

Resolution

Water and Sewer Bill Leak Adjustment Policy

WHEREAS, the West Virginia Public Service Commission (hereinafter "Commission") has promulgated legislative rules 150 CSR 7.4.4.3 and 150 CSR §5.4.4c, that require both water and sewer utilities to adjust customer bills when a qualified leak occurs on the customer's side of a meter; and

WHEREAS, The Common Council of the City of Ravenswood previously promulgated a policy through Resolution, dated August 5, 2003, that provided for the adjustment of customer bills when a leak occurred on the customer's side of the meter; and

WHEREAS, the Commission ruled, in case# 16-0272-W-C (Kenneth Lee Deryke v. City of Ravenswood), dated July 28, 2016, that the City's adjustment policy did not comport with the legislative rules; and

WHEREAS, the Commission has ordered the City to revise said adjustment policy and submit the same to the Commission for review and approval; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Ravenswood, West Virginia, hereby promulgates the following leak adjustment policy and procedure in conformity to legislative rules 150 CSR 7.4.4.3 and 150 CSR §5.4.4c:

1.00 Policy:

It is the policy of the City of Ravenswood to make an adjustment in a customer's water and sewer bills for all eligible leaks as defined by this Policy and Procedure.

2.00 Definitions:

A. **Eligible Leak:** The volume of unusual usage of water during any billing period which increases the customer's water usage above the customer's historic water usage pattern. A water leak must be non-preventable and be located in the service line on the customer's side of the meter. Leaking commodes, dripping faucets, malfunctioning appliances and similar situations, leaks due to improper customer service pipe materials and/or construction methods (as defined in the International Property Maintenance Code), and leaks due to frozen customer service pipes shall not constitute leaks which entitle the customer to an adjusted water or sewer bill.

B. **Historic Water Usage Pattern:** A customer's previous twelve month average usage. For a new customer with less than twelve months of usage, the historic water usage is defined as the customer's average usage for the number of months as a customer at the current location. In either case the historic water usage average will not be less than

the minimum gallons per month of a minimum water bill for the particular class of water service.

3.00 Procedures:

A. Within thirty (30) days following discovery of a leak by the customer or the City, the customer shall make a written request to the City for a leak adjustment. The City will visually inspect the area to determine the nature of the leak and the completed repairs purported to be necessitated by the leak.

B. All leaks that have been discovered shall be repaired within thirty (30) days, and verification of the repair must be submitted in writing to the City by the customer. A leak that has not been repaired within 30 days of discovery shall not be eligible for a leak adjustment. Further, it is understood that a leaking water service not repaired within 30 days of discovery shall be subject to termination.

C. All leak adjustments made will be credited to the customer's account and applied to the following month's bill. The bill in question will be due when rendered and must be paid on time to avoid penalty charges. A request for a leak adjustment shall not affect penalty dates, shall not affect amounts due, and shall not eliminate charges. On bills that are approved for a leak adjustment, all penalty charges shall still apply.

D. The City will allow a customer to establish a payment plan one time per twelve-month period. The payment plan must be at the customer's request. In the case of a customer requesting an installment plan for the payment of a large bill due to a leak, all the terms of the plan must be met by the customer to avoid penalty charges on current bills.

E. Calculating the adjusted water bill:

1. A leak adjustment shall be made on the customer's water usage which is greater than the customer's historic water usage pattern.

2. The amount of leakage subject to adjustment will be billed at the City's Incremental Cost Rate as set forth in the City's Approved Tariff.

3. If using the historic usage would result in an unreasonable calculation, adjustments may be made. If such adjustments are made, the City shall advise a customer that a dispute regarding such adjustments may be taken to the Commission in the form of an informal complaint.

4. No leak adjustment will be made for more than a two month period.

F. Calculating the adjusted sewer bill:

1. A customer's bill shall be adjusted based on the incremental cost of

treating the sewage, as contained in the City's Approved Tariff, for all amounts above a customer's historic usage.

2. If using the historic usage would result in an unreasonable calculation, adjustments may be made. If such adjustments are made, the City shall advise a customer that a dispute regarding such adjustments may be taken to the Commission in the form of an informal complaint.

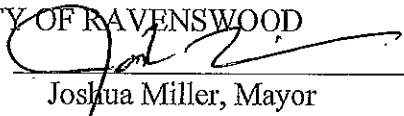
3. Any amounts which a customer can prove did not enter the sanitary sewer system shall be credited at full tariff rates.

4. No leak adjustment will be made for more than a two month period.

G. This Resolution, Policy and Procedure shall be available for inspection at the Ravenswood City Hall, 212 Walnut Street, Ravenswood, West Virginia, during normal business hours; and may be maintained on the City's social media sites, at the City's discretion.

The foregoing Resolution was introduced and read at the regular meeting of the Common Council of the City of Ravenswood on August 16, 2016. On that same day, Quillen moved for the adoption of said Resolution and authorization for the Honorable Joshua Miller, Mayor of the City of Ravenswood, to sign said Resolution. The motion was seconded by Hunt. After discussion, the Common Council of the City of Ravenswood adopted the foregoing Resolution and authorization with All voting for the Resolution and authorization and None against.

CITY OF RAVENSWOOD

By: 
Joshua Miller, Mayor

ATTEST:


Sue Quillen, Recorder

I, the undersigned, being the duly appointed, qualified and acting Clerk of the City of Ravenswood, hereby certify that the foregoing Resolution is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the City on the 16th day of August, 2016.


Kimberly Benson, City Clerk/Treasurer