



GRAYFOX HOMEOWNERS ASSOCIATION PUBLIC WATER SUPPLY

Jeff Soldner, DSS # 100131
Water Distribution System
Operator
Grayfox Public Water Supply
#5202030
cell-260-446-4490
jksoldner@comcast.net

Public water is provided to all homeowners of the Grayfox Homeowners Association via two wells located on the common properties of Grayfox Association. GRAYFOX HOMEOWNERS ASSOCIATION PUBLIC WATER SUPPLY is regulated by the State of Indiana for Water Utilities.

Indiana Administrative Code

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Latest Update: April 11, 2018

Rules filed before March 16, 2018

The information is taken from Section 6, Water Utilities, specifically 6-1-11 thru 6-1-16.

The state requires that all public water supply's provide a pamphlet or link to this part of the Indiana Code that defines customer rights with respect to their water service provider. This pamphlet is designed to fulfill that requirement.

170 IAC 6-1-11 Customer request for meter test; application to utility

Authority: IC 8-1-1-3; IC 8-1-2-4 Affected: IC 8-1-2-35

Sec. 11. (a) Each water utility shall make a test of the accuracy of registration of a meter upon written request by a customer. A second test of the customer's meter may be requested after twelve (12) months. The first and second tests of a customer's meter shall be at no cost to the customer.

(b) The customer may be required to bear the reasonable cost of any subsequent test of his or her meter if the: (1) meter was:

(A) tested within the prior thirty-six (36) months at the customer's request; and

(B) found to be in compliance with section 9 of this rule; (2) test is made:

(A) at the customer's request; or

(B) due to a billing dispute; and

(3) meter is found to be in compliance with section 9 of this rule.

(c) If the utility requires payment from the customer under subsection (b), the utility shall disclose to the customer the cost of the test prior to the test being performed.

(d) A written report giving the results of the tests shall be made to the customer within ten (10) days after the test is complete, and a complete record of the test shall be kept on file in the office of the utility.

(e) Any appeal, in regard to the results of the customer's meter test, shall be filed with the commission under section 12 of this rule within five (5) days of the date of

the report. (*Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 11; filed Nov 28, 1977, 3:00 p.m.: Rules and Regs. 1978, p. 682; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Dec 15, 2008, 11:46 a.m.: 20090114-IR- 170080315FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA*)

170 IAC 6-1-12 Customer request for meter test; application to commission

Authority: IC 8-1-1-3; IC 8-1-2-4 Affected: IC 8-1-2-35

Sec. 12. (a) Upon application of any customer to the commission, and at the discretion of the commission, a test shall be made of a customer's meter by the utility or its contractor under the supervision of an employee of the commission. The commission shall promptly notify the utility of any application. No fee shall be payable by the customer for the test, except as may be charged under section 11(b) of this rule.

(b) This section shall not interfere with the practice of a utility in its tests of water service meters except that, upon receiving notice of a written application to the commission by a customer for a test, the utility shall not:

(1) remove;

(2) interfere with; or (3) discard;

the meter until completion of the test without the prior written consent of the customer, unless the removal of the meter is required in order to perform the requested test.

(*Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 12; filed Nov 28, 1977, 3:00 p.m.: Rules and Regs. 1978, p. 682;*

readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Dec 15, 2008, 11:46 a.m.: 20090114-IR- 170080315FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 6-1-13 Bills

Authority: IC 8-1-1-3; IC 8-1-2-4 Affected: IC 8-1-2

Sec. 13. Bills for Water Service. (A) Bills rendered periodically to customers for water service shall show at least the following information:

- (1) The dates and meter readings of the meter at the beginning and end of the period for which the bill is rendered and the billing date,
 - (2) The number and kind of units of service supplied,
 - (3) The billing rate code, if any,
 - (4) The previous balance, if any,
 - (5) The amount of the bill,
 - (6) The sum of the amount of the bill and the late payment charge, if any,
 - (7) The date on which the bill becomes delinquent and on which a late payment charge will be added to the bill,
 - (8) If an estimated bill, a clear and conspicuous coding or other indication identifying the bill as an estimated bill,
 - (9) Printed statements and/or actual figures on either side of the bill shall inform the customer of the seventeen (17) day non- penalty period.
 - (10) An explanation, which can be readily understood, of all codes and/or symbols shall be shown on the bill.
- (B) Delinquencies. (1) A utility service bill which has remained unpaid for a period of more than seventeen (17) days following the mailing of the bill shall be a delinquent

bill.

(2) A utility service bill shall be rendered as a net bill. If the net bill is not paid within seventeen (17) days after the bill is mailed, it shall become a delinquent bill and a late payment charge may be added in the amount of ten (10) percent of the first three (3) dollars and three (3) percent of the excess of three (3) dollars.

(C) Estimated Billing. A water utility may estimate the bill of any customer pursuant to a billing procedure approved by the Commission or for other good cause, including, but not limited to: request of customer; inclement weather; labor or union disputes; inaccessibility of a customer's meter if the utility has made a reasonable attempt to read it; and other circumstances beyond the control of the utility, its agents and employees. (*Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 13; filed Nov 28, 1977, 3:00 pm: Rules and Regs. 1978, p. 683; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)*)

170 IAC 6-1-14 Billing adjustments

Authority: IC 8-1-1-3; IC 8-1-2-4 Affected: IC 8-1-2-34

Sec. 14. Adjustment of Bills. (A) Adjustments Due to Meter Error. If any service meter shall be found to have a percentage of error greater than that allowed in Rule 9 [170 IAC 6-1-9], the following provisions for the adjustment of bills shall be observed: (1) Fast Meters. When a meter is found to have a positive average error, i.e., is fast, in excess of two (2) percent, the utility shall refund or credit the customer's account with the amount in

excess of that determined to be an average charge for one-half of the time elapsed since the previous test, or one (1) year, whichever period is shorter. This average charge shall be calculated on the basis of units registered on the meter over corresponding periods either prior or subsequent to the period for which the meter is determined to be fast. No part of a minimum service charge need be refunded.

(2) Stopped or Slow Meters. When a meter is stopped or has a negative average error, i.e., is slow, in excess of two (2) percent, the utility may charge the customer an amount estimated to be an average charge for one-half of the time elapsed since the previous test or one (1) year, whichever period is shorter. This average charge shall be calculated on the basis of units registered on the meter over corresponding periods either prior or subsequent to the period for which the meter is determined to be slow or stopped. Such action may be taken only in cases where the utility is not at fault for allowing the stopped or slow meter to remain in service.

(B) Adjustment for Interruption of Service. In the event the customer's service is interrupted for a reason other than the act of the customer or the condition of customer controlled equipment, and the service remains interrupted for more than two (2) days after being reported or found to be out of order, appropriate adjustments or refunds shall be made to the customer. Each company shall file with the commission a tariff detailing the method and amount of refund in such cases.

(C) Other Billing Adjustments. All other billing errors, including incorrect tariff applications, may be adjusted to the known date of error or for a period of one year, whichever period is shorter. *(Indiana Utility Regulatory*

Commission; No. 34805: Standards of Service For Water Utilities Rule 14; filed Nov 28, 1977, 3:00 pm: Rules and Regs. 1978, p. 684; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 6-1-15 Creditworthiness of customer; deposit; refund

Authority: IC 8-1-1-3

Affected: IC 8-1-2; IC 32-34-1-20

Sec. 15. (a) Each utility shall determine the creditworthiness of residential applicants or customers in an equitable and nondiscriminatory method:

- (1) without regard to the economic character of the area wherein the applicant or customer resides; and
- (2) solely upon the credit risk of the individual without regard to the collective credit reputation of the area in which he or she lives.

(b) Each new applicant for residential water service shall be deemed creditworthy and shall not be required to make a cash deposit as a condition of receiving service if the applicant satisfies the following criteria:

- (1) If the applicant has been a customer of any utility within the last two (2) years, the applicant:

(A) owes no outstanding bills for service rendered within the past four (4) years by any such utility;

Indiana Administrative Code Page 7

(B) during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills that were delinquent to any utility or, if service was rendered for a period for less than twelve (12) months,

did not have more than one (1) delinquent bill in such period; and

(C) within the last two (2) years did not have a service disconnected by a utility for nonpayment of a bill for services rendered by that utility.

(2) If the applicant has not been a customer of a utility during the previous two (2) years, any two (2) of the following criteria are met:

(A) The applicant either:

(i) has been employed by his or her present employer for two (2) years;

(ii) has been employed by his or her present employer for less than two (2) years, but has been employed by only one (1) other employer during the past two (2) years; or

(iii) has been employed by the present employer for less than two (2) years and has no previous employment due to recently:

(AA) graduating from a school, university, or vocational program; or

(BB) being discharged from military service. (B) The applicant either:

(i) owns or is buying his or her home; or

(ii) is renting a home or an apartment and has occupied the premises for more than two (2) years.

(C) The applicant has credit cards, charge accounts, or has been extended credit by a bank or commercial concern unless a credit check shows that the applicant has been in default on any such account more than twice within the last twelve (12) months.

(c) If the applicant fails to establish that he or she is creditworthy, under subsection (b), the applicant may be required to make a reasonable cash deposit. Such

deposit shall not exceed one-sixth ($\frac{1}{6}$) of the estimated annual cost of service to be rendered to the applicant. If a deposit is greater than seventy dollars (\$70), the utility shall advise the applicant or customer simultaneously with making a demand for a deposit that the applicant or customer may pay such deposit in equal installment payments over a period of no less than eight (8) weeks; service shall be connected upon receipt by the utility of the first such payment.

(d) If the utility requires a cash deposit as a condition of providing service, then it must immediately notify the applicant in writing stating the precise facts upon which the utility based its decision and provide the applicant with an opportunity to rebut such facts and show other facts demonstrating his or her creditworthiness.

(e) A utility may require a present customer to make a reasonable cash deposit when:

(1) the customer has been mailed disconnect notices for two (2) consecutive months;

(2) the customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or

(3) the service to the customer has been disconnected within the past four (4) years pursuant to section 16 of this rule.

The amount of such deposit may not exceed an amount equal to one-sixth ($\frac{1}{6}$) of the expected annual billings for the customer at the address at which service is rendered.

In the event the required deposit is in excess of seventy dollars (\$70), the utility shall advise the customer that he or she may pay such deposit in equal installment payments over a period of up to eight (8) weeks, except where such deposit is required as a result of a disconnection for nonpayment, in which case full payment of the deposit may be required prior to reconnection.

(f) Requirements for interest upon deposits shall be as follows:

(1) Deposits held more than twelve (12) months shall earn interest from the date of deposit at a rate of six percent (6%) per annum or at such other rate of interest as the commission may prescribe following a public hearing.

(2) The deposit shall not earn interest after the date it is mailed or personally delivered to the customer, or otherwise lawfully disposed.

(g) Requirements for refunds shall be as follows:

(1) Any deposit or accrued interest shall be promptly refunded to the customer without the customer's request when the customer:

(A) submits satisfactory payment for a period of either: (i) nine (9) successive months; or (ii) ten (10) out of any twelve (12) consecutive months without late payment in two (2) consecutive months; or (B) demonstrates his or her creditworthiness as provided by subsection (b).

(2) Refunds of deposits or accrued interest issued under this section must be accompanied by a statement of accounting for each transaction affecting the deposit and interest.

(3) Following customer-requested termination of service, the utility shall:

(A) apply the deposit, plus accrued interest, to the final bill; or

(B) upon specific request from the customer, refund the deposit, plus accrued interest, within fifteen (15) days after payment of the final bill.

(4) Each utility shall maintain a record of each applicant or customer making a deposit that shows the following:

(A) The name of the customer.

(B) The current address of the customer so long as he or she maintains an active account with the utility in his or her name.

(C) The amount of the deposit.

(D) The date the deposit was made.

(E) A record of each transaction affecting such deposit.

(5) Each customer shall be provided a written receipt from the utility at the time his or her deposit is paid in full or when he or she makes a cash partial payment. The utility shall provide a reasonable method by which a customer who is unable to locate his or her receipt may establish that he or she is entitled to a refund of the deposit and payment of interest thereon. (6) Any deposit made by the applicant, customer, or any other person to the utility (less any lawful deductions), or any sum the utility is ordered to refund for utility service, that has remained unclaimed for one (1) year after the utility has made diligent efforts to locate the person who made such deposit or the heirs of such person, shall be presumed abandoned and treated in accordance with IC 32-9-1.5-20(c)(10) [IC 32-9 was repealed by P.L. 2-2002, SECTION 128, effective July 1, 2002.].

(7) A deposit may be used by the utility to cover any unpaid balance following disconnection of service under

section 16 of this rule; provided, however, that any surplus be returned to the customer as provided in subsection (f) and this subsection.

(Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 15; filed Nov 28, 1977, 3:00 p.m.: Rules and Regs. 1978, p. 684; filed Oct 28, 1998, 3:22 p.m.: 22 IR 732; errata filed Nov 22, 1999, 3:31 p.m.: 23 IR 812; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)

170 IAC 6-1-16 Disconnection of service; prohibited disconnection; reconnection

Authority: IC 8-1-1-3; IC 8-1-2-4 Affected: IC 8-1-2-4; IC 8-1-2-113

Sec. 16. (a) For disconnection of service upon the customer's request, the customer shall:

- (1) notify the utility at least three (3) days in advance of the day disconnection is desired; and
- (2) remain responsible for all service used and the billings therefor until service is disconnected pursuant to such notice.

Upon request by a customer of a utility to disconnect service, the utility shall disconnect the service within three (3) working days of the requested disconnection date.

The customer shall not be liable for any service rendered to the address or location after the expiration of these three (3) days.

(b) A utility may disconnect service without request by the customer and without prior notice only:

(1) if a condition dangerous or hazardous to life, physical safety, or property exists;

(2) upon order by any court, the commission, or other duly authorized public authority;

(3) if fraudulent or unauthorized use of water is detected and the utility has reasonable ground to believe the affected customer is responsible for the use; or

(4) if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for the tampering.

In all other instances, a utility, upon providing the customer with proper notice as defined in subsection (e), may disconnect service subject to the other provisions of this rule.

(c) Except as otherwise provided in subsections (a) and (b), a utility shall postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the utility with a medical statement from a licensed physician or public health official that states that disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement. A utility may not disconnect service to the customer:

(1) upon his or her failure to pay for:

(A) merchandise or appliances purchased from the utility furnishing the water;

(B) the service rendered at a different metering point, residence, or location if the bill has remained unpaid for

less than forty-five (45) days;

(C) services to a previous occupant of the premises to be served, unless the utility has good reason to believe the customer is attempting to defraud the utility by using another name; or

(D) a different form or class of utility service;

(2) if the customer shows cause for his or her inability to pay the full amount due (financial hardship shall constitute cause) and the customer:

(A) pays a reasonable portion (not to exceed ten dollars (\$10) or one-tenth (1/10) of the bill, whichever is less, unless the customer agrees to a greater portion) of the bill;

(B) agrees to pay the remainder of the outstanding bill within three (3) months;

(C) agrees to pay all undisputed future bills for service as they become due; and

(D) has not breached any similar agreement with the utility made pursuant to this rule within the past twelve (12) months;

provided, however, that the utility may add to the outstanding bill a late payment charge not to exceed the amount set under section 13(b) of this rule, and provided further, that the terms of the agreement shall be put in writing by the utility and signed by the customer and by a representative of the utility and only one (1) late payment charge may be made to the customer under this section; or

(3) if a customer is unable to pay a bill that is unusually large due to prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual

reading was taken for over two (2) months, stopped or slow meter, or any human or mechanical error of the utility, and the customer:

(A) pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the twelve (12) bills immediately preceding the bill in question;

(B) agrees to pay the remainder at a reasonable rate; and
(C) agrees to pay all undisputed future bills for service as they become due; provided, however, that the utility may not add to the outstanding bill any late fee, and provided further, that the terms of agreement shall be put in writing by the utility and signed by the customer and a representative of the utility.

If a customer proceeds with a review under 170 IAC 16-1-5, the utility may disconnect only as provided in 170 IAC 16-1-7.

(d) No utility may disconnect service unless it is done between the hours of 8:00 a.m. and 3:00 p.m., prevailing local time. Disconnections under subsections (a) and (b) are not subject to this limitation. A utility may not disconnect service for nonpayment on any day on which the utility office is closed to the public or after noon of the day immediately preceding any day on which the utility office is not open to the public.

(e) Notice is required prior to involuntary disconnection as follows:

(1) Except as otherwise provided in this article, service to any residential customer shall not be disconnected for a violation of any rule or regulation of a utility or for the nonpayment of a bill, except after seven (7) days prior written notice to the customer by either:

- (A) mailing the notice to the residential customer at the address shown on the records of the utility; or
- (B) personal delivery of the notice to the residential customer or a responsible member of his or her household at the address shown on the records of the utility.

No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent.

(2) The notice must be in language that is clear, concise, and easily understandable to a layperson and shall state the following in separately numbered large typed or printed paragraphs:

- (A) The date of proposed disconnection.
- (B) The specific actual basis and reason for the proposed disconnection.
- (C) The telephone number of the utility office at which the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning his or her rights.
- (D) A reference to the pamphlet or the copy of the rules furnished to the customer under section 18 of this rule for information as to the customer's rights.
- (f) Immediately preceding the actual disconnection of service, the employee of the utility designated to perform such function shall:
 - (1) make a reasonable attempt to identify himself or herself to the customer or any other responsible person then upon the premises;
 - (2) announce the purpose of his or her presence;
 - (3) make a record thereof to be maintained for at least thirty (30) days;

(4) have in his or her possession information sufficient to enable him or her to inform the customer or other responsible person of the reason for disconnection, including the amount of any delinquent bill of the customer; and

(5) request from the customer any available verification that the outstanding bill has been satisfied or is currently in dispute pursuant to review under 170 IAC 16-1-5.

Upon the presentation of such credible evidence, service shall not be disconnected. The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected. The utility shall notify its customers under section 18 of this rule of its policy with regard to the acceptance or nonacceptance of payment by such employee and shall uniformly follow such policy without discrimination. When the employee has disconnected the service, he or she shall give to a responsible person at the customer's premises or, if no one is at home, shall leave at a conspicuous place on the premises a notice stating that service has been disconnected and stating the address and telephone number of the utility where the customer may arrange to have service reconnected.

(g) A utility may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the utility's filed tariffs. A utility shall inform its customers of the reconnection fee under section 18 of this rule. If the utility disconnects service in violation of this rule, the service shall immediately be restored at no charge to the customer. The utility must reconnect the service to the customer as soon as reasonably possible but at least within one (1) working day after it is requested

to do so; provided, however, that the utility shall not be required to reconnect the service until:

- (1) the conditions, circumstances, or practices that caused the disconnection have been corrected;
- (2) payment of all delinquent charges owed the utility by the customer and any deposit authorized by this rule has been made; and
- (3) a responsible person is present in the premises to see that all water outlets are closed to prevent damage from escaping water.

(Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 16; filed Nov 28, 1977, 3:00 p.m.: Rules and Regs. 1978, p. 687; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; filed May 25, 2010, 1:52 p.m.: 20100623-IR-170090792FRA; readopted filed Aug 2, 2013, 2:16 p.m.: 20130828-IR-170130227RFA)