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**BEFORE THE COUNTY COUNCIL OF BERKELEY COUNTY, WEST VIRGINIA**

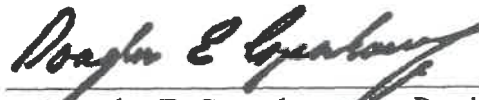
**IN RE: APPROVAL OF SEWER CAPACITY IMPROVEMENT FEES, RATES AND CHARGES ADOPTED BY A RESOLUTION OF THE BERKELEY COUNTY PUBLIC SERVICE SEWER DISTRICT ON MARCH 5, 2019**

Following a public workshop and a duly noticed public hearing with regard to the Berkeley County Public Service Sewer District's request that the Council approve the implementation of graduated sewer capacity improvement fees, in order to more fairly allocate the cost of increasing system capacity between ratepayers and developers, the Council gave due consideration to such request.

After vigorous questioning of the District's Board, Staff, Legal Counsel and Consulting Engineer, a motion to approve the requested imposition of the sewer capacity improvement fees, with a 4-phase implementation period (instead of the 2-phase implementation period proposed by the District) was made and seconded. Council voted 4 to 1 to approve the capacity improvement fees, to be implemented in 4 phases, with Council Member Dulyea being in dissent. Pursuant to W. Va. Code §16-13A-9, as amended, the sewer capacity improvement fees shall become effective 45 days from the date of approval set forth below.

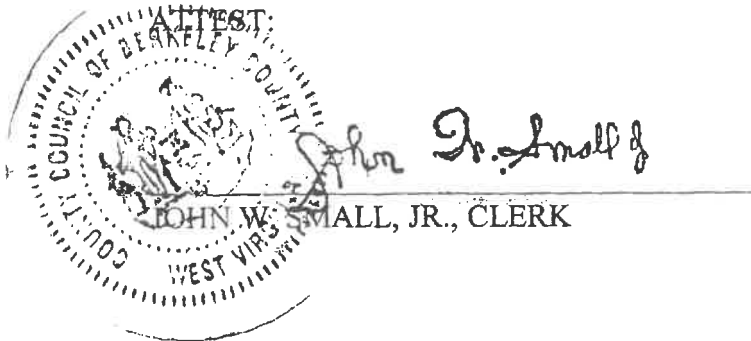
All of the above is ORDERED, ADJUDGED AND DECREED.

Entered and approved the 11<sup>th</sup> day of April 2019.



Douglas E. Copenhaver, Jr., President

Berkeley County  
John W Small Jr, Clerk  
Instrument 201900011161  
04/16/2019 @ 10:30:12 AM  
ORDER  
Book 1243 @ Page 659  
Pages Recorded 1



P.S.C. W. Va. No. 21  
Canceling P.S.C. W. Va. No. 20

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**BERKELEY COUNTY PUBLIC SERVICE SEWER DISTRICT**  
a public utility

of

MARTINSBURG, BERKELEY COUNTY, WEST VIRGINIA

RATES, RULES AND REGULATIONS FOR FURNISHING

**SEWERAGE AND SEWAGE DISPOSAL SERVICE**

in all areas served by the Berkeley County Public Service Sewer District

Filed with THE PUBLIC SERVICE COMMISSION  
of  
WEST VIRGINIA

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Issued April 11, 2019. Effective for all bills issued on or after \_\_\_\_\_, 2019,  
except as otherwise provided herein

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Issued by authority of the Berkeley County Public Service Sewer District  
under a Resolution dated February 19, 2019, and approved by the  
Berkeley County Council on April 11, 2019,  
pursuant to W. Va. Code §16-13A-9.

Issued by BERKELEY COUNTY PUBLIC SERVICE SEWER DISTRICT, a public utility:

By: *John C. Weber*  
Its: Chairman

Approved by the BERKELEY COUNTY COUNCIL, a political subdivision of the State of  
West Virginia:

By: *David E. Copeland* 4-11-19  
Its: President

RULES AND REGULATIONS

- I. Rules and Regulations for the Government of Sewerage Utilities, as applicable, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission.

SCHEDULE I

APPLICABILITY

Applicable to all customers served by the Berkeley County Public Service Sewer District other than customers formerly served by Sylvan Grove Waste Treatment, Inc.

- (N) Further applicable to all owners, tenants or occupants of any house, dwelling or building located near the sewer facilities and to whom sewer service is available; Provided that the service fees and charges shall not be billed until 30 days after the mailing of notice of sewer availability pursuant to the provisions of W. Va. Code §16-13A-9(d).

AVAILABILITY

Available for general domestic, commercial and industrial service.

RATES (Customers with metered water supply)

Service Charge:	\$13.17 per month
Usage Charge:	\$12.68 per 1,000 gallons

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

Equivalent of 3,900 gallons of water usage, or \$62.62 per month.

TAP FEE

The following charge is to be made whenever the utility installs a new tap to serve an applicant.

A tap fee of \$350.00 will be charged to customers applying for service outside of a certificate proceeding before the Commission for each new tap to the system.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

- (N) Indicates new

SCHEDULE I (Continued)

DISCONNECT/RECONNECT/ADMINISTRATIVE FEES

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement, a disconnection fee of \$20.00 will be charged; or, in the event the delinquent sewer bill is collected by the water company, an administrative fee of \$20.00 will be charged.

Whenever water service, which has been previously disconnected or otherwise withheld for nonpayment of a sewer bill, in conjunction with a water service termination agreement, is reconnected, a reconnection fee of \$20.00 shall be charged.

LEAK ADJUSTMENT

\$3.63 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such consumption above the customer's historical average usage.

RETURNED CHECK CHARGE

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

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average annual usage of the applicant's specific customer class, or fifty dollars, whichever is greater. This fee may be changed by applicable statutory provisions.

SCHEDULE II

APPLICABILITY

Applicable to all former customers of Sylvan Grove Waste Treatment, Inc.

- (N) Further applicable to all owners, tenants or occupants of any house, dwelling or building located near the sewer facilities and to whom sewer service is available; Provided that the service fees and charges not be billed until 30 days after the mailing of notice of sewer availability pursuant to the provisions of W. Va. Code §16-13A-9(d).

AVAILABILITY

Available for general domestic, commercial and industrial service.

RATES (Customers with metered water supply)

First	3,000 gallons per month:	\$13.43 per 1,000 gallons
Next	7,000 gallons per month:	\$ 11.71 per 1,000 gallons
All Over	10,000 gallons per month:	\$ 8.53 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than \$40.29 per month.

TAP FEE

The following charge is to be made whenever the utility installs a new tap to serve an applicant. A tap fee of \$250.00 will be charged to customers applying for service outside of a certificate proceeding before the Commission for each new tap to the system.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

(N) Indicates new

SCHEDULE II (Continued)

DISCONNECT/RECONNECT/ADMINISTRATIVE FEES

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement, a disconnection fee of \$20.00 will be charged; or, in the event the delinquent sewer bill is collected by the water company, an administrative fee of \$20.00 will be charged.

Whenever water service, which has been previously disconnected or otherwise withheld for nonpayment of a sewer bill, in conjunction with a water service termination agreement, is reconnected, a reconnection fee of \$20.00 shall be charged.

LEAK ADJUSTMENT

\$1.22 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such consumption above the customer's historical average usage.

RETURNED CHECK CHARGE

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

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average annual usage of the applicant's specific customer class, or fifty dollars, whichever is greater. This fee may be changed by applicable statutory provisions.

SCHEDULE III

SURFACE OR GROUNDWATER SURCHARGE

An additional amount shall be charged where surface or groundwater is introduced into the sanitary sewer system where evidence of a violation exists.

Surcharge formula to be applied in cases where surface drainage is connected to the utility's sewer system.

APPLICABILITY

Whenever the utility has discovered that a customer's roof drain, downspout, storm sewer or similar facilities that conduct surface water have been connected to the utility's sewer system, and such customer has failed to take appropriate action, within thirty (30) days of receipt of a demand by the utility in accordance with the Rules of the Public Service Commission, to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

$$S = A \times R \times .0006233 \times C$$

- S = A x R x .0006233 x C
- S = the surcharge in dollars
- A = the area under roof and/or the area of any other water collection surface connected to the sanitary sewer, in square feet
- R = the measured rainfall, in inches
- 0.0006233 = a conversion factor to change inches of rain x square feet of surface water to thousands of gallons of water
- C = the utility's approved rate per thousand gallons of metered water usage

The District shall not impose the surcharge unless and until the customer has been notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing or on-site inspection that rain or other surface water is being introduced into the sanitary sewer system at the customer's location, and that the customer has not acted within thirty (30) days from receipt of such notice to divert water from the sanitary sewer system.

Said surcharge shall be calculated and imposed for each month that the condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water service in accordance with the Rules and Regulations of the Public Service Commission of West Virginia.



SCHEDULE IV – Phase 1

(N) CAPACITY IMPROVEMENT FEES – Applicable to all new connections immediately from the effective date of this tariff. An applicant for sewer service shall pay to the Sewer District, at the time the applicant requests inspection of a sewer lateral, a Capacity Improvement Fee. The Capacity Improvement Fee for each applicant shall be determined by the size of meter installed in accordance with the schedule set forth below.

<u>Meter Size</u>	<u>Type</u>	<u>Factor</u>	<u>Capacity</u>
<u>Improvement Fee</u>			
5/8 inch	Positive Displacement	1	\$ 713.00
3/4 inch	Positive Displacement	1.5	\$ 1,070.00
1 inch	Positive Displacement	2.5	\$ 1,783.00
1.5 inch	Positive Displacement	5	\$ 3,565.00
2 inch	Positive Displacement	8	\$ 5,704.00
	Compound	8	\$ 5,704.00
	Turbine	8	\$ 5,704.00
3 inch	Compound	16	\$ 11,408.00
	Turbine	17.5	\$ 12,478.00
4 inch	Compound	25	\$ 17,825.00
	Turbine	31.5	\$ 22,460.00
	Fire Service	35	\$ 24,955.00
6 inch	Compound	50	\$ 35,650.00
	Turbine	70	\$ 49,910.00
	Fire Service	80	\$ 57,040.00

The Capacity Improvement Fee applies to combined (fire plus domestic) meters when no separate domestic-only meter is provided. A Capacity Improvement Fee does not apply to a meter dedicated solely for fire service.

Meters in excess of 6 inches will be individually evaluated by the Sewer District. The Sewer District reserves the right to specify meter size.

(N) Indicates new – All of “Schedule IV – Phase 1” is new

SCHEDULE IV – Phase 2

(N) CAPACITY IMPROVEMENT FEES – Applicable to all new connections 365 days from the effective date of this tariff. An applicant for sewer service shall pay to the Sewer District, at the time the applicant requests inspection of a sewer lateral, a Capacity Improvement Fee. The Capacity Improvement Fee for each applicant shall be determined by the size of meter installed in accordance with the schedule set forth below.

<u>Meter Size</u>	<u>Type</u>	<u>Factor</u>	<u>Capacity</u>
<u>Improvement Fee</u>			
5/8 inch	Positive Displacement	1	\$ 1,426.00
3/4 inch	Positive Displacement	1.5	\$ 2,139.00
1 inch	Positive Displacement	2.5	\$ 3,565.00
1.5 inch	Positive Displacement	5	\$ 7,130.00
2 inch	Positive Displacement	8	\$ 11,408.00
	Compound	8	\$ 11,408.00
	Turbine	8	\$ 11,408.00
3 inch	Compound	16	\$ 22,816.00
	Turbine	17.5	\$ 24,955.00
4 inch	Compound	25	\$ 35,650.00
	Turbine	31.5	\$ 44,919.00
	Fire Service	35	\$ 49,910.00
6 inch	Compound	50	\$ 71,300.00
	Turbine	70	\$ 99,820.00
	Fire Service	80	\$ 114,080.00

The Capacity Improvement Fee applies to combined (fire plus domestic) meters when no separate domestic-only meter is provided. A Capacity Improvement Fee does not apply to a meter dedicated solely for fire service.

Meters in excess of 6 inches will be individually evaluated by the Sewer District. The Sewer District reserves the right to specify meter size.

(N) Indicates new – All of “Schedule IV – Phase 1” is new

SCHEDULE IV – Phase 3

(N) CAPACITY IMPROVEMENT FEES – Applicable to all new connections 2 years from the effective date of this tariff. An applicant for sewer service shall pay to the Sewer District, at the time the applicant requests inspection of a sewer lateral, a Capacity Improvement Fee. The Capacity Improvement Fee for each applicant shall be determined by the size of meter installed in accordance with the schedule set forth below.

<u>Meter Size</u>	<u>Type</u>	<u>Factor</u>	<u>Capacity</u>
<u>Improvement Fee</u>			
5/8 inch	Positive Displacement	1	\$ 2,139.00
3/4 inch	Positive Displacement	1.5	\$ 3,208.00
1 inch	Positive Displacement	2.5	\$ 5,348.00
1.5 inch	Positive Displacement	5	\$ 10,695.00
2 inch	Positive Displacement	8	\$ 17,112.00
	Compound	8	\$ 17,112.00
	Turbine	8	\$ 17,112.00
3 inch	Compound	16	\$ 34,224.00
	Turbine	17.5	\$ 37,433.00
4 inch	Compound	25	\$ 53,475.00
	Turbine	31.5	\$ 67,379.00
	Fire Service	35	\$ 74,865.00
6 inch	Compound	50	\$ 106,950.00
	Turbine	70	\$ 149,730.00
	Fire Service	80	\$ 171,120.00

The Capacity Improvement Fee applies to combined (fire plus domestic) meters when no separate domestic-only meter is provided. A Capacity Improvement Fee does not apply to a meter dedicated solely for fire service.

Meters in excess of 6 inches will be individually evaluated by the Sewer District. The Sewer District reserves the right to specify meter size.

(N) Indicates new – All of “Schedule IV – Phase 1” is new

SCHEDULE IV – Phase 4

(N) CAPACITY IMPROVEMENT FEES – Applicable to all new connections 3 years from the effective date of this tariff. An applicant for sewer service shall pay to the Sewer District, at the time the applicant requests inspection of a sewer lateral, a Capacity Improvement Fee. The Capacity Improvement Fee for each applicant shall be determined by the size of meter installed in accordance with the schedule set forth below.

<u>Meter Size</u>	<u>Type</u>	<u>Factor</u>	<u>Capacity</u>
<u>Improvement Fee</u>			
5/8 inch	Positive Displacement	1	\$ 2,852.00
3/4 inch	Positive Displacement	1.5	\$ 4,278.00
1 inch	Positive Displacement	2.5	\$ 7,130.00
1.5 inch	Positive Displacement	5	\$ 14,260.00
2 inch	Positive Displacement	8	\$ 22,816.00
	Compound	8	\$ 22,816.00
	Turbine	8	\$ 22,816.00
3 inch	Compound	16	\$ 45,632.00
	Turbine	17.5	\$ 49,910.00
4 inch	Compound	25	\$ 71,300.00
	Turbine	31.5	\$ 89,838.00
	Fire Service	35	\$ 99,820.00
6 inch	Compound	50	\$ 142,600.00
	Turbine	70	\$ 199,640.00
	Fire Service	80	\$ 228,160.00

The Capacity Improvement Fee applies to combined (fire plus domestic) meters when no separate domestic-only meter is provided. A Capacity Improvement Fees does not apply to a meter dedicated solely for fire service.

Meters in excess of 6 inches will be individually evaluated by the Sewer District. The Sewer District reserves the right to specify meter size.

(N) Indicates new – All of “Schedule IV – Phase 2” is new