

COLDWATER BOARD OF PUBLIC UTILITIES

One Grand Street
Coldwater, MI 49036

Telephone (517) 279-9531
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RULES, REGULATIONS, & RATES

Chapter 1044 of the Codified
Ordinances of Coldwater
As Amended Through September 1, 2011

COLDWATER BOARD OF PUBLIC UTILITIES

Mission Statement

"We will provide safe, reliable, competitive, and efficient utility products and services. We will plan for future growth and continue to protect the environment and the investment of our citizens while meeting, or exceeding, our community's needs."

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The following technical terms and abbreviations are found in the "Rules, Regulations and Rates":

Hertz (Hz) - Unit of frequency in cycles per second.

Kilovar-hour (kVARh) - Unit of reactive energy equal to one kilovar used for one hour.

Kilovolt-ampere (kVA) - Unit of apparent electric power in thousand volt-amperes.

Kilowatt (kW) - Unit of electric power in thousand watts.

Kilowatt-hour (kWh) - Unit of electric energy equal to one kilowatt used for one hour.

Lumen - Unit of light intensity equal to the illumination of one foot candle over an area of one square foot.

Power Factor - Ratio of kilowatts to kilovolt-amperes.

Primary voltage - Nominal electric distribution voltage. Typically 4800 volts or higher.

Secondary voltage - Nominal electric service voltage. Typically lower than 480 volts.

The following definitions are for words found in the "Rules, Regulations and Rates":

Basic Service - CATV service consisting of various television programming for which a single monthly rate is charged to the customer.

Building Sewer/Lateral Sewer - sewer line from the building to the wye connection on the main sewer line.

Cable modem - high speed Internet access service device provided to customers.

CATV - Community Antenna Television, more commonly referred to as "cable television."

Cleanout - vertical wye connection on the building lateral for cleaning purposes.

Converter - an electronic device which converts CBPU's incoming signals for use at the customer's television receiver.

Cross Connection - a connection or arrangement of piping or appurtenances through which a backflow could occur.

Customer - any person, company or institution which is supplied with a service by a utility.

Customer's Water Service - water supply piping from the municipal provided curb stop to the building plumbing.

Digital Service - an optional CATV service by use of a converter, consisting of one or more television programs for which a single monthly rate is charged to the customer in addition to the charge for expanded basic service.

D.U. Internet - dial-up Internet services provided to customers.

Expanded Basic Service - an optional CATV service consisting of one or more television programs for which a single monthly rate is charged to the customer in addition to the charge for basic service.

High Definition - additional broadcast signals available to HD-QAM ready televisions at no additional charge or to any HD-digital ready television by use of a converter for an additional monthly charge.

Main Sewer - municipal sewer system including manholes, wye connections and vertical risers.

Meter - a device for measuring and registering a quantity over a period of time.

Metro Ethernet - a fiber based symmetrical Ethernet system which supports business class data and voice over IP.

Month - one twelfth of a year, as near 30 days as practicable.

Municipal Water Service - water supply piping and connections including the curb stop normally located at the owner's property line.

Outlet - the receptacle through which CATV service is provided to the customer's television receiver.

Potable Water - a water supply that does not contain contamination or infectious material and is considered satisfactory for drinking.

Power Quality - the best measure of power quality is the ability of electrical equipment to operate in a satisfactory manner, given proper care and maintenance. The load should be designed for compatibility with the electrical system.

Premises - a parcel of land and the buildings upon it.

Premium Service - an optional CATV service consisting of one or more movie channels for which a single monthly rate is charged to the customer in addition to the charge for basic and expanded basic service.

Reduced Pressure Backflow Preventer - a device to eliminate the potential for backflow or back siphonage of non-potable water into the municipal water supply.

Senior citizen - generally a person who is 65 years of age or older.

Utility - a company that furnishes electric, water, wastewater or other public services.

Vertical Riser - municipal cleanout on main sewer.

Wye - a connection on the main sewer line between the building sewer and the municipal sewer.

General

Interpretation & Enforcement:

The Director of the Coldwater Board of Public Utilities (CBPU) shall be responsible for the interpretation and enforcement of these Rules & Regulations, through the municipal ordinance procedure.

The CBPU Board of Directors may adopt policies to market, lease or finance certain materials or activities which in its opinion is in the best interest of the utility and/or its customers, or is necessary to maintain its competitive position in the marketplace.

Application of Rates:

Copies of these Rules, Regulations and Rates are available at the CBPU's offices at One Grand St., Coldwater, Michigan, and are open to public inspection. A copy can also be downloaded from the CBPU's website at www.coldwater.org.

All rates are based upon the furnishing of each class of customer service at a single point (with the exception of communications services), from which point the total requirements of each separate premises of the customer will be supplied unless otherwise agreed upon by the CBPU and other authorities.

In no case may services be shared with another or transmitted off the premises to which it is delivered, except for communications, which may connect several premises for an individual customer. Services taken at different premises shall be separately measured and billed.

Choice of Rates:

In some cases the customer is eligible to take service under any one of two or more rates. Upon request, the CBPU will advise the customer in the selection of the rate which will produce the lowest cost of service based upon the information at hand, but the responsibility for the selection of the rate lies with the customer. The CBPU shall not be held liable for the choice of rates.

It is the responsibility of the customer to promptly notify the CBPU of any change in his or her use of service which will affect the basic rate applicable to such use.

No refund will be made of the difference in charges under different rates applicable to the same class of service.

Outstanding Utility Bills:

The CBPU may refuse making utility services available to anyone, regardless of current account status, who has outstanding or delinquent accounts with the CBPU or the City of Coldwater.

Resale of Service:

No customer shall resell his or her service to others.

The renting of a premises, with the cost of service included in the rental as an incident of tenancy, will not be considered a resale of such services as defined herein.

CBPU Liability:

Municipal utility services are subject to shutdowns, variations and interruptions necessitated by improvements, repairs and/or operation of the system. Whenever possible, notice of intent to temporarily discontinue service will be given to the customer. The CBPU shall not be liable for loss or damage because of temporary interruption in service or because of inadequate or excessive quantity or quality.

The CBPU agrees to use reasonable diligence in providing a regular and uninterrupted supply of power, but does not guarantee a constant supply of power, or the maintenance of unvaried frequency or voltage, and will not be liable for damages to the customer by reason of any failure in respect thereof.

The customer shall take and use power in such a manner so as not to cause a disturbance or voltage fluctuation on the utility supply system or systems of any third party. The customer shall take remedial measures at his or her own expense by way of installing suitable apparatus or otherwise, as may be necessary, to reduce any disturbance, fluctuations or interference to a level deemed tolerable by the CBPU.

All CBPU customers will be notified of their current billing status by means of an invoice mailed on the billing date of each cycle unless customer directs us otherwise. Should a balance forward exist on a customer's account, a disconnect notice will print on the current billing. The CBPU takes no responsibility for lost, delayed, damaged or misdirected mail, either to the customer or to the CBPU.

Services are established upon request by the customer, without prepayment thereof, except in the case of certain telecommunications services and equipment. A signed order may be required.

Establishing New Service:

Residential and/or business accounts must provide the following documentation to establish a new account: name; address; phone number; date of birth; United States government or state government issued photo ID, driver's license, military ID or passport; and copy of mortgage or purchase or lease agreement. Social security numbers or corporate ID numbers are the preferred form of identification, but are not required. Driver's license or other photo ID's, except passports, issued by a foreign government are not acceptable.

The CBPU has established an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

General

Service Deposits:

New residential accounts will require a \$200.00 deposit.

New business accounts will require a deposit to be determined by the CBPU on an individual case basis.

Any account that had been submitted to a collection agency, had a bad debt with the CBPU or had a prior deposit will require a deposit either equal to that deposit amount or an amount to be determined by the CBPU to establish a new account.

Deposits may be returned to customers after one year if billings have been paid by specified due dates or before penalties are added, at the discretion of the CBPU. Such deposits will be returned as an account credit. When service is discontinued, deposits will be credited to the closing bill with any excess to be refunded to the customer.

Customers may request that service deposits be transferred when changing service from one location to another. However, all amounts in arrears on the original account (including the most recent billing if past the established due date) must be paid. This payment takes effect at the time of a change of service. Failure to pay all arrears may require deposits being applied to the original account and a new service deposit for the new location.

The CBPU may, upon the request of the customer, transfer the amount of the "final bill" to the customer's new account. The CBPU reserves the right to transfer any amounts outstanding on any closed accounts to any active accounts.

In cases of bankruptcies, deposits will be credited to any outstanding account balances as of the court file date. New deposits may be required for post-petition balances according to the above and in conformance with bankruptcy laws.

Additional service deposits may be required from any CBPU customer who writes two no-account or NSF checks in any twelve-month period and customer's account will be put on a cash only basis.

Additional service deposits may also be required before restoring service to any customer whose service has been disconnected in order to ensure the credit worthiness of the account. The additional deposit will be based on the credit history of the account.

Equal Payment Plan:

The Coldwater Board of Public Utilities shall make available to qualified customers an equal payment plan for payment of utilities, except telecommunications services. The equal payment plan shall be available only when a history of usage and payments, for any service location, for a period of not less than nine months has been established. To enroll in the equal payment plan: (1) the account must be current at the time of the agreement; and (2) the account must be enrolled in our automatic payment plan to ensure the agreed amount is paid monthly. The equal payment plan shall be reviewed periodically but at least annually. Adjustments to equal payment plan payments may be made as deemed necessary. The CBPU reserves the right to terminate from the plan any and all parties who do not comply with the terms of the plan agreement.

Automated Payment Plan:

The CBPU shall make available to its customers an automated payment plan for payment of utilities. The initial request from a service holder shall be in the form of a written agreement. The payment plan may be established for an indefinite period or for a specified period of time. Any account which incurs two returned electronic funds transfer transactions in a twelve-month period may be removed from the plan and may be ineligible for reinstatement. Automated payment plans shall terminate upon payment of final bill. Automated payment plans can be terminated at any time upon the written request of the customer. The CBPU reserves the right to terminate from this plan any and all parties who do not comply with the terms of the plan agreement.

Service Fees:

A twenty-five dollar (\$25.00) service fee will be charged each time a new account is established.

Customers disconnecting electric, water or wastewater service from the system for longer than two billing cycles, will be charged the following amount when reestablishing service:

During regular working hours	\$100.00
After regular working hours	\$200.00

Disconnecting Residential Service:

Between April 1st and October 31st the CBPU is empowered, at its option, to remove all meters and to shut off all service to any customer at the expiration of its agreement with that customer, whenever any account of that customer is in arrears, or upon a violation of any of the rules and regulations of the CBPU or violation of any codified ordinance of the City of Coldwater.

Disconnecting Residential Service: (continued)

Shutoff may be postponed for a reasonable time, but no longer than 21 days, if the customer presents a certificate or doctor's notice stating that the existing medical emergency of the customer or someone living at the residence would be aggravated without the utility. Medical certificates or doctor's notices do not prevent utility services from being disconnected for non-payment.

Services established are to be in the name of the legal occupant of the property, i.e. the owner, legal tenant or a guardian or personal representative if the owner or tenant should be incapacitated. Any service set in the name(s) of a person(s) who becomes deceased is required to be changed to the name of the legal occupant of the property. Any service not corrected, after notification by the CBPU, may be subject to disconnection. In order for the service to be reestablished, any amounts due after the date on which the original party becomes deceased must be paid in full.

Any service taken with the intent of evading past due amounts owed to the CBPU, or to evade the posting of required service deposits, may be subject to termination. Examples would be the use of false names, false identification, or requesting service without actually occupying the property.

The CBPU's Winter Protection Plan protects senior, low income and critical care customers from service shut off and high utility bill payments during the heating season (November 1st through March 31st) in accordance with Michigan Public Act 3 of 1939. Those who qualify for the Winter Protection Plan must make application and sign an agreement with the CBPU.

Disconnecting Business Customers:

Service to industrial, commercial or retail business customers may be discontinued at any time by the CBPU whenever any account of that customer is in arrears. A disconnect notice does not need to be provided to these customers. These customers must pay all their accounts to a current status to restore service.

In cases where it is known that customers are closing their business, all utility services may be discontinued immediately unless assurances are given in the form of additional deposits or bank commitments to secure the account.

Reconnecting Service:

A twenty-five dollar (\$25.00) charge will be made for turning on or setting of a meter or service when a disconnect has been made for:

1. Non-payment of a delinquent account.
2. Failure to post the security deposit when required.
3. Failure to comply with the Rules and Regulations of the CBPU.

When restoration of such disconnected service after normal business hours is requested, an additional charge of one hundred dollars (\$100.00) will be made.

A ten-dollar (\$10.00) fee will be charged for restoring service when only telecommunications services have been turned off.

Time and material charges will be applied when reconnecting service that has been disconnected from the tap pole or pad mount transformer.

Services will be reset only upon receipt of payment in full, except when approval comes from social service agencies.

Access to Premises:

The CBPU's authorized agents shall have access to all premises to install, inspect, read, repair or remove its meters and other utility property and/or to inspect wiring, piping, appliances, fixtures, water shut-off valves and water services located within or outside the street right of way, or any other devices that are in any way connected with the municipal utility system. Not allowing access may subject the property concerned to disconnection of service.

In cases of rental properties, it shall be the responsibility of the property owner to effect proper entrance for CBPU personnel to discontinue some services. Failure to provide this access may result in such services being continued with the property owners' liable for payment from the date of the tenant's service being discontinued.

Meters not accessible to read will be estimated. See "Meter Reading and Billing" section for details.

Selection of Equipment:

Before purchasing equipment for use in connection with the municipal utility system, the customer should secure from the CBPU the characteristics of the service available (i.e. service voltage, pressure, etc.) for such use and should acquaint himself or herself with the rules and regulations governing the use and installation of such equipment.

Approval of Equipment:

The CBPU reserves the right to approve or disapprove for use in connection with the municipal utility system, any wiring, equipment, appliances, fixtures, motors or any other devices that are presently in use or that are offered for use in connection therewith. Should any of the same be disapproved, their use shall be disconnected at once, either permanently, or until corrective measures have been taken. Failure to comply with orders to discontinue the use of or to apply corrective measures to disapproved equipment shall be deemed just cause for the discontinuance of all service until compliance is completed.

Extra Expense Due to Overtime and Adverse Conditions:

A charge may be made when extraordinary expense is incurred by the CBPU in performing customer services on account of overtime rates for other than regular working hours, or on account of unfavorable weather conditions, snow and ice accumulations, curb boxes buried or filled through no action of the CBPU, and for similar reasons.

Credits to Customer Accounts:

Whenever a credit is applied to any account it will be made on the basis of the net billing. No refund will be made to any account after one year following discontinuance of service. No credit or refund will be made in a net amount of less than five dollars (\$5.00). No credit will be allowed unless all CBPU requirements have been adhered to and the propriety of such a credit or refund is supported by a clear record.

Any incorrect billing or collection that resulted in an overpayment or underpayment will be credited or charged for up to a maximum of six months.

Meters - Size, Location, Protection:

All meters and metering equipment and water/wastewater meters up to and including 6" meters, used in regular service, shall be owned and maintained by the CBPU, which will determine, given the proper information, the size, type, location and suitability of the equipment. The customer/property owner shall provide, as directed by and free of expense to the CBPU, close to the point of the service entrance, a suitable space for the installation of the CBPU's metering equipment and shall, at all times, keep the area about, over and under this equipment free and clear so that easy access may be had by authorized persons. The customer/property owner shall protect the CBPU's metering equipment from damage and, in the case of water/wastewater meters, from freezing, and shall permit no person other than an agent of the CBPU or a person authorized by the CBPU to remove, inspect or tamper with the same. Any person damaging, tampering with or removing any type of metering device of the CBPU will be held responsible for the repair(s) or replacement of such device.

All water/wastewater meters in excess of 6" shall be owned by the customer and maintained by the CBPU at customer expense.

GeneralAdditional Meters:

Meters may be installed in any building where water-only use is desired. Such meters must be installed on the supply side of the main water and/or sanitary sewer meter serving such customers. With CBPU approval, these meters will be furnished by the CBPU, provided that the minimum rate for the size meter furnished is charged and the meter is not in excess of 6". All piping costs for additional meters shall be borne by the customer.

Remote Water/Wastewater Meter Readers:

Every new water/wastewater meter installation will incorporate a remote reader.

The owner or contractor involved in any new construction shall furnish a 1/2" minimum empty conduit from the water/wastewater meter location to the general area of the electric meter location for future installation of a remote reader by CBPU personnel.

It shall be the intention of the CBPU to install remote readers in all customer existing premises where access to the water/wastewater meter is difficult or where, in the Board's opinion, entering the premises may cause disruption to the customer or his or her business operations that are a detriment to the CBPU or the customer. All such installations will be performed by CBPU personnel at CBPU expense.

All equipment remains the property of the CBPU.

Meter Reading & Billing:

Meters will be read and bills rendered monthly, as nearly as possible.

For the purpose of computing all bills rendered for utility service, the period between regular meter readings shall be deemed a month.

Meters installed between regular reading periods shall have readiness to serve charges prorated to the next billing date.

Whenever a meter reading is unavailable, the customer shall pay an estimated amount for service furnished during the billing period. This amount is to be based either upon the results of a test, upon the use of service during a similar period, upon both these methods, or by other known factors, as determined by the CBPU.

If the duration of any meter error is not known, it shall be assumed to have existed for a period of half the time between the discovery of the error and the latest preceding meter test, but not for a period of more than six (6) months, and bills shall be recomputed on this basis.

Meter Testing:

The CBPU tests its meters at intervals for the mutual protection of the customer and the CBPU, but the CBPU will also test any meter upon request of the customer, provided that the CBPU is not required to make such a test more often than once in twelve (12) months. A fee of \$25.00 for customer requested meter tests may be charged if the meter error is less than 4%.

GeneralCumulative Billing:

The CBPU will not allow cumulative billing.

Charges for Service Work:Electric Department

Customer requested service work may be charged on a time and material basis.

Charges for After Hours Service for No
Lights (if on customer side of meter),
Electric Meter Sets, etc.: \$100.00

Water & Sewer Department:

Charges for after hours water turn-ons,
turn-offs, and reports of no water or water
leaks (if on customer side of first valve in customer's
premises), and water/wastewater meter sets, etc.: \$100.00

Customer Payment Responsibilities:

Bills are due when issued. Payments received by mail are considered on time when received in the office on or before the printed "Due" date. When bills are not paid on or before the due date, the bill shall be considered delinquent. After the close of business on the due date, a late fee of 2% of the total delinquent amount will be charged to the account. The CBPU may exempt senior citizens from this charge upon receipt of proper notice.

The CBPU accepts checks, money orders and cash. Any loose coins over \$5.00 must be rolled and initialed. Customers may also make payments using their checking/savings account, credit card or debit card by calling Payment Service Network (PSN) at 1-877-885-7968 or online at www.coldwater.org.

Rental Properties:

Service may be established in the landlord's name. When a tenant is applying for service on a rental property, a written lease agreement shall be required to ensure that the applicant is a legal tenant of the property. Service may be denied to the applicant tenant if the property in question is not registered with the City of Coldwater as a rental unit under Chapter 1482 of the Codified Ordinances. Service may be granted if the property is not registered but the owner has started procedures to have the unit(s) registered and the registration is still incomplete.

Owners of rental properties that do not want their property to be left without utility services after the tenant vacates the property may sign a "Revert-to-Landlord" Agreement. By signing a "Revert-to-Landlord" Agreement, all utility services are automatically transferred to the property owner until a new tenant sets service and a service charge of ten dollars (\$10.00) is billed to the property owner. Property owners may revert properties year-round or just during winter months (November 1 through March 31).

General

Rental Properties: (continued)

Exception to the "Revert-to-Landlord" Agreement would be (1) service to a residence has been disconnected for nonpayment of bill; (2) violation of CBPU rules, regulations and rates; or (3) changes are made to the electrical wiring at the premises requiring inspection.

The CBPU must have individual access to multi-customer buildings for the purpose of discontinuing service to one occupant without interrupting service to other occupants. In the event the CBPU cannot gain individual access, services will be immediately reverted to the landlord.