

NOVA SCOTIA UTILITY AND REVIEW BOARD**IN THE MATTER OF THE PUBLIC UTILITIES ACT**

- and -

IN THE MATTER OF AN APPLICATION of the **NEW MINAS WATER COMMISSION**, on behalf of its Water Utility, for Approval of Amendments to its Schedule of Rules and Regulations

BEFORE:

Roberta J. Clarke, Q.C., Member

ORDER

The current Schedule of Rules and Regulations Governing the Supply of Water and Water Services provided by the New Minas Water Commission was approved by the Board in an Order dated March 28, 2008, effective April 1, 2008.

On August 26, 2021, the New Minas Water Commission, applied to the Board for approval to amend its Water Utility's Schedule of Rules and Regulations to add Regulation 26, to include the following:

WATER CONSERVATION DIRECTIVE

1. The Commission may implement water conservation measures, if in the opinion of the Commission, such measures will permit the Commission to provide a reliable, continuous water supply to all customers serviced by the Commission.
2. During such times as water conservation measures referred to in subsection (1) are implemented, customers who do not comply with such measures may have their water service suspended during such period as the Commission's water conservation measures are in place.
3. The cost of turning on a water service suspended pursuant to subsection (2) will be the responsibility of the customer, as outlined in the approved Schedule of Rules and Regulations for the utility.

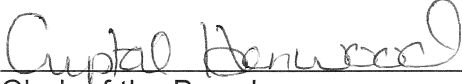
The application also requested Board approval to amend the wording of three existing Regulations: Regulation 4 (Deposits) to remove "to him"; Regulation 9 (Adjustment of Bills) to replace "his" with "their"; and Regulation 15 (Restrictions and Privileges), to replace "him" with "by the consumer".

The Board has reviewed the application and is satisfied that the proposed addition of Regulation 26, and the proposed amendments to Regulations 4, 9 and 15, should be approved.

The Board approves the amendments to the Schedule of Rules and Regulations, attached hereto as Schedule "C" effective September 8, 2021.

The Board directs the New Minas Water Commission to notify its Water Utility customers of the addition of the Water Conservation Directive Regulation in their next water bill, and through the Commission's website and social media.

DATED at Halifax, Nova Scotia, this 8th day of September, 2021.


Clerk of the Board

SCHEDULE "C"
NEW MINAS WATER COMMISSION



RULES & REGULATIONS
GOVERNING THE SUPPLY OF WATER AND WATER SERVICES
BY NEW MINAS WATER COMMISSION

(Effective September 8, 2021)

1. In these Rules and Regulations, unless the context otherwise requires:

- (a) the expression "Commission" or "Utility" shall mean the New Minas Water Commission;
- (b) the expression "Secretary" shall mean the secretary of the New Minas Water Commission;
- (c) the expression "Consumer" shall mean the owner, occupier, or tenant of any space or area, including but not limited to a dwelling house, apartment, flat, shop, office, hotel, store or warehouse, etc., which is equipped with one or more fixtures for rendering water service separate and distinct from other consumers.

2. CONTRACTS

No water service shall be furnished until a regular application form has been signed by the prospective consumer.

3. LIFE OF CONTRACTS

Standard contracts shall be for a period of one year and shall be self-renewing from year to year, expiring on one month's written notice by either party.

4. DEPOSITS

When required, each applicant for service, other than the owner of the premises sought to be connected, shall deposit with the Secretary a sum equivalent to approximately three months water rates for such premises. The deposit is to be held by the Utility as collateral security for the payment of the bills for water service rendered by the Utility. When the consumer ceases to use the service and has paid all bills, the deposit is to be returned with interest at the rate of 8% per annum, or the deposit may be returned, at the discretion of the Utility, at any time.

5. BILLING

Bills shall be rendered quarterly for meter rate and fixture rate service, provided that bills to metered service customers whose average consumption exceeded 50,000 gallons per month in the preceding 12 months, may be billed monthly. All bills shall be payable when mailed by the Utility to the consumer and shall be paid within thirty (30) days after the date shown on the bill. If the contract is entered into or terminated at any time other than a regular billing date, the amount to be charged to the consumer shall be the pro-rata proportion to the next month of the regular base charge for the billing period, plus the consumption charge, if any.

6. PAYMENT OF BILLS

Bills are due within 30 days of the date rendered as shown on the bill. When payment is made after 30 days from the date rendered as shown on the bill, an interest charge of 1.5% per month, or part thereof, will be applied to the amount in arrears.

7. ESTIMATING WATER METER READINGS

In the case of metered service customers who are billed quarterly, meters shall be read in at least

two of the four quarters; normally, the second and fourth; and subject to Regulation 8, each billing for these quarters shall be based upon the meter reading with adjustment for any earlier estimated reading. The Commission may, at its option, estimate the reading in the alternate quarters based on the actual consumption in the previous quarter. In the case of metered service customers who are billed monthly, meters shall be read monthly.

8. ESTIMATED READING FOR BILLING PURPOSES

If the Commission is unable to obtain any meter reading required for billing purposes, after exercising due diligence in the usual practice for meter reading, the bill for that service shall be estimated in accordance with the best data available, subject, however, to the provision that in no circumstances will an estimated reading be used for more than three consecutive billing periods. The Commission shall notify the customer by registered mail that arrangements must be made for the Commission to obtain a reading and failing such arrangements, the Commission may suspend service until such arrangements are made. When the meter reading has been obtained, the previous bill or bills shall be adjusted accordingly.

9. ADJUSTMENT OF BILLS

Any consumer desiring to question their bill must do so in writing to the Administrator within the thirty day period allowed for payment of bills

10. SUSPENSION OF SERVICES FOR NON-PAYMENT OF BILLS

The Utility shall have the right to enter into customer's premises within reasonable hours to suspend service to customers whose bills remain unpaid for more than forty days after date rendered. The customer shall pay the sum of \$25.00 for reconnection after each suspension. Such connection shall not be made until all arrears are paid. If, after final notification of shut off is given, field staff visit the customer's premises with shut off orders and effect payment of all arrears the same or following business day, a charge of \$25.00 shall be levied against the subject customer's account

11. RESUMPTION OF SERVICE

In all cases where water has been turned off at the request of the consumer for non-payment of bills, or for any other reason, it shall not be turned on again until the sum of \$10.00 has been paid to the Secretary, together with all arrears of water rates.

12. SERVICE CONNECTIONS

When application has been made in due form for a water service connection on a street in which a water main is laid, the Utility shall install a service pipe from the water main to the street line. All such pipes shall be 5/8" or 3/4" in diameter, unless the Utility deems a larger size necessary or desirable or if the consumer desires a larger size. If a service of larger size is installed, the consumer shall pay the difference between the 3/4" size and the cost of the larger size.

13. SPRINKLER SYSTEM

In the case of a larger service pipe being required for sprinkler systems or other means of fire protection, the Utility shall, in the same manner as in the preceding paragraph, provide and lay the same from the main to the street line and be responsible for the upkeep.

14. SEASON FOR LAYING MAINS

The Utility shall not be required to lay any service pipe at any season of the year which, in the opinion of the Secretary, is not suitable for the performance of the work.

15. RESTRICTIONS AND PRIVILEGES

No consumer shall supply or permit water to be supplied from any of the fixtures installed in the premises owned or occupied by the consumer to any other premises without the approval of the Utility.

16. IMPROPER USE OF WATER

No consumer shall permit the improper use or waste of water.

17. INSTALLATION OF WATER PIPES IN PREMISES

Every water pipe or fixture hereafter installed in any premises shall be placed as far as possible from any external wall so as not to be exposed to the action of frost or to other injury, and generally shall be installed to the satisfaction of the Utility.

18. METER SERVICE

The Utility shall have the right to meter all services. All meters shall be the property of the Utility.

19. ACCESS TO CUSTOMER'S PREMISES

Representatives of the Utility shall have right of access to all parts of a customer's property or premises at all reasonable hours for the purpose of inspecting any water pipes or fittings, or appliances, or discontinuing service, or for the purpose of installing, removing, repairing, reading, or inspecting meters. The Utility shall have the right to suspend service to any customer who refuses such access.

20. FROST-PROOF BOX

When the premises of a customer are of such nature that a meter cannot be properly installed, or if the premises are not sufficiently frost-proof to guarantee the safety of the meter, the Utility may order the construction of a suitable frost-proof box in which the meter can be installed, the cost of same to be billed to the owner of the premises.

21. METER TESTING

Meters shall be tested by the Utility upon the request of a consumer. If the test shall establish the accuracy to be within 3% either way, the consumer shall pay the Utility the expense of making such test. If the test shall establish there is an error greater than 3% either way, the Utility shall bear all the costs of making the test.

22. INSTALLATION OF METERS

Meters shall be installed and removed only by employees of the Utility and no other person shall install, alter, change, or remove a meter without the written permission of the Utility. The connections for such meters shall be installed to the approval of and without expense to the Utility.

23. DAMAGE TO METERS

Where any damage is caused to a meter by the negligence of the consumer, the same shall be paid for by the consumer.

24. EXTENSIONS

Upon request of the owner of any property situated on any street or highway in which no water main has been laid, for the extension of the water service thereto, such extension shall be subject to payment of a capital contribution by or on behalf of the owner of the property.

The amount of the capital contribution shall be calculated as the total capital cost, less the portion thereof (a) attributable to public fire protection;

- (b) supported by municipal services and other grants; and
- (c) shall be calculated as eight times the estimated revenue from service supplied through the extension during the first year of operation.

Where more than one owner will be served by the extension, the capital contribution shall be apportioned equally between them.

The capital contribution shall be refundable to the extent that revenues in subsequent years increase above the initial estimate of first year revenues. Calculation of refunds shall be made annually up to and including the fifth year of operation of the extension. The refund shall be calculated as eight times the excess of the revenue derived from metered service supplied through the extension during the current year over the corresponding revenue for the previous year or, in the case of the first year's review, over the initial estimate of annual revenue. In no case, however, shall the sum of the refunds exceed the initial capital contribution.

Where there is more than one owner, the refunds shall be apportioned between all the owners or their assigns, in proportion to the capital contribution of each owner.

25. BACK-FLOW PREVENTERS

When any customer's water system includes a pump or other device capable of producing pressures on the system, the customer will install a back-flow preventer valve. All costs so incurred initially and for maintenance will be the responsibility of the customer.

26. WATER CONSERVATION DIRECTIVE

1. The Commission may implement water conservation measures, if in the opinion of the Commission, such measures will permit the Commission to provide a reliable, continuous water supply to all customers serviced by the Commission.
2. During such times as water conservation measures referred to in subsection (1) are implemented, customers who do not comply with such measures may have their water service suspended during such period as the Commission's water conservation measures are in place.
3. The cost of turning on a water service suspended pursuant to subsection (2) will be the responsibility of the customer, as outlined in the approved Schedule of Rules and Regulations for the utility.