

PSC NO: 1 - WATER **LEAF: 1**
COMPANY: The Orchards of Hurleyville Homeowners Association, Inc. **REVISION: 1**
INITIAL EFFECTIVE DATE: NOVEMBER 1, 2022 **SUPERSEDING REVISION: 0**
Issued in compliance with Order in Case No. 22-W-0229, dated October 14, 2022.

COVER SHEET

PSC NO. 1 – WATER

THE ORCHARDS OF HURLEYVILLE HOMEOWNERS ASSOCIATION, INC.

SCHEDULE
FOR
WATER SERVICE
APPLICABLE
IN

THE ORCHARDS OF HURLEYVILLE DEVELOPMENT
TOWN OF FALLSBURG, SULLIVAN COUNTY

For detailed description of Territory, see General Information Leaf No. 3, Paragraph 1.

(Note: It will not be necessary to replace this title page in case at a later date the schedule is made to apply to additional territory or area.)

Subsequent changes will be effective as shown on individual leaves.

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(Name of Officer, Title, Address)

PSC NO: 1 - WATER **LEAF: 2**
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GENERAL INFORMATION

1. Territory (County, Town Development, Streets, etc.) –

The Orchards of Hurleyville Development - 189 Labaugh Rd, Hurleyville, NY 12747

2. Application for Water Service

- A. Applicant must be a member of The Orchards of Hurleyville Homeowners Association, Inc.
- B. Written application for service may be required.
- C. A separate application may be required for each premise.
- D. Premises may be subject to inspection by the Association.
- E. Applications need not be accepted from customers with charges due on any water accounts with the Association. The Association must accept an application if the customer enters into a deferred payment agreement.
- F. Service pipe installations are subject to Association approval.

3. Deposits – Security

- A. As a condition of receiving service, the Association may require a deposit from customers that are delinquent (having a bill remaining unpaid 23 days from the date mailed), seasonal, short term or temporary or who have had service terminated for non-payment during the preceding 6 months. In addition, a deposit may also be required from a non-residential customer whose credit has not been established with the Association. A delinquent customer shall be provided with a written notice 20 days before the deposit is assessed which states that failure to make timely payments will permit the Association to require a deposit from such customer.
- B. Deposits from applicants and customers may not exceed two times the estimated average monthly bill for a calendar year, except in the case of customers whose usage varies widely where deposits may not exceed twice the average monthly bill for the peak season.
- C. The Association shall perform an annual review of the billing history of every customer who has a deposit with the Association to assure that a deposit is still required under (3A) above and that the amount of the deposit conforms with (3B) above. The Association reserves the right to review the deposit at any time. If a review shows that the deposit held falls short of the amount the Association may require by 25 percent or more, the Association may require the payment of an additional amount. If a review shows that the deposit held exceeds the amount required by 25 percent or more, the Association shall refund the excess to the customer. The customer may request a downward revision of the deposit.

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GENERAL INFORMATION

4. Deposits – Interest

Every deposit shall earn simple interest at the rate per annum prescribed by the Public Service Commission. The interest must be paid to customers when the deposit is returned. If the deposit has been held for 12 consecutive months or more, the interest must be credited to the customer no later than the first bill rendered after the next succeeding first day of October and at the end of each succeeding 12 month period.

5. Deposits – Return

- A. The Association shall return to a customer a deposit or portion of a deposit and all interest thereon no more than 30 days after:
- (1) the day the account is closed and all bills are paid; or
 - (2) the date of the first bill for service rendered after a 12 month period during which time the customer was not delinquent, provided there is no other basis for the Association to request a deposit; or
 - (3) a review of the deposit shows that a reduction of the deposit is warranted.
- B. A deposit or portion of a deposit plus interest thereon that is subject to return may be credited to the customer's account in the amount of any outstanding charges. If any balance remains, a refund check shall be issued.

6. Deposits – Other

- A. In the event that the applicant desires service for a trailer or other non-permanent structure, he shall deposit with the Association all costs of the connection of such service. Said deposit shall bear simple interest as required above and shall be refunded at the end of 10 years, or sooner in the event that a permanent structure for such service connection is completed.
- B. The Association may also require deposits from customers to guarantee future payments as set forth in lawn sprinkler, main extension, or other forms of contracts which are in a form approved by the Public Service Commission. The interest rates for these deposits will be the same as the interest rates for security deposits and such interest will be credited to the customer as prescribed by Commission rules.

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GENERAL INFORMATION

7. General Rules

- A. Customers must provide 10 days' written notice prior to the date on which termination of service is requested or prior to a change of occupancy, until which date the customer will be responsible for payment of service.
- B. Fire hydrants shall not be used without the written permission of the Association or unless in conformance with filed fire protection tariff provisions.
- C. The Association will not be liable for damage resulting from the presence of its facilities, supply, or use of water service, except damage resulting from gross negligence of the Association.
- D. The Association may shut off water in its mains to make repairs and extensions. Where possible, proper advance notice will be made to customers affected.
- E. The use of water for sprinkling, swimming pools, or other less essential uses may be restricted or prohibited where such use may unreasonably reduce the adequacy of service for other domestic purposes.
- F. There must be a separate service for each premise.
- G. Installation of service pipes and mains will not normally be made when the ground is frozen.
- H. The customer is responsible for service pipes and plumbing within the property line. Any plumbing work done on the customer's service pipe is subject to approval by the Association. No underground work shall be covered up until it has been inspected and approved by the Association.
- I. All leaks on customer premises or the customer portion of the service pipe must be repaired as soon as possible.
- J. All mains, services (up to the property line) and other water system facilities will be maintained and replaced by the Association.
- K. The Association will supply water in the distribution system at pressures between 20 and 100 pounds per square inch (psi) and will strive, where practicable, to maintain a normal working pressure of 60 psi with a minimum of 35 psi. If the Association makes changes to its system which cause the pressure to increase to over 100 psi to existing customers, the Association will be responsible for the first installation of the necessary equipment in the customer's premises. From that point on the equipment will be considered part of the customer's internal plumbing and the customer will be responsible for its maintenance or replacement. If a water pressure reducing valve, in the customer's or applicant's opinion, is necessary or desired to safeguard the plumbing, it is the customer's or applicant's responsibility to purchase, install and maintain this equipment. Where a pressure reducing valve is used it is also advisable to install a suitable pressure relief valve. All installations will comply with the local building codes and standards and are considered a part of the customer's internal plumbing.

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- L. Where an applicant is seeking service at an elevation or gradient which could not otherwise be adequately serviced by existing plant, the Association will require that the applicant bear the additional cost of providing such extraordinary service, or in the alternative, require the applicant to purchase, install and maintain the necessary special equipment, such as a hydro-pneumatic system, needed to serve the premises. The installation of a hydro-pneumatic system as part of the customer's internal plumbing may be subject to approval of the Health Department and should comply with local building codes and standards.
 - M. Cross connections to water sources other than the Association's or with other facilities are strictly prohibited. Customers must, at their expense, install and maintain such backflow prevention devices as may be required by the Association in accordance with good water works practice or applicable laws or regulations.
 - N. Customers must permit Association representatives to enter their premises on reasonable request for purposes relating to the operation and maintenance of the Association's system, including inspection of the customer's and the Association's facilities, installation, reading, testing, replacement and removal of meters, and terminating and restoring service.
 - O. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, block access to or tamper with any pipe, valve, meter, structure, appurtenance or equipment which is a part of the water works system.
8. Metered Service (if applicable and provided for in Service Class No. ____ or Nos. ____)
- A. A meter of a type approved by the Commission is required for each premise.
 - B. The Association will furnish, install, and maintain the meter. Unless the meter register is set at zero, the Association shall attach a tag with the date and meter dial reading at the time of installation.
 - C. The customer will provide a location for the meter acceptable to the Association and will be responsible for the cost of repairing damage resulting from human interference, frost, backflow of hot water, or other such causes.
 - D. Where the Association agrees it is necessary to set a meter outside the building, it shall be installed at the expense of the customer in a pit acceptable to the Association which is both water-tight and frostproof. The cover of the pit shall be fastened with a convenient locking device. Where the distance from the property line to the front wall of the building is greater than 75 feet, the Association may require that the meter be set in a pit at or near the property line. If the pit is to be installed on property not owned or controlled by the customer, written consent of the owner of the property shall be obtained prior to the installation.

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- E. The Association reserves the right to remove, test, and replace the meter.
 - F. The Association shall afford the customer an opportunity to verify the final reading of any water meter removed from the premises and obtain the customer's signature on a meter removal card which shows the date removed and the reading.
 - G. Meters will be tested in conformance with rules of the Public Service Commission. In the case of a disputed account involving the accuracy of the meter, the Association will have the meter tested upon the request of the customer. Should the customer request to have a second meter test within 1 year, the customer will be responsible for the actual cost incurred to have the meter tested including the cost to remove the meter, payable in advance to the Association. This fee will be refunded if the meter's final weighted average is found to register in excess of 100 percent. Adjustments in bills for over-registration of the meter will be made in accordance with the current rules of the Public Service Commission.
 - H. Bills will show meter readings and the dates read.
 - I. Bills will be reasonably estimated where a meter has been inaccessible and will be so indicated on the bill.
 - J. Where a meter has ceased to register or its percentage of accuracy cannot be determined, an estimated bill for the current period may be rendered. For all other periods the bill shall be the minimum applicable charge.
9. Unmetered Service (if applicable and provided for in Service Class No. ____ or Nos. ____)
- All applicable provisions of this tariff shall apply.
10. Extension of Mains
- Mains will be extended in conformance with Commission Rules and Regulations found in 16 NYCRR, Part 501.
11. Discontinuance of Service – Non –Payment
- Service may be discontinued under the following provisions: for non-payment of any amount due for water supplied, for failure to make any payment due under a deferred payment agreement or for meter repairs (see Section 8C), for failure to post a required deposit or for failure to pay any fee or charge accruing under the contract or tariff.

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- A. A bill not paid within 23 days of mailing is considered delinquent, and the Association may discontinue service after complying with 16 NYCRR, Part 533 which requires: (1) 15 days written notice if served personally, or (2) 15 days after a registered letter containing such notice has been signed or refused, or (3) 18 days after mailing written notice in a post-paid wrapper. Service will not be re-established until payment of all proper arrears, charges and deposits is made or a deferred payment agreement is entered into. Receipt of a subsequently dishonored negotiable instrument in response to a notice of discontinuance shall not constitute payment of the customer's account and the Association shall not be required to issue additional notice prior to discontinuance. There will be a charge for processing all returned checks equal to the bank charge plus a handling fee of \$5.00 (not to exceed the maximum allowed by Section 5-328 of General Obligations Law).
- B. The Association will not discontinue service to residential premises for non-payment of bills on a Friday, Saturday, Sunday, public holiday (as defined in General Construction Law), or on a day on which the utility's main office is closed. Discontinuance can only take place from Monday to Thursday between the hours of 8 a.m. and 4 p.m.
- C. The Association will not discontinue service for non-payment of bills to any person or entity receiving public assistance if the payment for such service is to be paid directly by the Department of Social Services or by the local Social Services representatives.

12. Discontinuance of Service – Other

- A. Service rendered under any application, contract or agreement may be discontinued by the Association after reasonable notice for any of the following reasons:
 - (1) For willful or indifferent waste of water due to any cause or for non-authorized use of water.
 - (2) For failure to protect from damage the meter and connection, or for failure to protect and maintain the service pipe or fixtures on the property of the customer in a condition satisfactory to the Association.
 - (3) For tampering with any meter, connections, service pipe, curb cock, seal or any other appliance of the Association controlling or regulating the customer's water supply.
 - (4) For failure to provide the Association's employees reasonable access to the premises supplied, or for obstructing the way of ingress to the meter or any other appliances controlling or regulating the customer's water supply.
 - (5) In case of vacancy of the premises.

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- (6) For cross connections.
- (7) For submetering or reselling water.
- (8) For non-compliance with water usage restrictions.
- (9) For violation of any rule or regulation of the Association as filed with the Public Service Commission, provided such violation affects the reliability or integrity of the water system.
- B. Written notice of discontinuance of service shall contain the information required by 16 NYCRR Section 533.3 and will be given except in those instances where a public health hazard exists.
- C. The Association may, at any time, temporarily discontinue water service in case of accident, or for the purpose of making connections, alterations, repairs, changes, etc.
- D. Except as stated in the preceding paragraph, or in the case of a violation that threatens the integrity of the water system, the Association shall not discontinue service to any customer on a Friday, Saturday, Sunday, Public Holiday or on a day when the Association is not open for business. Public Holiday shall refer to those holidays defined in the General Construction Law.

13. Discontinuance of Residential Service – Special Procedures

If termination of service would result in serious impairment to health and safety, the Association must delay the termination of service or, if service has already been terminated, must restore service, for thirty days under the following conditions.

- A. all occupants are either blind, disabled, 62 years of age or older or 18 years of age or under;
- B. a medical emergency exists; or
- C. if heating would be affected between November 1 and April 1.

It is the customer's responsibility to notify the Association that such conditions exist and to provide any required documentation. The Association may require that the customer make appropriate arrangements to pay any arrears as well as pay current bills.

14. Deferred Payment Agreements

In addition to those circumstances in Section 13, the Association will consider granting customers reasonable payment terms in cases where a customer is threatened with termination of service, or where the Association has issued a backbill to a customer. Any such agreement may require the customer to make a reasonable down payment, and to pay bills when issued.

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15. Complaint Handling Procedures

- A. The Association will promptly investigate and evaluate all complaints received from customers regarding bills for service rendered or required deposits. The results of the Association's findings will be reported to the customer. During the period of investigation and evaluation, service will not be discontinued, nor shall a new notice of termination be issued, provided, however, that the customer will be required to pay the undisputed portion of any balance due, which may include for current usage.
- B. After the completion of such an investigation, if the Association determines that the disputed service has been rendered, or that the disputed charge or deposit is proper in whole or in part, the Association may require that the full bill or deposit be paid. Appropriate notices of the determination shall be given to the customer, and where notice of discontinuance of service was previously sent, or is served with the determination, such notice shall include a statement advising the customer of the availability of the Commission's complaint handling procedures, including the address and telephone number of the Department's Consumer Services Division. Where prior notice of discontinuance was sent, Association procedure provides for discontinuance of service if customer fails to pay the proper amount due and owing within 5 days after notice of the Association determination was served personally on the customer or at least 8 days after mailing of the notice. Under no circumstances will discontinuance of service occur if so precluded by the Commission.
- C. In situations where the complaint procedures of the Commission have been invoked and it is determined that the disputed service has been rendered or that the disputed charge or deposit is proper and prior notice of discontinuance was sent, a customer's service will not be discontinued for failure to pay the amount found due and owing until at least 5 days after notice of the Commission's determination, where personal service is made, or at least 8 days after mailing of such a notice.

16. Restoration of Service

A charge will be made to restore service after discontinuance at the customer's request, for non-payment or for violation of these rules.

This charge or charges will be at a rate agreed upon by the members of the Association and will appear on all written notices or discontinuance of service. Any member has the right to request that the Department of Public Service investigate the charges.

In a case where service is being restored after discontinuance for non-payment, the Association may require full payment of all arrears as well as the restoration of service charge. If the Association and the member have entered into some form of payment agreement the agreed upon down payment may be required before service will be restored.

If it becomes necessary to disconnect service at the main because of willful acts of a member, the service restoration charge will include the actual costs incurred by the Association to disconnect and reconnect the service.

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17. Interest on Customer Overpayments

The Association will provide interest on a customer overpayment as follows:

- A. A customer overpayment is defined as payment by the customer to the Association in excess of the correct charge for water service supplied to the customer which was caused by erroneous billing by the utility.
- B. The rate of interest on such amounts shall be the greater of the unadjusted customer deposit rate or the applicable late payment rate, if any, for the service classification under which the customer was billed. Interest shall be paid from the date when the customer overpayment was made, adjusted for any changes in the deposit rate or late payment rate, and compounded monthly, until the date when the overpayment was refunded.
- C. The Association will not pay interest on customer overpayments that are refunded within 30 days after such overpayment is received by the Association.

18. Regulation

All matters, rules and other situations concerning the rendering of water service which are not specifically covered herein or in a provision of the New York State Codes, Rules and Regulations and which are subject to the jurisdiction of the Public Service Commission, and for which a customer and the Association cannot agree as to an equitable and fair solution will be referred to said Commission to be resolved. Either the customer or the Association may request that a rule or provision of this tariff be changed for a particular situation.

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SERVICE CLASSIFICATION NO. 1

Applicable to use of Service for:

Residential, small commercial and general use.

Character of Service

Continuous.

Rate

Actual capital, operating, and maintenance costs are assessed equally among association members, as incurred.

Customers have the right at any time to request the Public Service Commission to investigate the charges being made for water service.

Terms of Payment

Bills shall be rendered annually in arrears and are due and payable upon receipt. Bills not paid within 23 days of mailing are delinquent and the late payment charge becomes applicable and service may be discontinued after proper notice as required by law.

Late Payment Charge

A late payment charge to be computed at the rate of 1 ½ percent per month, compounded monthly, may be applied to all balances left unpaid 23 days following mailing of the bill.

Term

Terminable by the customer upon 10 days' written notice to the Association.

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