



# **TRUCKEE DONNER**

Public Utility District

## DISTRICT CODE

TITLE 5 - CUSTOMER RELATIONS

5.00	GENERAL INFORMATION .....	3
5.01	APPLICATION FOR SERVICE .....	7
5.02	DEPOSITS.....	8
5.03	CREDIT.....	11
5.04	PREPAID PROGRAM .....	12
5.05	BILLING AND BILL PAYMENT .....	13
5.06	OWNER/RENTER RESPONSIBILITIES - SERVICE TRANSFERS.....	16
5.07	DISCONNECTION AND RECONNECTION OF SERVICE.....	18
5.08	DISPUTES.....	27
5.09	ELECTRIC FEES AND CHARGES .....	29
5.10	ELECTRIC RATES .....	30
5.11	ELECTRIC AND WATER FACILITIES FEES .....	32
5.12	ELECTRIC SYSTEM IMPACT STUDY .....	37
5.13	WATER FEES AND CHARGES.....	38
5.14	WATER RATES .....	39
5.15	PUBLIC OUTREACH POLICY .....	40
5.16	PUBLIC INFORMATION PROGRAM.....	41
5.17	PUBLIC BENEFITS PROGRAM.....	42
5.18	COMPLAINT PROCEDURE.....	43
5.19	NOTICES .....	44
5.20	PAYBACKS.....	45
5.21	ANNEXATION OF PROPERTY TO THE DISTRICT .....	46

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## **5.00 GENERAL INFORMATION**

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### **5.00.01 Purpose**

In accordance with the District's mission and consistent with sound business principles, it is the intent and purpose of this Title as set forth herein, to assure that all customers of the District receive uniform and equitable consideration when acquiring services.

### **5.00.02 Protection of Customer Information**

The District is required to maintain the personal information of its customers in a secure environment. The District only shares customer information with third parties when it is necessary to conduct essential business functions (such as bill processing services), and in those instances the District holds third party vendors to the same standards regarding customer information as it holds itself. The District does not sell, rent, or trade customer personal information to any other third party, however, the District may disclose customer personal information if required by law.

A customer can request that information contained in their account be opened to realtors, selling agents, or others by giving written authorization to the District.

### **5.00.03 Public Disclosure**

Customer information including employer, address, email address, telephone number, credit card number, social security number, driver's license number, bank account number, and other personal information are exempt from public disclosure, except as required by law.

### **5.00.04 Definitions**

The following definitions apply to all chapters of District Code.

- Agent – the person(s) or entity authorized by the property owner to manage their property.
- Applicant – A person, corporation, partnership, limited liability company, agency, or authorized agent of same, requesting the TDPUD to supply Utility Service(s).
- Auto Transfer – An agreement authorizing the District to automatically charge your credit card account or to automatically draft your checking/savings bank account each month for payment of your Electric and/or Water charges on the due date.
- Bill – Any statement of money owed for products or services provided by the TDPUD. This will include charges for any deposit, installation, monthly charges for Utility Service(s), damages to TDPUD equipment, or any other charges described in the statement.
- Billing Cycle / Billing Period – The recurring period of time during which Utility Service(s) is provided to the Customer, usually between 27 and 33 days.
- Billing Date – The date on which a Customer's Bill is generated.
- Billing Days – The number of days in a Customer's Billing Period.
- Billing Demand – The Demand used to calculate a Customer's electric Bill.
- Capital Equipment – Equipment with an expected use life of two years or more.
- Connection to the Water and/or the Electric System – The physical point of attachment of a building, structure or facilities to the District's water and/or electric lines, regardless of whether such point of attachment is made through or by intermediate lines.

- Co-Signer – A person who enters into a contract agreeing to be equally and severally responsible for full payment of the Applicant’s bill in lieu of the Applicant paying a deposit. The Co-Signer must be a current Customer with at least 24 consecutive months of Service who has established Good Credit with the District.
- Code or District Code – The compilation of District ordinances, rules, and policies
- Customer – The person(s) or entity in whose name Service is rendered for a particular account as evidenced by the authorized signature(s) on the application for service.
- Demand – The rate at which electricity is delivered to or by a system, part of a system, or a piece of equipment, e.g., to end users, at a given instant or averaged over any designated period of time, usually 15 minutes. Demand is expressed in kilowatts and is determined by measurement with a standard Demand meter or by calculations based upon measurements made by other types of standard metering equipment.
- District – The Truckee Donner Public Utility District (TDPUD).
- Easement – A right given to the TDPUD, usually memorialized in a recorded document, to enter upon or use land to construct, maintain, and replace facilities and their appurtenances under, over, across, and on dedicated strips or parcels of land; together with the right of ingress and egress for such personnel, equipment, and vehicles as may be necessary.
- Electric Facilities – The individual distinct components within the electric system, such as transformers, poles, cable, and conductors.
- Electric Service – The furnishing or readiness to furnish electric power or energy in the form of 60 cycle alternating current at a nominal potential of 120/240 volts single phase, 120/208 volts three phase, or other voltage agreed upon at the option of the District and for the purpose specified in the application for service or contract and rate schedule or schedules applicable thereto.
- Electric System – The integrated network that distributes electricity throughout the District to its Customers.
- Energy – The total amount of electricity supplied to a Customer over a period to time, expressed in kilowatt-hours (kWh).
- Establishing Credit – Promptly paying District Bills or bills of a prior utility for at least two years (see good credit definition below).
- General Manager – The General Manager of the District or appointed designee.
- Good Credit – A qualification of an Applicant’s or Customer’s credit history achieved when the Applicant or Customer has no more than two late notices in the past 24-month period, no returned checks or declines and no prior disconnects for non-payment in the last 24 months. Final bills must be paid within 30 days of the final billing date in order to maintain Good Credit.
- Kilowatt (kW) – 1,000 watts (W). A watt is the basic measure of the amount of electric power production needed to operate given equipment. An electric Power capacity of one kW is sufficient to power ten 100-Watt light bulbs.
- Kilowatt-Hour (kWh) – 1,000 watt hours (Wh). A watt hour is the basic measure of electric energy consumption over a period of time. One 100-watt light bulb burning for 10 hours would consume 1,000 Wh, or one kilowatt-hour, of electricity.
- Maximum or Monthly Demand – The greatest load taken by the Customer in accordance with the

rules governing each class of Service on a monthly basis.

- Payback – The calculated amount for line extension cost sharing.
- Point of Delivery, Service Point, or Point of Connection – The point where District owned equipment is connected to Customer owned equipment. (See definitions below for District-owned and Customer-owned equipment for clarification.)
  - District-owned electrical equipment includes: Distribution power poles, vaults, pedestals, switch cabinets, overhead and pad mounted distribution transformers and associated connections, primary conductors, overhead service conductors, underground service conductors, current & potential transformers (used for special metering applications), and electric revenue meters.
  - Customer-owned electrical equipment includes: Self-contained meter bases (used for both residential & commercial applications), premise wiring, including panelboards, and weatherheads.
  - District-owned water equipment includes: pipes, fittings, valves, water revenue meters, precast concrete boxes, pre-fabricated water meter boxes pressure reducing valves and appurtenances.
  - Customer-owned water equipment includes: pipes, fittings, valves, pressure reducing valves, backflow prevention devices and appurtenances.
  - For metered water system connections, the point of connection is indicated on the construction details within the District’s Water System Construction Standards.
  - For un-metered fire sprinkler laterals, the point of connection shall be an isolation valve owned by the District. All pip, fittings and appurtenances downstream of the isolation valve shall be owned by the customer. The fire sprinkler lateral isolation valve shall be located in proximity to the water meter box, the property line or the connection to the District-owned water main.
- Power Factor – The fraction of Power in an AC Circuit actually used by a Customer’s electric equipment, compared to the total apparent power supplied. Also, the ratio of Real (or ‘Active’) Power (kW) to Apparent Power (kVA). Power Factor is usually expressed as a percentage. When the Power Factor equals 100 percent, all consumed Power produces useful work.
- Promptly or Prompt – No more than two late notices in the past 24-month period, no returned checks or declines, and no prior disconnects for non-payment in the last 24 months.
- Prepaid Program – A plan that allows a Customer to pay in advance and establish a credit balance to be used against.
- Property Owner(s) – The person or entity who legally owns a property served by the District.
- Qualifying Credit Record - The Applicant’s overall payment history, which includes unpaid balances to other utilities, as determined through a credit reporting agency.
- Renter or Tenant – The person(s) or entity who is authorized by a Property Owner to occupy their property.
- Secondary Voltage – Voltage rated nominal 600 volts or less, supplied from the secondary winding of a Distribution Transformer and utilized to provide Electric Service to Customers.
- Service – The conductors and equipment for delivering electric energy from the District power

supply system to the Service Point or the equipment for delivering water from the District water supply system to the Service Point.

- Service Entrance Conductors – The conductors between the terminals of the Service Equipment and the Service Point.
- Service Equipment – The necessary equipment, usually consisting of a Circuit breaker or switch and fuses and their accessories, located near the point of entrance of the Service Entrance Conductors to a building, structure, facility, or an otherwise defined area, and intended to constitute the main control and means of disconnecting the premises or facility wiring from the District.
- Water Facilities – The individual distinct components within the Water System such as a source, storage tank, disinfection equipment, booster pump station, or pipeline.
- Water System – The infrastructure, including pipes, pumps, storage tanks, and treatment facilities, used to collect, treat, and distribute water to customers for use.

### **5.00.05 Rules of Interpretation**

These provisions shall be liberally construed so as to effectively carry out their purpose in the interest of public health, safety and welfare.

For the purposes of administration and enforcement of this Title, unless otherwise stated in this Title, the following rules of interpretation, also known as rules of construction, shall apply to the text of this Title:

- In case of any difference of meaning or implication between the text of this Code and any caption, illustration, summary table or illustrative table, the text shall control.
- The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
- Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- The phrase “used for” includes “arranged for”, “designed for”, “maintained for”, or “occupied for”.
- The word “person” includes an individual, a corporation, partnership, limited liability company, association, firm, company, joint venture, trust, governmental entity, or other entity.
- Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either...or”, the conjunction shall be interpreted as follows:
  - “And” indicates that all the connected terms, conditions, provisions, or events shall apply.
  - “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- The word “includes” shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

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## 5.01 APPLICATION FOR SERVICE

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### 5.01.01 5.01.010 Requirements

**5.01.01.1** | General - Each Applicant for Electric and/or Water Service from the District shall complete the necessary application for service and meet the requirements established by the District. The requirements include:

- A completed signed application submitted via e-mail, mail, or in person at the District's office
- Proof of identity, such as a valid driver's license, state identification, and/or Social Security Number (SSN)
- Full Name, Service address, and mailing address
- Credit Information
- Load, Voltage, Phase, and the manner in which power will be utilized
- Required documentation must be provided prior to Service being rendered

**5.01.01.2** | Commercial Customers - Additional Requirements:

- Business Name
- Address and name (s) of principal owner(s)
- Valid Taxpayer Identification Number (TIN)
- Valid SSN if registered as a sole proprietor

Contracts for commercial Customers shall contain such terms and provisions as may be necessary or desirable to protect the interest of both the District and the Customer.

**5.01.01.3** | All Applicants for Service must agree to pay the applicable rates, fees, and charges and abide by the resolutions, ordinances, rules, policies, and regulations of the District or other governing agencies as a condition of receiving Service.

**5.01.01.4** | An Applicant for Service who owes any amounts for previous Service(s) provided by the District, either directly or indirectly, under their name or any other name must make arrangements for payment prior to utility service being rendered.

**5.01.01.5** | Applicants for Service will be billed fees as established in the Appendix C, Miscellaneous Fee Schedule.

**5.01.01.6** | Applicants who have met the District's requirements for Service will be billed for Electric and/or Water Service in accordance with Sections 5.10 Electric Rates and 5.14 Water Rates. Determination of the applicable rate is at the sole discretion of the District.

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## 5.02 DEPOSITS

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### 5.02.01 Residential Customer Deposits

**5.02.01.1** | A deposit, equal to two times the highest monthly Bill within the last twenty-four (24) months, will be required of all Customers before electric and/or water service is supplied. In cases where no billing history has been established, Customers will be required to pay a minimum deposit that is based upon Customers with similar services.

Waiver of deposits shall be determined by the District and may be based on multiple factors including, but not limited to the following:

**5.02.01.1(A)** Customers who maintain a qualifying credit record based on information from a credit reporting agency, will not be required to pay a deposit, unless they have failed to maintain Good Credit in the past or fail to maintain Good Credit in the future according to this Title and the District's credit and collection policies.

**5.02.01.1(B)** Item removed by Resolution 2025-19.

**5.02.01.1(C)** Customers may have another party sign on their account as a Co-Signer in order to have their deposit waived. Co-Signers are equally and severally responsible for the balance owing on an account including a closing balance even if the Co-Signer was not aware of the unpaid balance. A Co-Signer must be a current Customer with Good Credit with the District.

**5.02.01.1(D)** Customers who enroll in the Prepaid Program will not be required to pay a deposit. Information on the Prepaid Program is available in Chapter 5.04.

**5.02.01.1(E)** A deposit will be required of all new construction Customers before Electric and/or Water Service connections are scheduled. The minimum deposit will be estimated based upon Customers with similar Services. New construction Customers who have met the credit requirements in Section 5.02.01.3 below will not be required to pay a deposit.

**5.02.01.2** | Customers moving from one residence to another within the District who have met the credit requirements in Section 5.02.01.3 below will not be required to pay a deposit.

**5.02.01.3** | Credit may be established by a Customer if they have had Service in their name for at least twenty-four (24) months, has paid their Bills promptly and has maintained Good Credit for the most recent twenty-four (24) months period.

**5.02.01.4** | Former Customers of the District may use prior payment history with the District to establish credit provided the lapse in Service was not greater than twenty-four (24) months.

**5.02.01.5** | Customers or their Agents who request to have Services reconnected for inspections shall be required to pay a minimum deposit. Customers with balances owing shall also be required to pay the entire balance owing prior to reconnection.

**5.02.01.6** | Deposits will be retained for a minimum period of twenty-four (24) months. If the Customer has established Good Credit with the District, they will be refunded their deposit after the Good Credit requirement has been met.

**5.02.01.7** | Upon termination of Service, any retained deposit will be applied against unpaid Bills of the

Customer and, if any balance remains after such application, said balance shall be refunded to the Customer of record.

## **5.02.02 Commercial Deposits**

**5.02.02.1** | A deposit or suitable guarantee equal to two times the highest monthly Bill within the last 24 months will be required of any Customer before Electric and/or Water Service is supplied.

**5.02.02.2** | For a new commercial Service or a new business, the Customer will be required to pay a deposit equal to an estimated amount based on the load requirements of the Service or a comparable commercial business use.

**5.02.02.3** | Customers moving their business (under the same name and ownership) from one location to another within the District, who have met the credit requirements in 5.02.02.4 below, will not be required to pay a deposit.

**5.02.02.4** | Commercial credit may be established by a Customer if they have had the commercial Service in their name for at least twenty-four (24) months, has paid their bills promptly, and have maintained Good Credit for the most recent twenty-four (24) month period. Any new business type, even though opened under an established name, will require a new deposit.

**5.02.02.5** | Deposits will be retained for a minimum period of twenty-four (24) months. If the Customer has established Good Credit with the District, they will be refunded their deposit.

**5.02.02.6** | Upon termination of Service, any retained deposit will be applied against unpaid Bills of the account being terminated and, if any balance remains after such application, said balance shall be refunded to the Customer of record.

## **5.02.03 Project Review and Inspection**

**5.02.03.1** | Project application review deposit - A minimum deposit of \$1,000 per utility (depending on the estimated cost of engineering and materials) will be required of a project Applicant to defray the cost of review by the District staff, legal counsel, and engineering consultant.

**5.02.03.2** | Project inspection fees - Projects shall be subject to a deposit to cover the actual costs of construction inspection. The amount of the inspection deposit will be based on the characteristics of the project, such as the number of Services to be installed, the length of the pipeline to be installed and any other overhead or underground facilities to be installed. Such deposits shall be made prior to the beginning of construction.

**5.02.03.3** | Only actual costs will be levied against the deposits. If the costs incurred are less than the deposit, a refund (less administrative costs) will be issued.

**5.02.03.4** | If costs incurred are in excess of the deposit, a billing for the amount over the deposit will be rendered.

**5.02.03.5** | All charges must be paid prior to the District's acceptance of project systems.

## **5.02.04 Project Documentation Deposit (As-Built Drawings)**

**5.02.04.1** | At the time that a developer signs the Development Agreement, the District shall impose a Project Documentation Deposit equal to five percent (5%) of the construction cost of Water

and/or Electric facilities to serve the project. The minimum deposit shall be \$1,000. This deposit shall be held by the District and refunded to the developer upon successful completion of the as-built drawings. The developer shall not be due any interest on monies held by the District.

See District Policy Regarding As-Built Drawings in Appendix B.

### **5.02.05 Employee Utility Deposits**

Any full time, regular employee of the District who has not established credit with the District, whose full time residence lies within the District, who is served water and/or electric power by the District shall not be required to make a deposit unless they fail to maintain Good Credit. If the employee fails to maintain Good Credit, they will be required to pay the full deposit in order to continue receiving Service from the District.

**5.02.05.1 |** If an employee's employment with the District is terminated prior to establishing Good Credit, they shall be required to pay the full deposit in order to continue receiving Service from the District.

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## 5.03 CREDIT

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### 5.03.01 Establishment of Credit

Each Applicant for Service will be required to establish appropriate credit by paying the deposit prescribed in Chapter 5.02.

### 5.03.02 Re-establishment of Credit

**5.03.02.1** | An Applicant or Customer who has at any time had Service disconnected for non-payment of Bills, made arrangements to amortize the amount due, asked for an extension to pay a past due amount, voluntarily disconnected Service with unsatisfactory credit or who has not paid a final Bill within 30 days of the final billing date, shall pay any unpaid balances due the District prior to restoration of Service and re-establish credit by making the deposit prescribed in Chapter 5.02.

Customers enrolled in the Prepaid program shall not be subject to the provisions of this Section, provided that the Customer re-enrolls in the Prepaid program and pays any past due amounts owed the District.

The Prepaid program requirements are set forth in Chapter 5.04.

**5.03.02.2** | A Customer whose Service has been disconnected for non-payment of Bills, shall pay any unpaid balance due the District prior to restoration of Service and may be required to pay a reconnection charge as prescribed in the Miscellaneous Fee Schedule. Such Customer shall re-establish credit by making the deposit prescribed in Chapter 5.02.

Prepaid customers whose Service has been disconnected for non-payment shall pay any outstanding balance plus the minimum required positive credit balance to restore Service and are not subject to deposit or reconnection charges.

**5.03.02.3** | Customers who receive greater than two Final Notices of Termination (48 Hour Notice) in a trailing twelve-month period shall be required to re-establish credit by paying a deposit or upgrading their deposit as prescribed in Chapter 5.02. The Customer will be notified by mail of the deposit requirement and the deposit will be automatically added to the Customer's Bill.

**5.03.02.4** | Payments on final and Auto Transfer billings must be made within 30 days of the final billing date in order to maintain good credit with the District. Failure to pay within 30 days may require a new deposit.

**5.03.02.5** | If there is a history of disconnects for non-payment and/or unpaid Bills resulting in write-off for specific rental properties, the District may require that the Service be placed in the name of the property owner and may require a deposit as prescribed in Chapter 5.02.

**5.03.02.6** | In the event a residential or commercial Customer declares bankruptcy and requests to continue Service, the District will close the Customer's existing account(s) as of the bankruptcy filing date. The District will continue service to the Customer under a new account number provided the Customer re-establishes the account by completing a new application for Service and re-establishes credit with the District by paying a new deposit. Any deposit held on the previous account will be applied to the final bill upon closing.

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## 5.04 PREPAID PROGRAM

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### 5.04.01 Prepaid Service Description

The District will offer Prepaid Service to any electric only or water and electric combined Customers whose metering infrastructure supports use of the program. District Customers can pay their Bill in advance of using the Prepaid Service option. This is a pay as you go program and there is no fee to enroll. Customers enrolling in Prepaid Service will pay the same usage rates as all other rate payers in the same customer class as the Customer in the Prepaid Service Program. Instead of receiving a monthly billing, usage is calculated daily and applied towards the prepaid balance. Prepaid Service customers never pay a deposit or late charge and are not billed disconnect or reconnect charges if the account runs out of credit.

### 5.04.02 Prepaid Service Requirements

Residential accounts with remote disconnect / reconnect capability are able to enroll in the Prepaid program. Residential rates cover single family residences, apartments, or other living quarters where Service is supplied through a single meter and charged a residential rate pursuant to Section 5.10.01. Requirements to qualify for this Service include the following:

- Service provided under the electric rate schedule – permanent (P10) or non-permanent residents (S10).
- Residence equipped with a meter capable of remote service disconnect and reconnect.
- Customers must enroll in SmartHub, the District’s free online account management system.
- Current account or Prepaid payment arrangement.

### 5.04.03 Prepaid Rates and Fees

Rates for Electric Prepaid Service accounts are the same as postpaid accounts and may be found in Section 5.10.

**5.04.03.1 |** Security deposits on existing accounts are refunded and credited to the Customer’s account to pay for any usage up to the current date. Any remaining credit can be left on the account and used for future power purchase or refunded upon request once the minimum prepaid credit is satisfied.

**5.04.03.2 |** Customers changing to Prepaid Service who have an outstanding balance can set up a Prepaid payment arrangement, at the District’s discretion, pursuant to District process.

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## 5.05 BILLING AND BILL PAYMENT

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### 5.05.01 Billing Procedure

- 5.05.01.1** | Bills will be rendered monthly and shall be paid at the District office, by other payment options offered by the District, or at other locations designated by the District. Customers shall have the right to change their billing cycle one time during every 12-month period.
- 5.05.01.2** | Failure to receive a Bill will not release Customers from their payment obligation.
- 5.05.01.3** | All Service Bills issued by the District are payable upon presentation. A Bill is considered past due 19 days after the day the Bill is sent to the Customer.
- 5.05.01.4** | Should the due date of a Bill fall on a Saturday, Sunday, or District recognized holiday, the Bill will be due the following business day.
- 5.05.01.5** | If at the time of billing, a Customer has a previous balance, a late payment fee will be charged at the rate established by the most recently adopted Miscellaneous Fee Schedule, Appendix C.
- 5.05.01.6** | A fee will be charged to Customers for each payment transaction returned for reasons including non-sufficient funds, closed bank account, incorrect bank account number or incorrect bank routing number. In the event a Notice to Comply is delivered due to a returned item, a trip charge will be added to the Customer's account. Refer to the Miscellaneous Fee Schedule, Appendix C for current charges on returned items and trip charges.
- 5.05.01.7** | For Customers with a hardship or other special extenuating circumstances, special financial counseling is available. When requested by a Customer, the District may arrange for a customer to pay the Bill in installments.
- 5.05.01.8** | In some instances, the District may require Customers to enroll in electric Prepaid Service.
- 5.05.01.9** | Monthly Bills for any existing Electric and/or Water Service, once activated, are to continue in an owner's name or a qualified renter or tenant's name. Except for a disconnect qualifying under Section 5.07.03, Bills will not be discontinued for a Customer requested disconnection, disconnections for non-payment or for repair of Customer lines.
- 5.05.01.9(A)* | Monthly Electric and/or Water Bills for properties in foreclosure shall remain in the name of the owner of record based on county records until such time as a bank, mortgage company or new owner files a change in title, or the Customer provides evidence that they are no longer the legal owner of the property. Once new ownership of the property is established, the electric and/or water account will be transferred into the name listed on the county record as of the property sale or transfer date.
- 5.05.01.9(B)* | Monthly electric and/or water Bills for properties in the foreclosure process or on a "short sale" may be transferred into the name of a realtor or property manager provided the realtor/property manager completes a service application for said property and meets the deposit and credit requirements established in Chapters 5.02 and 5.03. The realtor/property manager will be required to put all Services (electric and water) into their name.

Transfer/connection fees as established by the most recently adopted Miscellaneous Fees Schedule shall apply.

**5.05.01.10** | In the event of fire or other catastrophic event which makes a residential or commercial building uninhabitable, electric and/or water Bills will be waived for a maximum of one (1) year from the date the building becomes uninhabitable. Should the building become habitable prior to one (1) year, electric and/or water Bills will begin as of the date, determined by the District, that the building became habitable. The District may begin billing for water within one (1) year for any of the following reasons:

- Usage recorded by the water meter
- Certificate of Occupancy issued
- Sale/transfer to new Customer
- Mailing address change to residence
- Information from Customer/District personnel indicating occupancy
- Electric usage indicates occupancy

*5.05.01.10(A)* Where a residential or commercial building has been demolished specifically for purpose of rebuild or remodel (not due to fire or other catastrophic event), water charges will continue to be billed on a monthly basis.

**5.05.01.11** | Water Bills for new construction of residential and commercial properties shall begin on the day the water meter is installed. Meters will be installed based on plans submitted by the owner, builder, or developer. The District holds no responsibility for the accuracy of these plans and cannot guarantee that the meters actually serve the units described in these plans. Discrepancies and any corrective action and equipment shall be the responsibility of the owner.

**5.05.01.12** | Estimated Bill: The District shall estimate a Bill if unable to read a Customer's meter.

**5.05.01.13** | Corrected Bill: The District shall prepare a corrected Bill when inaccurate charges are identified. Examples of when a corrected Bill shall be issued include a malfunctioning or failed meter, estimated bill, incorrect installation or programming of metering equipment, billing process errors, or incorrect rate schedule assigned to an account.

**5.05.01.14** | Corrected Bill Timeframe: When an account is under billed due to District error or equipment failure, the District may back-bill for a period not to exceed six (6) months, except as set forth in Section 5.05.01.15. When the under billing is the result of a Customer error, Customers may be back-billed for a period not to exceed thirty-six (36) months. In the case of fraud (i.e. meter tamper), Customers may be billed for the entire amount due the District from the fraud origination date forward.

**5.05.01.15** | In the event an error has been made by the District resulting in an account being billed on an incorrect rate, the District will refund to the Customer the overcharge back to the date such error occurred.

## **5.05.02 Billing Procedure**

Local, State or Federal Agencies - Due to the cumbersome procedures that are required of local, state and federal agencies to process their accounts payable, the fact that their Bills are often paid monthly and the fact that the District has never had a write-off for a local, state or federal agency, the following procedure

will be followed for their billing:

**5.05.02.1** | All local, state and federal agencies will be exempt from late charges.

**5.05.02.2** | Collection notices will be mailed in a timely manner and collection procedures will be followed as usual.

**5.05.02.3** | Should a local, state or federal agency reach the disconnect for non-payment step in the collection procedure, the account will be referred to the Customer Services Manager for special handling.

### **5.05.03 Bill Payment**

**5.05.03.1** | Form of Payment – Payment of Bills may be made by cash, check, cashier’s check, money order, credit or debit card, or electronic funds transfers.

**5.05.03.2** | Payment Options - Customers may pay their Bill in the District office, by mail, online at [www.tdpud.org](http://www.tdpud.org), through electronic funds transfer, third party credit card service, third party bill payment service, kiosk, or night depository. Do not pay cash when using the night depository. Automatic payment via credit card or electronic debit to a checking / savings account requires online or signed authorization.

**5.05.03.3** | Equal Payment Plan (EPP) – Customers may enroll in the Equal Payment Plan, which permits monthly payments of approximately 1/12th of the annual utility Service cost. Customers receiving service for a minimum of one (1) year are eligible to enroll in the Equal Payment Plan option. The Customer will receive a monthly Bill for the estimated monthly average of the preceding twelve (12) months.

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## 5.06 OWNER/RENTER RESPONSIBILITIES - SERVICE TRANSFERS

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### 5.06.01 Owner/Renter Responsibilities

**5.06.01.1 |** Each person who signs the District's Service application, and is accepted by the District, becomes the District's Customer and is individually responsible for all charges regarding Water and Electric Service provided to the requested service address.

*5.06.01.1(A)* Services may be denied for the following reasons:

*5.06.01.1(A)(1)* Failure to provide qualifying photo ID or valid social security information for validation.

*5.06.01.1(A)(2)* The District believes an account transfer is made to fraudulently avoid payment of a prior balance.

*5.06.01.1(A)(3)* The Applicant or other persons who are listed on the lease have failed to pay balances on prior accounts.

**5.06.01.2 |** Customers are responsible for making payments to the correct account number. Failure to utilize the correct account number could result in late payment penalties and/or collection activities on the unpaid account.

**5.06.01.3 |** In the event a Customer desires to transfer service into another person's name, such that the transferee is to become the District's Customer, the transferee must make a separate service application and post the appropriate deposit with the District. Prepaid service transfers will not require a deposit. Written or verbal notice by a Customer that they desire to transfer service into another person's name will not be recognized by the District, and that Customer shall continue to be individually responsible for all utility charges until such time as a new service application is completed and accepted, and the appropriate deposit received.

**5.06.01.4 |** In the event a Customer desires to terminate their responsibility for payment of utility charges, they must personally request that the Service be disconnected.

**5.06.01.5 |** A property owner or their Agent may authorize that Service to their property be continued (Automatic Transfer) in the event that the current Customer requests Service be taken out of their name or be disconnected. The property owner or their Agent shall remain responsible for all Service charges whether or not the tenant has vacated the premises. Auto Transfer Customers must maintain Good Credit with the District in order to be able to continue with this Service.

**5.06.01.6 |** The District assumes no responsibility for enforcing or interpreting any agency or rental agreement between its Customers and its tenants or Agents. The District reserves the right to cancel an Auto Transfer agreement if all requirements are not met. Auto Transfer agreements must comply with the following District requirements:

- Property owners wishing to have Service disconnected must make their request in writing.
- Property Owners agree to pay for all Electric and Water Service delivered to vacant units.
- The standard transfer fee will be waived for those enrolled in the Auto Transfer program.
- Services will automatically be transferred back into the property owner's name on the date requested by the renter.

- If a second party is responsible for administration of the agreement, the name and address of that party must be listed in the agreement and that party must sign the agreement as a party to it. Any change in administrators will necessitate completion of a new agreement.

**5.06.01.7 |** It is the Customer's responsibility to keep mailing, phone number, contact information, and residential status information up-to date. Failure to receive a Bill or notices due to incorrect mail information does not eliminate the Customer's responsibility for payment.

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## 5.07 DISCONNECTION AND RECONNECTION OF SERVICE

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**5.07.01.1 |** Fees and charges associated with disconnect and reconnect services shall be charged in accordance with the Miscellaneous Fee Schedule in Appendix C, unless otherwise stated herein.

**5.07.01.2 |** Prepaid program – Some portions of Chapter 5.07 do not apply to Prepaid Service Customers due to the pay as you go nature of the program. Customers participating in the Prepaid Service program shall not be subject to disconnect and reconnect fees. Details on the Prepaid Service program are set forth in Chapter 5.04.

**5.07.01.3 |** Termination for Non-payment – Electric and/or Water Service

**5.07.01.4 |** A notice that Service is subject to termination for non-payment shall be issued by the District when a Customer's account is past due. Notice may be by issuance of a written Late Payment Reminder Notice, telephone, or personal contact with an individual eighteen years of age or older at the Customer's premises.

*5.07.01.4(A)* District policy and procedure for the discontinuation of residential Water Service shall be executed in accordance with District Code 5.07.02 Discontinuation for Residential Water Service for Non-Payment.

**5.07.01.5 |** Late Payment Reminder Notices shall be issued to the Customer at least fifteen (15) calendar days prior to the scheduled date of termination. This Notice will also be issued to a third party or a Co-Signer as appropriate.

**5.07.01.6 |** The Late Payment Reminder Notice will include:

*5.07.01.6(A)* The name and address of the Customer whose account is delinquent.

*5.07.01.6(B)* The amount of the delinquency.

*5.07.01.6(C)* The date by which payment or arrangements for payment is required in order to avoid termination.

*5.07.01.6(D)* The procedure by which the Customer may initiate a complaint or request an investigation concerning Service or charges, except that, if the Bill for Service contains a description of that procedure, the Notice pursuant to Section 5.07.01.5 is not required to contain that information.

*5.07.01.6(E)* The procedure by which the Customer may request amortization of the unpaid charges.

*5.07.01.6(F)* The procedure for the Customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

*5.07.01.6(G)* The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

**5.07.01.7 |** Final Notice of Termination of Service - The District will make a good-faith effort to give the Customer advance notice of at least forty-eight (48) hours before discontinuing Service. Additionally, the District shall make a reasonable effort to contact an individual who is eighteen years of age or older residing at the premises of the Customer by telephone or personal contact.

When telephone or personal contact cannot be accomplished, the District may, though it is not required to, post in a conspicuous location at the premises, a notice of termination of service, at least forty-eight (4)8 hours prior to termination. A trip charge to deliver the 48-hour Final Notice of Termination of Service shall be added to the Customer's account. Refer to the Miscellaneous Fee Schedule for current charges. Every Final Notice of Termination of Service shall include items of information as listed in Sections 5.07.01.6 above. The 48-hour Final Notice of Termination of Service will also be issued to third parties and Co-Signers.

*5.07.01.7(A)* The District shall make available to all its residential Customers a third-party notification service whereby the District will attempt to notify a person designated by the Customer to receive notification when the Customer's account is past due and Service is subject to termination. The notification shall include information on what is required to prevent termination of Service. The residential Customer shall make a request for third party notification on a form provided by the District and shall include the written consent of the designated third party. Such notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of Service.

*5.07.01.7(B)* If the Customer does not make a payment, notify the District of a dispute of a Bill, or make other arrangements acceptable to the District by the last day for the payment, the District will proceed on schedule with the termination.

*5.07.01.7(B)(1)* Customers will not be allowed to make more than two (2) payment agreements within a calendar year.

*5.07.01.7(B)(2)* Customers unable to make payment by the due date of their Final Notice of Termination of Service shall be allowed to review their account with a supervisor. Such review shall include consideration of whether the Customer should be permitted to amortize the unpaid balance of their account over a reasonable period of time not to exceed twenty-four (24) months. No termination of Service shall be effected for any Customer complying with an amortization agreement, if the Customer also keeps the account current as charges accrue in each subsequent billing period.

If the Customer does not comply with the amortization agreement, it will be considered non-payment and the District will immediately mail a Final Notice of Termination of Service to the Customer and proceed with termination according to Section 5.07.01.7.

*5.07.01.7(C)* Payments made with uncollectible funds (i.e., non-sufficient funds, closed account, etc.) to avoid disconnection or in order to have Service reconnected, will be considered non-payment and the Service shall be subject to immediate termination without further notice. Customers who make payments with uncollectible funds to avoid disconnection or in order to have Service reconnected will be placed on a cash only basis for a period of twelve (12) months.

*5.07.01.7(D)* The employee carrying out the termination procedure will attempt to contact the Customer at the service address prior to disconnecting Service. A trip charge to disconnect Electric and/or Water service(s) shall be added to the Customer's account regardless of whether or not the disconnect is actually performed.

*5.07.01.7(D)(1)* Customers subject to the termination procedure and who have meters

capable of remote disconnect and reconnect shall be disconnected and reconnected remotely. Fees shall apply for remote reconnects. Customers enrolled in the Prepaid Service program shall not be subject to remote reconnect fees.

*5.07.01.7(D)(2)* No payment arrangements will be made in the field. All payments must be made through the District office either by phone or in person. Once a District employee is sent to terminate a Service, the Service will be disconnected until such time as the Customer has made acceptable payment arrangements through the District office.

*5.07.01.7(E)* Termination will not be made on any Saturday, Sunday, legal holiday, or any time during which the business office of the District is not open. Prepay Customers are subject to termination, seven (7) days a week.

*5.07.01.7(F)* In case of tenants whose Electric and/or Water Service is in the landlord's name, the District shall make every good faith effort to inform the occupants by means of a notice, when the account is in arrears, that Service will be terminated in ten (10) days. In any such delinquent situation, the District will comply with California Public Utilities Code 16481, or other applicable law, in implementing this termination of Service procedure.

*5.07.01.7(G)* Customers who have been disconnected for non-payment, made payments against uncollectible funds (i.e. non-sufficient funds, closed account, incorrect bank information, etc.) to avoid disconnection or to have Service reconnected, have made arrangements to amortize the amount due or have asked for an extension to pay a past due amount, will be required to re-establish credit by paying the deposit required by Chapter 5.02. Alternately, eligible Customers may sign up for the Prepaid Service program outlined in Chapter 5.04.

*5.07.01.7(H)* A Customer who transfers Service from one account to another and fails to pay their final Bill within thirty (30) days of the final billing date on the old account will be subject to the disconnect procedure at their new account.

## **5.07.02 Discontinuation of Residential Water Service for Non-Payment**

**5.07.02.1 |** Purpose California SB 998 (Stat. 2018, Ch. 891) amends the Health and Safety Code to address water utility shutoffs (called “discontinuation of water service” in the bill). SB 998 requires urban and community water systems to develop a written policy outlining the process for discontinuation of residential water service for non-payment, including specific provisions for customer notifications and additional considerations. This section constitutes the District’s written policy that complies with SB 998. This policy applies only to discontinuation of residential water service for non-payment. All other causes for discontinuation of service shall be addressed within the applicable sections of District Code.

**5.07.02.2 |** Notification of Delinquency - Residential Water Service connections with payment delinquencies of sixty (60) days or greater are subject to discontinuation of Service. A notice that Service is subject to termination shall be issued by the District in accordance with the following schedule:

*5.07.02.2(A)* The first notice of payment delinquency shall be delivered by mail or email (in accordance with Customer account preferences) no less than fifteen (15) days prior to discontinuation of residential Water Service. If the address specified in

the Customer account preferences is not the address of the property to which residential Service is provided, the notice also shall be sent to the address of the property to which residential Service is provided, addressed to "Occupant." At a minimum, the notice shall include all of the following information:

- 5.07.02.2(A)(1) The Customer's name and address.
- 5.07.02.2(A)(2) The amount of the delinquency.
- 5.07.02.2(A)(3) The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential Service.
- 5.07.02.2(A)(4) A description of the process to apply for an extension of time to pay the delinquent charges.
- 5.07.02.2(A)(5) A description of the procedure to petition for Bill review and appeal.
- 5.07.02.2(A)(6) A description of the procedure by which the Customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges.
- 5.07.02.2(B) A minimum of seven (7) days prior to discontinuation of Water Service, the District shall provide a second notice of payment delinquency either by written notice, in person, or telephone, or personal contact with an individual eighteen (18) years of age or older at the Customer's premises, notifying the Customer of intent to discontinue Service. The customer shall also be informed at this time of the District's alternative payment schedules for qualifying Customers.
- 5.07.02.2(C) The third and final notification of payment delinquency and intent to discontinue Water Service shall be a written notice, physically delivered to the residence not less than forty-eight (48) hours prior to shut off.

**5.07.02.3 | Qualifying Economic Hardship and Health Considerations** - A residential Water Service connection shall not be discontinued if the Customer can demonstrate a qualifying economic hardship and a valid health concern.

- 5.07.02.3(A) For qualifications under this section, a Customer must provide the District with documentation of financial hardship and the Customer or a tenant of the Customer provides written verification from a primary care provider that all of the following conditions are met:
  - 5.07.02.3(A)(1) A primary care provider certifies that discontinuation of residential Service will be life threatening or pose a serious threat to the health and safety of a resident; and
  - 5.07.02.3(A)(2) The Customer demonstrates that they are financially unable to pay for Service within the District's normal billing cycle. This includes: If any member of the Customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children; or The Customer declares that the household's annual income is less than 200 percent of the federal poverty level.
  - 5.07.02.3(A)(3) The Customer is willing to enter into an alternative payment schedule with

respect to all delinquent charges.

**5.07.02.3(B)** Residential Water Service Customers under the terms of an existing alternative payment schedule are subject to discontinuation of Water Service if one or more of the following occur:

**5.07.02.3(B)(1)** The Customer fails to comply with the terms of the alternative payment schedule; or

**5.07.02.3(B)(2)** The Customer becomes more than sixty (60) days delinquent on a subsequent water utility Bill while under the terms of an existing alternative payment schedule.

**5.07.02.4 |** Customers with Household Income Below 200% of the Federal Poverty Line Considerations  
For a residential Customer who demonstrates household income below 200 percent of the federal poverty line, the District shall do both of the following:

**5.07.02.4(A)** Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2027. For the reconnection of residential Service during nonoperational hours, the reconnection of service fee shall be one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2027.

**5.07.02.4(B)** Waive interest charges on delinquent Bills once every twelve (12) months.

**5.07.02.4(C)** A residential Customer shall be deemed to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the Customer declares that the household's annual income is less than 200 percent of the federal poverty level.

**5.07.02.5 |** Restoring Residential Service

Reconnection of residential Water Service shall be facilitated in accordance with District Code, Section 5.07.04.

**5.07.02.6 |** Landlord and Tenant Considerations

In circumstances where a landlord or property manager are responsible for residential Water Service payment, and the payment has become delinquent, the District shall make "good faith effort" to notify the resident(s) of the payment delinquency and intent to discontinue Service not less than ten (10) days prior to Water Service shut-off.

**5.07.02.6(A)** Prior to discontinuation of Water Service for non-payment, the District shall provide a qualifying tenant/renter the option to establish a new account for Water Service without being required to pay any amount which may be due on the delinquent account. The new Water Service account holder shall not be responsible for the previously delinquent account balances. Qualifying

tenants/renters must agree to the terms and conditions of Service and provide documentation demonstrating proof of residency and a current lease/rental agreement in good standing.

**5.07.02.7** | Reporting District staff shall report the number of annual discontinuations of residential Service for inability to pay on the District's Internet Web site and to the Board. The Board shall post on its Internet Web site the information reported.

**5.07.02.8** | Reconnection Fees (TBD) Reconnection of Water Service shall be administered in accordance with District Code 5.12.050.

**5.07.02.9** | Appeals Action taken under District Code Chapter 6.70 may be appealed in writing by the Water Service account holder. Written appeals must be addressed to the District's General Manager and received no later than seven (7) days following receipt of the discontinuation of service notice to avoid Water Service shut-offs. The residential Water Service in question shall remain in service until the District renders a decision.

**5.07.02.10** | Applicability This Section does not apply to the termination of a service connection due to an unauthorized action of a Customer or other non-compliance with District Code.

**5.07.02.11** | Policy and Notices - This Section and all written notices required under this Section shall be provided in English Spanish, Chinese, Tagalog, Vietnamese, and Korean.

**5.07.02.12** | Posting on Website - This Section shall be posted on the District's Internet Website.

**5.07.02.13** | Customer's Request for Disconnection of Service – Electric and/or Water

**5.07.02.14** | The District shall permit a physical disconnection from the Electric System when necessary (1) to permit the Customer to perform repairs, modifications or Service upgrades on the Customer premises or (2) when the Customer wishes power to remain off for an extended period.

**5.07.02.15** | The District shall permit a physical water disconnection (shut off at the water box) on a temporary basis when necessary (1) to permit the Customer to perform repairs, modifications or Service upgrades on the Customer premises or (2) when the Customer premises is not equipped with an appropriate shut-off valve and physical disconnection is necessary to avoid frozen water pipes. A physical disconnect shall not be permitted for any other reason.

Customers may arrange for disconnection of Service by giving advance notice to the District. Customers will not be billed for Electric Service while disconnected.

### **5.07.03 Disconnection of Electric and/or Water Service by the District**

**5.07.03.1** | With Notice the District may disconnect Electric or Water Service for any one or more of the reasons contained in this Section. Except as otherwise specifically provided here, Public Utilities Code Sections 16481, 16481.1, 16482, 16482.1, and 16483, and any subsequent amendments thereto, shall apply regarding any disconnect of Service. Except for a disconnect qualifying under Section 5.07.03.2(E), water billings will continue.

**5.07.03.1(A)** Non-payment of Bills - The District may disconnect or refuse service if a Customer has not paid their bill for Electric or Water Service rendered, reconnection charges, and/or cash deposit as required by the District. Refer to

Section 5.07.01.7 Termination for Non-Payment.

- 5.07.03.1(A)(1) Default on Amortization or Payment Agreements – The District may disconnect Electric or Water Service if a Customer has failed to meet the terms of said agreement.
- 5.07.03.1(A)(2) Negligent or wasteful use of water, as determined by the District.
- 5.07.03.1(A)(3) Where a Customer receives Electric and/or Water Service at more than one location and the Bill or charges for Service at any one location is not paid prior to delinquency, Electric and/or Water Service at all locations may be disconnected.
- 5.07.03.1(A)(4) Failure to provide documents or payment as requested by a Notice to Comply. Requested items may include, but are not limited to, service applications, signed payment agreement and payment by cash or money order for an item returned by the bank.

**5.07.03.2 | Without Notice**

A Customer's Electric or Water Service may be disconnected by the District without notice where:

- 5.07.03.2(A) Unsafe/hazardous condition or illegal apparatus - The District may disconnect Electric and/or Water Service without notice or refuse service if any part of Customer's wiring, piping or equipment or use thereof is either unsafe or in violation of law, until such apparatus is placed in a safe condition or the violation remedied. Water billings will continue regardless of the reason for disconnect.
- 5.07.03.2(B) Service detrimental or dangerous - The District may disconnect without notice or refuse service if in the District's judgment, the operation of the Customer's equipment is or will be detrimental or dangerous to their own Service or Service of other Customers.
- 5.07.03.2(C) Fraud - The District may disconnect Service without notice or refuse service, if the Customer's actions or the condition of their premises is such as to indicate intent to defraud the District.
- 5.07.03.2(D) Cross Connection - The District finds a dangerous unprotected cross-connection between the District's water supply and any unapproved source of water.
- 5.07.03.2(E) Inactive and foreclosed accounts – In the event all three of the conditions stated in 5.07.03.2(E)(1) through 5.07.03.2(E)(3) exist for a Customer account, Service may be disconnected and all future billings, including water, may discontinue. The District may discontinue billing upon becoming aware of those three conditions, however, it is the Customer's responsibility to notify the District and provide sufficient evidence. Bills will not be adjusted retroactively and no refunds will be issued. A reconnect fee equivalent to time and materials may be charged at the time of reconnection pursuant to the Miscellaneous Fee Schedule.
  - 5.07.03.2(E)(1) The Customer's Service location is in the process of foreclosure, as evidenced by county records of a notice of default or notice of a trustee's sale.
  - 5.07.03.2(E)(2) The Service location is vacant and unoccupied.
  - 5.07.03.2(E)(3) No electric and water use was recorded during the most recent billing

period.

- 5.07.03.2(F) Failure to comply with the District's rules - The District may disconnect or refuse Service if the Customer does not comply with the District rules, regulations, and/or Code for receiving Electric and/or Water Service.
- 5.07.03.2(G) Abandoned building or residence - The District may disconnect or refuse Service to any building with the appearance of being abandoned (i.e., a look of being deserted, windows broken, doors in disrepair, or the general appearance of not being lived in, etc.). Such disconnect will remain in effect until all conditions are met and fees are paid regarding a new Service, and the Service is inspected and approved by the proper building authorities.
- 5.07.03.2(H) Condemned building or residence - The District may disconnect or refuse Service to any building that has been condemned by the proper state, county, or local governmental authorities. Such disconnection will remain in effect until all conditions are met and fees are paid regarding a new Service, and the Service is inspected and approved by the proper building authorities.

**5.07.03.3 |** In those instances where the District disconnects Electric or Water Service to any Customer without notice, the District shall notify the Customer of the reason(s) for the disconnection of Service and the corrective action to be taken by Customer before Service can be reconnected.

#### **5.07.04 Reconnection of Electric and/or Water Service**

**5.07.04.1 |** In those instances where the Service to a Customer has been disconnected, with or without notice, Service shall not be reconnected until such time as the Customer has taken any necessary corrective action, as determined by the District, and paid all Bills and charges due the District, in addition to reconnection charges as established in the current Miscellaneous Fee Schedule, Appendix C.

- 5.07.04.1(A) Accounts that have been disconnected for non-payment of past due balances, failure to meet the terms of a payment agreement or failure to meet the terms of a Notice to Comply will not be eligible for reconnect on weekends, holidays or after 4:00 p.m. on regular business days. Arrangements to reconnect must be made through the business office during regular business hours. Reconnection for accounts paid after 4:00 p.m. will be processed on the next business day. This does not include Prepaid Service customers.
- 5.07.04.1(B) Prepaid Service Customers may recharge their accounts by making a payment at any time pursuant to District process.
- 5.07.04.1(C) Where District personnel must reconnect on site, upon reconnect of the electric meter the main breaker will be left in the off position. It is the Customer's responsibility to move the main breaker to the on position.

**5.07.04.2 |** Customers or their Agents may request reconnection of Electric and/or Water Services for a maximum 48-hour period in order to conduct inspections on a residence/business for sale. This temporary reconnection shall require a minimum deposit as prescribed in Chapter 5.02. New Account fees as established in the Miscellaneous Fees Schedule Appendix C shall also apply. Customers with balances owing shall also be required to pay the entire balance owing

prior to reconnect.

**5.07.04.3 |** Within five (5) years, same size Service- If Service of the same size is re-established within five (5) years of the date of disconnect, the Customer shall make normal application for Service as per Title 6.04 and/or Title 7.12 and pay reconnect fees based on the Miscellaneous Fee Schedule Appendix C, provided the Service has not been damaged. If the Service has been damaged, the Customer will be billed the actual cost to reconnect Service.

**5.07.04.4 |** Within five (5) years, upgrade of Service - If Service is re-established within five (5) years of the date of disconnect and the Customer requests an upgrade of the Service, the Customer shall make normal application for Service as per Title 6.04 and/or Title 7.12. Customer shall pay reconnect fees based on the Miscellaneous Fee Schedule Appendix C, provided the Service has not been damaged. If the service has been damaged, the Customer will be billed the actual cost to reconnect Service. Additional connection fees may apply. Facilities fees shall be charged for an increase in size of the new Service when compared to the previous Service.

**5.07.04.5 |** After five (5) years - If Service is re-established after five (5) years from the date of disconnect, the Customer shall make normal application for Service as per Chapter 6.04 and/or Title 7.12. Customer shall be responsible for payment of current connection and facilities fees. No credit will be given for previous facilities fees paid. The General Manager is authorized to credit connection fees for existing and operational facilities.

**5.07.04.6 |** If conditions require the use of a backhoe or other equipment to effect the disconnect and/or reconnect, the Customer shall be required to pay the actual charges, including labor, material, equipment, and applicable overheads in lieu of the customary fee set forth in the Miscellaneous Fee Schedule Appendix C.

**5.07.04.7 |** Should a Customer decide to abandon the Water Service to a vacant parcel or to a parcel where the residence/building has been demolished, the Customer shall sign a statement indicating his decision and agreeing that, should he or a new owner/developer decide to reinstate the Water Service, he will be subject to paying any and all connection and facilities fees in place at the time of reinstatement. These accounts will be treated as new construction with no credits toward their prior fees. Where the Water Service has been abandoned, the parcel will be assessed a water standby charge until a new Service is established with the District.

## **5.07.05 Customer's Responsibility when Electric and/or Water Service is Disconnected**

**5.07.05.1 |** In the event a Customer's Electric and/or Water Service is disconnected as a result of voluntary termination, termination for failure to pay bills, or any other reasons stated in Sections 5.07.03.1 or 5.07.03.2, it shall be the Customer's responsibility to take necessary precautions against any and all damage to the Customer's pipes, fixtures, and appliances which could result from such termination. The District shall not be liable for any such damage.

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## 5.08 DISPUTES

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### 5.08.01 Disputed Bills – Electric or Water

**5.08.01.1** | A Customer may request an investigation of their Bill or request an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment. The request shall be reviewed by a manager of the District. Billing disputes exclude routine questions about consumption or payment agreements.

**5.08.01.2** | After notification that a dispute exists, the District shall make an appropriate investigation and shall report the result to the Customer within ten (10) working days. The review shall include consideration of whether the Customer should be permitted to amortize the unpaid balance of their account over a reasonable period of time not to exceed twenty-four (24) months. No termination of Service shall be effected for any Customer complying with an amortization agreement, if the Customer also keeps the account current as charges accrue in each subsequent billing period.

If the Customer does not comply with the amortization agreement, it will be considered non-payment and the District will immediately issue a Final Termination of Service Notice to the Customer and proceed with termination according to Section 5.07.01.7(A) through (I) above.

No termination of Service shall occur as a result of non-payment during a pending investigation of a Customer dispute or complaint.

### 5.08.02 Appeals

**5.08.02.1** | Any Applicant or Customer who is dissatisfied with any determination made under this Section may, at any time within thirty (30) days after such determination is made, appeal by giving written notice to the General Manager, setting forth the matter upon which the appeal is sought. Upon receipt of the appeal, the General Manager shall review the appeal, conduct an investigation, and issue a written recommendation. If the Applicant or Customer does not agree with the General Manager's recommendation, the appeal shall be forwarded to the Board of Directors for consideration.

**5.08.02.2** | The General Manager shall then develop a staff report on the disputed matter.

**5.08.02.3** | At the next regular Board meeting, the General Manager shall agendaize an action item concerning the appeal and the results of the investigation. The Board may hear the appeal in open session and may deliberate in closed session. The Board shall make a determination of the appeal within forty-five (45) days of the Board meeting at which the appeal was agendaized and considered and issue its determination verbally or in writing, and its determination shall be final and conclusive.

**5.08.02.4** | Pending a decision pursuant to an appeal under this rule, regarding any dispute concerning amounts for charges, the Customer making such appeal shall pay the full amount of the charges which shall be deemed paid under protest. Any charge or amount, or portion thereof, previously paid under protest will be refunded if the Board of Directors determines that the charge was wrongfully made.

A copy of the above investigation and appeal procedures is available at the Customer Services counter or on the District's website.

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## **5.09 ELECTRIC FEES AND CHARGES**

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### **5.09.01 Connection Fees - Temporary Service**

The District will provide two types of temporary Electric Service; one which will be removed and not become permanent, and one which will become a permanent Service.

**5.09.01.1 |** Temporary Electric Service - The actual cost of temporary Service installation (which will not result in a permanent Electric Service) and subsequent removal will include the material, labor, equipment, overhead, administrative costs, and account set-up fees. The cost shall be the flat fee or actual cost as listed in the Electric Connection and Fee Schedule, Appendix E. The Applicant will be required to pay the fee prior to the provision of Service.

**5.09.01.2 |** Temporary service for construction purposes - The connection fee for temporary Service (which will result in a permanent Electric Service) is a charge determined by the District to establish Service to a temporary power pole for construction purposes which will later be converted to a permanent Service. The cost shall be the flat fee or actual cost as listed in the Electric Connection and Fee Schedule, Appendix E. This fee includes, but is not limited to, the cost of material, labor, equipment, overhead, meter, transformer, overhead conductor, permanent overhead/underground connection transfer, administrative costs, and account set-up fees. See Chapter 7.20.010 for further detail.

### **5.09.02 Connection Fees - Permanent Service**

The connection fee is a charge determined by the District to establish a new Service. It includes, but is not limited to, the costs of material, labor, equipment, overhead, administrative costs, and account set-up fees to provide the Service conductor and cable, metering, a proportionate share of the transformer costs, and the account set-up costs. The cost shall be the flat fee or actual cost as listed in the Electric Connection and Fee Schedule, Appendix E.

### **5.09.03 Connection Fees - Permanent Service, Multiple (Single and Three Phase)**

In the event that a Service requires multiple metering, the original Service will be governed by the connection fees for a permanent Service. Subsequent connections made from the same Service drop will be subject to the metering and account set-up costs in addition to the facilities fees if applicable.

### **5.09.04 Service Upgrades and Relocations**

Any Customer requesting work for their sole convenience that is to be performed by the District, will be charged the actual cost of the service performed including material, labor, equipment, overhead, administrative costs, and any appropriate facilities fees unless a flat fee has been established to provide the service (see Appendix E - Electric Connection & Fee Schedule).

### **5.09.05 Expiration of Fees**

Electric connection fees paid shall be effective for a period of two (2) years from the date of application. Applicant shall be subject to payment of increased connection fees if the connection has not been made within two (2) years of the date of application.

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## 5.10 ELECTRIC RATES

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Electric Rates Determination of the applicable rate is at the sole discretion of the District and is based on the following sections in this chapter. Electric rates are set by ordinance by the Board of Directors.

### 5.10.01 Residential Electric Rates

**5.10.01.1** | Residential rates are sub-divided into Permanent and Non-Permanent schedules. Definitions for each are as follows:

*5.10.01.1(A)* A Permanent resident is defined as a Customer (or Customers) who occupy the Service location on a full-time basis.

*5.10.01.1(B)* A Non-Permanent resident is defined as a Customer (or Customers) who occupy the Service location on a part-time basis. Any Service location that does not qualify for permanent status will be classified as non-permanent.

**5.10.01.2** | Determination of the applicable rate is at the sole discretion of the District. Customers requesting the permanent resident rate will be required to provide sufficient evidence documenting that they are a full-time resident of the District.

**5.10.01.3** | It is the Customer's responsibility to notify the District and provide sufficient evidence documenting that they are a permanent resident per Section 5.10.01.1(A). The effective date of the change in rate from non-permanent to permanent will be the date the Customer provides sufficient evidence that they are a permanent resident. No refunds will be issued.

**5.10.01.4** | All residential rates are detailed within Appendix G in their respective schedules.

**5.10.01.5** | An energy surcharge shall continue to be added to each bill as required by California law.

**5.10.01.6** | The terms 'On-Peak', "Mid-Peak", and "Off-Peak" are used in Time-of-Use rates (see Appendix G) to denote discrete periods of time for which the cost of volumetric energy or measured electric demand may be valued differently.

### 5.10.02 Non-Residential Electric Rates

**5.10.02.1** | Non-residential rates are sub-divided according to Customer peak Demand as detailed within each of the specific rates within Appendix G.

**5.10.02.2** | Peak Demand is defined as the highest observed 15-minute electricity demand (in units of kilowatts) measured by the District at the Customer's electric meter(s) within a billing period. If, at the discretion of the District, the Customer's usage is intermittent or highly fluctuating, then a shorter time interval may be used.

**5.10.02.3** | Determination of Customer Peak Demand and the applicable rate is at the sole discretion of the District.

**5.10.02.4** | An energy surcharge shall continue to be added to each Bill as required by California law.

**5.10.02.5** | Billing Demand shall be the current period's highest measured Demand.

**5.10.02.6** | The terms 'On-Peak', "Mid-Peak", and "Off-Peak" are used in Time-of-Use rates (see Appendix G) to denote discrete periods of time for which the cost of volumetric energy or measured electric demand may be valued differently.

**5.10.02.7** | Terms of Service - Service under this schedule is subject to the District's rules, regulations, and Code for receiving Electric Service.

### **5.10.03      Miscellaneous Services**

Fees and charges for miscellaneous services performed by the District are defined in the most recent Miscellaneous Fee Schedule Appendix C.

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## 5.11 ELECTRIC AND WATER FACILITIES FEES

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### 5.11.01 Facilities Fees

#### 5.11.01.1 | Legislative Findings

- 5.11.01.1(A)* The District must expand its Water and Electric Facilities in order to maintain current standards of public health if new development is to be accommodated without decreasing current standards of public health.
- 5.11.01.1(B)* The imposition of facilities fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of Water and Electric Facilities necessary to accommodate such development. This must be done in order to promote and protect public health, safety, and welfare.
- 5.11.01.1(C)* Connecting to the District Water and/or Electric System(s) will create a need for the construction, equipping, or expansion of Water and/or Electric Facilities.
- 5.11.01.1(D)* The fees established by Section 5.11.01.5 are derived from, are based upon and do not exceed the costs of providing additional Water and Electric Facilities necessitated by the connection to the District's Water and Electric Systems.
- 5.11.01.1(E)* The District's "Water System Master Plan" sets forth a reasonable method and analysis for the determination of the impact of new development on the need for and costs for additional Water Facilities within the District.
- 5.11.01.1(F)* The District's "Electric System Master Plan" sets forth a reasonable method and analysis for the determination of the impact of new development on the need for and costs for additional Electric Facilities within the District.

#### 5.11.01.2 | Short Title, Authority and Applicability

- 5.11.01.2(A)* The District ordinance that adopted water and electric facilities fees (Ordinance No. 8903), as it may be updated or amended from time to time, shall be known and may be cited as the "Truckee Donner Public Utility District Water and Electric Facilities Fee Ordinance" ("Facilities Fees Ordinance").
- 5.11.01.2(B)* The Board of Directors of the District adopted the Facilities Fee Ordinance pursuant to the Public Utility District Act within the Public Utilities Code of the State of California.
- 5.11.01.2(C)* The provisions of this Code and contained in Appendix F, Electric Facilities Fees, which were adopted by ordinance shall apply within the boundaries of the District to parcels served by the District Water and/or Electric Systems.

#### 5.11.01.3 | Intents and Purposes

- 5.11.01.3(A)* The provisions of this Code are intended to assist in the implementation of the District's Water System and Electric System Master Plans.
- 5.11.01.3(B)* The purpose of the provisions of this Code is to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide Water and Electric Facilities within the District's service area.

#### 5.11.01.4 | Imposition of Water and Electric Facilities Fees

5.11.01.4(A) When computing a fee pursuant to this Code, the District shall prepare and retain a written memorandum containing the following information:

- Identify the purpose of the fee.
- Identify the use of the fee. If the use is financing public facilities, the facilities shall be identified. The identification may, but need not, be made by reference to the Water System Maser Plan, Electric System Master Plan, a capital improvement plan, applicable general or specific plan requirements, or other public documents that identify the public facilities for which the fee is charged.
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

5.11.01.4(B) Any person who, after the effective date of this Code, seeks to connect to the District's Water System is hereby required to pay a water facilities fee in the manner and amount set forth in this Code.

5.11.01.4(C) Any person who, after the effective date of this Code, seeks to connect to the District's Electric System is hereby required to pay an electric facilities fee in the manner and amount set forth in this Code.

**5.11.01.5 | Computation of the Amount of Water and Electric Facilities Fees**

5.11.01.5(A) When computing a fee pursuant to this Code, the District shall prepare and retain a written memorandum containing the following information:

- Identify the purpose of the fee.
- Identify the use of the fee. If the use is financing public facilities, the facilities shall be identified. The identification may, but need not, be made by reference to the Water System Maser Plan, Electric System Master Plan, a capital improvement plan, applicable general or specific plan requirements, or other public documents that identify the public facilities for which the fee is charged.
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

5.11.01.5(B) At the option of the Applicant, the amount of the water and/or electric facilities fee may be determined by the District's facilities fee schedules in effect at the time of application.

5.11.01.5(C) In the case of change of use, redevelopment, or expansion or modification of an

existing use which requires a new, replacement, or additional connection to the District's Water System, the facilities fee shall be based upon the net increase in the size of the meter for the new connection over the size of the meter for the previous connection.

- 5.11.01.5(D) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires a new, replacement or additional connection to the District's Electric System, the facilities fee shall be based upon the net increase in the amperage and voltage of the electrical panel for the new connection over the amperage and voltage of the previous electrical panel.

**5.11.01.6 | Payment of Fee**

- 5.11.01.6(A) The Applicant shall pay the water and electric facilities fee required by this Code to the District at the time of application for connection to the District's Water and/or Electric System.
- 5.11.01.6(B) All funds collected shall be properly identified by and promptly transferred for deposit in the appropriate Water and Electric Facilities Fee Restricted Fund to be held in separate accounts as determined in Section 5.11.01.8 of this Code and used solely for the purposes specified in this Code.

**5.11.01.7 | Water and Electric Facilities Fees Restricted Funds Established**

- 5.11.01.7(A) There are hereby established two (2) separate Facilities Fee Restricted Funds: (1) the Water Facilities Fee Restricted Fund and (2) the Electric Facilities Fee Restricted Fund.
- 5.11.01.7(B) Funds withdrawn from these accounts must be used in accordance with the provisions of Section 5.11.01.8 of this Code.

**5.11.01.8 | Use of Funds**

- 5.11.01.8(A) Funds collected from water and electric facilities fees shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to Water and/or Electric facilities under the jurisdiction of the District and shall not be used for maintenance or operations.
- 5.11.01.8(B) Funds from the Water Facilities Fee Restricted Fund may only be used for Water Facilities purposes and funds from the Electric Facilities Fee Restricted Fund may only be used for Electric Facilities purposes. Funds shall be expended in the order in which they are collected.
- 5.11.01.8(C) In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which water and electric facilities fees may be expended, facilities fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Sections 5.11.01.8(A) and (B) above.
- 5.11.01.8(D) At least once every two (2) years, the General Manager shall present to the Board of Directors a proposed capital improvement program for Water and Electric Facilities, assigning funds, including any accrued interest, from the Water and Electric Facilities Fee Restricted Funds to specific Water and/or

Electric Facilities improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Water and Electric Facilities Fee Restricted Funds until the next fiscal period except as provided by the refund provisions of this Code.

5.11.01.8(E)

Funds may be used to provide refunds as described in Section 5.11.01.9.

5.11.01.8(F)

Funds may be used to rebate developer costs for providing Water and/or Electric Facilities in excess of the capacity required to the individual developer making the provision. Any rebates must be pursuant to a refunding agreement between the developer and the District after the effective date of this Code. Prior refunding agreements may be re-negotiated in order to bring such agreements into accord with the provisions of this Code.

#### **5.11.01.9 | Refund or Encumbrance of Fees Paid**

5.11.01.9(A)

Any funds not expended or encumbered by the end of the calendar quarter immediately following five (5) years from the date the water and/or electric facilities fee was paid shall, upon application of the then current landowner, be returned to such landowner, provided that the landowner submits an application for a refund to the District within one hundred eighty (180) days of the expiration of the five (5) year period.

5.11.01.9(B)

The District may, however, encumber funds prior to the end of the calendar quarter immediately following five (5) years from the date the water and/or electric facilities fee was paid. The District may make determinations that, in the interest of proper system expansion, and in order not to replicate facilities, funds may be held in excess of five (5) years. Once said determinations are made, the District shall thereafter review said determinations on an annual basis.

#### **5.11.01.10 | Exemptions and Credits**

The following shall be exempted from payment of the facilities fee:

- Alterations or expansion of an existing building where no additional or larger water connections are requested and where the use is not changed.
- Alterations or expansion of an existing building where no additional or greater capacity electrical panels are requested and where the use is not changed.
- The replacement of a building or structure with a new building or structure of the same size and use where no additional or larger water connections are requested and where the use is not changed.
- The replacement of a building or structure with a new building or structure of the same size and use where no additional or greater capacity electrical panels are requested and where the use is not changed.

Any claim of exemption must be made no later than the time of application for connection to the District's Water and/or Electric System. While it is inherently the applicant's responsibility to claim an exemption, the District will make every effort to notify the Applicant if they are subject to an exemption.

#### **5.11.01.11 | Review**

*5.11.01.11(A)* The fees contained in Section 5.11.01.5 shall be reviewed by the Board of Directors every budget cycle and after the completion of a master plan.

**5.11.01.12 | Enforcement Provision**

*5.11.01.12(A)* The District shall have the power to sue in civil court to enforce the provisions of this Code.

**5.11.01.13 | Severability**

*5.11.01.13(A)* If any section, phrase, sentence or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**5.11.01.14 | Conflict**

*5.11.01.14(A)* In the event of any conflict between this Code and state law, including Government Code Sections 66000-66009, state law shall control.

**5.11.01.15 | Effective Date**

*5.11.01.15(A)* This code became effective on December 6, 1989 and was amended on March 4, 2026.

**5.11.01.16 | Expiration of Fees**

*5.11.01.16(A)* Facilities Fees paid will be effective for a period of five (5) years from the date of application. Applicant may be subject to payment of increased fees if the connection has not been made within the specified time period.

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## 5.12 ELECTRIC SYSTEM IMPACT STUDY

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**5.12.01.1 |** Applications for new electric utility service projects with an aggregate connected load (kW) in excess of 1,000kW may be subject to the requirements of entering into a development agreement with the District and an additional non-refundable deposit for the purposes of conducting a system impact study. Deposit amounts will be based upon estimated engineering and consulting costs associated with conducting the system impact study.

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## 5.13 WATER FEES AND CHARGES

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### 5.13.01 Connection, Tapping and Facilities Fees

All Applicants for Water Service are subject to three charges when applicable: (1) a connection fee; (2) tapping fee; and (3) a facilities fee, in accordance with the current Water Connection and Facilities Fee Ordinance as adopted by the Board of Directors.

- 5.13.01.1 |** Connection Fee - The connection fee is a charge made by the District to establish a new Service. It includes, but is not limited to, the costs of material, labor, equipment, overhead, administrative costs, and account set-up fees.
- 5.13.01.2 |** Tapping Fee - The tapping fee is a charge made by the District based upon the actual costs including material, labor, equipment, overhead, and administrative costs to provide an Applicant's Service lateral pipe and connect it to the District's water mains.
- 5.13.01.3 |** Facilities Fee - The facilities fee is a charge made by the District to cover the Applicant's pro rata share of the cost of the existing supply facilities and any expansions or additions thereof which are required to serve the Applicant. The cost of future source and storage facilities shall be included in the facilities fee in order to maintain an equitable distribution of benefits received between present and future Service connections.
- 5.13.01.4 |** Miscellaneous Service Fees - Any Customer requesting work for their sole convenience to be performed by the District, will be charged the actual cost of the service performed, including material, labor, equipment, overhead, administrative costs, and any appropriate facilities fees unless a flat fee has been established to provide the Service (see –Appendix H - Water Connection & Fee Schedule).
- 5.13.01.5 |** Expiration of Fees Water Connection Fees paid will be effective for a period of two (2) years from the date of payment. Applicant may be subject to payment of increased fees if the connection has not been made within the specified time period.

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## **5.14 WATER RATES**

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### **5.14.01 District Goal**

It is the District's goal that all Customers are equipped with a water meter and billed volumetrically based upon their usage. It is the District's intent to install water meters on all water services and to transition to metered rates.

### **5.14.02 Water Rates**

Determination of the applicable rate is at the sole discretion of the District and is based on the following sections in this Title.

#### **5.14.02.1 | Residential Water Rates**

*5.14.02.1(A)* Metered Water Rates - The Residential Water Rates for single family properties, individual condominium units, and townhouse units equipped with a meter shall consist of three (3) components: (1) a base charge; (2) a commodity charge; and (3) a pump zone charge.

### **5.14.03 Commercial Water Rates**

Commercial Water Rates for all other multiple dwelling units, trailer parks, public use, dedicated irrigation, single family properties with meters greater than 1" in size, and other commercial establishments shall consist of three components: (1) a base charge; (2) a commodity charge; and (3) a pump zone charge.

These water rates are set by ordinance approved by the Board of Directors and can be found in Appendix J – Water Rates.

### **5.14.04 Terms of Service**

Service under this schedule is subject to the District's rules, regulations, and Code for receiving water service.

### **5.14.05 Miscellaneous Services**

Fees and charges for miscellaneous services performed by the District are defined in the most recent Miscellaneous Fee Schedule Appendix C.

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## **5.15 PUBLIC OUTREACH POLICY**

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### **5.15.01 Policy Statement**

It is the policy of the District to promote open communication with the Customers of the District on issues of importance appearing on the agenda of the Board of Directors. To further this policy, there is hereby established a process by which the District shall initiate contact, informing the community of important issues that are appearing before the Board of Directors. This outreach shall occur early enough to permit thorough discussion of the issue prior to the Board taking formal action.

### **5.15.02 Definition of Important Issues**

Important issues are those that involve changes in monthly water and electric user charges, changes in the Miscellaneous Fees Schedule, changes in connection fees, changes in facilities fees, and changes in regulations covering new and retrofit residential and commercial construction. Changes in monthly water and electric user charges, changes in the Miscellaneous Fees Schedule, or changes in connection fees shall normally occur as part of the Board budget discussion prior to adoption of the budget. Changes in facility fees shall normally occur as part of the five (5) year Water/Electric Master Plan review or when the local General Plans are revised. Facility fee increases due to inflation, not resulting from District Master Plan or local General Plan review, shall be discussed as part of the Board budget sessions prior to adoption of the budget. Other issues will arise from time to time that are difficult to enumerate in this policy statement. Such issues shall be considered as important issues falling under the purview of this policy based on a review by the General Manager of the circumstances involved and the persons who may be impacted by adoption of the proposed action. Additionally, the Board of Directors may, by action at a board meeting, determine that an issue coming before it is an important issue falling under the purview of this policy.

### **5.15.03 Method of Public Communication**

The method of initial communication to the public will vary based on the kind of issue being discussed.

**5.15.03.1 |** With respect to the consideration of changes of the monthly water and electric user charges or changes in the Miscellaneous Fees Schedule Appendix C, a notice shall be printed on the utility bill going to Customers of the District, posted on the District's website and a display ad notice shall be placed in a newspaper of general circulation in the District. These changes are generally associated with preparation and adoption of the District's annual or semi-annual budget.

**5.15.03.2 |** With respect to other important issues so designated by the General Manager or the Board of Directors, the method of initial communication shall be determined on a case by case basis.

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## 5.16 PUBLIC INFORMATION PROGRAM

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### 5.16.01 General Information

**5.16.01.1 |** The Public Information and Strategic Affairs Manager is the primary spokesperson for the District regarding public information.

**5.16.01.2 |** The Public Information and Strategic Affairs Manager will develop, monitor and review an annual public information program with input from the General Manager and Board as needed.

### 5.16.02 Items Covered by Program

**5.16.02.1 |** The public information program developed by the Public Information and Strategic Affairs Manager will cover such matters as:

*5.16.02.1(A)* The District's mission, goals, services, activities, achievements, costs, and plans.

*5.16.02.1(B)* Informing the community about major issues involving the water and electric industries which may impact the Customers of the District.

*5.16.02.1(C)* Strategies for dealing effectively with the public's need to be informed about specific and timely issues as they arise.

### 5.16.03 Status of Program

The Public Information and Strategic Affairs Manager will report out to the Board as needed regarding the status of the program.

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## **5.17 PUBLIC BENEFITS PROGRAM**

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### **5.17.01 Public Benefits Programs**

The District shall create and maintain cost-effective conservation programs that may include rebates, direct-install, and/or technical assistance. The programs will be reviewed and approved by the General Manager and the Board.

### **5.17.02 Annual Review and Reporting**

It is the policy of the District that a public benefits program be developed each year as part of the annual operating budget and that it be submitted to the Board for review, revision and adoption and be agendized as a separate item for discussion.

### **5.17.03 Criteria for Annual Public Benefits Program**

The General Manager, or designee, shall annually prepare a draft public benefits program meeting the following criteria:

- 5.17.03.1 |** Each specific element of the program shall promote one or more of the following benefits: (1) conservation of energy; (2) the use of renewable energy resources; (3) research, development or demonstration of a new electric energy technology; and (4) assistance to low-income persons.
- 5.17.03.2 |** Additionally, the program shall be designed to benefit the maximum number of persons, give a high priority to energy conservation, and assistance to low-income persons.
- 5.17.03.3 |** The program shall be simple to administer and shall promote direct contact between the District and its Customers.

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## 5.18 COMPLAINT PROCEDURE

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### 5.18.01 Customer Complaint Procedure

- 5.18.01.1** | Complaints will be logged by the Customer Services Department. Formal billing disputes as defined in Section 5.08.01.1 will be logged as a complaint.
- 5.18.01.2** | Appropriate documents pertaining to the complaint shall be given to the Customer Services Manager and the Customer Services Manager will distribute the complaints to the appropriate department heads for resolution.
- 5.18.01.3** | When the necessary work has been completed or the necessary action has been taken in order to satisfy the complaint, the log will be marked with the date of resolution and the steps taken for resolution of the complaint.
- 5.18.01.4** | At least annually, the complaint log with a summary will be provided to the General Manager for review. This list will contain complaint, the date of the complaint, the resolution, and the date it was resolved.
- 5.18.01.5** | The following items will be treated as service requests requiring immediate attention to be resolved and are not considered to be complaints unless the Customer has repeatedly reported the problem with no resolution:
- 5.18.01.5(A)* Water Department - water leaks, water outages, bad water, major changes in water pressure, and broken water boxes in traffic flow (foot or vehicle).
  - 5.18.01.5(B)* Electric Department - outages, downed wires or poles, sparking wires, extremely low voltage, and trees across lines.
  - 5.18.01.5(C)* Any situation that could be a potential threat to public safety.

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## 5.19 NOTICES

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### 5.19.01 Notice to Customers

**5.19.01.1 |** Written - Notice to a Customer will normally be in writing and will be delivered or mailed to the Customer's last known address, or to the address listed on the Application.

**5.19.01.2 |** Unwritten - In emergencies, or after appropriate circumstances, the District shall attempt to promptly notify the Customers affected and may make such notification by any means reasonably calculated to reach the Customer.

### 5.19.02 Notice from Customers

Notice from a Customer to the District may be given personally by the Customer or their authorized representative, either orally or in writing at the District's operating office or to an agent of the District duly authorized to receive notices or complaints.

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## 5.20 PAYBACKS

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### 5.20.01 Line Extension Paybacks

**5.20.01.1** | Any payback in the amount of \$10,000 or less is to be handled routinely by staff upon review and approval by the department head.

**5.20.01.2** | Payback amounts above \$10,000, upon review and approval by the department head and the General Manager, will require the execution of a Development Agreement.

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## 5.21 ANNEXATION OF PROPERTY TO THE DISTRICT

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### 5.21.01 Electric and/or Water Service

**5.21.01.1 |** It is the intent of the District to serve water to all properties within its territory and within its approved Sphere of Influence.

**5.21.01.2 |** No Service shall be provided to property outside of the District's territory without prior annexation approval from the appropriate Local Agency Formation Commission (LAFCo).

**5.21.01.3 |** Exception:

5.21.01.3(A) Single family home;

5.21.01.3(A)(1) Not part of a larger sub-division;

5.21.01.3(A)(2) May be served with an Out of Area Service Agreement approved by the appropriate LAFCo;

5.21.01.3(A)(3) All associated costs will be borne by the property owner/developer;

5.21.01.3(B) Must be contiguous with the District's service territory or infrastructure.

**5.21.01.4 |** An Applicant for Electric and/or Water Service whose property is not located in the District's territory will be served by the District only under the following conditions:

5.21.01.4(A) The property must be located within the District's approved Sphere of Influence;

5.21.01.4(B) The property owner/developer shall agree to being annexed into the District's territory and pay all costs to process the application through the appropriate LAFCo;

5.21.01.4(C) The District must evaluate and find that there is sufficient capacity within the Electric and/or Water Systems to provide service;

5.21.01.4(D) The annexation shall be part of the development agreement;

5.21.01.4(E) If the District finds that there is not sufficient capacity in the existing systems to provide Service, the Applicant must agree to construct or pay for construction of the necessary facilities as determined by the District to provide Service;

5.21.01.4(F) The property owner shall follow all rules, procedures, and policies of the District in construction of any facilities to establish Electric and/or Water Service.

**5.21.01.5 |** Any application for annexation initiated under the terms of this Code shall be approved by the Board of Directors. District staff shall provide a report to the Board containing the following:

5.21.01.5(A) Identification of the parcel or parcels to be annexed;

5.21.01.5(B) Stating whether said parcel or parcels are within the District's Sphere of Influence;

5.21.01.5(C) Stating whether sufficient capacity exists in the District system to provide service, or demonstrating that the Applicant has agreed to pay for construction of the necessary facilities;

5.21.01.5(D) An executed agreement committing the Applicant to pay the costs of processing the application through LAFCo.