

ORDINANCE NUMBER 197

<p>AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING WATER SERVICE AT ELKINS AND VICINITY, RANDOLPH COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE</p>
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WHEREAS, Chapter 24, Article 2, Section 4b of the *West Virginia Code*, effective July 1, 1981, as amended, gives to municipally operated public utilities the approval authority to set their own rates and charges; and,

WHEREAS, the current rates and charges for water service provided by the City of Elkins are based upon a test year ended June 30, 2011; and,

WHEREAS, the City has recently lost a large resale customer which contributed rate revenue to the City; and,

WHEREAS, the 2015 Legislature amended Chapter 24 of the *West Virginia Code* to require all municipalities to maintain a cash working capital reserve; and,

WHEREAS, in order to provide revenues sufficient to pay the expenses of operations, to provide working capital reserves and to provide funding for the debt service associated with the upcoming water system upgrade project approved by the Public Service Commission of West Virginia in Case No. 12-1382-W-CN, the Common Council of the City of Elkins deems it necessary to increase, in two steps, the rates and charges for the furnishing of water services.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA HEREBY ORDAINS:

SECTION ONE – RATES, RULES AND REGULATIONS

The following rates, fees and charges for water service provided by it to customers throughout its territory served, are hereby fixed and determined as rates, fees and charges to be charged in lieu of those rates, fees and charges contained in its water tariff, P.S.C. W. Va. No. 15, and Supplement No. 1 and Supplement No. 2 thereto, currently on file with the Public Service Commission of West Virginia.

STEP 1

**[EFFECTIVE FORTY-FIVE (45) DAYS FROM
PASSAGE OF ORDINANCE OR AS OTHERWISE ORDERED BY
THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA]**

APPLICABILITY

Applicable within the entire territory served

AVAILABILITY OF SERVICE

Available for general domestic, commercial, industrial and sale for resale water service.

METERED RATES (Customers with metered water supply)

First	2,000 gallons used per month	\$10.00 per 1,000 gallons
Next	3,000 gallons used per month	\$ 5.49 per 1,000 gallons
Next	5,000 gallons used per month	\$ 3.24 per 1,000 gallons
All Over	10,000 gallons used per month	\$ 2.42 per 1,000 gallons

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

Equivalent to 4,500 gallons of water used per month \$33.73

MINIMUM CHARGE

No bill shall be rendered for less than the following amounts according to the size of the meter installed:

5/8 inch meter	\$ 20.00	per month
3/4 inch meter	\$ 30.00	per month
1 inch meter	\$ 50.00	per month
1 1/4 inch meter	\$ 70.00	per month
1 1/2 inch meter	\$ 100.00	per month
2 inch meter	\$ 160.00	per month
3 inch meter	\$ 300.00	per month
4 inch meter	\$ 500.00	per month
6 inch meter	\$ 1,000.00	per month
8 inch meter	\$ 1,600.00	per month

SALE FOR RESALE

All water for resale will be billed in accordance to the approved rate of \$ 2.60 per 1,000 gallons used per month.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility or a maximum of \$25.00 will be imposed upon any customer whose check for payment is returned by the bank due to insufficient funds.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts 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.

RECONNECTION FEE - \$25.00

To be charged whenever the supply of water is turned off for violations of rules, non-payment of bills or fraudulent use of water.

SHUTOFF FEE - \$25.00

To be charged whenever the water utility is requested by the customer to turn off water at the meter outside of normal business hours, as defined by the Public Service Commission of West Virginia.

TAP FEE

A tap fee of \$150 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 Public Service Commission of West Virginia. This pre-construction tap fee will be invalid after the completion of construction adjacent to the applicant's premises that is associated with a certificate proceeding.

A tap fee of \$400.00, or the actual cost of connection (solely determined by the water utility), whichever is greater, will be charged to all customers who apply for service outside of a certificate proceeding before the Public Service Commission of West Virginia for each new tap to the system.

LEAK ADJUSTMENT

\$0.58 per 1,000 gallons is to be used when a bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such consumption above the customer's historical usage.

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for commercial service, or fifty dollars, whichever is greater.

STEP 2

**[EFFECTIVE UPON SUBSTANTIAL COMPLETION OF WATER
PROJECT OR UPON COMMENCEMENT OF PAYMENT OF
DEBT SERVICE, WHICHEVER FIRST OCCURS]**

APPLICABILITY

Applicable within the entire territory served

AVAILABILITY OF SERVICE

Available for general domestic, commercial, industrial and sale for resale water service.

METERED RATES (Customers with metered water supply)

First	2,000 gallons used per month	\$15.25 per 1,000 gallons
Next	3,000 gallons used per month	\$ 8.50 per 1,000 gallons
Next	5,000 gallons used per month	\$ 7.06 per 1,000 gallons
All Over	10,000 gallons used per month	\$ 5.22 per 1,000 gallons

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

Equivalent to 4,500 gallons of water used per month \$51.75

MINIMUM CHARGE

No bill shall be rendered for less than the following amounts according to the size of the meter installed:

5/8 inch meter	\$ 30.50	per month
3/4 inch meter	\$ 45.75	per month
1 inch meter	\$ 76.25	per month
1 1/4 inch meter	\$ 106.75	per month
1 1/2 inch meter	\$ 152.50	per month
2 inch meter	\$ 244.00	per month
3 inch meter	\$ 457.50	per month
4 inch meter	\$ 762.50	per month
6 inch meter	\$ 1,525.00	per month
8 inch meter	\$ 2,440.00	per month

SALE FOR RESALE

All water for resale will be billed in accordance to the approved rate of \$ 5.665 per 1,000 gallons used per month.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility or a maximum of \$25.00 will be imposed upon any customer whose check for payment is returned by the bank due to insufficient funds.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts 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.

RECONNECTION FEE - \$25.00

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A tap fee of \$400.00, or the actual cost of connection (solely determined by the water utility), whichever is greater, will be charged to all customers who apply for service outside of a certificate proceeding before the Public Service Commission of West Virginia for each new tap to the system.

LEAK ADJUSTMENT

\$0.58 per 1,000 gallons is to be used when a bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such consumption above the customer's historical usage.

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for commercial service, or fifty dollars, whichever is greater.

SECTION TWO – EFFECTIVE DATE

The Step 1 rates, fees, and charges provided herein shall become effective 45 days after the enactment hereof or as otherwise ordered by the Public Service Commission of West Virginia.

The Step 2 rates, fees, and charges provided herein shall become effective upon substantial completion of the water system improvement project by the Public Service Commission of West Virginia in Case No. 12-1382-W-CN, or upon commencement of payment of debt service associated therewith, whichever first occurs.

SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent that the provisions of this

Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall publish Notice of this Ordinance in *The Inter-Mountain*, being a newspaper published and of general circulation in Randolph County, West Virginia, as a Class I publication. The publication shall be made at least five (5) days before the meeting of the City Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on the **2nd day of July, 2015, at 7:00 p.m.** and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises.

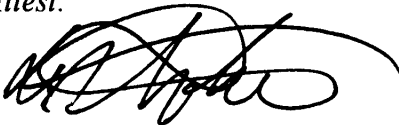
Further, said Notice shall advise the public that a copy of this ordinance is available for public inspection.

Passed on First Reading	June 18, 2015
Passed on Second Reading Following Public Hearing	July 2, 2015



Van T. Broughton, Mayor

Attest:



Sutton R. Stokes, City Clerk