

# Truckee Meadows Water Authority

## RULE 3

### APPLICATION FOR, AND DISCONTINUANCE, TERMINATION, AND RESTORATION OF THE DELIVERY OF WATER

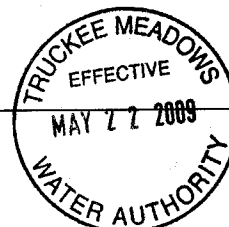
#### **A. Application for the Delivery of Water**

1. Content. Each Customer applying for delivery of water will be required to provide the Authority information which includes, but is not limited to, the following:
  - a. Date and place of application.
  - b. Street address of the Service Connection where water is to be delivered.
  - c. Date the Customer will be ready for delivery of water.
  - d. Whether the Service Property(ies) has been previously supplied with water by the Authority.
  - e. Purposes for which water is to be used.
  - f. Address to which notices and/or bills are to be mailed or delivered.
  - g. Whether the Customer is owner of, tenant of, or agent for the Premise(s).
  - h. Social Security Number or Federal Tax Identification Number, or if such are not provided, the Customer may be required to appear at Authority's business office and present a government-issued picture identification.
  - i. Any information as the Authority may reasonably require.

Authority shall determine the applicable Rate Schedule.

2. Place. Customers applying for the delivery of water for an existing Service may apply via telephone during normal Business Hours or at the Authority's website, [www.tmwa.com](http://www.tmwa.com). Exceptions may be made at the Authority's sole discretion.
3. Individual Liability for Joint Delivery of Water. Two or more parties who join in one application for delivery of water shall be jointly and severally liable for payment of bills and shall not be billed separately.
4. Change in Customer's equipment or operations. Customers desiring to make any change in the size, character or extent of the equipment or operations for which the Authority's delivery of water is utilized shall immediately file a new application for delivery of water with the Authority.
5. Conditions for Refusal. Except as otherwise provided in this Rule, the Authority may refuse delivery of water to a Customer until the Customer complies with the requirements of the Authority's Rules and Rate Schedules.

Added: 03/23/01 Amended: 10/01/03; 03/01/08; 05/21/09



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#### 6. Service Property Owners / Landlords

- a. The Authority may exercise any remedies afforded to the Authority by Law against the owner of a Service Property for damage to the Authority's Facilities or unpaid charges for Facilities or water delivery at such Service Property, regardless of whether the owner of the Service Property is the Customer of record.
- b. On a Service Property with a multi-unit complex where each unit is not individually metered, the Authority may at any time in its sole discretion require that the owner of the Service Property or the owner's agent be the Customer of record for that Service Property.
- c. If the owner, or agent of an owner, of a rental property desires to maintain an uninterrupted delivery of water to a Premise, the owner of, or agent for, the Service Property must agree to have the billing for delivery of water automatically transferred to his name in the event that a tenant Customer moves out of the Premise or has service disconnected for nonpayment. This shall be called a "Cut-In Landlord Agreement". The Cut-In Landlord Agreement does not preclude Termination of Delivery of Water due to non-payment. Except as provided in A.6.(b) above billing will only be transferred out of the owner's or owner's agent's name upon acceptance of an application by a new Customer pursuant to these Rules.
  - (1) The Cut-In Landlord Agreement will be removed from the Premise:
    - (a) At the request of the owner or agent.
    - (b) If the owner or agent fails to maintain Satisfactory Credit.
    - (c) If, when notified of any violations of the Authority's Rules, the owner, agent of the owner, or Customer fails to resolve the violation.
- d. The Customer for Private Fire Protection Service must be the owner of the Service Property.



Added: 03/23/01 Amended: 10/01/03; 03/01/08; 05/21/09

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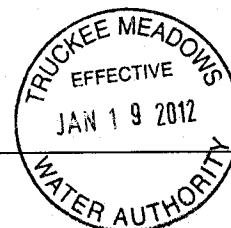
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#### B. Establishment of Credit

The Authority shall require a Customer to establish credit before it delivers water. Credit may be established by a Customer by any one of the following:

1. Having been a Customer of the Authority within the two (2) years preceding the date of application for the delivery of water for a similar Service Classification and having established Satisfactory Credit.
2. Having been a Customer of another utility within the two (2) years preceding the date of application for the delivery of water, and having made Timely Payment of each bill issued to him during any consecutive twelve (12) months within the two (2) years preceding the date of application for the delivery of water.
3. Receiving benefits from a retirement plan or the Social Security Administration provided the Customer is a residential Customer and maintains Satisfactory Credit.
4. Submitting payment of a cash Deposit to ensure the payment of a bill issued to him for delivery of water.
  - a. The cash Deposit for each service required by the Authority shall be the greater of \$100.00 or the amount calculated based on one of the following three conditions:
    - (1) Customer Establishing Credit at a Residential Premise:
      - (a) 150% of the previous twelve (12) months average use for the delivery of water multiplied by the applicable rate; or
      - (b) If the Premise does not have twelve (12) months usage history, 150% of the twelve (12) months average use for a comparable Service Classification multiplied by the applicable rate will be used to calculate the Deposit.
    - (2) Customer Establishing Credit at a Non-Residential Premise:
      - (a) 200% of the previous twelve (12) months average use for the delivery of water multiplied by the applicable rate; or
      - (b) If the Premise does not have twelve (12) months usage history, 200% of the twelve (12) months average use for a comparable Service Classification multiplied by the applicable rate will be used to calculate the Deposit.

Added: 10/01/03 Amended: 03/01/08; 05/21/09; 01/19/12



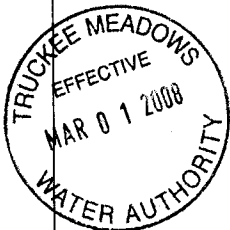
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(3) Customer Terminated or Eligible for Termination for Non-Payment:

- (a) 300% of the highest month's use during the previous twelve (12) months multiplied by the applicable rate will be required for the Premise at which termination was made; or
  - (b) If the Premise does not have twelve (12) months usage history, 300% of the highest month's use during the previous twelve (12) months for a comparable Service Classification multiplied by the applicable rate will be used to calculate the Deposit.
- b. A Customer who is required to pay a Deposit may, at the Authority's sole discretion, be permitted to enter into an agreement with the Authority for payment of the Deposit in three (3) equal installments collected over the first three monthly billing cycles rendered upon the first, second, and third consecutive months.
  - c. Service may be terminated without prior notice for any failure by Customer to pay the Deposit as agreed and, in such a case, the Customer may be required to pay the full amount of the Deposit plus any other money owed the Authority before delivery of water is restored.
  - d. A Deposit paid by Elderly Customers shall not exceed 50 percent of the Deposit established pursuant to this Section unless the Elderly Customer has had delivery of water terminated for non-payment of bills or has demonstrated Unsatisfactory Credit, under which circumstances the full Deposit must be made.
  - e. By posting a Deposit, the Customer agrees that the Deposit is a pledge to make future payments to the Authority and not payment for future services that are furnished by the Authority.
- (1) The Authority shall apply the Deposit together with interest accrued on the Deposit in compliance with NRS 704.655 to the Customer's final bill.
  - (2) In the case where a portion of the Deposit remains after amounts owed the Authority are paid, the Customer will receive a credit on the next bill or, upon request of the Customer, receive a refund of any Deposit with interest pursuant to NRS 704.655 on the balance remaining.
  - (3) In the case where the Deposit with interest is insufficient to pay the amount owed the Authority, the Customer shall pay the Authority amounts owed the Authority prior to reestablishment of delivery of water or reestablishment of credit.



Added: 10/01/03 Amended: 03/01/08

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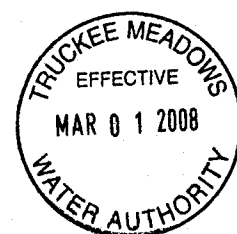
### APPLICATION FOR, AND DISCONTINUANCE, TERMINATION, AND RESTORATION OF THE DELIVERY OF WATER

- f. Return of Deposit. The Authority shall return any Deposit by applying the Deposit to the Customer's next bill with interest accrued on the Deposit when the Customer has Satisfactory Credit after a period of one (1) year.
  - g. Interest on Deposits held for over a year. The Authority will pay interest annually in compliance with NRS 704.655 on Deposits computed from the date of Deposit until the date of settlement or withdrawal of Deposit. Where such Deposit remains for a period of one year or more and the Person making the Deposit continues to be a Customer, the interest on the Deposit at the end of the year shall be applied to the depositor's account or paid to the depositor as directed by the depositor.
5. Using a Deposit Guarantor with Satisfactory Credit. To qualify as a Deposit Guarantor, the Customer Guarantor acknowledges and agrees to the following terms and conditions.
- a. A Deposit Guarantor must be a Customer of the Authority.
  - b. The liability of a Deposit Guarantor ceases after the date the Customer for whom the Deposit Guarantor is acting has established Satisfactory Credit.
  - c. A Deposit Guarantor who is required to make any payment for a Customer may pay the amount owed within a period of not more than three (3) months. If payment is not made within that period, the Authority may terminate delivery of water to the Deposit Guarantor without notice.
6. Otherwise establishing credit for the delivery of water requested that is acceptable to the Authority.

#### **C. Customer Request to Discontinue Delivery of Water**

Customers desiring to discontinue the delivery of water shall notify the Authority and provide a mailing address to which the final bill will be mailed. The Customer remains responsible for payment of all billings and charges for delivery of water and services rendered until the Authority terminates delivery of water, not to exceed five (5) Days after the Authority receives Customer's notice for discontinuance.

Added: 10/01/03 Amended: 03/01/08



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#### D. Termination of Delivery of Water by the Authority

##### 1. Grounds for Termination of Delivery of Water:

###### a. Without Prior Notice by the Authority

- (1) The Authority may terminate delivery of water to any Service Property without prior notice only:
  - (a) If any unsafe or hazardous condition related to the delivery of water is found to exist on the Customer's Premise(s);
  - (b) If the use of water is found to be detrimental or damaging to the Facilities or Services of the Authority or its customers;
  - (c) Customer's failure to pay a security Deposit, make an installation payment on a delinquent bill or a security Deposit, or a guarantee, when required.
  - (d) Upon the order of any court of competent jurisdiction, or the Board;
  - (e) If the acts of the Customer or the conditions upon his Service Property are such as to indicate to the Authority his intention to defraud the Authority;
  - (f) If the Authority has tried diligently to meet the notice requirements of this Section, but has not been able to furnish notice to the customers affected;
  - (g) If an event that cannot be reasonably anticipated or controlled occurs requiring termination of the delivery of water (force majeure);
  - (h) If the Premise has been abandoned;
  - (i) If the Customer obtained delivery of water without the specific credit authorization of the Authority;
  - (j) If the non-wholesale Customer resells delivery of water; or
  - (k) If the Authority is prohibited access to a Service Property for purposes of installing, operating, or maintaining Authority Facilities.

Added: 10/01/03 Amended: 03/01/08



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#### b. With Prior Notice by the Authority

(1) Except as provided in Sections D.4.c and D.4.d, the Authority may terminate delivery of water to a Customer without his permission after adequate notice has been given pursuant to this Rule for any of the following reasons:

##### (a) Nonpayment of a past due bill.

(i) The Authority shall require that bills for delivery of water be paid by the Due Date as defined in Rule 4.

(ii) The Authority may terminate delivery of water at the new location of a Customer for his failure to pay a delinquent bill for delivery of water which he received at a previous location, except as otherwise provided in this Rule.

(iii) If a Customer receives Residential Service at more than one location, the Authority may terminate delivery of water to him at any of the locations for his failure to pay a delinquent bill at any location.

##### (b) Customer's failure to repair his facilities' water leaks.

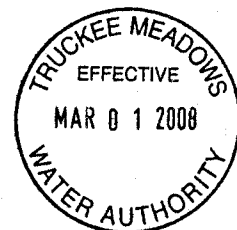
(c) Violation by Customer of any other Rules of the Authority or material breach by Customer of any contract with Authority.

#### 2. Notice of Intent to Terminate Delivery of Water

a. The Authority shall send written notice of intent to terminate delivery of water at least 10 Days before it terminates delivery of water. This initial notice of intent to terminate must be personally served or mailed first class to the last known mailing address of the Customer. Service of notice shall be deemed complete as of the date of mailing or personal delivery.

b. If the Authority receives no response to its initial notice of intent to terminate, it shall send a second notice to the Customer at least 48 hours before it terminates delivery of water. The second notice may be mailed by first class mail to the customer at his last known address, communicated to the Customer in person, or communicated by telephone to an Adult resident at the address where water is delivered, or may be posted on the door of that residence if no one is home.

Added: 10/01/03 Amended: 03/01/08



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c. The notice of intent to terminate must contain the following information in clear and understandable language:

- (1) An identification of the account affected by the notice to terminate;
- (2) The date on or after which the proposed termination will occur;
- (3) The address of the location where delivery of water will be terminated;
- (4) An explanation of the reasons for termination including, if the proposed termination is for nonpayment, the total amount owed, the period over which that amount was incurred, and the minimum payment required to avoid termination;
- (5) The notice must include the mailing address and telephone number of the Authority;
- (6) A statement of the Authority's charges and procedures for restoration of delivery of water.

d. If the Authority intends to terminate delivery of water at a Service Property serving multiple-unit residential complexes, including apartment complexes, mobile home parks and two or more detached single family dwellings it must also use best efforts to post notice of its intent to terminate in a conspicuous place or places at the location.

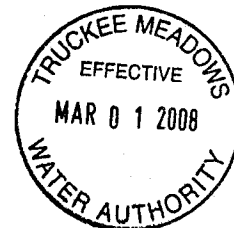
e. Third-Person Notification

As used in this Section, "third-person" includes any guarantor of the Customer making the designation and any other person or public agency, other than the Customer or the Authority.

- (1) The Authority shall, upon the request of a residential Customer, notify a third-person designated by the Customer of its intent to terminate by sending a duplicate of the notice to the third-person. The third-person need not pay the bill.
- (2) The Authority shall make a diligent effort to notify the designated third-person, but will incur no liability for failure to notify the third-person.

3. Termination Charges. The Authority will charge the Customer the applicable service charge(s) pursuant to Rate Schedule SC.

Added: 10/01/03 Amended: 03/01/08





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#### 4. Restrictions on Termination of Delivery of Water to Residential Services

##### a. During an Emergency Affecting Customer's Health

(1) The Authority shall postpone Termination of Delivery of Water to a Residential Service for a period of 30 Days beginning on the date it receives both of the following:

- (a) A written statement from a licensed physician or public health official certifying that any Termination of Delivery of Water would be especially dangerous to the health of the Customer or any other person who is a permanent resident where water is delivered and would constitute an emergency affecting the health of the person.

The physician or health official may consider the feebleness, advanced age, physical disability, mental incapacity, serious illness, or other infirmity of the person affected. Except as otherwise provided in this paragraph, the statement certifying the emergency must be in writing and include:

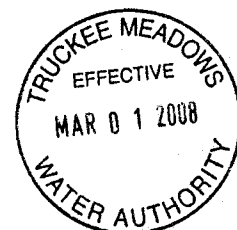
- (i) The street address of the Service Connection where the delivery of water is affected;
- (ii) The name of the person whose health would be especially endangered; and
- (iii) A clear description of the nature of the emergency, and the name, title, and signature of the person certifying the emergency.

The statement may be made by telephone if a written statement is forwarded to the Authority within five (5) Days after the oral statement is made.

- (b) A statement signed by the Customer:

- (i) That he is unable to pay for delivery of water in accordance with the requirements of the Authority's billing; or;
- (ii) That he is able to pay for delivery of water only in installments. The Authority shall allow an installment period of up to ninety (90) Days for a Customer to pay his bills.

Added: 10/01/03 Amended: 03/01/08



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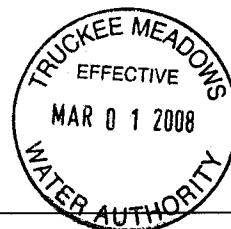
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- (2) The postponement may be extended for an additional thirty (30) Days upon receipt by the Authority of a renewed medical certificate before the expiration of the original postponement.
  - (3) If the Authority again intends to terminate delivery of water after a Customer has obtained a postponement pursuant to Section D.4.a.(1), the Authority shall give written notice of its intended action to the Customer and any other Person required to receive notice pursuant to Section D.2.
  - (4) Before expiration of the postponement, the Customer must arrange with the Authority to pay his bills in accordance with its applicable Rules.
- b. Weekends and Holidays. Except as provided in this Rule, the Authority shall not terminate delivery of water on a weekend, a holiday, or on the Day before a weekend or a holiday.
  - c. The Authority shall not terminate delivery of water to a Residential Service because of Customer's failure to pay a delinquent bill for another Service Classification at a different Service Property, or to any Customer because of delinquent bills which were incurred by the previous occupant of the Premise at which water is delivered, except as provided in Section A.6.
  - d. Elderly and Disabled Persons. The Authority shall not terminate delivery of water to Elderly or Disabled, or whose household includes an Elderly or Disabled person, unless it has made all reasonable attempts to notify the affected Customer or some other Adult resident in person or by telephone at the Premise where water is delivered at least forty eight (48) hours before the date upon which termination would occur.

#### **E. Restoration of Terminated Delivery of Water**

1. The Authority will restore delivery of water to a Customer:
  - a. If the Customer has complied with the requirements of the Authority's Rules.
  - b. Upon the order of any court of competent jurisdiction or the Board.
  - c. Upon the receipt of a written statement from a licensed physician or public health official certifying that any termination of the delivery of water would be especially dangerous to the health of the resident, as provided by this Rule.

Added: 10/01/03 Amended: 03/01/08

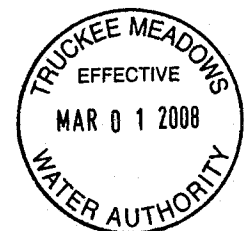


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2. The Authority will endeavor to restore delivery of water during regular working hours on the Day of the request. Otherwise, restoration will be made on the regular working Day following the Day the request is made.
3. When a Customer has requested that the restoration of delivery of water be made during a period other than regular working hours, the Authority will reasonably endeavor to make the reconnection if practicable under the circumstances but will be under no obligation to do so, unless, in the opinion of the Authority, an emergency exists.
4. Where delivery of water has been terminated, the Authority will charge the Customer applicable service charge(s) pursuant to Rate Schedule SC for restoration of the delivery of water.



Added: 03/01/08 Amended: