

Rate Schedule Changes to Specify New Denial of Access and Theft of Services Charges

Additional Language to WB Rate Schedule

Part IV – Miscellaneous Fees and Charges

Section 2. Charges for Denial of Access and Theft of Service

A. Charges for Denial of Access

In order to ensure the accuracy of charges rendered for services received and ensure all Customers are billed appropriately and in proportion to other Customers in accordance with this Rate Schedule, DEP may require access to a premises receiving water and/or sewer services to obtain regularly scheduled meter readings or on demand for cause to install or upgrade a meter, remote reading device or other meter appurtenance, or to inspect, test, repair or replace meters or remote meter reading devices that may be malfunctioning, not registering, missing or whose condition or reliability appears to be uncertain or to inspect the water and sewer system at the premises served. It shall be the Customer's responsibility as a condition of service to provide and/or facilitate access to a premises served when required by DEP or an agent of DEP at a time and in a manner acceptable to DEP. If a Customer fails to provide and/or facilitate access, Denial of Access charges shall be imposed as set forth herein.

1. Denial of Access Notice Procedure

If a Customer fails to provide and/or facilitate access as required by DEP, DEP may issue a first written notice to the Customer which requires the Customer to provide and/or facilitate access to DEP within a fixed period of time as indicated in such notice. This first written notice shall be sent by regular mail to the Customer and any party registered to receive third party notification or copies of quarterly bills or delinquency notices. If access has not been provided and/or facilitated by the expiration date set forth in the first written notice, the account will be subject to the imposition of a non-refundable Denial of Access Account Administration Fee for failure to provide and/or facilitate access.

The owner will be notified of the imposition of the Denial of Access Account Administration Fee through the issuance of a second written notice which will cite the charge and shall require that the Customer provide

and/or facilitate access to the premises to DEP within an additional fixed period of time. If a Customer fails to provide and/or facilitate access by the expiration date set forth in the second written notice, the account will be subject to the imposition of Attributed Consumption Charges based on the applicable building class of the property for which the Customer has failed to provide and/or facilitate access.

The bill containing Attributed Consumption Charges will be sent by regular mail to the Customer and shall include a third written notice which again will require the Customer to provide and/or facilitate access to the premises to DEP within a fixed period of time. The third written notice will advise the Customer that if access is not provided and/or facilitated by the expiration date set forth in this third notice, the account will be subject to any and all enforcement options available to DEP by property class, including but not limited to sale of the lien for unpaid charges and the issuance of a 15-day Notice of Termination of Services to the premises for failure to provide and/or facilitate access to the premises pursuant to the Board's Regulation Number 3 - Discontinuance of Water and/or Wastewater Services for Denial of Access.

2. Denial of Access Charges

- a. **Account Administration Fee**
DEP shall impose a Denial of Access Account Administration Fee of \$250 in each case where a Customer fails to provide and/or facilitate access in response to a first written notice requiring a Customer to provide and/or facilitate access to a premises served.
- b. **Attributed Consumption Charges**
If a Customer fails to provide and/or facilitate access to a premises in response to a second written notice by DEP requiring access, DEP shall, in addition to the Denial of Access Account Administration Fee, impose Attributed Consumption Charges, in accordance with the schedule set forth in Section C. Attributed Consumption Charges, below.

B. Charges Imposed for Theft of Services

Where a Determination of Theft of Services has been made by DEP pursuant to the Board's Regulation Number 4 - Theft of Services, DEP shall impose a Theft of Services Account Administration Fee and Attributed Consumption Charges on the account.

1. Theft of Services - Account Administration Fee

DEP shall impose a Theft of Services Account Administration Fee of \$650 in each case where DEP has issued a Determination of Theft of Services pursuant to Board Regulation Number 4 - Theft of Services.

2. Attributed Consumption Charges

In addition to the Theft of Services Account Administration Fee, DEP shall impose Attributed Consumption Charges to the account in accordance with the schedule set forth in Section C. Attributed Consumption Charges, below based on the building's usage for which DEP has issued a Determination of Theft of Services. The account's charges will be adjusted for the maximum retroactive period from the date of DEP's determination as authorized pursuant to Part V. Section 6. Back Billing Limits of the Rate Schedule. The Attributed Consumption Charges will continue until the Theft of Services Cease and Desist Order is complied with as confirmed by DEP inspection. The Attributed Consumption Charges may be limited by DEP to a lesser period than the maximum, if DEP reasonably determines that the theft of services commenced on a later date than the maximum authorized back bill period.

C. Attributed Consumption Charge - Consumption Rates

The Attributed Consumption Charge when imposed for Denial of Access or Theft of Services will be based on the building's predominant usage as set forth below:

1. Fully or Predominately Residential Buildings

A predominately residential building means a building where DEP has reasonably determined that 50% or more of the water consumption is residential in nature. In cases where DEP has determined that the consumption at the property is fully or predominately residential, attributed consumption charges will be based on an annual consumption rate of 200,000 gallons per year for the first residential unit and 170,000 gallons per year per unit for each additional unit after the first unit. In predominately residential buildings, DEP may assign a residential unit equivalency or equivalencies for the commercial units at the premises in calculating the building's total units.

2. Fully or Predominately Non-Residential Buildings

In cases where DEP has determined that the consumption at the property is fully or predominately non-residential, attributed consumption charges will be based on the size of the meter installed at the premises, or if there is no meter installed, the rate will be based on the size of the meter that DEP would require to be installed on the service line. If neither the meter nor the service line size is known to DEP, DEP may estimate the service line size most likely to be installed based on the size and usage of the premises.

Meter Size Annual Attributed Consumption Rate (Gallons per Year)

5/8" and less	400,000
3/4" or more and less than 1.5"	1,000,000
1.5" or more and less than 3"	3,000,000
3" or more and less than 4"	5,000,000
4" or more and less than 6"	10,000,000
6" or more and Less than 8"	25,000,000
8" or more and less than 10"	50,000,000
10" or greater	200,000,000

3. A premises that is connected or required to be connected to the sewer system, shall be subject to the sewer charges imposed pursuant to Part III of the Rate Schedule on any attributed water consumption.
4. Nothing contained herein shall limit DEP's ability to bill the account on a consumption rate that is higher than the Attributed Consumption Charges, as otherwise authorized by the Rate Schedule.

D. Payment Enforcement

All fees and charges issued pursuant to this Section will be due and payable thirty (30) days from the date the fee or charge is imposed. Unpaid fees or charges will subject the account and property to any and all enforcement options for non-payment available to DEP by property class, including but not limited to interest charges on unpaid amounts, sale of the lien and termination of service in accordance with Regulation Number 2 – Discontinuance of Water and/or Sewer Service Because of Non-Payment.

Part VII – Use of Meters

Section 3. Use of Average Daily Flow

(add to end of paragraph) “, provided however that accounts subjected to Attributed Consumption Charges may be billed in accordance with Part IV - Section 2. Charges for Denial of Access and Theft of Service.

Section 4. Estimated Bills

(add to end of First Sentence) “, provided however that accounts subjected to Attributed Consumption Charges may be billed in accordance with Part IV - Section 2. Charges for Denial of Access and Theft of Service.