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

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

13. **Severability.** It is hereby declared to be the intention of the Board of Directors that the sections, paragraphs, sentences, clauses, and provisions of this Plan are severable and, if any section, paragraph, sentence, clause, or provision of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, then such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and provisions of this Plan.

SECTION I.
INDIGENT ASSISTANCE POLICY

The District may permit a customer to receive water service at (i) the monthly service availability charge, (ii) a reduced rate, or (iii) free of any charge, provided the customer meets one or more of the following conditions:

(a) the customer receives Aid to Families with Dependent Children (AFDC benefits) if the only people included in the AFDC benefits are minor children;

(b) the customer or the customer's spouse receives Supplemental Security Income(SSI) benefits and has no income from any other source (including income from the earnings of any other member of the customer's household) in excess of **\$400.00** per month;

(c) the customer or the customer's spouse receives unemployment compensation from the State of Texas and receives no income from any other source (including income from the earnings of any other member of the customer's household) in excess of **\$400.00** per month; or

(d) the customer or the customer's spouse receives Veteran's Administration disability benefits and has no income from any other source (including income from the earnings of any other member of the customer's household) in excess of **\$400.00** per month.

To qualify for indigent assistance, the customer must submit an application for Indigent assistance to the Board of Directors, on a form approved by the District, and present proof of financial circumstances including, but not limited to, the following:

(a) proof of receipt of applicable benefits; and

(b) copies of wage statements and/or federal income tax returns.

Indigent assistance is available in other hardship cases at the discretion of the Board of Directors upon application and presentation of appropriate proof of financial indigence.

Applicants for indigent assistance shall complete only the District's approved form. The indigent assistance applicant shall apply separately for each case on a need-by-need basis.

SECTION J.

WATER CONSERVATION PLAN

1. Declaration of Policy, Purpose and Intent. In order to conserve the available water supply and/or protect the integrity of the water supply facilities, with particular regard for domestic water use, sanitation, fire protection, to protect and preserve public health, welfare, safety and minimize the adverse impacts supply shortage or other water supply emergency conditions. Rockett Special Utility District adopts the following Water Conservation Plan.

Water uses regulated or prohibited under the Water Conservation Plan are considered to be non-essential, and the continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water, which subjects the offender(s) to penalties as referenced in the Drought Contingency Plan.

2. Service Area. Rockett Special Utility District is a water supply district covering 176 square miles with a distribution system consisting of 570 linear miles of pipe. Rockett Special Utility District is currently under contract to purchase treated water from the City of Midlothian (a take or pay for 2.0 mgd per day, but not to exceed 2.5 mgd per day) and Rockett Special Utility District and the City of Waxahachie entered into a joint venture agreement to construct the Robert W. Sokoll Water Treatment Plant (“Sokoll WTP”). The plant capable of treating 20 mgd and is projected to treat up to 80 mgd at total build out. Rockett Special Utility District purchased water rights of 10.05 mgd from the Tarrant Regional Water District that are assigned to be treated at the Sokoll WTP. Rockett Special Utility District currently sells water to the City of Palmer, City of Ferris, City of Red Oak, Rural Bardwell WSC, and Sardis-Lone Elm WSC.

3. Review and Modification of Plan. This Water Conservation Plan will be reviewed and updated, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. Rockett Special Utility District will review and update the next revision of its Water Conservation Plan not later than May 1, 2023 and every five (5) years after that date to coincide with the regional water planning group.

4. Authorization, Implementation, and Enforcement. The Manager, or his/her designee, is hereby authorized and directed to implement and enforce this Water Conservation Plan. The ordinances to adopt the Water Conservation Plan and the Drought Contingency Plan is included.

5. Application. The provisions of this plan shall apply to all persons, customers and property utilizing water provided by Rockett Special Utility District. The terms person and customer as used in the plan included individuals, corporations, partnership, associations, and all other legal entities.

6. Definitions. For the purpose of this plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes, such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities, such as retail establishments, hotels, motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water, so that a supply is conserved and made available for future or alternative use.

Customer: any person, company, or organization using water supplied by Rockett Special Utility District.

Domestic water use: water use for personal needs or for household or sanitary purposes, such as drinking, bathing, heating, cooking, sanitation, or cleaning a residence, business, industry, or institution.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, right-of-way, medians and agriculture.

Livestock: water used for all livestock will be available. Water float devices should be monitored for possible problems of overflowing.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pool or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life;
- (h) failure to repair controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction or any other purposes other than fire fighting.

7. Water Conservation Plan.

(a) Specification of Conservation Goals and Objectives. In accordance with 30 TAC § 288.2(a)(1)(C), the following objectives and five (5) and ten (10) year targets have been established below.

The objectives of this Water Conservation Plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts;
- To reduce the loss and waste of water; and
- To improve efficiency in the use of water.

Five-year targets based on 5-year rolling averages:

- (1) Reduce average gallons per capita per day (gpcd) consumption from the current level of 97 gpcd to 94 gpcd.
- (2) Reduce the residential average gpcd from the current level of 59 gpcd to 57 gpcd.
- (3) Reduce the level of water loss to 14 gpcd from the current average annual level of 16 gpcd.

Ten-year targets based on 5-year rolling averages:

- (1) Reduce average gpcd consumption to 92 gpcd.
- (2) Reduce the residential average gpcd to 55 gpcd.
- (3) Reduce the level of water loss to 13 gpcd.

To accomplish these goals, Rockett Special Utility District will utilize the programs and policies in this plan, such as accurate metering devices, meter testing and replacement, public education, non-promotional water rates, and leak detection and repairs. Areas of the water system in which numerous leaks and line breaks occur are targeted for replacement as funds are available, as well as installation of pressure reducing valves to help in areas of excessive pressure.

(b) Metering. Rockett Special Utility District currently has a customer base of 12,208 active connections, which is about 36,624 population. Rockett Special Utility District is composed of 99% residential and 1% wholesale, commercial and industrial customers. Rockett Special Utility District meters 100% of the connections to the distribution system. Water purchased from the City of Midlothian and the Robert W. Sokoll Water Treatment Plant are read through the SCADA system and read manually on a daily basis. In addition, meters to our wholesale customers are read daily. Meters range from $\frac{3}{4}$ " to 8". Rockett Special Utility District completed a meter change out program to install digital meters with cellular transmitters. The program consisted of changing out all $\frac{3}{4}$ " to 2" meters and was completed in April 2016. All meters are designed to provide accurate flows to within +/-2%. Additionally, meters are tested upon customer request and replaced if their accuracy is not within AWWA standards. All meters are replaced after 7 to 10 years of service. Meters to our wholesale customers are calibrated and certified on a yearly basis.

(c) Determination and Control of Water Loss. Rockett Special Utility District makes monthly accounting of water delivery efficiencies. At the end of the month, the business office calculates the difference between water purchased to the system and water sold through the meters. This calculation is reduced to a percentage of water losses. This is maintained and reviewed on an annual basis.

- (1) Leaks are reported by an employee as well as the general public.
- (2) Sizable leaks can be noticed on the SCADA system and attended to as needed.

(3) All leaks are repaired as soon as possible. Water operators continuously inspect the system and look for leaks along the distribution lines.

(4) Excessive high meter readings and non-registering meters are checked monthly.

(d) Public Education. Rockett Special Utility District will periodically provide the public with information about water conservation measures through the following methods:

(1) public notices, press releases, and mailings;

(2) the website <https://eyeonwater.com/>, where the District provides an online account for customers to monitor their water usage and set up leak alerts to notify customers of continuous flow; and

(3) literature to educate and provide water conservation tips for landscaping, irrigation, among other actions.

(e) Water Rates. Rockett Special Utility District has an escalating water rate scale that promotes conservation. When the customer reaches a consumption of 10,000 gallons, the rate increases for all usage above the specified amount. A copy of the water rate scale is included in the Attachments, attached hereto this Section J of the District's Rate Order and incorporated for all purposes herein.

Attachment 1 includes the Rate Fee Sheet effective January 1, 2018.

(f) Coordination with Regional Water Planning Group. The water service area for Rockett Special Utility District is located within the Regional C Water Planning Area, and Rockett Special Utility District has provided a copy of this plan to Jody Puckett, Chairperson of the Region C Planning Group, 1500 Marilla Street, Dallas, Texas 75201.

Attachment 2 includes the District's letter to the Region C Planning Group.

(g) Record Management System. Rockett Special Utility District office maintains records of:

- Water Purchased
- Meters readings within the system monthly
- Loss calculations

(h) Other Conservation Measures. Rockett Special Utility District recognizes that in order to accomplish the goals and objectives of this Water Conservation Plan, other conservation measures may be required that are not outlined within the body of this document. Rockett Special Utility District is aware of the Water Conservation Best Management Practices Guide published by the Water Conservation Implementation Task Force in November 2013. Rockett Special Utility District will consider implementing other measures either from the BMP guide or as otherwise seen to fit assure compliance with the plan.

8. Utility Profile. Rockett Special Utility District's Utility Profile is included in this Water Conservation Plan.

Attachment 3: the District's Certificate of Convenience and Necessity (CCN)

Attachment 4: Projected Water Demands

Attachment 5: Pump Stations Sites and Storage Capacity

ATTACHMENT 1

Rate Fee Sheet effective January 1, 2018

Residential Service	
1 to 10,000 gallons	\$4.85 per thousand gallons
10,001 to 20,000 gallons	\$6.30 per thousand gallons
20,001 to 30,000 gallons	\$8.20 per thousand gallons
Over 30,000 gallons	\$9.45 per thousand gallons

Commercial Service	
0 to 20,000 gallons	\$4.85 per thousand gallons
20,001 to 50,000 gallons	\$5.55 per thousand gallons
50,001 to 150,000 gallons	\$6.10 per thousand gallons
Over 150,000 gallons	\$6.65 per thousand gallons

Distribution Wholesale Customer	Rate per 1,000 gallons
City of Ferris	\$4.99
City of Palmer	\$4.99
Rural Bardwell WSC	\$4.99

Transmission Wholesale Customer	Rate per 1,000 gallons
Sardis Lone Elm WSC	\$3.94

Bulk Water	Rate per 1,000 gallons
Bulk Water Rates	\$7.00

ATTACHMENT 2

Letter to Region C Planning Area Chairperson



April 18, 2018

Ms. Puckett
Chair – Region C Planning Group
1500 Marilla St
Dallas, TX 75201

Dear Ms. Puckett:

Enclosed you will find the 2018 Water Conservation Plan for Rockett Special Utility District.

Please feel free to contact Robert Woodall or myself if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Robert Woodall".

Robert Woodall
Operations Manager/Conservation Coordinator

Enclosure

ATTACHMENT 3

The District's Certificate of Convenience and Necessity (CCN)

COUNTY OF TRAVIS
TEXAS WATER COMMISSION certify that this is a true and correct copy of the Texas Water Commission document, the original of which is filed in the permanent records of the Commission.



Given under my hand and the seal of office on
NOV 12 1991

Gloria A. Vasquez
Gloria A. Vasquez, Chief Clerk
Texas Water Commission

CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code
and Texas Water Commission Substantive Rules

Certificate No. 10099

I. Certificate Holder:

Name: Rockett Special Utility District
Address: P. O. Box 40
Red Oak, Texas 75154

II. General Description and Location of Service Area:

The area covered by this certificate is located northeast of Waxahachie, Texas and generally bounded on the east by Grove Creek, on the south by Farm to Market Road 878, on the west by Grove Creek and Farm to Market Road 664 and on the north by county roads in Dallas County and the Ellis/Dallas County Line in Ellis and Dallas Counties, Texas.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official water service area maps, WRS-71 and WRS 57, maintained in the offices of the Texas Water Commission, 1700 North Congress, Austin, Texas with all attendant privileges and obligations.

This certificate is subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: OCT 31 1991

ATTEST: *Gloria A. Vasquez* *John Hall*
For the Commission

The following address is in Rockett Special Utility District's service area:

Rockett Special utility District

ATTACHMENT 4

Projected Water Demand for the Next 10 Years

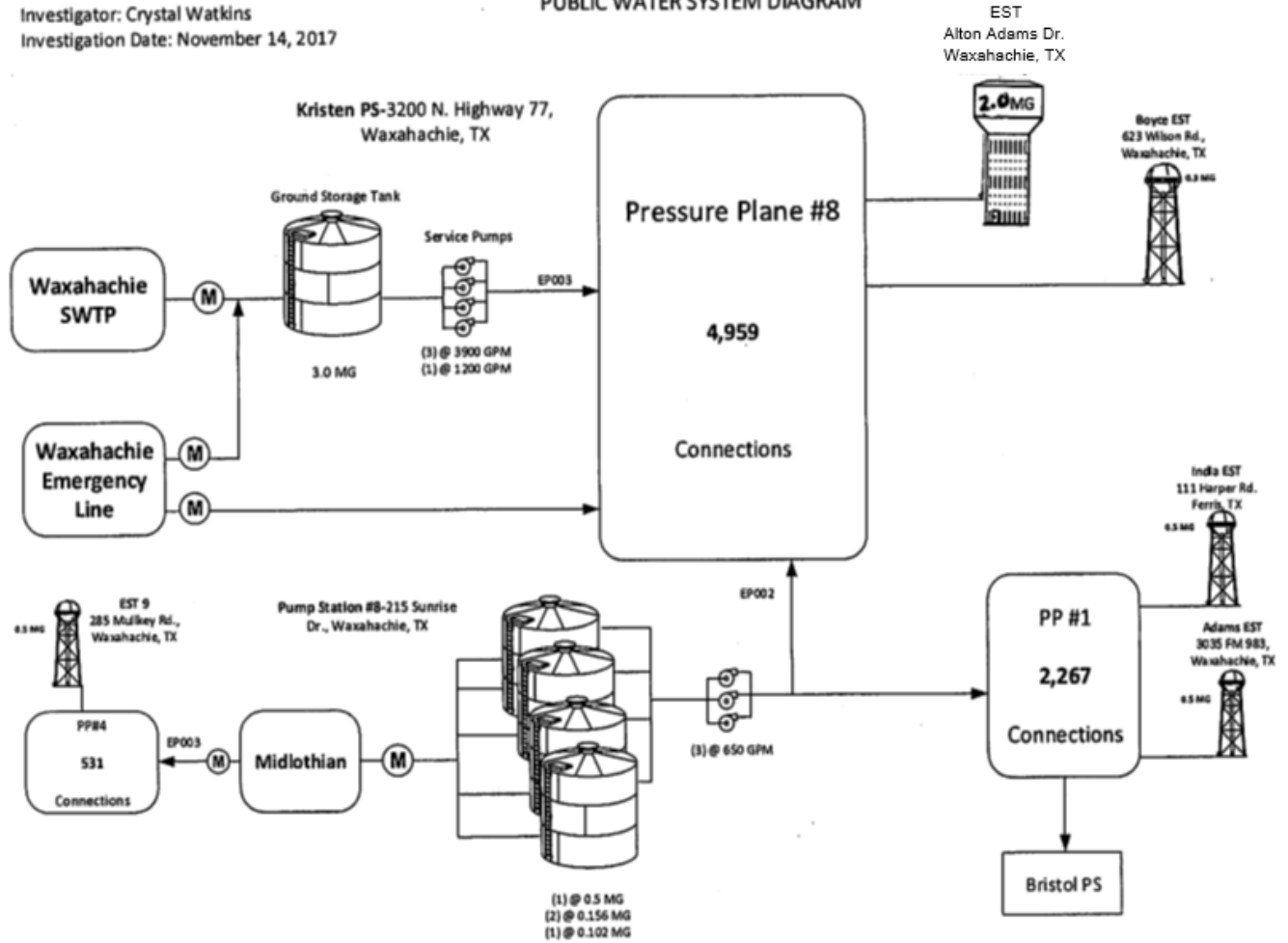
Year	Population	Water Demand (gallons)
2019	37,575	4,550,000
2020	38,946	4,600,000
2021	40,017	4,640,000
2022	41,118	4,690,000
2023	42,249	4,740,000
2024	43,410	4,780,000
2025	44,604	4,830,000
2026	45,831	4,880,000
2027	46,460	4,930,000
2028	48,150	4,970,000

ATTACHMENT 5

Pump Station Sites and Storage Capacity

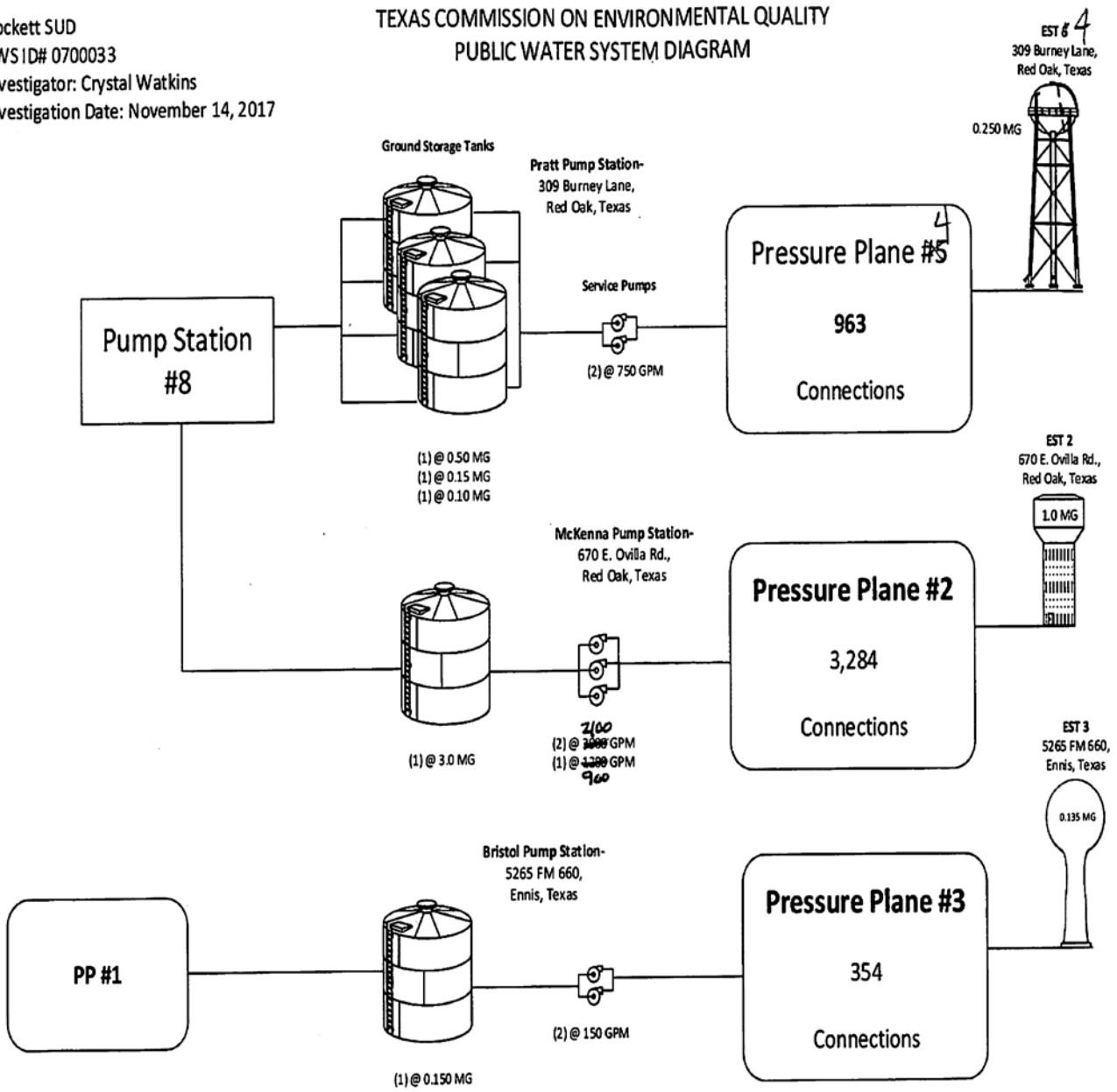
Rockett SUD
PWS ID# 0700033
Investigator: Crystal Watkins
Investigation Date: November 14, 2017

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PUBLIC WATER SYSTEM DIAGRAM



Rockett SUD
 PWS ID# 0700033
 Investigator: Crystal Watkins
 Investigation Date: November 14, 2017

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 PUBLIC WATER SYSTEM DIAGRAM



SECTION K.

MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEM

1. Definitions. The following words and terms, when used in this resolution, have the following meanings, unless the context clearly indicates otherwise.

Air gap - A complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.

Atmospheric Vacuum Breaker - An assembly containing an air inlet valve, a check seat, and an air inlet port. The flow of water into the body causes the air inlet valve to close the air inlet port. When the flow of water stops the air inlet valve falls and forms a check against back-siphonage. At the same time it opens the air inlet port allowing air to enter and satisfy the vacuum. Also known as an Atmospheric Vacuum Breaker Back-Siphonage Prevention Assembly.

Backflow prevention - The mechanical prevention of reverse flow, or back siphonage, of nonpotable water from an irrigation system into the potable water source.

Backflow prevention assembly - Any assembly used to prevent backflow into a potable water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.

Completion of irrigation system installation - When the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.

Consulting - The act of providing advice, guidance, review or recommendations related to landscape irrigation systems.

Cross-connection - An actual or potential connection between a potable water source and an irrigation system that may contain contaminants or pollutants or any source of water that has been treated to a lesser degree in the treatment process.

Design - The act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

Design pressure - The pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.

Double Check Valve - An assembly that is composed of two independently acting, approved check valves, including tightly closed resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. Also known as a Double Check Valve Backflow Prevention Assembly.

Emission device - Any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.

Employed - Engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, 26 United States Code Service, §3212(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

Head-to-head spacing - The spacing of spray or rotary heads equal to the manufacturer's published radius of the head.

Health hazard - A cross-connection or potential cross-connection with an irrigation system that involves any substance that may, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects.

Hydraulics - the science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

Inspector - A licensed plumbing inspector, water district operator, other governmental entity, or irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor.

Installer - A person who actually connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

Irrigation inspector - A person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

Irrigation plan - A scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

Irrigation services - Selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

Irrigation system - An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code, §251.002.

Irrigation technician - A person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

Irrigation zone - A subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

Irrigator - A person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

Irrigator-in-Charge - The irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to obtaining permits, developing design plans, supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation system.

Landscape irrigation - The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

License - An occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30 to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.

Mainline - A pipe within an irrigation system that delivers water from the water source to the individual zone valves.

Maintenance checklist - A document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the

system is installed.

Major maintenance, alteration, repair, or service - Any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

Master valve - A remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

Matched precipitation rate - The condition in which all sprinkler heads within an irrigation zone apply water at the same rate.

New installation - An irrigation system installed at a location where one did not previously exist.

Pass-through contract - A written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.

Potable water - Water that is suitable for human consumption.

Pressure Vacuum Breaker - An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. Also known as a Pressure Vacuum Breaker Back-siphonage Prevention Assembly.

Reclaimed water - Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

Records of landscape irrigation activities - The irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.

Reduced Pressure Principle Backflow Prevention Assembly - An assembly containing two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

Static water pressure - The pressure of water when it is not moving.

Supervision - The on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair or service an irrigation system.

Water conservation - The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of

water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

Zone flow - A measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

Zone valve - An automatic valve that controls a single zone of a landscape irrigation system.

2. Valid License Required. Any person who connects an irrigation system to the water supply within the district service area, must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903 of the Texas Occupations Code, or as defined by Chapter 365, Title 22 of the Texas Administrative Code and required by Chapter 1301 of the Texas Occupations Code.

Exemptions -

A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, §1903.002(c)(1) if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344 regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. The district may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation system. See Texas Occupations Code §1903.002 for other exemptions to the licensing requirement.

3. Permit Required. Any person installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the city is required to obtain a permit from the district. Any plan approved for a permit must be in compliance with the requirements of this chapter. (Each district should include provisions regarding the appropriate department and process for obtaining a permit.)

Exemptions -

(1) An irrigation system that is that an on-site sewage disposal system, as defined by Section 355.002, Health and Safety Code; or

(2) An irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code; or

(3) An irrigation system connected to a groundwater well used by the property owner for domestic use.

4. Backflow Prevention Methods and Devices.

(a) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on

Environmental Quality (TCEQ). The backflow prevention device must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.

(b) If conditions that present a health hazard exist, one of the following methods must be used to prevent backflow;

(1) An air gap may be used if:

(A) there is an unobstructed physical separation; and

(B) the distance from the lowest point of the water supply outlet to the flood rim of the fixture or assembly into which the outlet discharges is at least one inch or twice the diameter of the water supply outlet, whichever is greater.

(2) Reduced pressure principle backflow prevention assemblies may be used if:

(A) the device is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and

(B) drainage is provided for any water that may be discharged through the assembly relief valve.

(3) Pressure vacuum breakers may be used if:

(A) no back-pressure condition will occur; and

(B) the device is installed at a minimum of 12 inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler.

(4) Atmospheric vacuum breakers may be used if:

(A) no back-pressure will be present;

(B) there are no shutoff valves downstream from the atmospheric vacuum breaker;

(C) the device is installed at a minimum of six inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler;

(D) there is no continuous pressure on the supply side of the atmospheric vacuum breaker for more than 12 hours in any 24-hour period; and

(E) a separate atmospheric vacuum breaker is installed on the discharge side of each irrigation control valve, between the valve and all the emission devices that the valve controls.

(c) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.

If the district chooses to permit the use of double check valves:

(d) If there are no conditions that present a health hazard, double check valve backflow prevention assemblies may be used to prevent backflow if the device is tested upon installation and test cocks are used for testing only.

(e) If a double check valve is installed below ground:

(1) test cocks must be plugged, except when the double check valve is being tested;

(2) test cock plugs must be threaded, water-tight, and made of non-ferrous material;

(3) a y-type strainer is installed on the inlet side of the double check valve;

(4) there must be a clearance between any fill material and the bottom of the double check valve to allow space for testing and repair; and

(5) there must be space on the side of the double check valve to test and repair the double check valve.

(d/f) If an existing irrigation system without a backflow-prevention assembly requires major maintenance, alteration, repair, or service, the system must be connected to the potable water supply through an approved, properly installed backflow prevention method before any major maintenance, alteration, repair, or service is performed.

(d/f) If an irrigation system is connected to a potable water supply through a double check valve, pressure vacuum breaker, or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.

(e/h) The irrigator shall ensure the backflow prevention device is tested by a licensed Backflow Prevention Assembly Tester prior to being placed in service and the test results provided to the local water purveyor and the irrigation systems owner or owners representative within ten business days of testing of the backflow prevention device.

5. Specific Conditions and Cross-Connection Control.

(a) Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly or air gap.

(b) Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly or an air gap.

(c) Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow device.

(d) If an irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, then:

(1) all irrigation piping and valves must meet the separation distances from the On-Site Sewage Facilities system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10);

(2) any connections using a private or public potable water source that is not the district's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.50; and

(3) any water from the irrigation system that is applied to the surface of the area utilized by the On-Site Sewage Facility system must be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the On-Site Sewage Facilities system from operating effectively.

6. Water Conservation.

All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined in the Definitions section of this ordinance.

7. Irrigation Plan Design: Minimum Standards.

(a) An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations. During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

- (1) diminish the operational integrity of the irrigation system;
- (2) violate any requirements of this ordinance; and
- (3) go unnoted in red on the irrigation plan.

(b) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.

(c) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:

- (1) the irrigator's seal, signature, and date of signing;
- (2) all major physical features and the boundaries of the areas to be watered;
- (3) a North arrow;
- (4) a legend;
- (5) the zone flow measurement for each zone;
- (6) location and type of each:
 - (A) controller; and
 - (B) sensor (for example, but not limited to, rain, moisture, wind, flow, or freeze);
- (7) location, type, and size of each:
 - (A) water source, such as, but not limited to a water meter and point(s) of connection;
 - (B) backflow prevention device;
 - (C) water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;
 - (D) valve, including but not limited to, zone valves, master valves, and isolation valves;
 - (E) pressure regulation component; and
 - (F) main line and lateral piping.
- (8) the scale used; and
- (9) the design pressure.

8. Design and Installation: Minimum Requirements.

(a) No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.

(b) Spacing.

(1) The maximum spacing between emission devices must not exceed the manufacturers published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturers published specifications for a specific emission device at a specific operating pressure.

(2) New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.

(3) Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.

(c) Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.

(d) Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.

(e) Irrigation Zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.

(f) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

(g) Irrigation systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.

(h) Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.

(i) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a colored primer prior to applying the PVC cement in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(j) Rain or moisture shut-off devices or other technology. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall.

(k) Isolation valve. All new irrigation systems must include an isolation valve between the water meter and the backflow prevention device.

(l) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

(1) If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.

(2) If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.

(3) All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.

(m) Wiring irrigation systems.

(1) Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.

(2) Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.

(3) Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.

(4) Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.

(n) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an

outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box and the hose bib and any hoses connected to the bib must be labeled "non potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

(o) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not onsite, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

9. Completion of Irrigation System Installation.

Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete four items:

(1) a final "walk through" with the irrigation systems owner or the owners representative to explain the operation of the system;

(2) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation systems owner or owners representative and shall sign, date, and seal the checklist. If the irrigation systems owner or owners representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation systems owner or owners representatives signature line. The irrigation system owner or owners representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include but are not limited to:

(A) the manufacturer's manual for the automatic controller, if the system is automatic;

(B) a seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;

(C) a list of components, such as the nozzle, or pump filters, and other such components; that require maintenance and the recommended frequency for the service; and

(D) the statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."

(3) A permanent sticker which contains the irrigator's name, license number, company name, telephone number and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink and include:

(4) The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or owner representative.

10. Maintenance, Alteration, Repair, or Service of Irrigation Systems.

(a) The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.

(b) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.

(c) Colored PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(d) When maintenance, alteration, repair or service of an irrigation system involves excavation work at the water meter or backflow prevention device, an isolation valve shall be installed, if an isolation valve is not present.

11. Advertisement Requirements.

(a) All vehicles used in the performance of irrigation installation, maintenance, alteration, repair, or service must display the irrigators license number in the form of "LI _____" in a contrasting color of block letters at least two inches high, on both sides of the vehicle.

(b) All forms of written and electronic advertisements for irrigation services must display the irrigators license number in the form of "LI _____." Any form of advertisement, including business cards, and estimates which displays an entity's or individuals name other than that of the licensed irrigator must also display the name of the licensed irrigator and the licensed irrigators license number. Trailers that advertise irrigation services must display the irrigators license number.

(c) The name, mailing address, and telephone number of the commission must be prominently displayed on a legible sign and displayed in plain view for the purpose of addressing complaints at the permanent structure where irrigation business is primarily conducted and irrigation records are kept.

12. Contracts.

(a) All contracts to install an irrigation system must be in writing and signed by each party and must specify the irrigators name, license number, business address, current business telephone numbers, the date that each party signed the agreement, the total agreed price, and must contain the statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.state.tx.us." All contracts must include the irrigator's seal, signature, and date.

(b) All written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) must include the irrigators name, license number, business address, current business telephone number(s), and the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: www.tceq.state.tx.us."

(c) An individual who agrees by contract to provide irrigation services as defined in Title 30, Texas Administrative Code, Section 344.30 (relating to License Required) shall hold an irrigator license issued under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations) unless the contract is a pass-through contract as defined in Title 30, Texas Administrative Code, Section 344.1(36) (relating to Definitions). If a pass-through contract includes irrigation services, then the irrigation portion of the contract can only be performed by a licensed irrigator. If an irrigator installs a system pursuant to a pass-through contract, the irrigator shall still be responsible for providing the irrigation systems owner or through contract, the irrigator shall still be responsible for providing the irrigation systems owner or owners representative a copy of the warranty and all other documents required under this chapter. A pass-through contract must identify by name and license number the irrigator that will perform the work and must provide a mechanism for contacting the irrigator for irrigation system warranty work.

(d) The contract must include the dates that the warranty is valid.

13. Warranties for Systems.

(a) On all installations of new irrigation systems, an irrigator shall present the irrigation systems owner or owner's representative with a written warranty covering materials and labor furnished in the new installation of the irrigation system. The irrigator shall be responsible for adhering to terms of the warranty. If the irrigators warranty is less than the manufacturer's warranty for the system components, then the irrigator shall provide the irrigation system's owner or the owners representative with applicable information regarding the manufacturer's warranty period. The warranty must include the irrigators seal, signature, and date. If the warranty is part of an irrigators contract, a separate warranty document is not required.

(b) An irrigators written warranty on new irrigation systems must specify the irrigators name, business address, and business telephone number(s), must contain the signature of the irrigation system's owner or owner's representative confirming receipt of the warranty and must include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 130897, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.state.tx.us."

(c) On all maintenance, alterations, repairs, or service to existing irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative a written document that identifies the materials furnished in the maintenance, alteration, repair, or service. If a warranty is provided, the irrigator shall abide by the terms. The warranty document must include the irrigator's name and business contact information.

14. Duties and Responsibilities of District Irrigation Inspectors.

A licensed irrigation inspector shall enforce the ordinance of the district, and shall be responsible for:

- (1) verifying that the appropriate permits have been obtained for an irrigation system and that the irrigator and installer or irrigation technician, if applicable, are licensed;
- (2) inspecting the irrigation system;
- (3) determining that the irrigation system complies with the requirements of this chapter;
- (4) determining that the appropriate backflow prevention device was installed, tested, and test results provided to the district;
- (5) investigating complaints related to irrigation system installation, maintenance, alteration, repairs, or service of an irrigation system and advertisement of irrigation services; and
- (6) maintaining records according to this chapter. Items not covered by this ordinance

Any item not covered by their ordinance and required by law shall be governed by the Texas Occupations Code, the Texas Water Code, Title 30 of the Texas Administrative Code, and any other applicable state statute or Texas Commission on Environmental Quality rule.

15. Fees.

The board of directors may create a schedule of fees for obtaining and renewing an irrigation permit. These fees will be in amounts sufficient to cover the district's costs in issuing and renewing the permits, including, but not limited to, staff time and other overhead costs. This schedule will be kept in the district office.

16. Enforcement.

(a) The district shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of the ordinance codified in this chapter is declared to be a nuisance.

(b) Any person violating any provision of chapter shall, upon conviction, be fined a sum not exceeding \$2000.00. Each day that a provision of this chapter is violated shall

constitute a separate offense. An offense under this chapter is a Class C misdemeanor, punishable by a fine of up to \$2000.00.

(c) Nothing in this chapter shall be construed as a waiver of the district's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

(1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and

(2) Other available relief.

If any provision or any section of this Ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

This Ordinance has a penalty for violation, and it shall become effective upon its, published notice of the Ordinance and the penalty for its violation, once a week for 2 (two) consecutive weeks in a newspaper with general circulation in the area in which the district is located, which date is expected to be June 19, 2009.