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**TOWN OF DURBIN, a municipal utility**

**OF**

**DURBIN, WEST VIRGINIA**

**RATES, RULES AND REGULATIONS FOR FURNISHING  
SEWERAGE AND SEWAGE DISPOSAL SERVICE**

**at Durbin and vicinity, Pocahontas County, West Virginia**

**Filed with THE PUBLIC SERVICE COMMISSION  
of  
WEST VIRGINIA**

**Issued November 28, 2018**

**Effective for service rendered  
on or after November 23, 2018,  
except as otherwise provided herein**

**Adopted by Town Council  
On October 9, 2018.**

**ORDS Durbin 18A**

**Issued by TOWN OF DURBIN, a municipal utility**

By *Kenneth R. Belin*

*Its Mayor*  
Title

RULES AND REGULATIONS

- I. Rules and Regulations for the Government of Sewerage Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission.

**STEP 1**

**SCHEDULE I**

**APPLICABILITY**

Applicable within the entire territory served

(C) **AVAILABILITY**

Available for residential, commercial, industrial (except unusual industrial waste) and resale sewer service.

(I) **RATES** (Customers with metered water supply)

First	2,000 gallons used per month	\$11.70 per 1,000 gallons
Next	3,000 gallons used per month	\$ 7.68 per 1,000 gallons
Next	5,000 gallons used per month	\$ 6.00 per 1,000 gallons
Next	10,000 gallons used per month	\$ 4.38 per 1,000 gallons
All Over	20,000 gallons used per month	\$ 3.25 per 1,000 gallons

(C,I) **MINIMUM CHARGE** (Customers with metered water supply)

Each customer shall pay a minimum charge of \$23.40 per month.  
(Equivalent to 2,000 gallons of water usage)

(N) **FLAT-RATE CHARGE** (Customers with non-metered water supply)

Each customer shall pay a minimum charge of \$38.76 per month.  
(Equivalent to 4,000 gallons of water usage)

(C) **DELAYED PAYMENT PENALTY**

The above schedule is net. On all accounts not paid in full when due, ten percent will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

(C,I) **SEWER SERVICE CONNECTION CHARGE** \$350.00

The following charges are to be made whenever the utility installs a new tap to serve an applicant – “Applicant” shall mean and include each property owner and occupant of any residential unit as well as commercial and industrial users.

(C) Indicates change in text

(I) Indicates increase

(N) Indicates new

**STEP 1** (Continued)

**SCHEDULE I** (Continued)

(C,I) **SEWER SERVICE CONNECTION CHARGE** (Continued)

A tap fee of \$100.00 will be charged to customers applying for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding before the Commission. This pre-construction tap fee will be invalid after the completion of construction adjacent to an applicant's premises that is associated with a certificate proceeding.

A tap fee of \$350.00, or the actual cost of the connection (solely determined by the Utility), whichever is greater, will be charged to all customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

(C) **RETURNED CHECK CHARGE** \$25.00

A service charge of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank for any reason.

(C,I) **WATER DISCONNECT/RECONNECT FEES/ADMINISTRATIVE FEES**

Water service will not be restored until all past due sewer bills have been paid in full and all accrued penalties plus a disconnection charge of \$25.00 have been paid.

There shall be a \$25.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.

In the event that Utility staff or agents collect money at the customer's residence in order to stop disconnection, an administrative fee of \$25.00 shall be paid in addition to other charges to prevent disconnection.

(C,I) **INCREMENTAL COSTS** \$3.50 per 1,000 gallons

An amount not to exceed \$3.50 per 1,000 gallons is to be used when a bill reflects unusual consumption which can be attributed to eligible leakage on customer's side of the meter. This rate shall be applied to all such consumption above customer's historical average usage. The Utility shall establish a non-discriminatory policy regarding this provision for leak adjustments.

- (C) Indicates change in text
- (I) Indicates increase

**STEP 1** (Continued)**SCHEDULE I** (Continued)(N) **EFT, ACH, CREDIT CARD AND DROP BOX PAYMENTS**

A service charge will be imposed on EFT, ACH, Credit card or Drop Box payments. The amount shall be equal to the actual charges to the Utility from the financial institution for processing payment.

(N) **SECURITY DEPOSIT**

As of the date of passage, the applicable provision of WV Code §8-19-12a(a)(C1132):

“The municipal governing body, but only one of them, may collect from all new applicants for service a deposit of \$50 or two-twelfths of the average annual usage of the applicant’s specific customer class, whichever is greater, to secure the payment of service rates, fees, and charges, in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent and the user’s service is disconnected or terminated, no reconnection or reinstatement of service may be made by the municipality or governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average annual usage for the applicant’s specific customers class, whichever is greater, is remitted to the municipality or governing body. After twelve months of prompt payment history, the municipality or governing body shall return the deposit to the customer or credit the customer’s account with interest at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the municipality or governing body is not required to return the deposit until the time the tenant discontinues service with the municipality or governing body. Whenever any rates, rentals or charges for services or facilities furnished remain unpaid for a period of twenty days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees and charges are fully paid. The municipality or governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of water facilities ten days after the services become delinquent regardless of whether the municipality or governing body utilizes the security deposit to satisfy any delinquent payments: *Provided further*, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the municipality or governing body to accept payment at the customer’s premises in lieu of discontinuing service for a delinquent bill.”

(N) Indicates new

**STEP 1** (Continued)

**SCHEDULE I** (Continued)

(N) **SECURITY DEPOSIT** (Continued)

As of the date of passage, the applicable provision of the PSC Water Rules, Rule 4.2.a.1:

“... for a municipal system only, the deposit shall not be more than either fifty dollars (\$50) or two-twelfths (2/12) of the average annual usage of the applicant’s specific customer class, whichever is greater...”

This tariff in accordance with the above cited statutory language and these rates produces a security deposit of \$77.52 for residential customers. All other classes of customers will have their required deposit calculated in accordance with the above language in regards to average usage.

(N) **RESALE RATE**  
\$3.00 per 1,000 gallons

(N) Indicates new

**STEP 1** (Continued)**SCHEDULE II****(C) SURCHARGE FORMULA TO BE APPLIED WHERE SURFACE DRAINAGE IS CONNECTED TO THE UTILITY'S SANITARY SEWER SYSTEM**

Whenever the Utility has discovered that a customer's roof drain, down spouts, storm sewer or other similar facilities conducting surface water have been connected to the Utility's sewer system, and such customer has failed to take appropriate action, within thirty (30) days of receipt of a demand by the Utility in accordance with the Rules and Regulations of the Public Service Commission, to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

$$S = A \times R \times .0006233 \times C$$

- S = The surcharge in dollars
- A = The area under roof and/or the area of any other water collection surface connected to the sanitary sewer, in square feet.
- R = The measured monthly rainfall, in inches.
- .0006233 = A conversion factor to change inches of rain x square feet of surface to thousands of gallons of water.
- C = The Utility's approved rate per thousand gallons of metered water usage.

The Utility shall not impose the surcharge unless and until the customer has been notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or other surface water is being introduced into the sanitary sewer system at the customer's location, and that the customer has not acted within thirty (30) days from receipt of such notice to divert the water from the sanitary sewer system.

Said surcharge shall be calculated and imposed for each month that said condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water service in accordance with the Rules and Regulations of the Public Service Commission of West Virginia.

(C) Indicates change in text

**STEP 1** (Continued)**SCHEDULE III****(N) SURCHARGE FORMULA TO BE APPLIED TO A CUSTOMER PRODUCING UNUSUAL WASTE**

The charge for the treatment of unusual waste will be calculated on the basis of the following formula:

$$C_i = V_o V_i + B_o B_i + S_o S_i$$

- $C_i$  = charge to unusual users per year  
 $V_o$  = average unit cost of transport and treatment chargeable to volume, in dollars per gallon  
 $V_i$  = volume of wastewater from unusual users in gallons per year  
 $B_o$  = average unit cost of treatment, chargeable to Biochemical Oxygen Demand ("BOD") in dollars per pound  
 $B_i$  = weight of BOD from unusual users, in pounds per year  
 $S_o$  = average unit cost of treatment (including sludge treatment chargeable to total solids), in dollars per pound  
 $S_i$  = weight of total solids from unusual users, in pounds per year

When an unusual user is to be served, a preliminary study of its wastes, and the cost of transport and treatment thereof, will be made. Waste containing materials which, in the judgment of the Utility, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge therefore, based upon the formula set out above.

Thereafter, unusual sewage will be monitored on a regular basis and at the conclusion of each fiscal year, based on the investigation aforesaid and audit of the Utility records, new cost figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the unusual user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each unusual user, or refund given by the Utility, as the case may be. Such audited figures will then be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

(N) Indicates new



**STEP 1** (Continued)

**SCHEDULE IV**

(N) **APPLICABLE INSIDE AND OUTSIDE OF THE LIMITS OF THE UTILITY**

Where the amount of sanitary sewage discharged into the Utility's wastewater collection and/or transmission and/or treatment system by certain industrial plant or plants cannot be accurately determined by the use of the plants water meter or meters, and said plant cannot install a flow meter to measure such waste, a special formula will be used whereby such plant or plants will pay to the Utility a sewer charge calculated at fifty (50) gallons of water per each employee at the plant each working day.

**STEP 1** (Continued)

**SCHEDULE V**

(N) **APPLICABILITY**

Applicable within the entire territory served.

(N) **AVAILABILITY**

Available for wastewater and leachate haulers.

(N) **RATES**

**Commodity Charge** – Each customer shall pay a commodity charge of \$50.00 per 1,000 gallons per load. Load will be the actual capacity of the truck or other transport method delivering wastewater and leachate. Actual capacity shall be determined, or verified solely, by the Utility.

(N) **DELAYED PAYMENT PENALTY**

The above schedule is net. On all current usage billings not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

(N) **RETURNED CHECK CHARGE**

A service charge of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank for any reason.

TOWN OF DURBIN, a municipal utility  
OF  
DURBIN, WEST VIRGINIA  
RATES, RULES AND REGULATIONS FOR FURNISHING  
SEWERAGE AND SEWAGE DISPOSAL SERVICE  
at Durbin and vicinity, Pocahontas County, West Virginia  
Filed with THE PUBLIC SERVICE COMMISSION  
of  
WEST VIRGINIA

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Issued November 28, 2018

Effective upon substantial project completion  
or commencement of project debt service,  
except as otherwise provided herein

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Adopted by Town Council  
On October 9, 2018.

Issued by TOWN OF DURBIN, a municipal utility

By Kenneth R. Albright

His Mayor  
Title

RULES AND REGULATIONS

- I. Rules and Regulations for the Government of Sewerage Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission.

**STEP 2**

**SCHEDULE I**

**APPLICABILITY**

Applicable within the entire territory served

**AVAILABILITY**

Available for residential, commercial, industrial (except unusual industrial waste) and resale sewer service.

(I) **RATES** (Customers with metered water supply)

First	2,000 gallons used per month	\$13.65 per 1,000 gallons
Next	3,000 gallons used per month	\$ 8.96 per 1,000 gallons
Next	5,000 gallons used per month	\$ 7.00 per 1,000 gallons
Next	10,000 gallons used per month	\$ 5.11 per 1,000 gallons
All Over	20,000 gallons used per month	\$ 3.79 per 1,000 gallons

(I) **MINIMUM CHARGE** (Customers with metered water supply)

Each customer shall pay a minimum charge of \$27.30 per month.  
(Equivalent to 2,000 gallons of water usage)

(I) **FLAT-RATE CHARGE** (Customers with non-metered water supply)

Each customer shall pay a minimum charge of \$45.22 per month.  
(Equivalent to 4,000 gallons of water usage)

**DELAYED PAYMENT PENALTY**

The above schedule is net. On all accounts not paid in full when due, ten percent will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

**SEWER SERVICE CONNECTION CHARGE** \$350.00

The following charges are to be made whenever the utility installs a new tap to serve an applicant – “Applicant” shall mean and include each property owner and occupant of any residential unit as well as commercial and industrial users.

(I) Indicates increase

**Adopted by Town Council on October 9, 2018 to become effective upon substantial project completion or commencement of project debt service.**

**STEP 2** (Continued)

**SCHEDULE I** (Continued)

**SEWER SERVICE CONNECTION CHARGE** (Continued)

A tap fee of \$100.00 will be charged to customers applying for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding before the Commission. This pre-construction tap fee will be invalid after the completion of construction adjacent to an applicant's premises that is associated with a certificate proceeding.

A tap fee of \$350.00, or the actual cost of the connection (solely determined by the Utility), whichever is greater, will be charged to all customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

**RETURNED CHECK CHARGE** \$25.00

A service charge of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank for any reason.

**WATER DISCONNECT/RECONNECT FEES/ADMINISTRATIVE FEES**

Water service will not be restored until all past due sewer bills have been paid in full and all accrued penalties plus a disconnection charge of \$25.00 have been paid.

There shall be a \$25.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.

In the event that Utility staff or agents collect money at the customer's residence in order to stop disconnection, an administrative fee of \$25.00 shall be paid in addition to other charges to prevent disconnection.

**INCREMENTAL COSTS** \$3.50 per 1,000 gallons

An amount not to exceed \$3.50 per 1,000 gallons is to be used when a bill reflects unusual consumption which can be attributed to eligible leakage on customer's side of the meter. This rate shall be applied to all such consumption above customer's historical average usage. The Utility shall establish a non-discriminatory policy regarding this provision for leak adjustments.

**Adopted by Town Council on October 9, 2018 to become effective upon substantial project completion or commencement of project debt service.**

STEP 2 (Continued)SCHEDULE I (Continued)EFT, ACH, CREDIT CARD AND DROP BOX PAYMENTS

A service charge will be imposed on EFT, ACH, Credit card or Drop Box payments. The amount shall be equal to the actual charges to the Utility from the financial institution for processing payment.

(I) SECURITY DEPOSIT

As of the date of passage, the applicable provision of WV Code §8-19-12a(a)(C1132):

“The municipal governing body, but only one of them, may collect from all new applicants for service a deposit of \$50 or two-twelfths of the average annual usage of the applicant’s specific customer class, whichever is greater, to secure the payment of service rates, fees, and charges, in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent and the user’s service is disconnected or terminated, no reconnection or reinstatement of service may be made by the municipality or governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average annual usage for the applicant’s specific customers class, whichever is greater, is remitted to the municipality or governing body. After twelve months of prompt payment history, the municipality or governing body shall return the deposit to the customer or credit the customer’s account with interest at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the municipality or governing body is not required to return the deposit until the time the tenant discontinues service with the municipality or governing body. Whenever any rates, rentals or charges for services or facilities furnished remain unpaid for a period of twenty days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees and charges are fully paid. The municipality or governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of water facilities ten days after the services become delinquent regardless of whether the municipality or governing body utilizes the security deposit to satisfy any delinquent payments: *Provided further*, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the municipality or governing body to accept payment at the customer’s premises in lieu of discontinuing service for a delinquent bill.”

(I) Indicates increase

Adopted by Town Council on October 9, 2018 to become effective upon substantial project completion or commencement of project debt service.

**STEP 2** (Continued)

**SCHEDULE I** (Continued)

(I) **SECURITY DEPOSIT** (Continued)

As of the date of passage, the applicable provision of the PSC Water Rules, Rule 4.2.a.1:

“... for a municipal system only, the deposit shall not be more than either fifty dollars (\$50) or two-twelfths (2/12) of the average annual usage of the applicant’s specific customer class, whichever is greater...”

This tariff in accordance with the above cited statutory language and these rates produces a security deposit of \$90.44 for residential customers. All other classes of customers will have their required deposit calculated in accordance with the above language in regards to average usage.

**RESALE RATE**

\$3.00 per 1,000 gallons

(I) Indicates increase

**Adopted by Town Council on October 9, 2018 to become effective upon substantial project completion or commencement of project debt service.**



**STEP 2** (Continued)

**SCHEDULE II**

**SURCHARGE FORMULA TO BE APPLIED WHERE SURFACE DRAINAGE IS CONNECTED TO THE UTILITY'S SANITARY SEWER SYSTEM**

Whenever the Utility has discovered that a customer's roof drain, down spouts, storm sewer or other similar facilities conducting surface water have been connected to the Utility's sewer system, and such customer has failed to take appropriate action, within thirty (30) days of receipt of a demand by the Utility in accordance with the Rules and Regulations of the Public Service Commission, to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

$$S = A \times R \times .0006233 \times C$$

- S = The surcharge in dollars
- A = The area under roof and/or the area of any other water collection surface connected to the sanitary sewer, in square feet.
- R = The measured monthly rainfall, in inches.
- .0006233 = A conversion factor to change inches of rain x square feet of surface to thousands of gallons of water.
- C = The Utility's approved rate per thousand gallons of metered water usage.

The Utility shall not impose the surcharge unless and until the customer has been notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or other surface water is being introduced into the sanitary sewer system at the customer's location, and that the customer has not acted within thirty (30) days from receipt of such notice to divert the water from the sanitary sewer system.

Said surcharge shall be calculated and imposed for each month that said condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water service in accordance with the Rules and Regulations of the Public Service Commission of West Virginia.

**Adopted by Town Council on October 9, 2018 to become effective upon substantial project completion or commencement of project debt service.**

**STEP 2** (Continued)**SCHEDULE III****SURCHARGE FORMULA TO BE APPLIED TO A CUSTOMER PRODUCING UNUSUAL WASTE**

The charge for the treatment of unusual waste will be calculated on the basis of the following formula:

$$C_i = V_o V_i + B_o B_i + S_o S_i$$

- $C_i$**  = charge to unusual users per year  
 **$V_o$**  = average unit cost of transport and treatment chargeable to volume, in dollars per gallon  
 **$V_i$**  = volume of wastewater from unusual users in gallons per year  
 **$B_o$**  = average unit cost of treatment, chargeable to Biochemical Oxygen Demand ("BOD") in dollars per pound  
 **$B_i$**  = weight of BOD from unusual users, in pounds per year  
 **$S_o$**  = average unit cost of treatment (including sludge treatment chargeable to total solids), in dollars per pound  
 **$S_i$**  = weight of total solids from unusual users, in pounds per year

When an unusual user is to be served, a preliminary study of its wastes, and the cost of transport and treatment thereof, will be made. Waste containing materials which, in the judgment of the Utility, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge therefore, based upon the formula set out above.

Thereafter, unusual sewage will be monitored on a regular basis and at the conclusion of each fiscal year, based on the investigation aforesaid and audit of the Utility records, new cost figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the unusual user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each unusual user, or refund given by the Utility, as the case may be. Such audited figures will then be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

**Adopted by Town Council on October 9, 2018 to become effective upon substantial project completion or commencement of project debt service.**

**STEP 2** (Continued)

**SCHEDULE IV**

**APPLICABLE INSIDE AND OUTSIDE OF THE LIMITS OF THE UTILITY**

Where the amount of sanitary sewage discharged into the Utility's wastewater collection and/or transmission and/or treatment system by certain industrial plant or plants cannot be accurately determined by the use of the plants water meter or meters, and said plant cannot install a flow meter to measure such waste, a special formula will be used whereby such plant or plants will pay to the Utility a sewer charge calculated at fifty (50) gallons of water per each employee at the plant each working day.

**Adopted by Town Council on October 9, 2018 to become effective upon substantial project completion or commencement of project debt service.**

**STEP 2** (Continued)

**SCHEDULE V**

**APPLICABILITY**

Applicable within the entire territory served.

**AVAILABILITY**

Available for wastewater and leachate haulers.

**RATES**

Commodity Charge – Each customer shall pay a commodity charge of \$50.00 per 1,000 gallons per load. Load will be the actual capacity of the truck or other transport method delivering wastewater and leachate. Actual capacity shall be determined, or verified solely, by the Utility.

**DELAYED PAYMENT PENALTY**

The above schedule is net. On all current usage billings not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

**RETURNED CHECK CHARGE**

A service charge of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank for any reason.

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