

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF PUBLIC UTILITIES AND CARRIERS  
89 JEFFERSON BOULEVARD  
WARWICK, RHODE ISLAND 02888**

IN RE: RULES AND REGULATIONS PRESCRIBING :  
STANDARDS FOR WATER UTILITIES : DOCKET NO. D-07-35

**REPORT AND ORDER**

**1. Introduction**

On August 24, 2007, the Rhode Island Division of Public Utilities and Carriers ("Division") published a "Notice Of Rulemaking And Public Hearing" in the Providence Journal, wherein interested persons were invited to submit data, views, or arguments, orally or in writing, and/or attend a public hearing in response to the proposed adoption of a comprehensive rewrite of the Division's currently effective "*Rules and Regulations Prescribing Standards for Water Utilities*," effective date March 1, 1966 ("*Current Water Rules*"). The proposed rewritten rules and regulations are similarly entitled: "*Rules and Regulations Prescribing Standards For Water Utilities*" ("*New Rewritten Water Rules*"). The public notice further reflected that the Division also planned to repeal the above-described existing rules and regulations through this rulemaking process.

After preparation of the proposed *New Rewritten Water Rules* was complete, the Administrator appointed the undersigned hearing officer to conduct a rulemaking proceeding in accordance with the requirements and

procedures delineated in R.I.G.L. §§42-35-3 and Rule 12(f)(1) of the Division's *Rules of Practice and Procedure*. The Division thereupon established the instant docket and scheduled and conducted a duly noticed public hearing to take comments on the proposed adoption of the *New Rewritten Water Rules* and the repeal of the *Current Water Rules*. In keeping with the requirements of R.I.G.L. §42-35-3(a)(4), the Division also concluded that the proposed *New Rewritten Water Rules* would not, if adopted by the Division, have a significant adverse economic impact on any small business or on any city or town.

The Division conducted a public hearing to take comments on the proposed adoption of the *New Rewritten Water Rules* and the repeal of the *Current Water Rules* on September 26, 2007. The hearing was conducted in the Division's hearing room, located at 89 Jefferson Boulevard in Warwick, Rhode Island. The following counsel and public utility representatives entered an appearance:

For the Division's Advocacy Section  
("Advocacy Section"):

William K. Lueker, Esq.  
Special Asst. Attorney General

For The Providence Water Supply  
Board ("Providence Water"):

Michael R. McElroy, Esq.

For The Woonsocket Water Division  
("Woonsocket Water"):

Alan M. Shoer, Esq.

For The Kent County Water Authority  
("KCWA"):

Timothy J. Brown, General  
Manager/Chief Engineer

For The City of Newport Water  
Division ("Newport Water"):

Richard Eston

In order to facilitate the Division's discussions and findings relative to the suggested changes articulated by interested persons during this proceeding, the Division has attached a copy of the proposed *New Rewritten Water Rules* to this report and order as "Appendix 1."

## **2. Summary of Rulemaking Authority**

The Division notes that its authority to promulgate rules and regulations for water utilities is derived from the following statutory law:

- R.I.G.L. § 39-3-33, which in pertinent part provides:

*The division shall make such reasonable rules as will aid in the administration and enforcement of chapters 1 - 5 of this title.*

## **3. Submitted Data, Views and Arguments (Public Comments)**

After the Division's Water Engineer, Mr. Alberico Mancini, provided testimony in support of the proposed adoption of the *New Rewritten Water Rules*<sup>1</sup>, the KCWA, Providence Water and Woonsocket Water offered comments to and concerns with several provisions in the proposed *New Rewritten Water Rules*. The Rhode Island Water Resources Board ("Water Resources Board") did not attend the public hearing on September 26, 2007, but did submit written comments, via U.S. mail, which were received by the Division on September 27, 2007, infra.

Providence Water proffered its comments through its Deputy General Manager of Administration, Mr. Boyce Spinelli.<sup>2</sup> The KCWA proffered its comments through its General Manager and Chief Engineer, Mr. Timothy J.

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<sup>1</sup> Division Exhibit 3.

<sup>2</sup> See Providence Water Exhibit 1.

Brown, P.E.<sup>3</sup> Woonsocket Water proffered its comments through counsel.<sup>4</sup> All three water utilities submitted pre-filed written comments in this docket. Written comments were also received from the Rhode Island Water Resources Board on September 27, 2007.

The aforementioned comments and concerns are described below:

**a. Providence Water's Comments and Concerns**

Providence Water's first comments were directed at Sections III(E)(3) and V(E)(2)(c)(1). Providence Water objected to these proposed rules based on the approximately 729 customers left in its system that have not yet been converted to AMR meter technology. Providence Water related that most of these non-converted customers have special problems that must be addressed before AMR conversion. The PWSB explains as follows:

*Many of these customers, through no fault of Providence Water, have been estimated for years. The final reads on the old AMR meters may generate either refunds or additional billings. The three year limitation, in some cases, would prevent Providence Water from fully recovering underbilled amounts, in essence requiring other ratepayers to pay for water used prior to the three year limit. These non-AMR customers would then be treated differently from the 99 percent who fully paid for water they used that went through their meter. Essentially this results in some ratepayers subsidizing others, and we believe this would be unfair.*

As a recommended solution, Providence Water urged the Division to amend the rules so that the three year limitation does not apply to non-AMR

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<sup>3</sup> See KCWA Exhibit 1

<sup>4</sup> See Woonsocket Water Exhibit 1.

meters in a water utility that has substantially completed installation of an AMR system.

Providence Water also expressed a concern with Section V(E)(2)(c)(2).

Specifying its concern with this section, Providence Water related as follows:

*Presently Providence Water reads and bills quarterly. Depending on when the meter becomes non-operational, it could be almost six months before Providence Water even becomes aware of a zero consumption situation. Providence Water would then need to gain access to the premises to correct the problem. Gaining access can often take several attempts. Once again, this rule could result in unfair subsidization of some customers by others.*

As a recommended solution, Providence Water urged the Division to increase the six-month time period to one year.

#### **b. The KCWA's Comments and Concerns**

The KCWA expressed many comments and concerns with the Division's proposed *New Rewritten Water Rules*. These comments and concerns are delineated below:

##### **Section II(F)**

*Customer: property owner should be included in definition of customer. For instance in a tenant situation the tenant may not be billed for the water utilized, yet the property owner will be billed for the water utilized and considered the actual customer.*

##### **Section II (K)**

*Main: there are two types of mains within a public system. Public mains which may be owned and maintained and operated by the utility and private mains that the public utility may service, but has no ownership or maintenance of. Therefore, we recommend that this definition include right after water utility prior to the comma "or private concern." This will*

*clarify this definition that a main can be two types both public and private.*

**Section III (F)(2)**

*The reference to six months or six consecutive months should be redefined as six billing periods or six consecutive billing periods. Based on the current legislation that is now being proposed and will pass, in some form or another, monthly billing is going to occur. Even if it remains at quarterly billing, six months or six consecutive months is not representative of the future billing requirements. We, therefore, recommend that months be converted or changed to billing periods.*

**Section III (F)(3)**

*States maintain records for ten years; this is in conflict with Paragraph E.3 above and the three year limitation on correction of billing. It further is in conflict with the State of Rhode Island requirements through the Secretary of State on archival or records. We believe 18 billing periods would be more than sufficient for this whether they be quarterly and/or monthly billing periods. We, therefore, recommend that the ten years be replaced with 18 billing periods.*

**Section III (F)(4), subsection 6**

*This is going to be difficult if not impossible to do by most regulated water utilities. Further, it will be affected by the proposed monthly billing expected on the next Legislative Session and would provide four billing periods of little to no value. The value of providing consumption history on billing may be admirable but is it worth the additional expense and change in billing software by most of the regulated utilities to provide. We ask that the Division reevaluate Subsection 6 on the consumption history because of the difficulties and lack of substantial data to be provided in the four billing periods. If the Division is adamant that this provides valuable information to the customers, we would ask the implementation of this be postponed until sufficient time is provided and of course the necessary rate increase to adjust, modify or purchase new software for that implementation.*

**Section III (H)(2)(d)**

*Last sentence ending; "belonging to the water utility." Most meters are not owned by the water utilities and this may be confusing. In our case and in other cases of regulated utilities the water meter and reading device or box is owned by the home owner or the property owner. Therefore, the sentence should end right after Meter and Equipment deleting "belonging to the water utility."*

**Section IV (B)(3)**

*Notification of the fire chief or other official responsible for Fire Protection at least 48 hours in advance. The "premise" that the chief or fire protection service wants to be notified 48 hours in advance is incorrect. Notification is done the day of to the duty staff which posts it as to what hydrants are out of service. Prior notice is not utilized nor expected to the fire department as they want prompt actual information the day of as well as prompt information and data when the service has been reestablished and the hydrants are back in operation. This may have been the case decades ago but it is not the case today. The section, at least 48 hours, should be stricken from the regulations as it is not applicable today to the current fire fighting notice provisions.*

**Section V (D)(2)(a)**

*Third sentence should be removed. Since the customer has requested the test, why is it necessary for the customer to consent to having the meter removed since under normal testing the meter must be removed, except large meters. Therefore, we recommend that this sentence, "When requested to test a meter by a customer as herein provided, the water utility shall not knowingly remove, interfere with, or adjust the meter to be tested outside the presence of the customer without the written consent of the customer, and approved by the Division."*

*Since the meter has been requested to be tested, since the utility will go to the home to remove the meter for testing with the full knowledge of the customer since the customer has requested that and that the Division may be present or may not be present for testing this sentence is contradictory and should be deleted from the document.*

**Section V (D)(2)(a)(1)**

*First two sentences should be removed as this is antiquated. "Meters that are not due for a periodic test." If the meter the customer requests to have tested is not overdue for its periodic test, the water utility may require a fee for such tests if allowed by its tariff." As everyone is aware, replacement of meters is necessary. Meters are only tested if a customer accounting question comes into play. No one periodically tests meters outside of very large meters anymore and meters are normally replaced as is being proposed under this regulation. Therefore, these two sentences should be removed as they are antiquated and outdated.*

**Section V (D)(2)(a)(2)**

*This subparagraph should be deleted as again nobody does periodic testing of meters except large meters. All domestic meters are replaced as it is cheaper than it is to test and the current sealed registers cannot be repaired.*

**Section V (D)(2)(b)**

*Test requested by Division. Second sentence we recommend removal of the following words. "Interfere with or adjust the meter to be tested," "and approval by the Division." This cannot be done with new meters as adjustment is not allowed. This is written for 50 year old geared meters which are no longer manufactured or utilized. Therefore, we would recommend the sentence to be worded as follows. "When notified of an application submitted to the Division by a customer for a meter test as herein provided, the water utility shall not knowingly remove without the consent of the customer."*

**Section V (D)(3)**

*Records of Tests paragraph should be removed as it is repetitious and was previous [sic] stated under Paragraph D.2 previously.*

**Section V (D)(4)**

*Retention: the word periodic should be removed from this paragraph as there is no such thing as periodic testing of meters. It should be simply worded; "records of tests of meters will be retained by the water utility for inspection by the Division for a minimum of three years." Ten years is outside the statutes of limitations*



*and furthermore is outside the retention of records by the State Archivist under the Secretary of State.*

**Section V (E)(2)(a)**

*Fast meters; at the end of the paragraph please add in, "subject to the three year limitation set out in Paragraph III.E.3."*

**Section V (E)(2)(c)(2)**

*AMR Meters; the last sentence of the paragraph months should be changed to billing cycles. Therefore, it should read previous six billing cycles.*

**Section VI (B)(1)**

*After the second sentence should add "or loop the main back to the feeder main with the proper valving to facilitate flow and prevent dead end conditions." This is more descriptive and the current technology used in difficult dead end system conditions.*

**Section VI (B)(1)**

*Last sentence; "Records shall be kept of all flushing of mains showing the date, place and duration and such records used as a guide in determining the necessary frequency of flushing of the same mains thereafter." Should be removed. It is unnecessary for these regulations, proper record keeping is required for all operational events.*

**Section VI (B)(3)**

*Grid Systems; this has no engineering significance as to its description and what is requested under this paragraph. Therefore, it should be removed. If the comments raised above for Paragraph B.1 dead ends, looped mains are installed, this section would be redundant.*

**Section VI (B)(4)**

*Fire Protection Service; first sentence should be eliminated as this is not done and not utilized. No utility negotiates with any applicant concerning installation of fire hydrants. It is a requirement of the fire department as to their location and it is the requirement of the utility as to the connection, type of hydrant and of course their regulations for ownership. Therefore, it should be removed from the regulations.*

Continuing on with that paragraph, B.4 the sentence "and shall be checked for freezing as often as necessary to ensure that their functioning properly." should be removed and replaced with a new sentence, "hydrants shall not be subject to freezing rendering them inoperable." Last sentence of that paragraph, B.4, should either be removed or modified. It is redundant to require records since they are kept already or it could be modified as follows. "A record of each hydrant maintained by the water utility shall be retained showing the size, type, location and date of inspection."

**Section VI (B)(5)**

Last part of the sentence "these records shall be kept for a five year period," should be removed. I believe you will find these records are required to be kept longer than that based on the Secretary of State requirements and the State Archivist keeping of records of physical inventory.

**Section VI (C)**

Disinfection of Facilities; to the end of that sentence should be added "and plumbing code."

**Section VII (E)**

Preservation of Records; this paragraph should be removed as it conflicts with state requirements of the Secretary of State, State Archivist for preservation of records. There are different dates, times and requirements for those and this paragraph would be in conflict with those requirements.

**Section VIII (B ) and (C)**

Should be removed in their entirety. This is an extremely dangerous practice for the State of Rhode Island Division of Public Utilities to involve yourself in any safety requirements. They are completely under the jurisdiction of federal and state bodies and in some cases the Department of Health and business regulation. Furthermore, if litigation occurs the reports will not be filed as the insurance carrier would dictate reports and information dissemination. Therefore, water utilities may end up violating this regulation based on protocol and insurance coverage's that are held in place. Furthermore, under Paragraph B, resuscitation, it would be irresponsible not to utilize

*emergency medical workers for any injury and should be the first responders to such injuries. No utility should take it upon themselves to be responsible for emergency medical defined so minutely that is Pre-911 emergency call system. Therefore, the only paragraphs that should remain should be Paragraph A and Paragraph D.*

### **c. Woonsocket Water's Comments and Concerns**

Woonsocket Water also expressed many comments and concerns with the Division's proposed *New Rewritten Water Rules*. Woonsocket Water's comments and concerns are identified below:

#### **Section I (D)**

*Penalty for Violation. The proposed rules seek to amend the existing rules by adding a new penalty section (section (I)(D) Penalty for Violation). WWD believes that the Division already has penalty authority, pursuant to R.I.G.L. 39-2-8 and does not understand what the purpose of expanding on the penalty language in the statute in these proposed rules.*

#### **Section III(E)(2)**

*Liability for Past Use – Liens. Proposed Section (III)(E) relates to "Liability for Water Charges Including Past Due Charges." Proposed Section III(E)(2) states that "If authorized by statute for a water utility, the rates assessed against a customer for the water delivered to the customer for consumption may constitute a lien on the property to which the property was delivered ..."* WWD agrees that this is required language in any proposed rules, however WWD recommends that the Division include a specific reference to the existing statute that provides for the authority to impose a lien for such past due charges, R.I. Gen. Laws 39-15-12.

#### **Section III(F)(2)**

*Bills based on Estimated Reads. Proposed Section III(F)(2) would require that bills based on "estimated reads shall not exceed six (6) consecutive months is an unrealistically short period. WWD is billing customers on a quarterly basis and not all meters will always be operational. In situations where meters are not*

functioning properly, it may take WWD more than six (6) months to discover this fact, and more time will be required to visit the premises and inspect the meter and make necessary corrections. All this will take more than six (6) months. WWD suggests that a period of twelve (12) months is a more reasonable time-frame for this proposed rule change.

Bills – Information Required. Proposed Section (III)(F)(4) would require that bills to customers contain (1) the date of the current meter reading; (2) the meter reading (the amount or quantity of service for the billing period; **(3) the type of meter reading (i.e. actual or estimated)**; (4) the billing period; (5) a list of itemized charges; and **(6) consumption history (the amount or quantity of service in the past four billing periods.**

WWD objects to the requirement to include items (3) (the type of meter reading) and (6) consumption history (the amount or quantity of service in the past four billing periods), not because WWD thinks this information is not valuable information for customers, but because the programming support for WWD's current billing program –MUNIS-COBAL—is not compatible with implementing these type of changes to current systems to WWD's billing system. In order to provide this type of information, WWD would require a new billing system, which is not funded in current rates.

#### **Section IV(A)(2)**

Pressure Variation – The proposed rules have deleted two sections from the existing rules, and WWD does not understand the reason for these deletions. The first deletion is the provision in existing rules (section IV(12)(b)(2) that allows for “infrequent fluctuations not exceeding five (5) minutes duration.”

The second deletion is the provision in existing rules (section IV(12)(b)) that allows for pressure variation in systems (like WWD's) of widely varying elevations, but only if the customer is fully advised of the conditions under which average service may be expected. WWD believes that these sections should also remain in the proposed rules.

**Section V(D)(4)**

Retention Period for Changed/Removed Meters.)  
Proposed Section (V)(d)(4) would require that “all meters that are changed out, or removed from service for any reason, shall be retained for inspection by the Division for a minimum of six (6) months. WWD opposes this minimum six (6) month hold. If the meter is defective, and is under warranty, WWD will need to return the meter promptly in order to secure a replacement under the warranty. Allowing the Division to hold the meter for at least six (6) months may prevent WWD from obtaining a new meter under warranty. The rules should require the Division to return such meters to the utility promptly so that they can be replaced.

**Section V(E)(2)(C)(2)**

AMR Meters – time period for unbilled amounts –  
Proposed Section on (V)(E)(2)(c)(2) states that if a meter equipped with an AMR is found not registering, the water utility may make a charge to the customer for unbilled amount for only the previous six (6) months. For reasons similar to WWD’s objection above, WWD may not discover the problem, and secure access to fix the problem, on the AMR meter within six months. WWD suggests that it be allowed to bill the customer for an unbilled amount for the previous twelve (12) months.

**Section VIII(C)**

Reporting – Accidents. The proposed section on reporting for accidents (VIII)(C) would require a report filed with the Division for “any property damage,” however slight, occurs. The existing rules provide for reporting for “any serious property damage” which WWD believes is an appropriate standard. WWD does not understand why the Division wants to remove the qualifier “serious” from this reporting requirement.

#### **d. Water Resources Board Comments and Concerns**

As noted above, the Water Resources Board did not attend the public hearing on September 26, 2007, but did submit written comments, via U.S. mail, which were received by the Division on September 27, 2007. The Water Resources Board's comments and recommendations are outlined below:

##### **Section III(B)(2)**

*Information to Customers.* Recommend the word "on request" be removed. We believe that all customers should be informed on what they are paying for. The method of reading meters and calculating the bill should be a standard business practice.

##### **Section III(F)(2)**

*Meter Readings and Bill Forms.* We strongly recommend quarterly billing of all customer accounts so customers can understand the amounts of water being used during the summer season. We also support the minimum of two actual reads annually given most suppliers have not yet installed radio read meters.

##### **Section III(H)**

*Quality of Water Service.* We support the "termination of service" rule if the meter is not made accessible after proper notice to the customer.

##### **Section IV(A)**

*Water Pressure Requirements.* We support the minimum 20 psi for normal operating pressure rule although we understand variations do occur for a variety of operational reasons, including fire fighting.

##### **Section VII**

*Measuring Devices.* The wording in this section is unclear. There is a difference between water withdrawn from a source and water produced. Sometimes this is a major difference. For example, Woonsocket has a meter installed at the source for water withdrawals, and upon entering the plant to measure water produced. Large water loss can occur from the withdrawal point to the plant production point if the meter is not properly calibrated. The wording

*should be changed to include a measuring device for water withdrawn at each source and a measuring device for water produced at each source.*

## **Section VII**

*Records and Reports. The WRB also requires annual reporting from the 28 major water suppliers providing 50 million gallons or more water annually. We strongly recommend coordination between the DPUC and WRB to minimize duplicative reporting and that water supply management records be submitted annually. The Water Allocation Program Advisory Committee recommended monthly reporting based on a calendar year be used, and the WRB is heading towards that goal.*

## **Miscellaneous Comments:**

- The WRB requests the DPUC provide notice to the WRB for all water utility actions coming before the DPUC, and that the DPUC will accept comment on these actions and filings.*
- The WRB requests the DPUC amend the rules to include increased coordination with the WRB on 'conservation' measure requirements and rules. Increasingly, Rhode Island citizens will be asked to support water use efficiency, water reuse, and water conservation efforts.*
- Finally, the WRB asks the DPUC to increase emphasis on water conservation and demand reduction related to rates/rate relief. We have been working with several water utilities on water conservation efforts, and it is essential that if water utilities are asked to reduce the amount of water they are selling (reduced demand) they must be granted rate relief as part of the equation.*

## **4. Partial Settlement Offer**

During the September 26, 2007 public hearing the Advocacy Section and the several water utilities participating in the instant rulemaking jointly requested a 60-day delay and an opportunity to meet as a group in order to discuss some possible modifications to the proposed *New Rewritten Water*

*Rules.* The Division, through the undersigned hearing officer, granted the request. Subsequently, on November 8, 2007, the Advocacy Section submitted a compilation of agreed to modifications to Sections I(A), V(E)(2)(c)(2), and VI(B)(4) of the proposed *New Rewritten Water Rules*.<sup>5</sup>

The jointly recommended modifications to the proposed *New Rewritten Water Rules* are summarized below:

- **Section I(A) proposed modification** - That the *New Rewritten Water Rules* “shall be applied prospectively only”;
- **Section V(E)(2)(c)(2) proposed modification** - That in cases of non-registering AMR meters, the water utility may make a charge to the customer for the unbilled amount for only the twelve months [increased from six months] “immediately preceding the date on which the corrected bill is sent” [added language]; and
- **Section VI(B)(4) proposed modification** - That regarding Fire Protection Service, hydrants maintained by the water utility shall be inspected and operated [changed from “flushed”] at least once every eighteen (18) months [changed from “each year”], and shall be checked for freezing as often as necessary to insure that they are functioning properly, “unless the responsibility for inspecting and operating the fire hydrant is assumed by the local fire department or other appropriate entity. Where this is the case, the water utility retains responsibility for repairing or replacing any fire hydrant out of service within seven (7) days of such

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<sup>5</sup> Joint Exhibit 1 (post-hearing, by agreement)



hydrant being reported out of service” [added language]. A record of each hydrant maintained by the water utility shall be retained showing the size, type, location, date of inspection and operation, [changed from “flushed”] and the results thereof.

## **5. Findings**

The Division appreciates the data, views and arguments that were offered by the water utilities and the Water Resources Board during this rulemaking proceeding. The Division has considered the many comments and recommendations and has reached a number of related findings, as described below:

### **a. Partial Settlement Offer**

The Division has considered the jointly recommended modifications to Sections I(A), V(E)(2)(c)(2), and VI(B)(4) of the proposed *New Rewritten Water Rules*, supra, and finds the proposed modifications reasonable. The Division will therefore include these modifications in the final version of the *New Rewritten Water Rules* to be promulgated through the instant rulemaking process.

### **b. Providence Water’s Comments and Concerns**

The Division finds that Providence Water’s comments and concerns have been completely addressed, to Providence Water’s satisfaction, through the partial settlement agreement approved and adopted by the Division, supra.

**c. Woonsocket Water's Comments and Concerns**

The Division finds that Woonsocket Water's comments and concerns relative to proposed Section V(E)(2)(C)(2) has been addressed, to Woonsocket Water's satisfaction, through the partial settlement agreement approved and adopted by the Division, supra.

Regarding Woonsocket Water's comments and concerns relative to proposed Section I(D), the Division finds the suggested modification unreasonable and unnecessary. Section I(D) does not attempt to expand the Division's authority to impose penalties for violations of the Division's *Rules and Regulations Prescribing Standards For Water*, it merely identifies and includes the applicable statutory penalty provision contained in the Rhode Island General Laws.

Regarding Woonsocket Water's suggestion relative to proposed Section III(E)(2), the Division finds the suggestion reasonable. The Division agrees to include a reference to R.I.G.L. §39-15-12, as an example of such statutory lien authority.

Regarding Woonsocket Water's comments and concerns relative to proposed Section III(F)(2), the Division finds the suggested modification unreasonable and unnecessary. The Division maintains that it is not excessive to expect a water utility to conduct two actual meter readings each year. Minimizing reliance on "estimated" meter reads advances the ability of ratepayers to accurately monitor their water consumption patterns, not only for the purpose of making informed conservation-related decisions, but also to

better detect leaks that may unnecessarily increase a customers' water bills. The Division notes that the Water Resources Board expressed particular support for this Rule, as proposed.

Regarding Woonsocket Water's comments and concerns relative to proposed Section III(F)(4), the Division acknowledges that some water utilities may incur some additional expense to upgrade their billing software in order to effectuate two of the billing information requirements contained in this Section; specifically, the type of meter read ("3") and the customer's consumption history ("6"). Unfortunately, however, the record provides no estimate of the potential related software upgrade costs. Accordingly, for water utilities presently unable to satisfy these two consumer billing information requirements, the Division will delay the effective date of the two specific requirements of this provision until January 1, 2010, which should provide those water utilities with an adequate opportunity to quantify the associated expense and to implement the requirements contained in this Section; and, if necessary, seek rate relief from the Public Utilities Commission. Alternatively, effected water utilities may submit a petition for a waiver of any of the billing information requirements mandated under this provision, which the Division will consider after public hearing.

Regarding Woonsocket Water's comments and concerns relative to proposed Section IV(A)(2), the Division finds the suggested modification unreasonable and unnecessary. The Division maintains that the Rule, as

presently proposed, is a reasonable quality of service requirement, which best serves the public interest.

Regarding Woonsocket Water's comments and concerns relative to proposed Section V(D)(4), the Division finds the suggested modification unreasonable. Woonsocket Water was the only water utility to raise this concern and offered no explanation as to why it is uniquely required to return its defective meters to the manufacturer. Moreover, Woonsocket Water also offered no facts or data on the frequency of times it discovers defective meters in its system that are still under warranty, or any evidence to suggest that the manufacturer it does business with would not be willing to wait six months, for regulatory purposes, before the defective meters are returned.

Finally, regarding Woonsocket Water's comments and concerns relative to proposed Section VIII(C), the Division finds the suggested modification unreasonable. The Division maintains that it has a regulatory obligation to evaluate all accidents occurring in connection with the operation of a water utility's property, facilities or service. The reports required under this Section will facilitate the Division's duty to safeguard ratepayers, water utility employees and the general public from the types of unacceptable deficiencies described in R.I.G.L. §§39-4-2, 39-4-3, 39-4-10, 39-4-11 and 39-4-13.

#### **d. KCWA's Comments and Concerns**

The Division finds that the KCWA's comments and concerns relative to proposed Section VI(B)(4) has been addressed, to the KCWA's satisfaction,

through the partial settlement agreement approved and adopted by the Division, supra.

Regarding the KCWA's comments and concerns relative to proposed Section II(F), the Division finds the suggested modification unreasonable and unnecessary. In the example cited by the KCWA the "property owner" would be the "customer" under the definition contained in this Section. No change to the definition is required.

Regarding the KCWA's comments and concerns relative to proposed Section III(F)(2), the Division finds the suggested modification unreasonable and unnecessary. In response to the KCWA's suggested modifications to this Section, the Division directs the reader to the Division's response to Woonsocket Water's Section III(F)(2) related comments, supra.<sup>6</sup>

Regarding the KCWA's comments and concerns relative to proposed Section III(F)(3), the Division finds the suggested modification unreasonable. First, the Division rejects the KCWA's argument that this Rule is in conflict with Secretary of State requirements regarding the retention (and disposal) of records. Proposed Section III(F)(3) would require water utilities to "maintain records for ten (10) years," not destroy records after ten (10) years. After ten years, the KCWA would be free to dispose of its records, or not, in accordance with the procedures adopted through the "*public records administration program*" of the Rhode Island Secretary of State.<sup>7</sup> The Division also rejects the KCWA's argument that this Rule is in conflict with the three (3) year billing

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<sup>6</sup> Division's response is on pages 18-19.

<sup>7</sup> See generally R.I.G.L. Chapters 38-1 and 38-3, and specifically §§38-1-10 and 38-3-6.

prohibition contained in Section III(E)(3). The ten (10) years of billing facts required under Section III(F)(3) provides a valuable data base of long-term consumption numbers for a given customer and a given home or business, a record of meter readings at the property, payment history, payment plan and termination of service records, etc. This type of information is useful to the Division in billing dispute matters and must be preserved beyond three years.

Regarding the KCWA's comments and concerns relative to proposed Section III(F)(4), subsection 6, the Division directs the reader to the Division's response to Woonsocket Water's Section III(F)(4) related comments, supra.<sup>8</sup>

Regarding the KCWA's comments and concerns relative to proposed Section III(H)(2)(d), the Division finds the suggested modification reasonable. The final compilation of the Division's *New Rewritten Water Rules* will incorporate the KCWA's suggestion to delete the words "belonging to the water utility."

Regarding the KCWA's comments and concerns relative to proposed Section IV(B)(3), the Division finds the suggested modification unreasonable. KCWA's assertion that the forty-eight (48) hour notification requirement in proposed Section IV(B)(3) is of no practical use to fire chiefs was not shared by the other water utilities offering comments in this docket. The KCWA opines that fire departments want "*prompt actual information the day of as well as prompt information and data when the service has been reestablished and the hydrants are back in operation.*" However, the KCWA did not propose this

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<sup>8</sup> Division's response is on page 19.

prompter and more comprehensive notification as an alternative to the Division's Section IV(B)(3) notification. Instead, the KCWA suggested only that the Division abandon the notification requirement altogether. While there may indeed be fire chiefs in the KCWA franchise area that have requested same-day notice for scheduled service interruptions, that policy preference, as evidenced in part by the silence from the other water utilities, may not extend statewide. Furthermore, the Division believes that the advanced notification that would be provided under this Section would be superior to the KCWA's suggestion that there be no official notification requirement at all. In conclusion, the Division believes that the *New Rewritten Water Rules* ought to require notification of scheduled service interruptions to fire chiefs ("and other official[s] responsible for fire protection"), and consequently, will adhere to its original notification proposal. The KCWA is encouraged to satisfy both the forty-eight (48) hour notification requirement contained in Section IV(B)(3) as well as the same-day notifications requested by its local fire chiefs.

Regarding the KCWA's comments and concerns relative to proposed Section V(D)(2)(a), the Division finds the suggested modification unreasonable. The Division does not accept the KCWA's contention that portions of the proposed rule are "contradictory". The currently proposed language is necessary in order to guarantee that the customer has an absolute right to physically witness all aspects of a "requested test."

Regarding the KCWA's comments and concerns relative to proposed Sections V(D)(2)(a)(1) and V(D)(2)(a)(2), the Division finds the suggested

modifications unreasonable. Contrary to the KCWA's assertion that "no one periodically tests meters..." both the *Current Water Rules* and the proposed *New Rewritten Water Rules* (Section V(D)(1)) mandate periodic meter testing.

Regarding the KCWA's comments and concerns relative to proposed Section V(D)(2)(b), the Division finds the suggested modification unreasonable. In support of this conclusion, the Division notes that there may indeed be older "geared meters" in the systems of the State's regulated water utilities, which possibility justifies the wording contained in this Section. Further, even in the absence of geared meters, the language in issue poses no impediment to the operations of the State's regulated water utilities or harm to the public interest.

Regarding the KCWA's comments and concerns relative to proposed Section V(D)(3), the Division finds the suggested modification unnecessary. The Division does not find the "record of tests" provisions of Sections V(D)(2) and V(D)(3) to be needlessly repetitious. Section V(D)(2) relates to meter tests performed in response to a customer's request; whereas, Section V(D)(3), offers language that makes it clear that the same "record of tests" requirements apply in all meter testing cases, including testing performed at the behest of the Division, as well as testing performed pursuant to periodic testing requirements.

Regarding the KCWA's comments and concerns relative to proposed Section V(D)(4), the Division finds the suggested modification unreasonable. Again, there is a requirement for periodic meter testing, despite what the KCWA believes (the Division is also certain that there are meters in use that are over



twenty (20) years old). Furthermore, as stated elsewhere in this report and order, the Division does not accept the KCWA's contention that the Division's proposed ten (10) year records retention directive is inconsistent with the State's *public records administration program*.

Regarding the KCWA's comments and concerns relative to proposed Section V(E)(2)(a), the Division finds the suggested modification unreasonable. There is no conflict between the three (3) year billing limitation in Section III(E)(3) and the refunding adjustment provision in this Section. The Division cannot agree to penalize a water utility's customer for an error that the customer is not responsible for.

Regarding the KCWA's comments and concerns relative to proposed Section V(E)(2)(c)(2), the Division finds the suggested modification unreasonable. The Division will not adopt a "bill cycle" alternative to the use of "months" in these *New Rewritten Water Rules*. Using "months" ensures uniformity between the State's water utilities.

Regarding the KCWA's comments and concerns relative to proposed Section VI(B)(1), the Division finds the suggested modification unnecessary. The currently proposed "dead ends" language in this Section is sufficiently clear. Additionally, the Division prefers to retain the requirement that records be kept of all flushing of mains. Even if such record keeping is presently customary, as the KCWA asserts, the Division wants to make it clear that the record keeping is a regulatory requirement.

Regarding the KCWA's comments and concerns relative to proposed Section VI(B)(3), the Division finds the suggested modification unreasonable. The Division disagrees with the KCWA's assertion that this Section has no engineering significance. The benefits of designing a distribution system in "a properly segmented grid" are obvious, and consequently the directive ought to remain part of the *New Rewritten Water Rules*.

Regarding the KCWA's comments and concerns relative to proposed Section VI(B)(5), the Division finds the suggested modification unreasonable. Again, as stated elsewhere in this report and order, the Division does not accept the KCWA's contention that the Division's records retention directives are inconsistent with the State's *public records administration program*.

Regarding the KCWA's comments and concerns relative to proposed Section VI(C), the Division finds the suggested modification unnecessary. Adding the "plumbing code" to this Section would be superfluous.

Regarding the KCWA's comments and concerns relative to proposed Section VII(E), the Division finds the suggested modification unreasonable. Again, as stated elsewhere in this report and order, the Division does not accept the KCWA's contention that the Division's records retention directives are inconsistent with the State's *public records administration program*.

Regarding the KCWA's comments and concerns relative to proposed Sections VIII(B) and (C), the Division finds the suggested modification unreasonable. The requirements contained in these Sections are wholly

consistent with the Division's authority to accord safeguards to the employees of public utilities and to the public (see R.I.G.L. §39-1-1(c)).

**e. The Water Resources Board Comments and Concerns**

Regarding the Water Resource Board's comments and concerns relative to proposed Section III(B)(2), the Division finds the suggested modification unnecessary. The Division believes that proposed "information to customers" requirement in this Section adequate.

Regarding the Water Resource Board's comments and concerns relative to proposed Section III(F)(2), the Division finds the suggested modification unnecessary. The Division notes that this Section's focus is on the use of "estimated reads" for billing purposes. "Quarterly billing" is already the practice of the State's water utilities, and therefore, it is not necessary to make the use of quarterly billings compulsory. Moreover, in the event that the State's legislature mandates "monthly billings" in the future, as predicted by the KCWA, the Division would not want its *Rules and Regulations Prescribing Standards For Water Utilities* to be inconsistent with prevailing statutory law.

Regarding the Water Resource Board's comments and concerns relative to proposed Section VII(B)(1), the Division agrees that the location of the prescribed measuring device must be clarified. However, the Division does not accept the Water Resources Board's recommendation to locate a measuring device "at the source of water withdrawals." The Division's intent in this Section is to require water utilities to install measuring devices at locations where potable water enters their distribution systems (i.e., at the treatment

plants; where wholesale potable water purchases enter their systems; and, in the case of wells, where the water from the well(s) enter(s) the distribution system). The Division respects the Water Resources Board's interest in measuring withdrawals from the State's surface water supplies, but such information would not prove useful to the Division in the exercise of its regulatory supervision over water utilities. The issue of monitoring "raw" untreated water would properly be the interest of the Water Resources Board, and should be addressed in the context of the Water Resources Board's own jurisdictional authority.

Regarding the Water Resource Board's comments and concerns relative to proposed Section VII(F), the Division finds that it would not currently be possible, in the context of the instant rulemaking, to coordinate the Division's and Water Resources Board's reporting requirements. Such an effort would require a comprehensive evaluation and comparison of the two agencies' regulatory reporting requirements, which was not accomplished or even contemplated in this docket. While the Division sees no reason to delay the promulgation of the *New Rewritten Water Rules* for this purpose, the Division would agree to meet with the Water Resources Board to explore the possibility of coordinating the two agencies' respective reporting requirements in a future rulemaking.

Regarding the Water Resource Board's request that the Division provide notice to the Water Resource Board "for all water utility actions coming before the DPUC," the Division has instructed its Clerk to provide such notice.

However, in order to insure that the notice goes to the proper individual(s), the Water Resource Board is instructed to contact the Division's Clerk (Ms. Luly Massaro) as soon as practicable in order to provide this requisite notification information.

Regarding the Water Resource Board's request that the Division "amend the rules to include increased coordination with the WRB on 'conservation' measure requirements and rules," the Division invites the Water Resources Board to file an appropriate petition with the Division, pursuant to Rule 13(b) of the Division's "*Rules of Practice and Procedure*," through which the Water Resources Board may propose "the issuance, amendment, waiver or repeal" of any rule.

Finally, regarding the Water Resource Board's request that the Division increase its emphasis on granting rate relief to water utilities for conservation and demand reduction efforts, the Division must remind the Water Resources Board that all requests for rate relief must be filed with and approved by the Public Utilities Commission, who exclusively possesses regulatory authority over the rates of water utilities.

## **6. Conclusion**

The Division has responded to the data, views and arguments offered by the water utilities that actively participated in the instant rulemaking and also the Water Resources Board, whose written post-hearing comments were added to the record in this docket. In addition to adopting the proposed modifications recommended in the partial settlement agreement received through the instant

rulemaking proceeding, the Division has decided to additionally adopt several of the recommendations proffered by the KCWA, Woonsocket Water and the Water Resources Board, as discussed herein. The adoption of these recommendations shall be reflected in the final version of the Division's *New Rewritten Water Rules*. The modified *New Rewritten Water Rules* are memorialized in "Appendix 2", which is attached to this report and order.

Now, Accordingly, it is

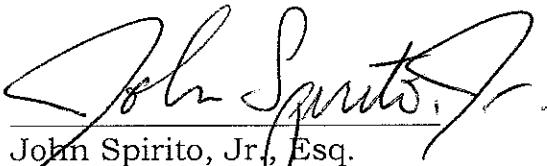
(19177) ORDERED:

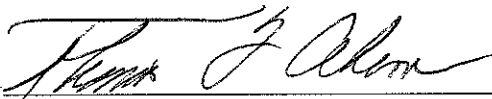
1. That predicated upon and modified by the findings contained herein, the Division hereby adopts the "*Rules and Regulations Prescribing Standards for Water Utilities*" as reflected in "Appendix 2" to this report and order.
2. That "Appendix 1" and "Appendix 2" are hereby incorporated by reference.
3. That in view of the Division's formal adoption of the *Rules and Regulations Prescribing Standards for Water Utilities* (Appendix 2), the Division hereby repeals its currently effective *Rules and Regulations Prescribing Standards for Water Utilities*, effective date March 1, 1966.
4. That the Division's Rules Coordinator is hereby instructed to file a certified copy of the attached "*Rules and Regulations Prescribing Standards for Water Utilities*" (Appendix 2) with the Rhode Island Secretary of State as soon as practicable, and also to fully comply with the filing requirements contained in R.I.G.L. §42-35-3.1 and §42-35-4. The Division's Rules Coordinator is further instructed to file with the

Rhode Island Secretary of State the prescribed form(s) for repealing the heretofore-effective Division rules and regulations identified herein. The Division will endeavor to file the instant *Rules and Regulations Prescribing Standards for Water Utilities* and necessary repeal form(s) with the Rhode Island Secretary of State on or before February 1, 2008 in order to facilitate a coinciding effective/repeal date of February 21, 2008.

5. That the new "*Rules and Regulations Prescribing Standards for Water Utilities*" shall take effect on February 21, 2008.

Dated and Effective at Warwick, Rhode Island on January 25, 2008.

  
John Spirito, Jr., Esq.  
Hearing Officer

APPROVED:   
Thomas F. Ahern  
Administrator

**STATE OF RHODE ISLAND  
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

**RULES AND REGULATIONS PRESCRIBING STANDARDS FOR  
WATER UTILITIES**

**EFFECTIVE DATE:**

**9/26/07**



**INDEX****PAGE No:**

|   |           |
|---|-----------|
| <b>I. <u>APPLICATION OF RULES AND REGULATIONS</u></b>     | <b>1</b>  |
| <b>II. <u>DEFINITIONS</u></b>                             | <b>2</b>  |
| <b>III. <u>SERVICE PROVISIONS</u></b>                     | <b>4</b>  |
| A. Filing of Rate Schedules                               | 4         |
| B. Information to Customers                               | 4         |
| C. Deposits/Interest                                      | 4         |
| D. Measurement of Service                                 | 5         |
| E. Liability For Water Charges Including Past Due Charges | 5         |
| F. Meter Reading And Bill Forms                           | 6         |
| G. Complaints of Customers                                | 7         |
| H. Termination of Service                                 | 7         |
| <b>IV. <u>Quality of Service</u></b>                      | <b>9</b>  |
| A. Water Pressure Requirements                            | 9         |
| B. Interruptions of Service                               | 11        |
| C. Water Quality  | 12        |
| <b>V. <u>Meter Installation, Accuracy and Testing</u></b> | <b>12</b> |
| A. Inspection of Meters Removed From Service              | 12        |
| B. Meter Installation                                     | 12        |
| C. Testing and Calibration of Meters                      | 13        |

|  |    |
|--|----|
| D. Test Schedule for Meters                | 14 |
| E. Customer Bill Adjustments               | 17 |
| F. Test Facilities and Equipment           | 20 |
| VI. <b><u>Equipment and Facilities</u></b> | 21 |
| A. Standard Practices                      | 21 |
| B. Construction and Maintenance            | 21 |
| C. Disinfection of Facilities              | 23 |
| VII. <b><u>Records and Reports</u></b>     | 23 |
| A. Station Records                         | 23 |
| B. Water Supply Measurement Records        | 23 |
| C. System Maps                             | 24 |
| D. Meter Records                           | 24 |
| E. Preservation of Records                 | 24 |
| F. Reports to Division                     | 25 |
| VIII. <b><u>General</u></b>                | 25 |
| A. Safety Instruction                      | 25 |
| B. Resuscitation                           | 25 |
| C. Accidents                               | 25 |
| D. Division Inspection                     | 26 |

## Appendix A

## **I. APPLICATION OF RULES AND REGULATIONS**

- A. Authority.** These rules are issued pursuant to the authority granted by R.I.G.L. § 39-3-33, and shall apply to any person, firm, corporation or other entity now or hereafter engaged as a public utility in the business of furnishing water to the public (hereinafter, “water utility”) within the State of Rhode Island.
- B. Effect On Prior Rules.** These Rules & Regulations replace the existing Division Rules and Regulations Prescribing Standards for Water Utilities, in Division Docket #929, Division Report and Order #8090 of January 31, 1966, effective March 1, 1966. The existing compilation of Rules & Regulations is hereby rescinded upon the effective date of this document.
- C. Amendment Or Waiver Of Rules.** Upon its own motion, or upon application, and for good cause shown, the Division of Public Utilities and Carriers may modify, suspend, or repeal the provisions of any rule herein. Application may be made to the Division for the modification of any rule or for temporary or permanent waiver from its provision, provided, however, that no water utility shall submit application for such modification or waiver without submitting therewith a full and complete justification for such action.
- D. Penalty For Violations.** The Division of Public Utilities and Carriers may impose a penalty as provided by R.I.G.L. § 39-2-8 upon any water utility which violates: (1) these rules; (2) an Order issued by the Division

of Public Utilities and Carriers; or (3) Chapters 1 – 5 of Title 39, R.I.G.L.

- E. **Effective Date Of Rules.** These Rules shall become effective twenty (20) days after filing with the Rhode Island Secretary of State.

## II. **DEFINITIONS**

- A. **Actual Read** means any meter reading taken by a water utility employee, or the employee of a contractor working on behalf of a water utility, through use of an AMR (or ARB or other electronic remote reading technology) or by a water utility employee visually inspecting the actual meter.
- B. **Administrator** means the Administrator of the Rhode Island Division of Public Utilities and Carriers.
- C. **AMR** means an automated meter reading device.
- D. **Commission** means the Rhode Island Public Utilities Commission.
- E. **Curb Stop** means the company's shutoff valve located at the service connection.
- F. **Customer** means any person, firm, company, association, or governmental unit of the state supplied with water service by any water utility. The customer is liable for payment to the water utility for the cost of the water supplied to the customer's property by the water utility for use by the customer or the customer's tenant(s), as applicable.
- G. **Division** means the Rhode Island Division of Public Utilities and Carriers.
- H. **Estimated Read** means all types of reads other than an actual read,

including those submitted by electronic means (phone, e-mail, or other internet-type communication) or in writing by customers.

- I. **Inactive** means a service line where water service to the customer has been discontinued but the service line has not been abandoned.
- J. **Main** means a water pipe, owned, operated and maintained by a water utility, which is used for the purpose of transmission or distribution of water but is not a water service pipe.
- K. **Meter** means a device, instrument, or any attached device, used by a water utility to measure a quantity of water for billing purposes.
- L. **Non Registering Meter** means a meter that does not register the consumption of water. Some companies refer to this as a “DR meter”.
- M. **Public Utility** is as defined in RIGL §39-1-2.
- N. **Service Connection** means the point of connection of the customer’s piping with the curb stop owned by the water utility.
- O. **Service Pipe** shall mean the connection from the water utility’s mains to the curb stop, and the customer’s connection from the curb stop to the meter, and includes all of the pipe, fittings and valves necessary to make the connections.
- P. **Water Service** shall mean the furnishing of water to a customer in this state by a water utility.
- Q. **Water Utility** is any person, firm, corporation or other entity now or hereafter engaged as a public utility in the business of furnishing water service to customers within the State of Rhode Island.

### **III. SERVICE PROVISIONS**

#### **A. Filing Of Rate Schedules**

All rates, tolls and charges by a water utility shall be filed, posted, and available for public inspection in accordance with the provisions of R.I.G.L. §39-3-10. In addition, each water utility shall post this information on its website.

#### **B. Information To Customers**

1. Each water utility shall, upon request, provide its customers with such information and reasonable assistance as will help them to select the best use of service at the most advantageous rate.  
  
However, the ultimate responsibility for the selection of the best use of service at the most advantageous rate will rest with the customer.
2. Each water utility shall, upon request, explain to its customers the method of reading meters and calculating the bill.

#### **C. Deposits/Interest**

A water utility, to protect against loss, may require a deposit before rendering service to any customer. This deposit shall not be more than the highest actual billing period's usage of a prior customer or the highest estimated billing period of the new customer if a prior customer does not exist. Interest shall be paid on deposits in accordance with applicable approved rate schedules or the terms and conditions of the water utility. Deposits plus accrued interest thereon, less any amount due the water

utility, will be refunded upon termination of service. The water utility may return a deposit prior to the termination. A customer may request a return of deposit prior to the termination of service if the customer has established a good payment history and the water utility agrees to the return of deposit. When an account is terminated, and a deposit or portion thereof is applied against an account that has been terminated, interest shall cease to accrue on the balance at the date of termination.

**D. Measurement Of Service**

All water sold by a water utility shall be upon the basis of metered volume sales and/or a fixed rate.

**E. Liability For Water Charges Including Past Due Charges**

1. Liability For Water Charges Generally. The customer of a water utility shall be liable for the payment of the tariffed rates fixed by the water utility for the use of water furnished by that water utility to the customer along with any applicable taxes and fees.
2. Liens On Property For Water Charges. If authorized by statute for a water utility, the rates assessed against a customer for the water delivered to the customer for consumption may constitute a lien on the property to which the water was delivered. The lien shall arise and attach as provided by the laws applicable to that specific water utility.
3. Assessments Or Adjustments of Past-Due Charges. If any water utility becomes aware that one of its customers has received water

for use from that water utility but has either not been billed for the use of that water, or has been for any other reason improperly charged, the water utility shall calculate the appropriate charges for the period in question and present those charges to the customer. These charges shall be in addition to any charges accruing for current use of the water by the customer. However, the water utility shall not be allowed to collect new or corrected charges for past use that are made more than three (3) years from the date on which the bill for those charges for use should have been properly presented to the customer.

**F. Meter Readings And Bill Forms**

1. Each meter register shall indicate clearly the volume units registered and size of the meter.
2. All meters will be read at regular intervals (but no fewer than two actual reads each year) and on approximately the corresponding day of each meter reading period. In service areas that do not utilize AMR devices (or ARB or other electronic remote reading technology), the water utility must verify meter reads phoned or mailed in by the customer at least once every six (6) months. Bills based on estimated reads shall not exceed six (6) consecutive months on any residential, commercial or industrial account.
3. Each water utility shall keep an accurate account of all charges for service billed each customer and shall maintain records for ten (10)



years showing information from which each bill rendered may be readily computed.

4. Bills shall be rendered at regular intervals and shall show: (1) the date of the current meter reading; (2) the meter reading (the amount or quantity of service for the billing period); (3) the type of meter reading (i.e., actual or estimated); (4) the billing period; (5) a list of itemized charges; and (6) consumption history (the amount or quantity of service in the past four billing periods).
5. The billing date and the postmark date on the bill shall not vary by more than ten (10) business days.

**G. Complaints Of Customers**

Each water utility shall make a full and prompt investigation of customer complaints made either directly to the water utility or through the Division. A record of all complaints received shall be kept for at least two years. This record shall show the name and address of the complainant, the date and character of the complaint, and the disposition made thereof.

**H. Termination Of Service**

1. By customer

A customer must give at least five (5) business days notice of his/her intention to terminate service, and shall be responsible for all charges until expiration of such notice period but shall not be responsible for any charges thereafter unless service is reestablished by the customer.

2. By water utility

a) For non-payment of bills

In accordance with the applicable terms and conditions of service, a water utility may require that bills be paid within a specified time after presentation. Thirty (30) days from the date the bill is rendered, service may be terminated for the non-payment of bills, provided the customer has been given written notice at least ten (10) days prior to the date of termination. In lieu of termination or upon restoration the water utility may require payments at less than normal billing intervals. All terminations of water service for non-payment of bills shall be done in accordance with the Rhode Island Public Utility Commission's rules governing the termination of services for non-payment.

b) For violation of terms and conditions of service

No water utility shall terminate service to a customer for violation of any term or condition of service without written notice of at least ten (10) days, advising the customer specifically as to which term or condition of service has been violated and precisely how it was violated, except that service may be terminated immediately when the violation of the term or condition of service is such as

to endanger life or property.

c) For theft of water service

A water utility may terminate service without notice whenever a theft of the service by the customer is detected.

d) For lack of meter accessibility

A water utility may terminate service with written notice, of at least ten (10) days prior to termination, advising the customer of the water utility's inability to access the customer's premises for purposes of reading, installing, repairing, or replacing the water meters and/or meter reading devices. The customer shall be responsible for providing accessibility to the above meter and equipment belonging to the water utility.

e) Charge for restoring services

If service is terminated under paragraphs III.H.2(a), (b), (c) or (d), above, the water utility may make a reasonable charge for restoring the service, provided such charge is specified in the water utility's approved tariff.

#### IV. QUALITY OF WATER SERVICE

##### A. Water Pressure Requirements

1. Normal Operating Pressure

Each water utility shall maintain normal operating pressures of not less than 20 pounds per square inch (psi) nor more than 125 psi at the service connection.

2. Pressure Variation

a) Variations in pressure under normal operating conditions shall not exceed 50% of the average operating pressure; however, under no circumstances shall normal operating pressures fall below 20 psi.

b) Pressure variations outside the limits specified will not be considered a violation of this rule when such:

- (1) Arise from unusual or extraordinary conditions; or,
- (2) Arise from the operation of customers' equipment.

**B. Interruptions Of Service**

1. Generally. Each water utility shall use all reasonable means to avoid interruptions to service, but should interruption occur, service shall be re-established within the shortest time practicable, consistent with safety. When an emergency interruption of service affects any portion of the fire protection system, the water utility shall promptly endeavor to notify the local Fire Chief or other public official responsible for fire protection of such interruption and of subsequent restoration of normal service.
2. Unplanned Interruptions. Each water utility shall keep a record of all unplanned interruptions to service of over thirty (30) minutes in duration in any portion of their distribution system. The record shall include the date and time of the interruption, approximate number of customers affected, the date and time of service restoration, the cause of such interruption when known, and steps taken to prevent its recurrence. Reports shall be retained by the water utility for a period of two (2) years and made available to the Division for inspection upon request.
3. Scheduled Interruptions. When service is interrupted to perform scheduled work on mains or equipment, such work shall be done at a time causing minimum inconvenience to customers, consistent with the circumstances. Customers seriously affected by such interruption shall be notified in advance, if practicable. Where any

main supplying public fire protection service is scheduled to be shut off for maintenance or other work, the water utility shall notify the local Fire Chief or other official responsible for fire protection at least forty-eight (48) hours in advance, stating the approximate time and anticipated duration. In addition the local Fire Chief or other official responsible for fire protection shall be notified promptly upon restoration of service.

4. Notification to Division. All notifications to the Division of service interruptions shall be made in accordance with the criteria set out in Appendix A.

**C. Water Quality**

When matters of water quality are under review by DOH, the Division shall be notified thereof in writing by the water utility. A final report shall be submitted by the water utility to the Division within a reasonable time after final disposition of the matter.

**V. METER INSTALLATION, ACCURACY AND TESTING**

**A. Inspection Of Meters Removed From Service**

All meters removed from service that are to be reinstalled shall be inspected for correctness of register.

**B. Meter Installations**

1. All meters shall be in good mechanical condition and of adequate size and design for the type of service that they measure.
2. Each water utility shall adopt a standard method of meter

installation. This standard method of meter installation shall be described in writing as simply and clearly as possible, using drawings where necessary to illustrate the description, to insure that each customer can understand the requirements for a standard meter installation. Copies of the descriptions of standard meter installations shall be made available to prospective customers and contractors or others engaged in the business of installing water pipes and water meters.

**C. Testing And Calibration Of Meters**

1. Generally. All meters shall be tested and calibrated in accordance with the requirements set forth herein. No meter shall be placed in service or permitted to remain in service if the error of registration, determined in accordance with subparagraph 3, below, exceeds 2%. At the option of the water utility the larger size meters may be tested in place after installation.
2. Test Flows. All meters shall be tested at the three rates of flow specified in Table I, below. No meter shall be installed which registers less than 98% of the minimum test flow.
3. Determination of Error. If the meter error of registration at any of the rates of flow specified in Table I, below, is less than 98% or greater than 102% of the actual flow, the meter fails and may not be installed or used unless recalibrated.

| <b><u>Table I</u></b>                        |                                     |                                    |                                     |
|--|-------------------------------------|------------------------------------|-------------------------------------|
| <b><u>Test Flow – Gallons Per Minute</u></b> |                                     |                                    |                                     |
| <b><i>Meter Size<br/>(Inches)</i></b>        | <b><i>Minimum<br/>Gal./Min.</i></b> | <b><i>Median<br/>Gal./Min.</i></b> | <b><i>Maximum<br/>Gal./Min.</i></b> |
| <b><i>5/8</i></b>                            | <b><i>¼</i></b>                     | <b><i>2</i></b>                    | <b><i>10</i></b>                    |
| <b><i>3/4</i></b>                            | <b><i>½</i></b>                     | <b><i>3</i></b>                    | <b><i>15</i></b>                    |
| <b><i>1</i></b>                              | <b><i>¾</i></b>                     | <b><i>5</i></b>                    | <b><i>25</i></b>                    |
| <b><i>1 1/2</i></b>                          | <b><i>1 ½</i></b>                   | <b><i>10</i></b>                   | <b><i>50</i></b>                    |
| <b><i>2</i></b>                              | <b><i>2</i></b>                     | <b><i>16</i></b>                   | <b><i>80</i></b>                    |
| <b><i>3</i></b>                              | <b><i>4</i></b>                     | <b><i>30</i></b>                   | <b><i>120</i></b>                   |
| <b><i>4</i></b>                              | <b><i>7</i></b>                     | <b><i>50</i></b>                   | <b><i>250</i></b>                   |
| <b><i>6</i></b>                              | <b><i>12</i></b>                    | <b><i>100</i></b>                  | <b><i>500</i></b>                   |

4. Sealing of Meter. Upon completion of adjustment and test of any meter under the provisions of these rules, the water utility shall affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal.

**D. Test Schedules For Meters**

1. Periodic Tests of Meters in Service. All meters in service will be tested or replaced in accordance with the schedule set out in Table II, below:



**Table II**

**Periodic Meter Testing Schedule**

| <i>Size of Meter (Inches)</i> | <i>Maximum Interval Between Tests or Replacement</i> |
|-------------------------------|--|
| 5/8" – 2"                     | 20 years   |
| 3" and Larger                 | 2 year   |

2. Requested Tests.

a) Tests Performed by Water Utility at Customer's Request.

When requested by a customer, each water utility shall (1) test the accuracy of the customer's meter within thirty (30) days from the time the request is made, and (2) extend to the customer an offer to allow the customer or the customer's designated representative to be present for the testing. At the customer's request, the Division or the Division's designated representative may observe the test.

When requested to test a meter by a customer as herein provided, the water utility shall not knowingly remove, interfere with, or adjust the meter to be tested outside the presence of the customer without the written consent of the customer, and approval by the Division. A report giving the name of the customer requesting the test, the date of the request, the location, the type, make, size, the

serial number of the meter, the date tested, and the result of the test shall be supplied to such customer within fifteen (15) days after completion of the test.

(1) Meters that are not due for a periodic test. If the meter the customer requests to have tested is not overdue for its periodic test, the water utility may require a fee for such a test if allowed by its tariff. If upon testing the meter is found to be over-registering by more than 2%, the testing fee shall be promptly refunded. If the meter is not found to be over registering by as much as 2%, the utility shall retain the testing fee.

(2) Meters that are due for a periodic test. If the meter the customer requests to have tested has exceeded the due date for its periodic test, the water utility may not require a fee for such a test.

b) Tests Requested by Division. Upon application to the Division by a customer, a test will be made of the customer's meter by the Division's authorized representative as soon as practicable. When notified of an

application submitted to the Division by a customer for a meter test as herein provided, the water utility shall not knowingly remove, interfere with, or adjust the meter to be tested without the written consent of the customer, and approval by the Division. The customer shall pay a deposit for this test, and the deposit shall be retained or returned, just as for a water utility test as described in subparagraph V.D.2(a)(1), above.

3. Record of Tests. The meter technician or other person testing the meter shall make a complete record of all tests, adjustments, and other data sufficient to allow all of the test results and calculations for that meter test to be verified. Such record shall include: the identifying number of the meter, the type of the meter, the date and kind of tests made, the reading of the meter before making any test, the error as found at each test, and, if repaired, the accuracy of the meter after the final test.
4. Retention. Records of periodic tests of meters will be retained by the water utility for inspection by the Division for a minimum of ten (10) years. All meters that are changed out, or removed from service for any reason, shall be retained for inspection by the Division for a minimum of six (6) months.

**E. Customer's Bill Adjustments**

1. Calculation of Error. In meter tests directed by the Division, or

performed by the water utility at the request of a customer, the correctness of registration of the meter and its performance in service for billing purposes shall be determined by averaging the meter flow rates across all the intermediate and high flow rates. The percentage of registration shall be taken as the algebraic sum of the errors at the median and maximum rates of test flow, as set forth in Table I, divided by two. Any adjustment of charges made in accordance with this rule shall be based on the average error thus derived.

2. Adjustments

- a) Fast Meters. Whenever as the result of a test made by the water utility or the Division at the request of the customer, a meter is found to register in excess of 102% of the correct amount, the water utility shall refund to the customer an amount equal to the charge for the excess billed for the previous twelve (12) months or for a period equal to one-half of the time elapsed since the last test or replacement, whichever is the shorter period. However, if the time when the error first developed or occurred can be definitely fixed, the amount to be refunded is to be based thereon.
- b) Slow Meters. Whenever as the result of a test made by the water utility or the Division at the request of the customer, a meter is found to register less than 98% of the correct

amount, the water utility may make a charge to the customer for the unbilled amount supplied for the previous twelve (12) months, or for a period equal to one-half of the time elapsed since the last test or replacement, whichever is the shorter period. However, if the time when the error first developed or occurred can be definitely fixed, the amount to be refunded is to be based thereon, subject to the three (3) year limitation set out in paragraph III.E.3.

c) Non-Registering Meters.

(1) Non AMR Meters. If a meter without an AMR is found which does not register, the water utility may make a charge to the customer for the unbilled amount that is based upon information recorded prior or subsequent to the period of non-registration, and any other pertinent information supplied by the customer or known to the water utility, subject to the three (3) year limitation set out in paragraph III.E.3.

(2) AMR Meters. If a meter is equipped with an AMR is found not registering, the water utility may make a charge to the customer for the unbilled amount for only the previous six (6) months.

**F. Test Facilities And Equipment**

1. Test Facilities. Each water utility furnishing metered water service shall either provide the necessary standard facilities, instruments and other equipment for testing meters in compliance with these rules, or shall enter into satisfactory arrangements for tests of its meters by another water utility or agency equipped to test meters in compliance with these rules, subject to approval by the Division.
2. Shop Equipment. The meter test shop, insofar as practicable, shall simulate the actual service conditions. It shall be provided with the necessary fittings, including a quick-acting valve for controlling the starting and stopping of the test, and a device for regulating the flow of water through the meter under test. The accuracy of the test equipment and test procedures shall be sufficient to enable shop tests of meters with an error not to exceed 0.5 of 1%.
3. Test Measurement Standards. Measuring devices for tests of meters shall consist of calibrated tanks for volumetric measurements, tanks mounted upon scales for weight measurement, or standard meters.
  - a) Volumetric Tanks. When a volumetric tank is used, the volumetric tank shall be certified by the State or Local Sealer of Weights and Measures.
  - b) Weight Standards. When a weight standard is used the scales shall be tested and certified at least once every year

by the State or Local Sealer of Weights and Measures, and  
a record maintained of the results of such test.

- c) Size of Basic Standards. Basic standards for meter tests  
shall be of sufficient capacity to insure accuracy of the test.

## VI. EQUIPMENT AND FACILITIES

A. Standard Practice. In determining standard practice, the Division will be  
guided by the provisions of the American Water Works Association  
standards and the Rhode Island Department of Health.

B. Construction And Maintenance. Each water utility shall construct,  
install, operate and maintain its plant, structures, equipment and mains in  
accordance with standard practice as defined in Paragraph VI.A, and in  
such manner to best accommodate the public, and to prevent interference  
with service furnished by other public utilities, insofar as practical.

1. Dead Ends. Insofar as practicable the water utility shall design its  
distribution system so as to avoid dead ends on its mains. Where  
dead ends are unavoidable the water utility shall provide hydrants  
or “blow offs” for the purpose of flushing the mains. Mains with  
dead ends shall be flushed as often as necessary to maintain the  
proper quality of the water. Records shall be kept of all flushings  
of mains, showing the date, place and duration, and such records  
used as a guide in determining the necessary frequency of flushing  
of the same mains thereafter.

2. Segmentation of System. Valves shall be provided at reasonable

intervals in the mains to facilitate repairs and minimize interruptions of service.

3. Grid Systems. Whenever feasible, the distribution system shall be laid out in a properly segmented grid so that in case of breaks or repairs the interruptions of service to the customers can be kept to a minimum number.
4. Fire Protection Service. Specification, location, installation and the responsibility for the maintenance of fire hydrants, public and private fire protection facilities, connecting mains, and their ownership may be subject to negotiation between the water utility and the applicant. Fire hydrants and public and private protection facilities shall be installed in conformity to the requirements of the water utility and when owned by the water utility shall be subject to such conditions as the Division may determine based upon the compensation received for this service. Hydrants maintained by the water utility shall be inspected and flushed at least once each year, and shall be checked for freezing as often as necessary to insure that they are functioning properly. A record of each hydrant maintained by the water utility shall be retained showing the size, type, location, date of inspection and flushing and the results thereof.
5. Valves. Each water utility shall periodically inspect the valves on its distribution system. A record of each valve shall be kept



showing the size, type, location date of inspection and the results thereof. These records shall be kept for a five (5) year period.

6. Service Pipes. The minimum size of the service pipe shall not be less than  $\frac{3}{4}$  inch nominal size. Each service pipe shall be provided with an individual shutoff prior to the meter on that service pipe.
7. Inspection of Service Pipe. In the installation of a service pipe, the customer shall not install any tee or branch connection and, if required, shall leave the trench open and pipe uncovered until it is inspected by the water utility and building official and shown to be free from any irregularity or defect.

- C. Disinfection Of Facilities. Disinfection of facilities shall be as approved by the Rhode Island Department of Health.

## VII. RECORDS AND REPORTS

- A. Station Records. Each water utility shall keep sufficient records of the operation of its pumping, filtering, chlorinating and other units to show the characteristics and performance of each.
- B. Water Supply Measurement Records
1. Measuring Devices. Each water utility shall install a suitable measuring device, or otherwise determine production, at each source of supply in order that a record may be maintained of the quantity of water produced at each source.
  2. Water Supply Records. At least once each month the quantity produced from each source of supply shall be determined. Twelve-

month totals by sources shall be recorded and transmitted to the Division in the water utility's annual report to the Division.

C. **System Maps.** Each water utility shall have on file at its principal office located within the state a suitable map, maps or drawings showing the following:

1. Size, character, and location of all mains, including hydrants and valves.
2. Size and location of each service connection, where practicable. In lieu of showing service locations on maps, a card record or other suitable means may be used.
3. Layout of all principal pumping stations, filter and chlorinating plants to show size, location and character of all major equipment, pipe lines, connections, valves and other equipment used.

D. **Meter Records.** Each water utility shall keep numerically arranged and properly classified records giving for each meter owned or used by the water utility for any purpose, the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service, with date of installation and removal. These records shall be maintained in a manner such that the date of the last test is readily ascertainable.

E. **Preservation Of Records.** All records required by these rules shall be preserved by the water utility for a period of two (2) years unless

otherwise designated herein or by the Division's Regulations Governing the Preservation of Records. Such records shall be kept within the State of Rhode Island at the office or offices of the water utility and shall be open at all reasonable hours for examination by the Division or its representatives.

- F. **Reports To Division.** The water utility shall furnish to the Division, at such times and in such form as the Division may require, the results of any required costs and summaries of any required records. The water utility shall also furnish the Division with any information concerning the water utility's facilities or operations which the Division may request and need for determining rates or judging the practices of the water utility.

#### VIII. **GENERAL**

- A. **Safety Instructions.** Each water utility shall comply with all applicable State and Federal safety regulations.
- B. **Resuscitation.** Each water utility periodically shall instruct its employees engaged in electrical work in the practice and use of accepted rules for resuscitation from electrical shock. Copies of such rules shall be furnished to each such employee. Electrical work as used herein shall be construed to mean work on all live electric conductors and equipment.
- C. **Accidents.** Each water utility shall report to the Division as soon as possible after each accident occurring in connection with the operation of its property, facilities or service, wherein any person shall have been killed or admitted to a hospital, or whereby any property damage shall have been

caused. The first report may be preliminary, but, if so, shall be followed later by as full a statement as possible of the cause and details of the accident and the precautions taken, if any, to prevent recurrence.

- D. Division Inspection.** The Division will from time to time inspect the works and system of each water utility and the manner in which it has conformed to the rules and regulations herein contained.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island Division of  
Public Utilities and Carriers  
89 Jefferson Blvd.  
Warwick RI 02888  
(401) 941-4500

**WATER UTILITIES' NOTIFICATION REQUIREMENTS OF SERVICE FAILURES**

At the earliest practical moment following discovery, each company shall telephonically notice an employee of the Division of Public Utilities & Carriers (DPUC) of any leak or water incident that:

- (1) Leaves critical customers without water, such as hospitals, nursing homes, major industries and places of public assembly (150 + people)
- (2) Shuts down or significantly reduces pressure in a major transmission or distribution line affecting adequacy or quality of water supply
- (3) Impacts the water system causing public concern or
- (4) Causes service interruptions to fifty (50) or more dwellings in excess of two (2) hours.

NOTIFICATION SHALL BE GIVEN TO THE FIRST AVAILABLE PERSON OF THE DPUC IMMEDIATELY IN THE ORDER LISTED BELOW.

Between the hours of 8:30 A.M. and 4:00 P.M. on weekdays call the main number (401-941-4500) of the DPUC office.

After the normal business hours during weekdays, holidays and weekends, please contact the following persons at their residences.

If there is no response, continue to call every hour until contact is made with one of the listed DPUC employees. Do not leave a message on voice mail. When contacting the main DPUC number, dial "0" to speak with an operator in order to make contact with a DPUC employee.

|             | <u>NAME<sup>1</sup></u> | <u>HOME<sup>1</sup></u> | <u>OFFICE</u>  |
|-------------|-------------------------|-------------------------|----------------|
| (Primary)   | -----                   | -----                   | (401) 780-2122 |
| (Secondary) | -----                   | -----                   | (401) 780-2121 |
| (Tertiary)  | -----                   | -----                   | (401) 780-2120 |

<sup>1</sup> Copies of Appendix A with updated personal contact information included will be sent out on an as-needed basis

**STATE OF RHODE ISLAND**  
**DIVISION OF PUBLIC UTILITIES AND CARRIERS**

**RULES AND REGULATIONS PRESCRIBING STANDARDS  
FOR WATER UTILITIES**

**Date of Public Notice: August 24, 2007**

**Date of Public Hearing: September 26, 2007**

**Date of Written Decision (Order No. 19177): January 25, 2008**

**Effective Date of Rules and Regulations: February 21, 2008**

| <b><u>INDEX</u></b>                                       | <b><u>PAGE</u></b> |
|---|--------------------|
| I. <b><u>Application of Rules and Regulations</u></b>     | 4                  |
| II. <b><u>Definitions</u></b>                             | 5                  |
| III. <b><u>Service Provisions</u></b>                     | 6                  |
| A. Filing of Rate Schedules                               | 6                  |
| B. Information to Customers                               | 7                  |
| C. Deposits/Interest                                      | 7                  |
| D. Measurement of Service                                 | 8                  |
| E. Liability For Water Charges Including Past Due Charges | 8                  |
| F. Meter Reading And Bill Forms                           | 9                  |
| G. Complaints of Customers                                | 10                 |
| H. Termination of Service                                 | 10                 |
| IV. <b><u>Quality of Service</u></b>                      | 12                 |
| A. Water Pressure Requirements                            | 12                 |
| B. Interruptions of Service                               | 12                 |
| C. Water Quality  | 14                 |
| V. <b><u>Meter Installation, Accuracy and Testing</u></b> | 14                 |
| A. Inspection of Meters Removed From Service              | 14                 |
| B. Meter Installation                                     | 14                 |
| C. Testing and Calibration of Meters                      | 14                 |
| D. Test Schedule for Meters                               | 16                 |
| E. Customer Bill Adjustments                              | 18                 |
| F. Test Facilities and Equipment                          | 20                 |

|  |    |
|--|----|
| VI. <b><u>Equipment and Facilities</u></b> | 21 |
| A. Standard Practices                      | 21 |
| B. Construction and Maintenance            | 21 |
| C. Disinfection of Facilities              | 23 |
| VII. <b><u>Records and Reports</u></b>     | 23 |
| A. Station Records                         | 23 |
| B. Water Supply Measurement Records        | 24 |
| C. System Maps                             | 24 |
| D. Meter Records                           | 24 |
| E. Preservation of Records                 | 25 |
| F. Reports to Division                     | 25 |
| VIII. <b><u>General</u></b>                | 25 |
| A. Safety Instruction                      | 25 |
| B. Resuscitation                           | 25 |
| C. Accidents                               | 26 |
| D. Division Inspection                     | 26 |

## Appendix A



## **I. APPLICATION OF RULES AND REGULATIONS**

- A. **Authority.** These rules are issued pursuant to the authority granted by R.I.G.L. § 39-3-33, and shall apply to any person, firm, corporation or other entity now or hereafter engaged as a public utility in the business of furnishing water to the public (hereinafter, “water utility”) within the State of Rhode Island.
- B. **Effect On Prior Rules.** These Rules & Regulations replace the existing Division Rules and Regulations Prescribing Standards for Water Utilities, in Division Docket #929, Division Report and Order #8090 of January 31, 1966, effective March 1, 1966, and shall be applied prospectively only. The existing compilation of Rules & Regulations is hereby rescinded upon the effective date of this document.
- C. **Amendment Or Waiver Of Rules.** Upon its own motion, or upon application, and for good cause shown, the Division of Public Utilities and Carriers may modify, suspend, or repeal the provisions of any rule herein. Application may be made to the Division for the modification of any rule or for temporary or permanent waiver from its provision, provided, however, that no water utility shall submit application for such modification or waiver without submitting therewith a full and complete justification for such action.
- D. **Penalty For Violations.** The Division of Public Utilities and Carriers may impose a penalty as provided by R.I.G.L. § 39-2-8 upon any water utility which violates: (1) these rules; (2) an Order issued by the Division of Public Utilities and Carriers; or (3) Chapters 1 – 5 of Title 39, R.I.G.L.
- E. **Effective Date Of Rules.** These Rules shall become effective twenty (20) days

after filing with the Rhode Island Secretary of State.

## **II. DEFINITIONS**

- A. **Actual Read** means any meter reading taken by a water utility employee, or the employee of a contractor working on behalf of a water utility, through use of an AMR (or ARB or other electronic remote reading technology) or by a water utility employee visually inspecting the actual meter.
- B. **Administrator** means the Administrator of the Rhode Island Division of Public Utilities and Carriers.
- C. **AMR** means an automated meter reading device.
- D. **Commission** means the Rhode Island Public Utilities Commission.
- E. **Curb Stop** means the company's shutoff valve located at the service connection.
- F. **Customer** means any person, firm, company, association, or governmental unit of the state supplied with water service by any water utility. The customer is liable for payment to the water utility for the cost of the water supplied to the customer's property by the water utility for use by the customer or the customer's tenant(s), as applicable.
- G. **Division** means the Rhode Island Division of Public Utilities and Carriers.
- H. **Estimated Read** means all types of reads other than an actual read, including those submitted by electronic means (phone, e-mail, or other internet-type communication) or in writing by customers.
- I. **Inactive** means a service line where water service to the customer has been discontinued but the service line has not been abandoned.
- J. **Main** means a water pipe, owned, operated and maintained by a water utility,

which is used for the purpose of transmission or distribution of water but is not a water service pipe.

- K. **Meter** means a device, instrument, or any attached device, used by a water utility to measure a quantity of water for billing purposes.
- L. **Non Registering Meter** means a meter that does not register the consumption of water. Some companies refer to this as a “DR meter”.
- M. **Public Utility** is as defined in RIGL §39-1-2.
- N. **Service Connection** means the point of connection of the customer’s piping with the curb stop owned by the water utility.
- O. **Service Pipe** shall mean the connection from the water utility's mains to the curb stop, and the customer's connection from the curb stop to the meter, and includes all of the pipe, fittings and valves necessary to make the connections.
- P. **Water Service** shall mean the furnishing of water to a customer in this state by a water utility.
- Q. **Water Utility** is any person, firm, corporation or other entity now or hereafter engaged as a public utility in the business of furnishing water service to customers within the State of Rhode Island.

### III. **SERVICE PROVISIONS**

#### A. **Filing Of Rate Schedules**

All rates, tolls and charges by a water utility shall be filed, posted, and available for public inspection in accordance with the provisions of R.I.G.L. §39-3-10. In addition, each water utility shall post this information on its website.

**B. Information To Customers**

1. Each water utility shall, upon request, provide its customers with such information and reasonable assistance as will help them to select the best use of service at the most advantageous rate. However, the ultimate responsibility for the selection of the best use of service at the most advantageous rate will rest with the customer.
2. Each water utility shall, upon request, explain to its customers the method of reading meters and calculating the bill.

**C. Deposits/Interest**

A water utility, to protect against loss, may require a deposit before rendering service to any customer. This deposit shall not be more than the highest actual billing period's usage of a prior customer or the highest estimated billing period of the new customer if a prior customer does not exist. Interest shall be paid on deposits in accordance with applicable approved rate schedules or the terms and conditions of the water utility. Deposits plus accrued interest thereon, less any amount due the water utility, will be refunded upon termination of service. The water utility may return a deposit prior to the termination. A customer may request a return of deposit prior to the termination of service if the customer has established a good payment history and the water utility agrees to the return of deposit. When an account is terminated, and a deposit or portion thereof is applied against an account that has been terminated, interest shall cease to accrue on the balance at the date of termination.

**D. Measurement Of Service**

All water sold by a water utility shall be upon the basis of metered volume sales and/or a fixed rate.

**E. Liability For Water Charges Including Past Due Charges**

1. Liability For Water Charges Generally. The customer of a water utility shall be liable for the payment of the tariffed rates fixed by the water utility for the use of water furnished by that water utility to the customer along with any applicable taxes and fees.
2. Liens On Property For Water Charges. If authorized by statute for a water utility (e.g., R.I.G.L §39-15-12), the rates assessed against a customer for the water delivered to the customer for consumption may constitute a lien on the property to which the water was delivered. The lien shall arise and attach as provided by the laws applicable to that specific water utility.
3. Assessments Or Adjustments of Past-Due Charges. If any water utility becomes aware that one of its customers has received water for use from that water utility but has either not been billed for the use of that water, or has been for any other reason improperly charged, the water utility shall calculate the appropriate charges for the period in question and present those charges to the customer. These charges shall be in addition to any charges accruing for current use of the water by the customer. However, the water utility shall not be allowed to collect new or corrected charges for past use that are made more than three (3) years from the date on which the bill for those charges for use should have been properly

presented to the customer.

**F. Meter Readings And Bill Forms**

1. Each meter register shall indicate clearly the volume units registered and size of the meter.
2. All meters will be read at regular intervals (but no fewer than two actual reads each year) and on approximately the corresponding day of each meter reading period. In service areas that do not utilize AMR devices (or ARB or other electronic remote reading technology), the water utility must verify meter reads phoned or mailed in by the customer at least once every six (6) months. Bills based on estimated reads shall not exceed six (6) consecutive months on any residential, commercial or industrial account.
3. Each water utility shall keep an accurate account of all charges for service billed each customer and shall maintain records for ten (10) years showing information from which each bill rendered may be readily computed.
4. Bills shall be rendered at regular intervals and shall show: (1) the date of the current meter reading; (2) the meter reading (the amount or quantity of service for the billing period); (3) the type of meter reading (i.e., actual or estimated); (4) the billing period; (5) a list of itemized charges; and (6) consumption history (the amount or quantity of service in the past four billing periods). Provided, however, for any water utility presently unable to satisfy “(3)” and “(6)” above, due to billing software limitations, that water utility shall have until January 1, 2010 to satisfy these requirements.
5. The billing date and the postmark date on the bill shall not vary by more

than ten (10) business days.

**G. Complaints Of Customers**

Each water utility shall make a full and prompt investigation of customer complaints made either directly to the water utility or through the Division. A record of all complaints received shall be kept for at least two years. This record shall show the name and address of the complainant, the date and character of the complaint, and the disposition made thereof.

**H. Termination Of Service**

1. By customer

A customer must give at least five (5) business days notice of his/her intention to terminate service, and shall be responsible for all charges until expiration of such notice period but shall not be responsible for any charges thereafter unless service is reestablished by the customer.

2. By water utility

a) For non-payment of bills

In accordance with the applicable terms and conditions of service, a water utility may require that bills be paid within a specified time after presentation. Thirty (30) days from the date the bill is rendered, service may be terminated for the non-payment of bills, provided the customer has been given written notice at least ten (10) days prior to the date of termination. In lieu of termination or upon restoration the water utility may require payments at less than normal billing intervals. All terminations of water service for non-

payment of bills shall be done in accordance with the Rhode Island Public Utility Commission's rules governing the termination of services for non-payment.

b) For violation of terms and conditions of service

No water utility shall terminate service to a customer for violation of any term or condition of service without written notice of at least ten (10) days, advising the customer specifically as to which term or condition of service has been violated and precisely how it was violated, except that service may be terminated immediately when the violation of the term or condition of service is such as to endanger life or property.

c) For theft of water service

A water utility may terminate service without notice whenever a theft of the service by the customer is detected.

d) For lack of meter accessibility

A water utility may terminate service with written notice, of at least ten (10) days prior to termination, advising the customer of the water utility's inability to access the customer's premises for purposes of reading, installing, repairing, or replacing the water meters and/or meter reading devices. The customer shall be responsible for providing accessibility to the above meter and equipment.



e) Charge for restoring services

If service is terminated under paragraphs III.H.2(a), (b), (c) or (d), above, the water utility may make a reasonable charge for restoring the service, provided such charge is specified in the water utility's approved tariff.

**IV. QUALITY OF WATER SERVICE**

**A. Water Pressure Requirements**

1. Normal Operating Pressure

Each water utility shall maintain normal operating pressures of not less than 20 pounds per square inch (psi) nor more than 125 psi at the service connection.

2. Pressure Variation

a) Variations in pressure under normal operating conditions shall not exceed 50% of the average operating pressure; however, under no circumstances shall normal operating pressures fall below 20 psi.

b) Pressure variations outside the limits specified will not be considered a violation of this rule when such:

- (1) Arise from unusual or extraordinary conditions; or,
- (2) Arise from the operation of customers' equipment.

**B. Interruptions Of Service**

1. Generally. Each water utility shall use all reasonable means to avoid interruptions to service, but should interruption occur, service shall be re-established within the shortest time practicable, consistent with safety. When

an emergency interruption of service affects any portion of the fire protection system, the water utility shall promptly endeavor to notify the local Fire Chief or other public official responsible for fire protection of such interruption and of subsequent restoration of normal service.

2. Unplanned Interruptions. Each water utility shall keep a record of all unplanned interruptions to service of over thirty (30) minutes in duration in any portion of their distribution system. The record shall include the date and time of the interruption, approximate number of customers affected, the date and time of service restoration, the cause of such interruption when known, and steps taken to prevent its recurrence. Reports shall be retained by the water utility for a period of two (2) years and made available to the Division for inspection upon request.
3. Scheduled Interruptions. When service is interrupted to perform scheduled work on mains or equipment, such work shall be done at a time causing minimum inconvenience to customers, consistent with the circumstances. Customers seriously affected by such interruption shall be notified in advance, if practicable. Where any main supplying public fire protection service is scheduled to be shut off for maintenance or other work, the water utility shall notify the local Fire Chief or other official responsible for fire protection at least forty-eight (48) hours in advance, stating the approximate time and anticipated duration. In addition the local Fire Chief or other official responsible for fire protection shall be notified promptly upon restoration of service.

4. Notification to Division. All notifications to the Division of service interruptions shall be made in accordance with the criteria set out in Appendix A.

**C. Water Quality**

When matters of water quality are under review by DOH, the Division shall be notified thereof in writing by the water utility. A final report shall be submitted by the water utility to the Division within a reasonable time after final disposition of the matter.

**V. METER INSTALLATION, ACCURACY AND TESTING**

**A. Inspection Of Meters Removed From Service**

All meters removed from service that are to be reinstalled shall be inspected for correctness of register.

**B. Meter Installations**

1. All meters shall be in good mechanical condition and of adequate size and design for the type of service that they measure.
2. Each water utility shall adopt a standard method of meter installation. This standard method of meter installation shall be described in writing as simply and clearly as possible, using drawings where necessary to illustrate the description, to insure that each customer can understand the requirements for a standard meter installation. Copies of the descriptions of standard meter installations shall be made available to prospective customers and contractors or others engaged in the business of installing water pipes and water meters.

**C. Testing And Calibration Of Meters**

1. Generally. All meters shall be tested and calibrated in accordance with the

requirements set forth herein. No meter shall be placed in service or permitted to remain in service if the error of registration, determined in accordance with subparagraph 3, below, exceeds 2%. At the option of the water utility the larger size meters may be tested in place after installation.

2. Test Flows. All meters shall be tested at the three rates of flow specified in Table I, below. No meter shall be installed which registers less than 98% of the minimum test flow.
3. Determination of Error. If the meter error of registration at any of the rates of flow specified in Table I, below, is less than 98% or greater than 102% of the actual flow, the meter fails and may not be installed or used unless recalibrated.

| <i><b><u>Table I</u></b></i>                        |                                     |                                    |                                     |
|---|-------------------------------------|------------------------------------|-------------------------------------|
| <i><b><u>Test Flow – Gallons Per Minute</u></b></i> |                                     |                                    |                                     |
| <i><b>Meter Size<br/>(Inches)</b></i>               | <i><b>Minimum<br/>Gal./Min.</b></i> | <i><b>Median<br/>Gal./Min.</b></i> | <i><b>Maximum<br/>Gal./Min.</b></i> |
| <i><b>5/8</b></i>                                   | <i><b>1/4</b></i>                   | <i><b>2</b></i>                    | <i><b>10</b></i>                    |
| <i><b>3/4</b></i>                                   | <i><b>1/2</b></i>                   | <i><b>3</b></i>                    | <i><b>15</b></i>                    |
| <i><b>1</b></i>                                     | <i><b>3/4</b></i>                   | <i><b>5</b></i>                    | <i><b>25</b></i>                    |
| <i><b>1 1/2</b></i>                                 | <i><b>1 1/2</b></i>                 | <i><b>10</b></i>                   | <i><b>50</b></i>                    |
| <i><b>2</b></i>                                     | <i><b>2</b></i>                     | <i><b>16</b></i>                   | <i><b>80</b></i>                    |
| <i><b>3</b></i>                                     | <i><b>4</b></i>                     | <i><b>30</b></i>                   | <i><b>120</b></i>                   |
| <i><b>4</b></i>                                     | <i><b>7</b></i>                     | <i><b>50</b></i>                   | <i><b>250</b></i>                   |
| <i><b>6</b></i>                                     | <i><b>12</b></i>                    | <i><b>100</b></i>                  | <i><b>500</b></i>                   |

4. Sealing of Meter. Upon completion of adjustment and test of any meter under the provisions of these rules, the water utility shall affix thereto a suitable seal

in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal.

**D. Test Schedules For Meters**

1. Periodic Tests of Meters in Service. All meters in service will be tested or replaced in accordance with the schedule set out in Table II, below:

**Table II**

**Periodic Meter Testing Schedule**

| <i>Size of Meter (Inches)</i> | <i>Maximum Interval Between Tests or Replacement</i> |
|-------------------------------|--|
| 5/8" – 2"                     | 20 years   |
| 3" and Larger                 | 2 year   |

2. Requested Tests.

a) Tests Performed by Water Utility at Customer's Request. When requested by a customer, each water utility shall (1) test the accuracy of the customer's meter within thirty (30) days from the time the request is made, and (2) extend to the customer an offer to allow the customer or the customer's designated representative to be present for the testing. At the customer's request, the Division or the Division's designated representative may observe the test. When requested to test a meter by a customer as herein provided, the water utility shall not knowingly remove, interfere with, or adjust the meter to be tested outside the presence of the customer without the written consent of the customer, and approval by the Division. A report giving the name of the customer requesting the test, the date of the request, the location, the type,

make, size, the serial number of the meter, the date tested, and the result of the test shall be supplied to such customer within fifteen (15) days after completion of the test.

(1) Meters that are not due for a periodic test. If the meter the customer requests to have tested is not overdue for its periodic test, the water utility may require a fee for such a test if allowed by its tariff. If upon testing the meter is found to be over-registering by more than 2%, the testing fee shall be promptly refunded. If the meter is not found to be over registering by as much as 2%, the utility shall retain the testing fee.

(2) Meters that are due for a periodic test. If the meter the customer requests to have tested has exceeded the due date for its periodic test, the water utility may not require a fee for such a test.

b) Tests Requested by Division. Upon application to the Division by a customer, a test will be made of the customer's meter by the Division's authorized representative as soon as practicable. When notified of an application submitted to the Division by a customer for a meter test as herein provided, the water utility shall not knowingly remove, interfere with, or adjust the meter to be tested without the written consent of the customer, and approval by the Division. The customer shall pay a deposit for this test, and the deposit shall be retained or returned, just

as for a water utility test as described in subparagraph V.D.2(a)(1), above.

3. Record of Tests. The meter technician or other person testing the meter shall make a complete record of all tests, adjustments, and other data sufficient to allow all of the test results and calculations for that meter test to be verified. Such record shall include: the identifying number of the meter, the type of the meter, the date and kind of tests made, the reading of the meter before making any test, the error as found at each test, and, if repaired, the accuracy of the meter after the final test.
4. Retention. Records of periodic tests of meters will be retained by the water utility for inspection by the Division for a minimum of ten (10) years. All meters that are changed out, or removed from service for any reason, shall be retained for inspection by the Division for a minimum of six (6) months.

**E. Customer's Bill Adjustments**

1. Calculation of Error. In meter tests directed by the Division, or performed by the water utility at the request of a customer, the correctness of registration of the meter and its performance in service for billing purposes shall be determined by averaging the meter flow rates across all the intermediate and high flow rates. The percentage of registration shall be taken as the algebraic sum of the errors at the median and maximum rates of test flow, as set forth in Table I, divided by two. Any adjustment of charges made in accordance with this rule shall be based on the average error thus derived.

## 2. Adjustments

- a) Fast Meters. Whenever as the result of a test made by the water utility or the Division at the request of the customer, a meter is found to register in excess of 102% of the correct amount, the water utility shall refund to the customer an amount equal to the charge for the excess billed for the previous twelve (12) months or for a period equal to one-half of the time elapsed since the last test or replacement, whichever is the shorter period. However, if the time when the error first developed or occurred can be definitely fixed, the amount to be refunded is to be based thereon.
- b) Slow Meters. Whenever as the result of a test made by the water utility or the Division at the request of the customer, a meter is found to register less than 98% of the correct amount, the water utility may make a charge to the customer for the unbilled amount supplied for the previous twelve (12) months, or for a period equal to one-half of the time elapsed since the last test or replacement, whichever is the shorter period. However, if the time when the error first developed or occurred can be definitely fixed, the amount to be refunded is to be based thereon, subject to the three (3) year limitation set out in paragraph III.E.3.
- c) Non-Registering Meters.
  - (1) Non AMR Meters. If a meter without an AMR is found which does not register, the water utility may make a charge to the customer for the unbilled amount that is based upon information recorded prior or subsequent to the period of non-



registration, and any other pertinent information supplied by the customer or known to the water utility, subject to the three (3) year limitation set out in paragraph III.E.3.

- (2) AMR Meters. If a meter is equipped with an AMR is found not registering, the water utility may make a charge to the customer for the unbilled amount for only the twelve (12) months immediately preceding the date on which the corrected bill is sent.

**F. Test Facilities And Equipment**

1. Test Facilities. Each water utility furnishing metered water service shall either provide the necessary standard facilities, instruments and other equipment for testing meters in compliance with these rules, or shall enter into satisfactory arrangements for tests of its meters by another water utility or agency equipped to test meters in compliance with these rules, subject to approval by the Division.
2. Shop Equipment. The meter test shop, insofar as practicable, shall simulate the actual service conditions. It shall be provided with the necessary fittings, including a quick-acting valve for controlling the starting and stopping of the test, and a device for regulating the flow of water through the meter under test. The accuracy of the test equipment and test procedures shall be sufficient to enable shop tests of meters with an error not to exceed 0.5 of 1%.

3. Test Measurement Standards. Measuring devices for tests of meters shall consist of calibrated tanks for volumetric measurements, tanks mounted upon scales for weight measurement, or standard meters.
  - a) Volumetric Tanks. When a volumetric tank is used, the volumetric tank shall be certified by the State or Local Sealer of Weights and Measures.
  - b) Weight Standards. When a weight standard is used the scales shall be tested and certified at least once every year by the State or Local Sealer of Weights and Measures, and a record maintained of the results of such test.
  - c) Size of Basic Standards. Basic standards for meter tests shall be of sufficient capacity to insure accuracy of the test.

## **VI. EQUIPMENT AND FACILITIES**

- A. Standard Practice. In determining standard practice, the Division will be guided by the provisions of the American Water Works Association standards and the Rhode Island Department of Health.
- B. Construction And Maintenance. Each water utility shall construct, install, operate and maintain its plant, structures, equipment and mains in accordance with standard practice as defined in Paragraph VI.A, and in such manner to best accommodate the public, and to prevent interference with service furnished by other public utilities, insofar as practical.
  1. Dead Ends. Insofar as practicable the water utility shall design its distribution system so as to avoid dead ends on its mains. Where dead

ends are unavoidable the water utility shall provide hydrants or “blow offs” for the purpose of flushing the mains. Mains with dead ends shall be flushed as often as necessary to maintain the proper quality of the water. Records shall be kept of all flushings of mains, showing the date, place and duration, and such records used as a guide in determining the necessary frequency of flushing of the same mains thereafter.

2. Segmentation of System. Valves shall be provided at reasonable intervals in the mains to facilitate repairs and minimize interruptions of service.
3. Grid Systems. Whenever feasible, the distribution system shall be laid out in a properly segmented grid so that in case of breaks or repairs the interruptions of service to the customers can be kept to a minimum number.
4. Fire Protection Service. Specification, location, installation and the responsibility for the maintenance of fire hydrants, public and private fire protection facilities, connecting mains, and their ownership may be subject to negotiation between the water utility and the applicant. Fire hydrants and public and private protection facilities shall be installed in conformity to the requirements of the water utility and when owned by the water utility shall be subject to such conditions as the Division may determine based upon the compensation received for this service. Hydrants maintained by the water utility shall be inspected and operated at least once every eighteen (18) months, and shall be checked for freezing as often as necessary to insure that they are functioning properly, unless the

responsibility for inspecting and operating the fire hydrant is assumed by the local fire department or other appropriate entity. Where this is the case, the water utility retains responsibility for repairing or replacing any fire hydrant out of service within seven (7) days of such hydrant being reported out of service. A record of each hydrant maintained by the water utility shall be retained showing the size, type, location, date of inspection and flushing and the results thereof.

5. Valves. Each water utility shall periodically inspect the valves on its distribution system. A record of each valve shall be kept showing the size, type, location date of inspection and the results thereof. These records shall be kept for a five (5) year period.
6. Service Pipes. The minimum size of the service pipe shall not be less than  $\frac{3}{4}$  inch nominal size. Each service pipe shall be provided with an individual shutoff prior to the meter on that service pipe.
7. Inspection of Service Pipe. In the installation of a service pipe, the customer shall not install any tee or branch connection and, if required, shall leave the trench open and pipe uncovered until it is inspected by the water utility and building official and shown to be free from any irregularity or defect.

C. Disinfection Of Facilities. Disinfection of facilities shall be as approved by the Rhode Island Department of Health.

## VII. RECORDS AND REPORTS

A. Station Records. Each water utility shall keep sufficient records of the operation of

its pumping, filtering, chlorinating and other units to show the characteristics and performance of each.

**B. Water Supply Measurement Records**

1. Measuring Devices. Each public water utility shall install a suitable measuring device, or otherwise determine quantity, at each point at which water enters the public water utility's distribution system in order that a record may be maintained of the quantity of water entering the distribution system at each such point.
2. Water Supply Records. At least once each month the quantity of water entering the public water utility's distribution system shall be determined for each point of entry. Twelve-month totals by sources shall be recorded and transmitted to the Division in the utility's annual report to the Division.

**C. System Maps.** Each water utility shall have on file at its principal office located within the state a suitable map, maps or drawings showing the following:

1. Size, character, and location of all mains, including hydrants and valves.
2. Size and location of each service connection, where practicable. In lieu of showing service locations on maps, a card record or other suitable means may be used.
3. Layout of all principal pumping stations, filter and chlorinating plants to show size, location and character of all major equipment, pipe lines, connections, valves and other equipment used.

**D. Meter Records.** Each water utility shall keep numerically arranged and properly classified records giving for each meter owned or used by the water utility for any

purpose, the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service, with date of installation and removal. These records shall be maintained in a manner such that the date of the last test is readily ascertainable.

**E. Preservation Of Records.** All records required by these rules shall be preserved by the water utility for a period of two (2) years unless otherwise designated herein or by the Division's Regulations Governing the Preservation of Records. Such records shall be kept within the State of Rhode Island at the office or offices of the water utility and shall be open at all reasonable hours for examination by the Division or its representatives.

**F. Reports To Division.** The water utility shall furnish to the Division, at such times and in such form as the Division may require, the results of any required costs and summaries of any required records. The water utility shall also furnish the Division with any information concerning the water utility's facilities or operations which the Division may request and need for determining rates or judging the practices of the water utility.

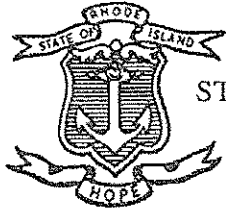
## **VIII. GENERAL**

**A. Safety Instructions.** Each water utility shall comply with all applicable State and Federal safety regulations.

**B. Resuscitation.** Each water utility periodically shall instruct its employees engaged in electrical work in the practice and use of accepted rules for resuscitation from electrical shock. Copies of such rules shall be furnished to each such employee.

Electrical work as used herein shall be construed to mean work on all live electric conductors and equipment.

- C. **Accidents.** Each water utility shall report to the Division as soon as possible after each accident occurring in connection with the operation of its property, facilities or service, wherein any person shall have been killed or admitted to a hospital, or whereby any property damage shall have been caused. The first report may be preliminary, but, if so, shall be followed later by as full a statement as possible of the cause and details of the accident and the precautions taken, if any, to prevent recurrence.
- D. **Division Inspection.** The Division will from time to time inspect the works and system of each water utility and the manner in which it has conformed to the rules and regulations herein contained.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island Division of  
Public Utilities and Carriers  
89 Jefferson Blvd.  
Warwick RI 02888  
(401) 941-4500

WATER UTILITIES' NOTIFICATION REQUIREMENTS OF SERVICE FAILURES

At the earliest practical moment following discovery, each company shall telephonically notice an employee of the Division of Public Utilities & Carriers (DPUC) of any leak or water incident that:

- (1) Leaves critical customers without water, such as hospitals, nursing homes, major industries and places of public assembly (150 + people)
- (2) Shuts down or significantly reduces pressure in a major transmission or distribution line affecting adequacy or quality of water supply
- (3) Impacts the water system causing public concern or
- (4) Causes service interruptions to fifty (50) or more dwellings in excess of two (2) hours.

NOTIFICATION SHALL BE GIVEN TO THE FIRST AVAILABLE PERSON OF THE DPUC IMMEDIATELY IN THE ORDER LISTED BELOW.

Between the hours of 8:30 A.M. and 4:00 P.M. on weekdays call the main number (401-941-4500) of the DPUC office.

After the normal business hours during weekdays, holidays and weekends, please contact the following persons at their residences.

If there is no response, continue to call every hour until contact is made with one of the listed DPUC employees. Do not leave a message on voice mail. When contacting the main DPUC number, dial "0" to speak with an operator in order to make contact with a DPUC employee.

|             | <u>NAME</u> <sup>1</sup> | <u>HOME</u> <sup>1</sup> | <u>OFFICE</u>  |
|-------------|--------------------------|--------------------------|----------------|
| (Primary)   | -----                    | -----                    | (401) 780-2122 |
| (Secondary) | -----                    | -----                    | (401) 780-2121 |
| (Tertiary)  | -----                    | -----                    | (401) 780-2120 |

<sup>1</sup> Copies of Appendix A with updated personal contact information included will be sent out on an as-needed basis