

CITY OF BETHLEHEM
Rates, Rules and Regulations
Governing the Furnishing of Water
Directly to Customers

in

the following Townships and Boroughs located within
Lehigh and Northampton Counties, Pennsylvania

Salisbury Township (Portions of)	Lehigh County
Upper Saucon Township (Portions of)	Lehigh County
Lower Saucon Township (Portions of)	Northampton County
Bethlehem Township (Portions of)	Northampton County
Hanover Township (Portions of)	Northampton County
Hanover Township (Portions of)	Lehigh County
East Allen Township	Northampton County
Allen Township (Portions of)	Northampton County
Borough of Fountain Hill	Lehigh County
Borough of Freemansburg	Northampton County
Lower Nazareth Township (Portions of)	Northampton County

-and to-

The Authorities of the Township
of Lower Saucon and to
The Township of Upper Saucon, in the
Counties of Lehigh and Northampton for resale

ISSUED: April 28, 2021

EFFECTIVE: June 1, 2021

Filed in compliance with the Opinion and Order of the Public Utility Commission entered April 15, 2021, at R-2020-3020256.

BY: Robert J. Donchez, Mayor
City of Bethlehem

NOTICE

This Tariff Makes Increases and Changes in Existing Rates
See Page 2

LIST OF CHANGES MADE BY THIS SUPPLEMENT

INCREASES

This supplement makes increases to existing rates, except for Public and Private Fire Protection, resulting in an increase in revenue of \$689,932 for outside City customers or by 8.4%.

CHANGES

This supplement eliminates the Lower Saucon Honor System Rate.

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PART I. SCHEDULE OF RATES

SECTIONS A AND B. RATES FOR METERED SERVICE AND FIRE PROTECTION.

Schedule A

Meter Rates – General Residential Customer Service

APPLICATION

This schedule applies to all residential customer service.

CUSTOMER CHARGES

All metered residential customers shall pay the following customer charge based on the required size of meter to render adequate service.

Size of Meter	Customer Charge		Size of Meter	Customer Charge	
	Per Month	Per Quarter		Per Month	Per Quarter
5/8"	\$ 8.25	\$ 24.75	3"	\$ 174.80	\$524.40
3/4"	13.98	41.94	4"	273.56	820.68
1"	27.14	81.42	6"	547.11	1,641.33
1-1/2"	53.04	159.12	8" or Larger	1,098.37	3,295.11
2"	85.28	255.84			

CONSUMPTION CHARGES

In addition to the customer charge all water consumption will be billed at the following rates:

	Rate Per <u>1,000 Gallons</u>	
For all usage monthly or quarterly	\$4.782	(I)

Customer water meter bills will be subject to a penalty of one and one-half percent (1.5%) interest per month on the full unpaid and overdue balance of the bill if not paid within twenty calendar days from the date the bill is mailed. All customers will be given the option of being billed monthly.

(I) Indicates Increase

SCHEDULE OF RATES

Schedule B

Meter Rates – General Commercial Customer Service

APPLICATION

This schedule applies to all commercial customer service.

CUSTOMER CHARGES

All metered Commercial customers shall pay the following customer charge based on the required size of meter to render adequate service.

<u>Size of Meter</u>	<u>Customer Charge</u>		<u>Size of Meter</u>	<u>Customer Charge</u>	
	<u>Per Month</u>	<u>Per Quarter</u>		<u>Per Month</u>	<u>Per Quarter</u>
5/8"	\$ 8.25	\$24.75	3"	\$ 174.80	\$524.40
3/4"	13.98	41.94	4"	273.56	820.68
1"	27.14	81.42	6"	547.11	1,641.33
1-1/2"	53.04	159.12	8" or Larger	1,098.37	3,295.11
2"	85.28	255.84			

CONSUMPTION CHARGES

In addition to the customer charge all water consumption will be billed at the following rates:

	<u>Rate Per</u> <u>1,000 Gallons</u>	
For all usage monthly or quarterly	\$ 3.843	(I)

Customer water meter bills will be subject to a penalty of one and one-half percent (1.5%) interest per month on the full unpaid and overdue balance of the bill if not paid within twenty calendar days from the date the bill is mailed. All customers will be given the option of being billed monthly.

(I) Indicates Increase

SCHEDULE OF RATES

Schedule C

Meter Rates – General Industrial Customer Service

APPLICATION

This schedule applies to all Industrial customer service.

CUSTOMER CHARGES

All metered Industrial customers shall pay the following customer charge based on the required size of meter to render adequate service.

<u>Size of Meter</u>	<u>Customer Charge</u>		<u>Size of Meter</u>	<u>Customer Charge</u>	
	<u>Per Month</u>	<u>Per Quarter</u>		<u>Per Month</u>	<u>Per Quarter</u>
5/8"	\$ 8.25	\$ 24.75	3"	\$ 174.80	\$524.40
3/4"	13.98	41.94	4"	273.56	820.68
1"	27.14	81.42	6"	547.11	1,641.33
1-1/2"	53.04	159.12	8" or Larger	1,098.37	3,295.11
2"	85.28	255.84			

CONSUMPTION CHARGES

In addition to the customer charge all water consumption will be billed at the following rates:

	<u>Rate Per</u> <u>1,000 Gallons</u>	
For all usage monthly or quarterly	\$ 3.843	(I)

Customer water meter bills will be subject to a penalty of one and one-half percent (1.5%) interest per month on the full unpaid and overdue balance of the bill if not paid within twenty calendar days from the date the bill is mailed. All customers will be given the option of being billed monthly.

(I) Indicates Increase

SCHEDULE OF RATES

Schedule D

Meter Rates – General Public Customer Service

APPLICATION

This schedule applies to all Public customer service.

CUSTOMER CHARGES

All metered Public customers shall pay the following customer charge based on the required size of meter to render adequate service.

<u>Size of Meter</u>	<u>Customer Charge</u>		<u>Size of Meter</u>	<u>Customer Charge</u>	
	<u>Per Month</u>	<u>Per Quarter</u>		<u>Per Month</u>	<u>Per Quarter</u>
5/8"	\$ 8.25	\$ 24.75	3"	\$ 174.80	\$524.40
3/4"	13.98	41.94	4"	273.56	820.68
1"	27.14	81.42	6"	547.11	1,641.33
1-1/2"	53.04	159.12	8" or Larger	1,098.37	3,295.11
2"	85.28	255.84			

CONSUMPTION CHARGES

In addition to the customer charge all water consumption will be billed at the following rates:

	<u>Rate Per 1,000 Gallons</u>	
For all usage monthly or quarterly	\$3.843	(I)

Customer water meter bills will be subject to a penalty of one and one-half percent (1.5%) interest per month on the full unpaid and overdue balance of the bill if not paid within twenty calendar days from the date the bill is mailed. All customers will be given the option of being billed monthly.

(I) Indicates Increase

SCHEDULE OF RATES

Schedule E

Flat Rate – Private Fire Protection Service

APPLICATION

For each private fire line, the following quarterly charge is made according to the size of the area protected and the size of the fire line servicing the facility.

For each private fire hydrant, which is not connected directly to a fire line, the following annual charge is made.

CHARGES

<u>Fire Line</u>	<u>Per Month</u>	<u>Per Quarter</u>	
Less than 6" (including Siamese Connections and 2", 3", and 4" Residential Connections)	\$ 37.50	\$112.50	(I)
6"	46.85	140.55	(I)
8"	56.09	168.27	(I)
10"	65.33	195.99	(I)
12"	84.02	252.06	(I)

In addition to the above fire line charge, a quarterly charge is made at \$2.79 (\$0.93 per month) per thousand square feet of protected area. (I)

<u>Fire Hydrant</u>	<u>Per Month</u>	<u>Per Quarter</u>	
Each Hydrant	\$ 26.09	\$ 78.27	(I)

Customer bills will be subject to a penalty of one and one-half percent (1.5%) interest per month on the full unpaid and overdue balance of the bill if not paid within twenty calendar days from the date the bill is mailed.

SCHEDULE OF RATES

Schedule F

Flat Rate – Public Fire Protection Service

APPLICATION

This schedule is applicable to all public fire protection service to municipal subdivisions listed on the title page.

CHARGES

<u>Fire Hydrant</u>	<u>Per Month</u>	<u>Per Quarter</u>
Each Hydrant	\$ 22.00	\$66.00

All public fire service bills will be subject to a penalty of one and one-half percent (1.5%) interest per month on the full unpaid and overdue balance of the bill if not paid within twenty calendar days from the date the bill is mailed.

(I) Indicates Increase

SCHEDULE OF RATES

Schedule G

Meter Rates – Sales for Resale

APPLICATION

This schedule applies to all sale of water to other water utilities or public authorities for resale.

CUSTOMER CHARGES

All metered sales for resale customers shall pay the following customer charge based on the required size of meter to render adequate service. Also applicable for unmetered sales in honor system areas until such time that meters are installed.

Size of Meter	Customer Charge		Size of Meter	Customer Charge	
	Per Month	Per Quarter		Per Month	Per Quarter
5/8"	\$ 8.25	\$ 24.75	3"	\$ 174.80	\$524.40
3/4"	13.98	41.94	4"	273.56	820.68
1"	27.14	81.42	6"	547.11	1,641.33
1-1/2"	53.04	159.12	8" or Larger	1,098.37	3,295.11
2"	85.28	255.84	Lower Saucen Honor Sys.	1,098.37	3,295.11 (C)

CONSUMPTION CHARGES

In addition to the customer charge all water consumption will be billed at the following rates:

	Rate Per 1,000 Gallons	
For all usage monthly or quarterly	\$ 4.498	(I)

Customer water meter bills will be subject to a penalty of one and one-half percent (1.5%) interest per month on the full unpaid and overdue balance of the bill if not paid within twenty calendar days from the date the bill is mailed. All customers will be given the option of being billed monthly.

- (I) Indicates Increase
- (C) Indicates Change

SCHEDULE OF RATES

Schedule H

Meter Rates – Untreated Water Service

APPLICATION

This schedule applies to all sale of untreated water for non-potable use only.

CUSTOMER CHARGE

Size of Meter	Customer Charge		Size of Meter	Customer Charge	
	Per Month	Per Quarter		Per Month	Per Quarter
5/8"	\$ 8.25	\$ 24.75	3"	\$ 174.80	\$524.40
3/4"	13.98	41.94	4"	273.56	820.68
1"	27.14	81.42	6"	547.11	1,641.33
1-1/2"	53.04	159.12	8" or Larger	1,098.37	3,295.11
2"	85.28	255.84			

CONSUMPTION CHARGES

In addition to the customer charge all use of untreated water will be billed at the following rates:

	Rate Per 1,000 Gallons	
For all usage monthly or quarterly	\$ 2.493	(I)

Customer water meter bills will be subject to a penalty of one and one-half percent (1.5%) interest per month on the full unpaid and overdue balance of the bill if not paid within twenty calendar days from the date the bill is mailed. All customers will be given the option of being billed monthly.

(I) Indicates Increase

Applicability.

Throughout the territory served under this tariff.

Availability.

This rider is available to a customer that:

- (1) purchases water from the City for industrial purposes;
- (2) enters into a Service Agreement for a term of not less than 10 years;
- (3) during the original and any renewal terms of the Service Agreement, agrees to purchase an average of 10 million gallons of water per month at a daily load factor of not less than 0.67; and
- (4) has a viable competitive alternative to service from the City and intends to select that alternative to the detriment of the City and its other customers.

The City shall require documentation to establish, to the City's satisfaction, the existence of a competitive alternative. Such documentation may include, but is not limited to, an affidavit of the customer or, if the customer is a corporation, an affidavit of one or more of its officers.

Rate.

The rate(s) to be charged qualifying customers under this rider will be as set forth in the Service Agreement, provided, however, that such rate(s): (1) shall not exceed the Maximum Rate; (2) shall not be less than the Minimum Rate; and (3) shall be subject to an Escalation Clause, as hereafter defined.

Maximum Rate: The Maximum Rate shall be the charges specified in the City's Rate Schedule that would otherwise apply to the qualifying customer absent this rider.

Minimum Rate: The Minimum Rate shall be sufficient to recover: (1) the Production Cost of Water; (2) the fixed costs (depreciation and pre-tax return) associated with all new facilities added to serve the customer; and (3) some portion of the fixed costs of the City's other facilities. For purposes of this rider, the Production Cost of Water shall be the variable cost the City incurs to produce additional treated water, which consists of expenses for electric power, chemicals and purchased water.

Escalation Clause: The rate set forth in the Service Agreement shall be subject to an Escalation Clause, during the original and any renewal terms of the Service Agreement, based upon changes in published price indices and/or changes in the City's cost of service, as the City and the qualifying customer shall agree.

Filing With The Pennsylvania Public Utility Commission/Confidentiality: Service Agreements entered into between the City and qualifying customers under this rider shall be filed with the Commission on a confidential basis within five (5) days of their execution and shall not be subject to disclosure except by Petition made to and granted by the Commission pursuant to 52 Pa. Code §1.74. The City shall provide copies of such Service Agreements to the Pennsylvania Office of Consumer Advocate ("OCA") contemporaneously with their filing with the Commission, subject to the OCA's execution of a Confidentiality Agreement.

(C) Indicates Change

SECTION C. RIDER DRS - DEMAND-BASED RESALE SERVICE

(C)

Applicability.

Throughout the territory served under this tariff.

Availability.

This rider is available to a customer that:

- (1) purchases water from the City for resale;
- (2) enters into a Service Agreement for a term of not less than 15 years;
- (3) during the original and any renewal terms of the Service Agreement, agrees to purchase an average of 21 million gallons of water per month and maintain a daily load factor of not less than 0.67; and
- (4) has a viable competitive alternative to service from the City and intends to select that alternative to the detriment of the City and its other customers.

The City shall require documentation to establish, to the City's satisfaction, the existence of a competitive alternative. Such documentation may include, but is not limited to, an affidavit of the customer or, if the customer is a corporation, an affidavit of one or more of its officers.

Rate.

The rate(s) to be charged qualifying customers under this rider will be as set forth in the Service Agreement, provided, however, that such rate(s): (1) shall not exceed the Maximum Rate; (2) shall not be less than the Minimum Rate; and (3) shall be subject to an Escalation Clause, as hereafter defined.

Maximum Rate: The Maximum Rate shall be the charges specified in the City's Rate Schedule that would otherwise apply to the qualifying customer absent this rider.

Minimum Rate: The Minimum Rate shall be sufficient to recover: (1) the Production Cost of Water; (2) the fixed costs (depreciation and pre-tax return) associated with all new facilities added to serve the customer; and (3) some portion of the fixed costs of the City's other facilities. For purposes of this rider, the Production Cost of Water Shall be the variable cost the City incurs to produce additional treated water, which consists of expenses for electric power, chemicals and purchased water.

Escalation Clause: The rate set forth in the Service Agreement shall be subject to an Escalation Clause, during the original and any renewal terms of the Service Agreement, based upon changes in published price indices and/or changes in the City's cost of service, as the City and the qualifying customer shall agree.

Filing With The Pennsylvania Public Utility Commission/Confidentiality: Service Agreements entered into between the City and qualifying customers under this rider shall be filed with the Commission on a confidential basis within five (5) days of their execution and shall not be subject to disclosure except by Petition made to and granted by the Commission pursuant to 52 Pa. Code §1.74. The City shall provide copies of such Service Agreements to the Pennsylvania Office of Consumer Advocate ("OCA") contemporaneously with their filing with the Commission, subject to the OCA's execution of a Confidentiality Agreement.

(C) Indicates Change

SECTION D - CONSTRUCTION RATES

1. Building Water Change

If water is required for building purposes, a charge shall be made at the time application is made for water service. This charge will be one quarterly customer charge based on the size of the City service line servicing the facility.

2. Restriction

Water for building purposes will be used only for actual construction of the building and shall not be used to facilitate landscaping or other purposes.

SECTION E - SERVICE TERMINATION OR RESUMPTION RATES

The fee for shut-off and turn-on of service at the curb stop shall be \$35.00.

SECTION F - METER TEST RATES

The fee schedule for testing of meters shall be as follows:

1 inch or less	\$38.00
1 1/4 inch - 2 inch	\$40.00

Fees for testing meters over 2 inches or for testing meters so located that testing costs are disproportionate to the stated fees shall be as established by the City based upon the actual cost of the test.

SECTION G - RETURNED CHECK CHARGE

A charge of \$20.00 will be assessed any time where a check which has been presented to the City for payment on account has been returned by the payor bank for any reason.

PART II: Definitions:

The following words and phrases, when used in this tariff, shall have the meanings assigned below unless the context clearly indicates otherwise:

1. Annual Line Extension Costs: The sum of a City's additional annual operating and maintenance costs, debt costs and depreciation charges associated with the construction, operation and maintenance of the line extension.
2. Annual Revenue:(For Line Extension Purposes) The City's expected additional annual revenue from the line extension based on the City's currently effective tariff rates and on the average annual usage of customers similar in nature and size to the bona fide service applicant.
3. Applicant: A person, or entity who applies to become a customer of the City in accordance with Part III, Section A, of this tariff.
4. Bona Fide Service Applicant:(For Line Extension Purposes) A person or entity applying for water service to an existing or proposed structure within the utility's certificated service territory for which a valid occupancy or building permit has been issued if the structure is either a primary residence of the applicant or a place of business. An applicant shall not be deemed a bona fide service applicant if:
 - (a) applicant is requesting water service to a building lot, subdivision or a secondary residence;
 - (b) the request for service is part of a plan for the development of a residential dwelling or subdivision; or
 - (c) the applicant is requesting special utility service.
5. Commission: The Pennsylvania Public Utility Commission.
6. City: City of Bethlehem, Pennsylvania – Department of Water and Sewer Resources - Bureau of Water
7. City service line: The water line from the distribution facilities of the City which connects to the customer service line at the hypothetical or actual line or the actual property line, including the control valve and valve box. The control valve and valve box determine the terminal point for the City's responsibility for the street service connection.
8. Cross-connection: Any pipe, valve, hose or other arrangement or device connecting the pipelines or facilities of the City, to and with other pipes or fixtures by which any contamination might be admitted or drawn into the distribution system of the City from lines other than the City's.
9. Curb Stop: An outside shutoff valve on the water service line.
10. Customer: A person or entity who is an owner who contracts with the City for water service. Also, a customer can be a tenant of a property who co-signs a City agreement with the owner that the tenant will be financially responsible for payment of the water bill.

11. Customer service line: The water line extending from the curb, property line or utility connection to a point of consumption.
12. Debt Costs: (For Line Extension Purposes) The City's additional annual cost of debt associated with financing the line extension investment based on the current debt ratio and weighted long-term debt cost rate for that utility or that of a comparable jurisdictional water utility.
13. Depreciation charges: (For Line Extension Purposes) The utility's additional annual depreciation charges associated with the specific line extension investment to be made based on the current depreciation accrual rates for the City or that of a comparable jurisdictional water company.
14. Fire Flow Test: The flowing of water in a sprinkler system, standpipe system or fire hydrant for testing performance of it.
15. Fire Line: A water line installed exclusively for fire protection in a building or to a fire hydrant installed on private property.
16. Improved Property: Any property upon which a dwelling, capable of human habitation, has been constructed.
17. Landlord: A customer who owns a rental property.
18. Late Payment: Any payment received greater than five (5) business days after the current bill due date.
19. Line extension: (For Line Extension Purposes) An addition to the City's main line which is necessary to serve the premises of a customer.
20. Main: The pipe of a public utility system, excluding service connections, located in a public highway, street, alley or private right-of-way which pipe is used in transporting water.
21. Meter: Any certified device used by the City, or by the Commission, for the purpose of measuring water consumption.
22. Nonresidential service: Water service supplied to a commercial or industrial facility, including a hotel or motel, or to a master-metered mobile home or multi-tenant apartment building, or to any customer who purchases water from the City for the purpose of resale.
23. Operating and Maintenance Costs: (For Line Extension Purposes): The utility's average annual operating and maintenance costs associated with serving an additional customer, including customer accounting, billing, collections, water purchased, power purchased, chemicals, and other variable costs based on the current total City level of such costs, as well as costs particular to the specific needs of that customer, such as line flushing.

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24. Private fire protection service: Water service provided exclusively for the purpose of fire protection that is available to the customer only and not for use by the general public, and that is provided through automatic sprinkler systems, fire hydrants or similar mechanisms.
25. Public fire protection service: Water service provided exclusively to a municipal or governmental entity through outdoor hydrants for the purpose of fire protection for the general public.
26. Public Utility: Persons, public entities or corporations owning or operating equipment or facilities in this Commonwealth for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.
27. Residential service: Water service supplied to an individual single-family residential dwelling unit. Utility service supplied to a dwelling including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto. Utility service provided to a hotel or motel is not considered residential service.
28. Safe Drinking Water Act: The main federal law that ensures the quality of American's drinking water and authorizes the U.S. Environmental Protection Agency to set standards for drinking water.
29. Short-term Supply Shortage: An emergency which causes the total water supply of a City to be inadequate to meet maximum system demand.
30. Special Utility Service: Residential or business service which exceeds that required for ordinary residential purposes.
31. Tariff: All of the service rates, rules and regulations issued by the City, together with any supplements or revisions thereto, officially approved by the Commission and contained in this document.
32. User: Anyone who creates a demand for water and engages in the consumption thereof.

PART III: RULES AND REGULATIONS

Section A - Applications for Service

1. Service Application Required: The City requires applications for service to be completed in writing on a form provided by the City and signed by the owner of the property.
2. Change in Ownership or Tenancy: A new application must be made to the City upon any change in ownership where the owner of the property is the customer, or upon any change in the identity of a tenant where the tenant of the property is the customer. The City shall have the right to discontinue or otherwise interrupt water service upon three (3) days notice if a new application has not been made and accepted for the new customer and until the turn-on fee has been paid.
3. Acceptance of Application: An application for service shall be considered accepted by the City only upon oral or written approval by the City. The City may provide service to the applicant pending formal review and acceptance of the application.
4. Application Forms: Forms are available at the Department of Water and Sewer Resources, 10 East Church Street, Bethlehem, Pennsylvania and on the City's Internet website.
5. Water Used for Construction Purposes: Where water is required for construction purposes, the applicant shall so indicate. Unmetered service may be provided for construction purposes.
6. Temporary Service: In the case of temporary service for short-term use, the City may require the customer to pay all costs of making the service connection and for its removal after the service has been discontinued, or to pay a fixed amount in advance to cover such expenses. If the service connection is physically removed, the customer shall receive a credit for reasonable salvage value.
7. Service Outside the City's Franchised Water Service Area: New water service will not be provided outside the City's franchised water service area, as approved by the Pennsylvania Public Utility Commission, unless the following conditions are met:
 - (1) The official approval of the Pennsylvania Public Utility Commission must be obtained prior to granting approval to above mentioned service request, provided PUC approval is necessary.
 - (2) The water service application must have the approval of Bethlehem City Council, upon the recommendation of the Department of Water and Sewer Resources. The Department will only make such a recommendation if it can be proven that the City would benefit from the expansion of its distribution system, and that such expansion, in fact, would not be detrimental to the City's ability to provide adequate service to its existing customers.

Section B - Construction and Maintenance of Facilities

1. Customer Service Line: The customer service line shall be furnished, installed, maintained and/or replaced, when necessary, by and at the sole expense of the customer. The City reserves the right to determine the size, kind and depth of customer service lines.
2. Separate Trench: The customer service line shall not be laid in the same trench with drain or wastewater pipe, the facilities of any other public utility or of any municipality or municipal authority that provides a public utility service, or within three (3) feet of any open excavation, unless a written exception is granted by the City.
3. Customer's Responsibilities: All service lines, connections and fixtures furnished by the customer shall be maintained by the customer in good working order. All valves, meters and appliances furnished by the City and on property owned or leased by the customer shall be protected properly by the customer. All leaks in the customer service line or any pipe or fixtures in or upon the customer's premises must be repaired immediately by the customer. On failure to make such repairs with reasonable dispatch, the City upon 5 days notice, will discontinue service.
4. Right to Reject: The City may refuse to connect with any piping system or furnish water through a service already connected if such system or service is not properly installed using acceptable materials, or not properly maintained. The City may also refuse to connect if lead based materials, as defined in the Safe Drinking Water Act, have been used in any plumbing beyond the City's curb control valve. It shall be the customer's responsibility to provide the City with any such certification which may be required to verify the absence or removal of such materials.
5. Water Use Standards for Certain Plumbing Fixtures: This rule establishes maximum water use criteria for certain plumbing fixtures installed in all new construction or renovation. Such standards have been implemented to achieve maximum efficiency of water use which the Commission has determined is technologically feasible and economically justified.

- (a) Maximum permitted water usage levels shall be as follows:

<u>Plumbing Fixture</u>	<u>IPC Maximum Water Use</u>
Showerheads	2.5 gallons/minute @ 80-psi
Faucets	2.2 gallons/minute @ 60-psi
Water Closets	1.6 gallons/flush
Urinals	1.0 gallons/flush

- (b) The City of Bethlehem may, at any appropriate time, amend any of the water use standards listed above relevant to technological developments relating to the water use or water efficiency of any of the specified plumbing fixtures. Amendments will also apply only to new construction and renovation.

(c) The City may exempt particular customers, or classes of customers, when it is determined that the water use standards for plumbing fixtures listed above are unreasonable, cannot be accommodated by existing technology or are otherwise inappropriate.

6. Backflow Prevention Device: Backflow prevention shall provide containment of sources of contaminants that may exist on the customer's premises. All procedures for this shall be in accordance with the City of Bethlehem's Cross Connection Control and Backflow Prevention Regulations. Included in the Regulations are procedures for: the installation and testing of backflow prevention devices, the certification of Backflow Prevention Assembly Technicians, the implementation time schedule and a list of City-approved backflow prevention devices. City will require installation of backflow prevention devices for all new facilities. Existing single family residential facilities and multi-family residential facilities three stories and lower in height will not be required to install backflow prevention devices unless a cross connection is discovered on the customer's premises. All other existing facilities will be required to install backflow prevention devices. The type, size and location of the backflow prevention device shall be in accordance with the City's Cross Connection Control and Backflow Prevention Regulations. The backflow prevention device shall be installed, owned and maintained by the customer at the customer's expense. The City shall approve the location of the backflow prevention device. The fee for the Application for a "Backflow Prevention Assembly Installation Permit" is \$100.00 and is payable to the City Treasurer. The fee for the triennial registration of Certified Backflow Prevention Assembly Technicians is \$100.00 and is payable to the City Treasurer.

Backflow prevention devices required by this Tariff shall be installed at a location, and in a manner, approved by the City. A person properly qualified shall install the device(s). Backflow prevention devices installed on the service line to a customer's water system shall be located on the customer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

Backflow prevention devices and water meters shall be installed within the customer's premises at a location that provides for convenient access for future maintenance. Customer shall reconfigure their internal piping to accommodate installation of these devices, if necessary. If adequate space is not available within the customer premises, the customer shall enlarge or reconfigure it. If this is not possible, customer shall provide an approved above grade enclosure located outside of the customer's premises to house these devices. Below grade vaults shall not be permitted.

If the water meter or backflow prevention device is upgraded or replaced, the customer shall provide adequate space within their premises for the new devices. Customer shall also be responsible for reconfiguration of their internal piping to accommodate installation of the new devices. If adequate space is not available within the customer premises, the customer shall enlarge or reconfigure it. If this is not possible, customer shall provide an approved above grade enclosure located outside of the customer's premises to house these devices. Below grade vaults shall not be permitted.

The City may deny or discontinue, after issuing reasonable notice, water service to any premises wherein any backflow prevention device required by this Tariff is not installed, tested, and maintained in

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a manner acceptable to the City, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off device required by this Tariff is not installed and maintained in working order.

Water service shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with this Tariff and to the satisfaction of the City.

7. Pressure: Generally the City will maintain service pressures from 25 p.s.i.g.(pounds per square inch gauge)to 125 p.s.i.g. at the main, but during periods of peak demand pressures at the main may range from 20 to 150 p.s.i.g. The City may furnish service at other pressures where necessary to supply adequate service.

If a customer needs the pressure reduced, the customer must install and maintain, at the customer's expense, a pressure regulator or valve. The pressure regulator will be installed on the inlet side of the meter.

8. Cross-Connections: No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public water supply system or customer's water system may exist, unless such cross-connections are abated or controlled to the satisfaction of the public water supplier.

No connection shall be installed or maintained whereby water from an auxiliary water supply may enter a public or customers' water system unless such auxiliary water supply, as well as the method of connection and use of such supply, has been approved by the City.

9. Individual Service Lines: Except as otherwise expressly authorized by the City, each individual customer shall be served only through a separate service line connected directly to the City's distribution main, and that service line shall not serve any other customer or premise. No additional attachment may be made to any customer's service line for any purpose without the express written approval of the City. Every meter shall have its own curb stop.

10. Connection to City Mains: No connection shall be made to the City's main, nor detachment from it, except under the direction and control of the City. All such connections shall be property of the City and shall be accessible to it and under its control. The City will furnish, install and maintain all service lines from the main to and including the curb stop and box. The City reserves the right to determine the size and kind of the City owned service line.

Service lines from the curb line to the user shall be laid at a depth of not less than four (4') feet. Materials and installation shall be in accordance with City specifications.

The City shall in no event be responsible for maintaining any portion of the customer service line, or for any damage done by water escaping therefrom, or from lines or fixtures on customer's property.

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The City may require a deposit to cover the cost of City service line in subdivisions or any property programmed for future development. Deposit shall be returned at such time as connection to improved property is made and billing for water service commences.

Where renewal of the City service line is found to be necessary, the City will renew said City service line in the same location and the same size. If the customer, for his own convenience, desires the new City service line at some other location or in a larger size, such relocation and increased size will be made by the City, provided the customer pays for the excess cost involved in complying with customer's request.

If the renewal of the City service line is predicated on a customer request, renewal will be accomplished only if the customer service line is renewed prior to the renewal of the City service line and only if the City service line has not been renewed already within the past twenty-five (25) years.

Section C - Discontinuance, Termination and Restoration of Service

1. Discontinuance by Customer: Where a customer requests the City to discontinue service, the following rules shall apply:
 - (a) A customer who wishes to have service discontinued shall give at least seven (7) days written notice to the City, specifying the date on which service is to be discontinued. In the absence of proper notice, the customer shall be responsible for all service rendered until the time that the City shall have actual or constructive notice of the customer's intent to discontinue service. The customer shall not turn water on or off at any corporation stop or curb stop, or disconnect or remove the meter, or permit its disconnection or removal, without the prior written consent of the City. A customer discontinuing service remains a customer for purposes of paying turn-on fees pursuant to Rule 3 of this Section for a period of nine (9) months. In the case of a rental property, the City will not terminate water service to said property simply to accommodate the wishes of an owner who desires to use said shut off as a means to evict his tenants.
 - (b) Where a customer requests turn-on of service within six (6) months of disconnection, the customer shall be subject to monthly minimum billing for the period of disconnection. The request for turn-on of service should be mailed to the same address as the disconnection of service request.
2. Termination by City: Service to the customer may be terminated for good cause, including, but not limited to, the following:
 - (a) making an application for service that contains material misrepresentations;
 - (b) willful or negligent waste of water through improper or imperfect pipes or fixtures, or for failure to repair leaks in pipes or fixtures;

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- (c) tampering with any service line, curb stop, meter or meter setting, or installing or maintaining cross-connections or any unauthorized connection;
 - (d) theft of service, which may include taking service without having made a proper application for service under Part III, Section A;
 - (e) failure to pay, when due, any charges accruing under this tariff;
 - (f) refusing the City reasonable access to the property served for purposes of installing, inspecting, reading, maintaining or removing meters;
 - (g) receipt by the City of an order or notice from the Department of Environmental Protection, a health agency, local plumbing inspector or other similar authority, to terminate service to the property served on the grounds of violation of any law or ordinance, or upon notice to the City from any such authority that it has ordered an existing violation on the property to be corrected and that such order has not been complied with;
 - (h) for not complying with mandatory water conservation rules and regulations imposed by the City during times of limited water supply;
 - (i) in case of abandonment of the premises;
 - (j) for making or refusing to remove any cross connections; or,
 - (k) material violation of any provisions of this tariff.
3. Turn-on Charge: Whenever service is discontinued or terminated pursuant to Rule 1 or Rule 2 of this Section, service shall be turned on by the City only upon the payment by the customer of a turn-on charge and the resolution of the problem that gave rise to the termination if under Rule 2.

Section D - Meters

1. All Meters Necessary to Furnishing of its Water Service Shall be Owned and Maintained by the City: If the customer desires additional meters for his convenience in recording use, such meters will be furnished by the customer at his expense.
2. Requirement for Metered Service: Water may not be introduced into an occupied premises without first installing a meter, following approval of application for service. All service provided by the City shall be metered except as authorized by this tariff.
3. Location of Meters: Meters up to 1-inch will be set by the City after the customer has had the plumbing arranged to receive the meter at a convenient point approved by the City so as to measure all water being supplied to the customer's premises. The City determines the size and location of the meter and any exterior remote reading device. Protection for the meter shall be provided by the customer. In cases

where it is not practical to place the meter indoors, or if the customer so desires and the City approves, an outside setting will be installed at the customer's expense at a position selected by the City. The City shall establish standards for outside meter settings. Relocation of meters for the customer's convenience shall be at the customer's expense. Should the customer determine, due to a change in use, that a larger meter size is needed, such meter will be provided by the City, provided the customer agrees to an increased customer charge.

The exterior remote reading device is to be installed a minimum of four (4) feet and a maximum of five (5) feet off the ground at a location to be determined by the City. Protection of the exterior remote reading device shall be provided by the customer. No vegetation may be planted or allowed to remain in front of the remote reading device. Availability of safe, unrestricted and unobstructed access to the remote reading device shall be maintained by the customer at all times. The customer may not tamper with or alter the remote reading device in any way.

The meter and backflow prevention device shall be installed within the customer's premises at a location that provides for convenient access for future maintenance. Customer shall reconfigure their internal piping to accommodate installation of these devices, if necessary.

If adequate space is not available within the customer premises, the customer shall enlarge or reconfigure it. If this is not possible, customer shall provide an approved above grade enclosure located outside of the customer's premises to house these devices. Below grade vaults shall not be permitted.

If the meter or backflow prevention device is upgraded or replaced, the customer shall provide adequate space within their premises for the new devices. Customer shall also be responsible for reconfiguration of their internal piping to accommodate installation of the new devices. If adequate space is not available within the customer premises, the customer shall enlarge or reconfigure it. If this is not possible, customer shall provide an approved above grade enclosure located outside of the customer's premises to house these devices. Below grade vaults shall not be permitted.

4. Bypasses: Bypasses, valves, backflow preventers, and pressure reducing valves, etc. as specified in the City Standard must be installed according to the meter size and location. No bypasses shall be installed around meters unless approved by the Bureau of Water. Such approval will be withheld unless the bypass is metered.
5. Access for Automated Meter Reading Devices: Upon reasonable notice, the customer shall permit the City access and space for the purpose of installing and utilizing a telemetering or other automated meter reading device. Where applicable, the customer must provide the City with the telephone number of the line to which the equipment will be connected and immediately advise the City of any changes in the telephone number. Where the use of the customer's facilities results in a utility charge, the City will compensate the customer.
6. Damages to Meters: Meters shall be maintained by the City so far as ordinary wear and tear is concerned. Where damage to a meter results from the negligent or willful act of the customer, and the

customer was previously notified of the obligation to protect the meter, the actual cost of removing, replacing, repairing or testing a damaged meter shall be paid by the customer.

7. Notification to City of Non-Working or Damaged Meter: The customer shall notify the City of a non-working or damaged meter as soon as the customer has notice of either condition.
8. Fees for Meter Tests: Fees for testing meters shall be as specified under Part I, Section F, of this tariff. Testing fees shall be refunded pursuant to Commission regulation at 52 Pa. Code §65.8(g) where the meter is found not operating within the allowable accuracy range specified at 52 Pa. Code §65.8(a).

Section E - Billing and Collection

1. Issuance of Bills: The City will bill each customer within fifteen (15) days of the last day of each billing period.
2. Billing Due Date: The due date for payment of a bill for nonresidential service shall be no less than fifteen (15) days from the date of transmittal. The due date for payment of a bill for residential service shall be no less than twenty (20) days from the date of transmittal. If the last day for payment falls on a Saturday, Sunday or bank holiday, or on any day when the offices of the City are not open to the general public, the due date shall be extended to the next business day. The City may not impose a late-payment charge unless payment is received more than five (5) days after the stated due date.
3. Late-Payment Charge: All amounts not paid when due shall accrue a late-payment charge at the rate not to exceed one and one-half percent (1.50%) per month, not to exceed eighteen percent (18%) per year when not paid as prescribed in Rule 2 of this Section.
4. Credit/Debit Card Payment Options – The City will accept credit/debit card payments from customers who elect such a payment option. Customers who elect to pay by credit/debit card will be responsible for any charge or transaction fee attributable to credit/debit card payments. The City will contract with a third-party payment processor, which will accept credit/debit card payments directly from customers for water service. All fees charged by the third-party payment processor will be charged directly to and collected from customers electing the convenience of making credit/debit card payments. The third-party payment processor will remit to the City only the amount of the customers' credit/debit card payments attributable to water service. The customers will be solely responsible for any fees charged by the third-party processor.
5. Change in Billing Address: Where a customer fails to notify the City of a change in billing address, the customer shall remain responsible to remit payment by the billing due date.
6. Return Check Charges: The customer will be responsible for the payment of a charge for each time a check presented to the City for payment on that customer's utility bill is returned by the payor bank for any reason including, but not limited to, insufficient funds, account closed, payment stopped, two signatures required, post-dated, stale date, account garnished, or unauthorized signature. This charge is in addition to any charge which may be assessed against the customer by the bank with interest.

7. Disputed Bills: In the event of a dispute between the customer and the City with respect to any bill, the City will promptly make such investigation as may be required by the particular case and report the result to the customer. The customer is not obligated to pay the disputed portion of the bill during the pendency of the City's investigation. When the City has made a report to the customer sustaining the bill as rendered, the customer shall have fifteen (15) days from the date of such report in which to pay the bill. If the City determines that the bill originally rendered is incorrect, the City will issue a corrected bill.

In case of a disputed account involving accuracy of a meter, such meter will be tested upon the request of the customer in conformity with the following rules:

- (a) Customer shall request in writing the testing of the meter.
- (b) Meter shall be sealed in the presence of the customer before removal to the meter shop.
- (c) Seal shall be broken and meter tested in the presence of the customer or his authorized agent.

8. Adjustment of Bills for Meter Error

- (a) Fast Meters – If, upon test of any meter, the meter is found to have an error of more than four (4%) percent fast, the City shall refund to customer the overcharge, based upon the corrected meter reading for a period equal to one-half the time elapsed since the last previous test, but not to exceed twelve (12) months. If the period of registration error can be definitely fixed, the overcharge shall be computed for such period, but not to exceed three (3) years. This meter will not be returned to service until certified as accurate by the City.
- (b) Slow Meters – If, upon test of any meter, the meter is found to have an error of more than four (4%) percent slow, the City may render a bill for the water consumed, but not covered by bills previously rendered, for a period equal to one-half of the time elapsed since the last previous test, but not to exceed twelve (12) months. If the period of registration error can be definitely fixed, the charge may be computed for such a period, but not to exceed three (3) years. This meter will not be returned to service until certified as accurate by the City.
- (c) Non-Registering of Meters – If a meter is found not to have been registering for any period, the City shall compute the water used by taking the average of the water used for the nearest meter reading period preceding and the meter reading period immediately following the date when the meter was found to be not registering, which amount shall be assumed to be the amount of water used by the customer during the billing period in which the meter was found not to have registered. Exceptions will be made to this rule only where the facts clearly show that the stated method does not give the corrected consumption for the period. This meter will not be returned to service until certified as accurate by the City.
- (d) If a meter is found to be accurate, the fee for testing each water meter having an outlet not exceeding one (1”) inch shall be \$38.00; for other water meters having an outlet not exceeding two (2”) inches, the fee shall be \$40.00.

9. Readings: All metered residential accounts shall have a minimum of one actual reading at intervals not exceeding twelve months. Except for accounts with meters having an electronic communications register and remote reading device which shall have a minimum of one actual reading at intervals not exceeding five (5) years, as well as every time the property is sold. It shall be the owner's responsibility to make his property accessible for at least one (1) meter reading per year except for properties with meters having an electronic communications register and remote reading device which shall be made accessible for at least one (1) meter reading every five (5) years, as well as every time the property is sold.
10. Customer Charge: Every meter is installed subject to a monthly or quarterly customer charge in accordance with the rates thereof for which no quantity of water will be allowed without additional charge. Such customer charge shall be payable whether or not the customer used any water. In cases of fractional bills covering less than the monthly or quarterly customer charge, the charge shall be prorated, such as when ownership of a property changes.
11. Registration Conclusive: No adjustment of amount registered is permitted for any reason except malfunction of meter, or upon a positive showing by the customer in instances of excessive usage that the usage resulted from circumstances beyond his ability to control.

Section F - Deposits

1. Residential Customers:

- (a) New Applicants--The City will provide service without requiring a deposit unless the applicant was terminated for nonpayment within the prior twelve (12) months or has an unpaid balance for prior service from the City. The amount of the deposit will not be greater than an estimated average bill for one (1) billing period plus the estimated bill for one (1) additional month's service.
- (b) Existing Customers--If a customer has paid late on two (2) consecutive occasions or a total of three (3) times within the prior 12-month period, the City may send a letter informing the customer that a deposit may be required if another late payment is received within the next twelve (12) months. An existing customer may be required to pay a deposit as a condition to having service restored after termination for non-payment or for failure to comply with a payment agreement. The amount of the deposit will not be greater than an estimated average bill for one (1) billing period plus the estimated bill for one (1) additional month's service.
- (c) Deposit Refunds and Interest--A deposit will be refunded if service is discontinued and the final bill is paid or if the customer has paid the bills for the prior 12-month period without having been late for two (2) consecutive bills and is not currently delinquent. Deposits from residential customers shall bear simple interest at the rate of the average of one-year Treasury Bills for September, October and November of the previous year, credited to the customers' account annually without deductions for taxes thereon unless otherwise required by law. The applicable interest rate shall become effective on January 1 of each year.

2. Nonresidential Customers:

- (a) **New Applicants**--A deposit may be required from any new applicant who does not have prior satisfactory credit history with the City. The amount of the deposit will not be greater than an estimated average bill for one (1) billing period plus the estimated bill for one (1) additional month's service.
- (b) **Existing Customers**--Deposit requirements for existing nonresidential customers shall be as established for residential customers in Rule 1 of this Section.
- (c) **Deposit Refunds and Interest**--A deposit will be refunded if the customer pays all bills on time over a 12-month period or if service is disconnected and the final bill has been paid. There will be no interest paid on deposits for nonresidential accounts.

Section G - Line Extensions

Whenever an owner or occupant of a property within the service territory of the City requests the City to extend service to such property, the City will extend service under the following conditions:

1. Requests by Bona Fide Service Applicant: The conditions under which facilities will be extended to supply service to an applicant within the City's service area are listed below. Upon request by a bona fide service applicant, a utility shall construct line extensions within its franchised territory consistent with the following directives:
 - (a) Line extensions to bona fide service applicants shall be funded without customer advance where the annual revenue from the line extension will equal or exceed the City's annual line extension costs.
 - (b) If the annual revenue from the line extension will not equal or exceed the City's annual line extension costs, a bona fide service applicant may be required to provide a customer advance to the utility's cost of construction for the line extension. The utility's investment for the line extension shall be the portion of the total construction costs which generate annual line extension costs equal to annual revenue from the line extension. The customer advance amount shall be determined by subtracting the utility's investment for the line extension from the total construction costs.
 - (c) The City's investment for the line extension shall be based on the following formula, where X equals the utility's investment attributed to each bona fide applicant:

X	=	[AR – OM] divided by [I + D]; and,
AR	=	the City's annual revenue
OM	=	the City's operating and maintenance costs
I	=	the City's current debt ratio multiplied by the City's weighted long-term debt cost rate
D	=	The City's current depreciation accrual rate

2. Customer advance financing, refunds and facilities on private property:

SUBSECTION (a) – FOR USE BY COMPANIES WITH GROSS ANNUAL RECEIPTS OF \$10 MILLION OR MORE

- (a) When a customer advance is required from a bona fide service applicant for service and the bona fide applicant is unable to advance the entire amount due, the City shall either:
- (i) Allow the applicant to pay the advance plus the financing costs equal to the City's weighted cost of long term debt, over a period of not less than 3 years; or
 - (ii) Provide information to the bona fide service applicant on financial institutions that may offer financing to the applicant for the main extension.
- (b) When a customer advance is required of a service applicant and an additional customer or customers attach service lines to the line extension within ten years, the utility shall refund a portion of the advance to the customer. Deposits made for additional facilities other than the line extension, such as booster pumps, storage tanks and the like, are contributions in aid of construction and need not be refunded.
- (c) The City will refund to the applicant, during a period of ten (10) years from the date of the extension deposit, a per-customer amount for each additional bona fide service applicant from whom a street service connection shall be directly attached to such main extension as distinguished from extensions or branches thereof. Provided, however, that the total amount refunded shall not exceed the original deposit without interest, and provided that all or any part of the deposit not refunded within said 10 year period shall become the property of the City and shall be treated as Contributions in Aid of Construction for ratemaking purposes. The per customer refund amount shall equal the utility's investment attributed to each bona fide applicant as calculated in the formula contained in Section G, Part 1, Subsection (c) of this tariff.
- (d) A utility shall require a customer to pay, in advance, a reasonable charge for service lines and equipment installed on private property for the exclusive use of the customer.
- (e) Special Utility Service shall mean residential or business service which exceeds that required for ordinary residential purposes. Section G (1) parts (a) through (c) of this tariff does not apply to special utility service. By way of illustration and not limitation, special utility service shall include: the installation of facilities such as oversized mains, booster pumps and storage tanks as necessary to provide adequate flows or to meet specific pressure criteria, or service to large water consuming commercial and industrial facilities. An otherwise bona fide applicant requesting service which includes a "special utility service" component is entitled to Bona Fide applicant status, including the corresponding City contribution toward the costs to the line extension which do not meet the special utility service criteria.

3. Requirement for Extension Deposit Agreement: Where extension of facilities is not fully funded by the City pursuant to Rule 1 of this Section, the execution by the applicant of an Extension Deposit Agreement for customer contribution or advance shall be a condition of extending the facilities. Upon notice that the City is prepared and able to go forward with the work, the applicant will deposit with the City the amount specified in the Extension Deposit Agreement.
4. Size of Line: The City shall have the exclusive right to determine the type and size of lines to be installed and the other facilities required to render adequate service. However, where the City decides to install a pipe larger than necessary to render extension of adequate service to the applicant, estimated or actual cost figures in the Extension Deposit Agreement shall include only the material and installation cost for a pipe the size of which is necessary to provide adequate service to the applicant. Any incremental costs of a larger pipe will be the responsibility of the City. All estimated or actual cost figures referred to in the Extension Deposit Agreement shall include a reasonable allowance for overhead costs and taxes as appropriate. The minimum pipe size for main extensions will be six (6) inches pursuant to Commission regulation at 52 Pa. Code §65.17(b).
5. Length of Extension: In determining the necessary length of an extension, the terminal point of such extension shall be at that point in the curb line, which is equidistant from the side property lines of the last lot for which water service is requested. A City service connection will be provided only for customer service lines that extend at right angles from the curb line in a straight line to the premises to be served.
6. Cost True-up: At the conclusion of the line extension project there shall be a reconciliation of the actual costs incurred to the amount of extension deposit that has been paid by the customer. If the actual cost exceeds the deposit, the applicant shall be responsible for payment to the City of the difference. If the deposit exceeds the actual costs, the City shall refund the difference.

Section H - Fire Protection Service

1. Private Company Fire Service: Where private fire protection service connections are to be made to a Company's system, the City shall have the right to approve the plans for such installation prior to approval of the application for service. The City shall make any connection to the distribution system that is required, and the customer shall pay to the City the actual cost for making such connection. A fire line, to be used for fire service, is required for automatic sprinklers or other fire service devices located inside a building. Fire hydrants located outside of the building may be connected to said fire line without additional charge.

The City shall have the right to require an appropriate meter for installation in the private fire line if deemed necessary. Waiver of the requirement for installation of a separate meter at the time the connection is made shall not prohibit the City from requiring a meter installation at a future date if such installation is warranted in the opinion of the City.

Any meter required will be supplied by the City, with the cost for the meter, together with labor and materials for installation, to be borne by the customer. Where a private fire connection is approved by the City, no other connection for domestic, commercial or industrial use shall be made to the fire

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connection line unless an appropriate meter is installed between the private line and the connection for such line and where connection and shutoff for each line is made outside the building.

2. Public Fire Protection: (Hydrant Installation) Wherever main extensions are made, the City will propose the installation of fire hydrants in accordance with accepted standards. Upon agreement of the political subdivision concerned to pay the yearly rental of such hydrant, the City will provide fire hydrant materials for installation by the applicant's contractor. The City will not propose installation of, or furnish materials for, fire hydrants in any municipality where the size of the existing street main and surrounding distribution system and the available pressure on said street main fail to meet acceptable standards. All fire hydrants will be maintained by the City.

The City shall approve the installation of any fire hydrants. All fire hydrants shall be located by the City with due consideration given to local fire fighting authorities and to requirements of insurance underwriters.

3. Private Fire Protection (Hydrant Installation) Developers and private fire protection customers shall be responsible for installation of fire hydrants to be provided by the City (fire hydrants only). The hydrants will be installed by the customer and shall be the property of the City.
4. Use of Fire Hydrants: All persons are forbidden to open any fire hydrant or to use any water therefrom for sprinkling streets, for construction or for any purpose, without permission in writing from the City, except in case of fire.

The City reserves the right to meter any fire line when evidence indicates that water is being taken from the line for purposes other than fire fighting or as otherwise permitted by agreement, and such metered service shall then be billed in accordance with the regular schedule of metered rates, with proper allowance for water consumed in fire fighting or other authorized use.

5. Change of Location: Change in the location of public fire hydrants will be made upon written request and approval by the Municipality. Such relocation will be paid for by the requestor.
6. Approval: The City reserves the right to refuse an application for fire protection where, in the judgment of the City, such service is not reasonable or practical.
7. Fire Flow Test: All customers must notify the City at (610) 865-7077 seventy-two (72) hours prior to conducting a fire flow test.

Section I - Service Continuity

1. Regularity of Service: The City may, at any time, shut off water in the mains in case of accident or for the purpose of making connections, alterations, repairs or changes, or for other reasons, and may restrict the use of water to reserve a sufficient supply for public fire service or other emergencies whenever the public welfare so requires. The City will, pursuant to Commission regulations at 52 Pa. Code §56.1 and as circumstances permit, notify customers to be affected by service interruptions.

2. Liability for Service Interruptions

- (a) **Limitation of Damages**--The City's liability to a customer for any loss or damage from any excess or deficiency in the pressure, volume or supply of water, due to any cause other than willful misconduct or negligence by the City, its employees or agents shall be limited to an amount no more than the customer charge or minimum bill for the period in question. The City will undertake to use reasonable care and diligence in order to prevent and avoid interruptions and fluctuations in service, but cannot and does not guarantee that such will not occur.
- (b) **Responsibility for Customer Facilities**--The City shall not be liable for any loss or damage caused by reason of any break, leak or other defect in a customer's own service pipe, line, fixtures or other installations, except where the damage is a result of the negligence or willful misconduct of the City, its employees or agents.

3. Damage to System and Theft of Water: Any owner or occupant of property which is serviced by the water system of the City of Bethlehem who removes the seal installed by the City, or who in any other way willfully causes damage to any equipment in the system or who uses water for which the City is not properly compensated, shall be considered in violation of these water regulations and shall be subject to the penalty as set forth below. Nothing in this Section shall be construed as limiting the City's remedies at law or equity.

4. Penalty: Applicants and customers are required to comply with all the rules and regulations applicable to water service furnished by the City of Bethlehem. For violation of its Rules and Regulations, the City reserves the right to shut off the water after due notice and cancel the contract. For turning on the water again, a charge will be made as specified in Section C. Nothing in this Section shall be construed as limiting the City's remedies at law or equity.

Section J - Waivers

The City may, at its sole discretion, waive any of the Rules contained herein that operate for the benefit of the City; provided, that no such waiver will be valid unless in writing and signed by an authorized representative of the City, and provided that no waiver will be allowed where the waiver would constitute a violation of the Public Utility Code, the regulations of the Commission or of any other applicable statute, law or regulation.

PART IV: WATER CONSERVATION CONTINGENCY PLAN

1. Restriction of Nonessential Uses: As provided in Commission regulations at 52 Pa. Code §65.11, if the City is projecting a short term supply shortage, the City may request voluntary conservation by both residential and nonresidential customers and may impose mandatory conservation measures to reduce or eliminate nonessential uses of water. As defined at 52 Pa. Code §65.1, nonessential uses of water include, at a minimum, the following:
 - (a) Watering of lawns, gardens, landscape areas, trees, shrubs or other outdoor vegetation except with a hand-held hose equipped with an automatic shut-off nozzle.
 - (b) Non-commercial washing of vehicles or other equipment except with hand-held hose equipped with an automatic shut-off nozzle.
 - (c) Washing streets, driveways, parking lots, tennis courts, commercial and residential building exteriors, sidewalks, patios or other outdoor surfaces.
 - (d) Ornamental water uses, including fountains, artificial waterfalls, reflecting pools and the like.
 - (e) Filling or topping-off swimming or wading pools except for public or private pools serving 25 of more dwelling units and health care facility pools used for patient care or rehabilitation.
 - (f) The operation of water-cooled comfort air conditioning not equipped with a cooling tower or other evaporative system.
 - (g) Flushing wastewater lines or manholes.
 - (h) Irrigation at commercial farms and nurseries other than as minimally necessary to preserve livestock, crops and plants.
 - (i) The use of water from fire hydrants for construction purposes or fire drills.
2. Implementation of Voluntary Restrictions: Prior to implementation of mandatory restrictions under Rule 3 of this Part, the City shall first request voluntary customer conservation. Notice of voluntary conservation restrictions shall be sent to all customers or be provided by local radio, television or newspaper advertisements within the City's service territory. Written notice of request for voluntary restrictions shall also be provided to the Commission.
3. Imposition of Mandatory Restrictions: If voluntary cooperation does not achieve satisfactory results, mandatory restrictions will be imposed upon notice to customers and the Commission as provided in Rule 2 of this Part. If any customer refuses to comply with such mandatory measures, the City may either adjust the outside water valve connection in a manner which will restrict water flow by up to one-half, or otherwise restrict flow such as by the insertion of a plug device.

Prior to any such other flow restriction being imposed, the City must make a bona fide attempt to deliver notice of the proposed flow restriction to a responsible person at the affected premises and fully explain the reason for the restriction. Less restrictive means may be imposed to secure compliance with mandatory use restrictions.

Complete service termination may be imposed by the Commission after an expedited administrative proceeding has been held to provide the affected customer with an opportunity to be heard.

4. Pennsylvania Emergency Management Agency (PEMA) Responsibilities: In addition to the provisions as set forth in this Part, the Pennsylvania Emergency Management Agency, authorized to promulgate, adopt and enforce a Water Rationing Plan by virtue of the Emergency Management Services Code, 35 Pa. C.S. §§7101, et seq., may impose restrictions pursuant to a Drought Emergency Proclamation by the Governor of the Commonwealth of Pennsylvania. Where inconsistent with City-imposed restrictions pursuant to this tariff, PEMA restrictions shall control.

In the event of a drought emergency as defined by proclamation or executive order, the City is authorized to collect fines set forth in its Local Water Rationing Plan as filed with and approved by PEMA.

5. Termination of Use Restrictions: Conservation measures imposed pursuant to this Part shall be terminated at such time as the supply shortage is eliminated, with appropriate notice provided to affected customers.