

TERMS AND CONDITIONS

Town of Eustis Water Department

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The following Terms and Conditions made by the Town of Eustis Water Department and filed with the Maine Public Utilities Commission constitutes a contract between the Customer and the Utility. The Customer agrees to adhere to these Terms and Conditions and to take water only for purposes stated in the application and at the established rates.

DEFINITIONS

The word "Commission" refers to the Maine Public Utilities Commission.

The word "Utility" refers to the Town of Eustis Water Department.

The word "Customer" means any person, firm, corporation or governmental division who has applied for and is granted service or who is responsible for payment of the service.

The word "Main" means a water pipe, owned, operated and maintained by the Utility, which is used to transmit or distribute water but is not a water Service Pipe.

The term "Service Line" means the pipe connecting the Main to the premises of the Customer.

1. UTILITY SERVICE AREA. The Utility is permitted to serve the territory and inhabitants within the Town of Eustis, including Stratton Village, and a portion of Coplin Plantation.

2. APPLICATION FOR SERVICE. Pursuant to Chapter 620 of the Commission's Rules and Regulations, the owner or the owner's agent, or the occupant of the establishment to be served may apply for service on forms provided by the Utility. If seasonal rental property, only the property owner may be an applicant for service. Any tenant may become a Customer if the tenant assumes responsibility for future service under the conditions set forth in Title 35-A MRSA §706(2), Chapter 660, Sec. 10(1)(2) of the Commission's Rules and Regulations, and under Section 11 below. If a new service connection or other work on the establishment is required, the owner must authorize the Utility to enter the premises to do the necessary work.

3. SEASONAL CUSTOMER. A seasonal Customer regularly takes service for only a portion of the year from either a summer or year-round main. A seasonal Customer will be subject to the rules and charges of seasonal rates, if in effect, or of annual rates, if seasonal rates are not in effect

4. BILLING PROCEDURES. Minimum meter charges for all metered service and all flat rate charges shall be billed quarterly in advance. Water used in excess of the minimum for metered service shall be billed quarterly in arrears at the end of the billing quarter. The Utility reserves the right to render bills monthly in if it so desires. In addition, the Utility reserves the right to render bills for excess water used by seasonal

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of its payment nor for the consequences of non-payment.

5. CREDIT AND COLLECTION PROCEDURES. All credit and collection procedures for both residential and nonresidential Customers will be based upon Chapter 660 and Chapter 870 of the Commission's Rules and Regulations. The Utility may demand a deposit from a Customer as permitted by Chapter 660. Pursuant to Chapter 870, the interest rate on Customer deposits shall be the rate set from time to time by the Commission.

6. TERMS OF PAYMENT. Customers are legally obligated to pay for the services they receive. Bills are payable upon being issued. Failure of the Customer to receive his/her bill does not relieve him/her of the obligation of payment for services received nor for the consequences of non-payment. The due date for payment, in order to avoid the incurrence of late fees or the initiation of collection action, will be no less than 25 days after the bill is mailed or hand delivered. The late payment charge for overdue bills will be no more than the maximum amount allowed under Chapter 870 of the Commission's Rules and Regulations, to be determined annually.

7. CHARGE FOR RETURNED CHECKS. As provided in Chapter 870 of the Commission's Rules and Regulations, the Utility may charge the greater of \$5.00 per account to which the check is applied or the amount the bank charges the Utility, not to exceed \$15.00 for each check returned for nonpayment by a bank. If the Utility charges more than \$5.00, the Utility shall furnish the customer with proof of the bank charge.

8. CHARGES FOR ESTABLISHMENT OF SERVICE. The Utility will charge \$11.00 to establish water service if it is not necessary for the Utility to visit the premises to connect the service. If it is necessary for the Utility to visit the premises to connect the service, the Utility will charge \$33.00 during the normal business hours of 7:00 a.m. to 3:00 p.m., Monday through Friday. During holidays and other than normal business hours, the charge will be \$48.00.

9. CHARGES FOR RESTORATION/RECONNECTION OF SERVICE. The Utility will charge a Customer a reconnection fee for restoration of service at the Customer's premises, if service was disconnected for any reason allowable under Chapter 660 of the Commission's Rules and Regulations or under these Terms and Conditions, including but not limited to at the Customer's request. The charge will be \$33.00 during the normal business hours of 7:00 a.m. to 3:00 p.m. Monday through Friday. During holidays and other than normal business hours, the charge will be \$48.00.

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10. COLLECTION TRIP FEE. If Utility personnel visit the Customer's premises to disconnect service for non-payment and in lieu of actual disconnection the Customer pays or makes a payment arrangement for the entire past due balance, the Utility will charge a collection fee of **\$16.00**, as permitted in Chapter 660 of the Commission's Rules and Regulations.

11. DISCONNECTION OF LEASED OR RENTED PROPERTY. Before disconnecting a leased or rented residential property, the Utility shall comply with the required notice requirements contained in Chapter 660 of the Commission's Rules and Regulations, and must offer the tenant the right to take responsibility for future payments.

Leased or Rented Single-meter, Multi-unit Residential Property: Pursuant to Chapter 660, in addition to the above, before disconnecting a leased or rented single-meter, multi-unit residential property, the Utility shall:

- a. Apply any existing deposit to the current account balance, and
- b. Assess, against the landlord, a collection fee of **\$88.00** in addition to any applicable reconnection fee set forth in Section 9 of these Terms and Conditions.

At its discretion, the Utility may separately meter or cause to be separately metered, at the landlord's expense, each dwelling unit within the property.

12. CHARGES FOR REMOVAL OF SNOW, ICE, OR OTHER OBSTACLES DURING DISCONNECTIONS REQUESTED BY THE CUSTOMER. The Customer will be responsible for clearing snow, ice, or any obstacles to the shut-off valve and/or meter when requesting a disconnection, including but not limited to emergency requests resulting from a frozen meter. If the Customer does not fulfill this responsibility and the Utility must clear the area to perform the requested disconnection, the Utility will charge the Customer at the following rates: **\$33.00** per man-hour during the normal business hours of **7:00 a.m. to 3:00 p.m.**, Monday through Friday. During holidays and outside normal business hours, there will be a one and one-half hour minimum, charged at **\$48.00** per man, with each additional hour to be billed at the rate of **\$33.00** per man. In all cases, the Customer will be charged for the cost of equipment rental, as necessary.

13. SERVICE INTERRUPTION. As specified in Chapter 660 of the Commission's Rules and Regulations, the Utility will provide reasonable notice of any planned shut-off to affected Customers. If the interruption is expected to last more than 5 hours or to affect more than 10 Customers or a single commercial Customer on a dedicated line, notice will be given at least twenty-four hours in advance of the interruption of service. The Utility will notify the Customers when practicable of the cause and duration of any unplanned shut-off. Pursuant to Chapter 620, if a Customer requests, the Utility will make a pro rata reduction in the Customer's minimum bill if service is interrupted for longer than forty-eight hours and the interruption is not due to negligence or improper care of equipment by the Customer.

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14. ACCESS TO PREMISES. Pursuant to Chapter 620 of the Commission's Rules and Regulations, employees of the Utility having proper identification, shall have free access to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to set, remove or read meters, to ascertain the amount of water used and manner of use, and to enforce these Terms and Conditions.

15. UNAUTHORIZED USE OF WATER. No Customer shall supply water to another nor use it for any purposes not mentioned in his/her application without Utility approval. No Customer or his agent shall obtain water from any hydrant or other fixture of the Utility without the previous consent of the Utility. No Customer or his agent shall bypass any meter, nor restore service without Utility authorization, nor unreasonably interfere with Utility service nor otherwise take action to prevent the proper metering of water consumed by the Customer. In the event of the discovery of such unauthorized use of water, the Customer shall be immediately disconnected, pursuant to Chapter 660. In addition, the Utility shall be entitled to bill and recover from the Customer or responsible person the cost of the estimated amount of water consumed, based on the Utility's approved rates, plus interest at an annual rate of 5%. Where the unauthorized use of water has occurred, the Utility may also assess the Customer or responsible person a fee of **\$33.00 per hour**, with a minimum of one hour, for each service visit to the Customer's premises necessary to investigate and address the unauthorized use of water, including removing the meter bypass, taking measures to prevent further diversion of water, and verifying that corrective measures have been taken and maintained. For service visits that occur during other than normal business hours, the fee will be a minimum one and one-half hour charge of **\$48.00**, with each additional hour charged at the rate of **\$33.00**. In no case shall the total of such hourly fees exceed **\$100.00**. In addition, pursuant to Title 35-A MRSA §2706 as amended or replaced, the Customer or person responsible for the unauthorized use may be liable in a civil action to the Utility for all other reasonable costs to the Utility, including attorney's fees, costs of undertaking and completing the investigation resulting in the determination of liability, and for a civil penalty not to exceed twenty five hundred dollars (\$2,500.00), due and payable to the Utility for each violation.

16. NO TAMPERING WITH UTILITY PROPERTY. No person may tamper with Utility property. No valve, valve sealing mechanism, meter, shutoff, hydrant or standpipe that is the property of the Utility shall be opened or closed or otherwise operated, modified, or removed by other than persons authorized by the Utility. Tampering will subject a Customer or other responsible party to the same charges and actions outlined in Section 15, entitled *Unauthorized Use of Water*. In addition, in the event of such tampering, the responsible party may be subject to a civil action, pursuant to Title 35-A MRSA §2707, as amended or replaced.

17. MAINTENANCE OF PLUMBING. Pursuant to Chapter 620 of the Commission's Rules and Regulations, a Customer must maintain the plumbing and fixtures within his/her own premises in good repair and protect them from freezing or from heat damage. If damage does occur, the Customer is liable for any expenses

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18. LIABILITY. The Utility will only be liable for any damages arising from claims to the extent liability is expressly provided in the Maine Tort Claims Act, as set forth in Title 14 MRSA, Chapter 741. The Utility will not be responsible for any damages caused by discolored water, and makes no representations or warranties, expressed or implied, about the suitability of any water provided by the Utility for any particular purpose.

19. CROSS CONNECTIONS. Pursuant to Chapter 620 of the Commission's Rules and Regulations, no cross connection between the public water supply system and any other supply will be allowed unless properly protected, based upon the Maine Cross Connection Control Rules and the Maine Internal Plumbing Code. No new cross connection may be installed without the express, written approval of the Utility. In addition, no connection will be permitted capable of causing back flow, including back siphonage or back pressure, between the public water supply system and any plumbing fixture, device or appliance, or between any waste outlet or pipe having direct connection to waste drains. If the owner of such a connection fails or refuses to break or properly protect the connection within a time limit specified by the Utility, the Utility may disconnect the service according to Chapter 660 of the Commission's Rules and Regulations. The Utility's Cross Connection Control Program is on file at the Utility office.

20. BACKFLOW-PREVENTION DEVICE TESTING. Any Customer with a testable backflow preventer is responsible for completing device testing annually, according to the Utility schedule. The Utility will select a licensed professional to comply with this requirement, and will work with the Customer to schedule the testing date. The Utility will pay the charge for the testing to the contractor, and bill the Customer upon completion. The cost for the test will be the lesser of \$50.00 or the amount the Utility is charged by the contractor. The Customer must pay the contractor directly for any repairs necessary to maintain a fully functional backflow device. A Customer who does not complete the required testing or whose backflow preventer is not fully functional will be disconnected as a dangerous condition, pursuant to the Utility's Cross Connection Control Program and Chapter 660.

21. STOP VALVE. Pursuant to Chapter 620 of the Commission's Rules and Regulations, every service must be provided with a minimum of one operable stop valve located inside the building near the service entrance, easily accessible, and protected from freezing. All plumbing must be installed to comply with applicable plumbing codes, to prevent back-siphonage and to permit draining whenever necessary.

22. FLUCTUATION OF PRESSURES BY CUSTOMER'S APPARATUS. Pursuant to Chapter 620 of the Commission's Rules and Regulations, Customers may not install or use any device that will affect the Utility's pressure or water quality without prior Utility permission.

23. SAFEGUARDING DIRECT PRESSURE WATER DEVICES AND SYSTEMS SUPPLIED BY AUTOMATIC FEED VALVES. Pursuant to Chapter 620 of the Commission's Rules and Regulations, Customers must install

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24. JOINT USE OF SERVICE PIPE TRENCH. Pursuant to Chapter 620 of the Commission's Rules and Regulations, normally, water Service Pipes will not be placed in the same trench with other Utility facilities. Where possible, a horizontal separation of ten feet will be provided. Where extenuating, unusual or special circumstances are encountered, a lesser separation of joint use of trench may be allowed if all parties agree, provided that the installation complies with all applicable laws, rules and regulations.

25. UTILITY JOBBING. A Customer must complete a written application before a Utility will provide unregulated Utility service. As permitted in Chapter 620 of the Commission's Rules and Regulations, a Customer must pay a deposit equal to the Utility's written estimate. Unless the work is done on a flat rate basis, the Utility will return any excess deposit upon completion. If the final cost exceeds the deposit, the Customer must pay the additional amount upon completion.

26. METERING, NEW SERVICE LINE, AND MAIN EXTENSION POLICIES.

A. Separate Metering of Buildings. No Customer shall supply water to another, nor use it for purposes not mentioned in his/her application without prior written Utility approval. At its discretion, the Utility reserves the right to require separate piping and a separate meter and shut-off for each building as a condition of service.

B. Metering of Multi-Unit Premises. Except as provided in Chapter 660 of the Commission's Rules and Regulations, where there is more than one occupant of a building supplied with water, the Utility may require the owner to arrange the plumbing to permit separate connections with shutoffs and meters in locations acceptable to the Utility for each place of business or abode. In the case of a condominium, each unit owner may be required to have a separate meter and shutoff in locations acceptable to the Utility.

C. Submetering. Additional or auxiliary meters for showing subdivision of water use must be furnished, installed, read and maintained at the Customer's own expense.

D. Charges for Repair or Replacement of Damaged Water Meters and Other Utility Equipment. As permitted in Chapter 620 of the Commission's Rules and Regulations, the charges to a Customer for the repair or replacement of meter(s) or other Utility equipment damaged due to improper care or negligence by the Customer are as follows: During the normal business hours of 7:00 a.m. to 3:00 p.m., Monday through Friday, the charge will be \$33.00 per hour with a minimum charge of one hour, plus the cost of the necessary replacement parts, including the meter or meter plate. During holidays and other than normal business hours, the charge will be \$33.00 per hour with a minimum one and one-half hour charge of \$48.00, plus the cost of the necessary replacement parts, including the meter or meter plate.

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26. METERING (continued).

E. Meter Testing. The Utility will test its water meters according to the schedule and standards in Chapter 620 of the Commission's Rules and Regulations. Upon Customer request, the Utility will test the Customer's water meter at no charge in the presence of the Customer or representative, unless the Customer requests more than one test in an 18-month period. If the Customer requests a test more frequently, the Utility may require the Customer to pay a deposit to cover the cost of the test. If a meter tested at the Customer's request does not conform to standards, the Customer's deposit will be refunded and the Utility will adjust the Customer's bill according to the provisions of Chapter 620. If the meter conforms to standards, the Utility may keep the Customer's deposit and continue to use the meter at the Customer's premises.

F. Meter Pits. As permitted in Chapter 620 of the Commission's Rules and Regulations, the Utility reserves the right to require a meter pit at the Customer's expense under the following circumstances:

- The Customer does not provide a clean, warm, dry and accessible location for the meter and its appurtenances
- The length of the service is over 200 feet
- The service passes over land belonging to another party. In this case, the Utility will require a deeded right of way.

As an alternative to a meter pit, the Utility may instead require a Customer to box in and insulate the meter in an appropriate area with an access door.

The meter pit must be installed during the normal business hours of 7:00 a.m. to 3:00 p.m., Monday through Friday. A Customer may select the contractor of its choice for the installation and will pay the contractor directly. The Utility reserves the right to preapprove the design, and all work and materials must comply with the Utility's approved standards and specifications, available in the Utility office.

The Utility will inspect the contractor's installation, and if approved, will connect the meter during the normal business hours of 7:00 a.m. to 3:00 p.m., Monday through Friday. The cost to the Customer for these Utility services will be \$33.00 plus any Utility provided parts or materials, to be paid as a condition of service. If a site visit has been scheduled, and if the Utility must later return to the premises due to inadequate preparation by the Customer or the Contractor or lack of adherence to the specifications, the Customer will be responsible for the cost of the extra visit(s).

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26. METERING (continued).

G. New Service Lines and Meters. As permitted in 35-A MRSA §6106, each applicant for a new water service will be responsible for the costs of the entire Service Line, including opening the pavement, closing the pavement, or boring across the road, if applicable, plus additional related responsibilities, including but not limited to digging, permits and flagging, as required by the situation; equipment rental; labor and materials and necessary appurtenances for installation, including the meter.

The Customer will be responsible for obtaining the Utility's written approval for the work. In addition, the Customer will contract with a Utility-approved professional for the excavation and pipe laying from the Main into the building. If it is necessary to pipe across the road, the Utility reserves the right to require a contractor with specific experience to perform these functions. All contractor charges shall be paid by the Customer directly to the contractor.

The Service Line location will be set or reviewed by the Utility prior to excavation and must be installed to applicable plumbing codes and to Utility work standards and material specifications, which are available at the Utility office. The Utility reserves the right to inspect the materials and installation and must be notified before they are buried or enclosed. If a site visit has been scheduled, and if the Utility must later return to the premises due to inadequate preparation by the Customer or the contractor or lack of adherence to the specifications, the Customer will be responsible for the cost of the extra visit(s).

The Utility will be responsible for tapping the Main and installing the meter and other appurtenances during the regular business hours of 7:00 a.m. to 3:00 p.m., Monday through Friday. At its discretion, the Utility may subcontract out any part of this work. The costs to the Customer for the Utility installed/subcontracted portion of the installation are as follows:

- A charge of \$33.00 per man-hour for tapping the Main, installing the meter, and for the inspection and approval of contracted work.
- Costs of the Utility provided materials, parts, and equipment rental, if applicable, including the cost of the meter.

A written estimate will be provided to the Customer for the Utility's portion of the work, and a deposit equal to the estimate will be collected prior to the Utility performing the work. A final reconciliation of the job costs will be done upon completion, and if applicable, the Utility will return any excess deposit at that time. If the actual cost exceeds the deposit, the Customer must pay the additional amount as per the written estimate.

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26. METERING (continued).

H. Extensions of Mains. All water main extensions shall be installed at the Customers expense, as permitted in 35-A MRSA §6106. Ownership, maintenance, and procedures related to the installation shall be governed by Chapter 650 of the Commission's Rules and Regulations. The Customer will be responsible for contracting a Utility-approved professional for the entire installation, and all costs shall be paid directly to the contractor. The Customer must complete a written application for the work, and the Utility reserves the right to preapprove the design. The work must be completed to applicable plumbing codes and to Utility work standards and material specifications, which are available at the Utility office. In order to manage and inspect the process, a Utility representative will be present intermittently during the installation. There will be no charge to the Customer for performing this service. The Utility may stop the installation at any time if it discovers work irregularities or a lack of adherence to the preapproved plan or the standards and specifications.

I. Winter Construction. No new service or extension of Mains will be installed for the convenience of a Customer during winter conditions that increases the cost of the work for the Utility unless the Customer assumes all extra expense over ordinary construction costs.

27. CHARGES FOR FIXTURES. All Customers billed on flat rates will be charged for all fixtures, whether used or not. If a hot cold water faucets supply the same fixture, only one faucet will be charged. No water will be furnished for less than the first faucet rate.

28. ALTERATIONS IN FIXTURES. No Customer supplied with water on flat rates may install any additional fixtures or alter any previously installed fixtures without first giving written notice to the Utility.

29. WASTE OF WATER. Pursuant to Chapter 620, Customers on flat rates must prevent all unnecessary waste of water. Water will not be supplied on flat rates for any continuous flow device. The Utility will decide what constitutes waste or improper use and will restrict usage when necessary to all Customers.

30. USE OF HOSE AND LAWN SPRINKLER. For purposes of flat rate billing, a hose is considered as such when used by hand only. A hose running unattended will be charged as a sprinkler according to the Utility's rate schedule. When necessary to conserve the water supply or in the case of emergency, the Utility may restrict or prohibit the use of hoses and lawn sprinklers for all Customers, metered or unmetered.

31. FIRE HYDRANTS. Fire hydrants may not be used for any purpose other than to extinguish fires unless prior permission is given by the Utility. Fire hydrants must not be opened by any person other than an agent of the Utility or a duly authorized representative of the municipality or the owner

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32. PRIVATE FIRE PROTECTION. Customers requiring private fire protection must contact the Utility to determine the availability of fire service at their location. If available, the fire service line will be installed at the Customer's expense within the bounds of the public way or right of way; after installation, the line will be owned and maintained in the public way or right of way by the Utility, as specified in Chapter 640 of the Commission's Rules and Regulations. The Utility does not guarantee any quantity of water or pressure available through a fire protection service.

The Utility may require the owner of the service to determine, from time to time, the adequacy of supply through the fire service by conducting tests of his private system. Timely notice must be given to the Utility so a representative of the Utility can be present to observe the test.