

**A RESOLUTION REVISING THE SERVICE FEES RATE SCHEDULE ESTABLISHED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA; RESCINDING ALL RESOLUTIONS, OR PORTIONS THEREOF, IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Utilities Commission, City of New Smyrna Beach, Florida, has the full and exclusive authority over the management, operations and control of all the City's utilities and the authority to prescribe rules and regulations governing the use of such facilities, wherever such are provided by the Utilities Commission and to make such changes from time to time in the Rules and Regulations as it deems necessary; and

**WHEREAS**, the Utilities Commission, City of New Smyrna Beach, Florida, has deemed it necessary to revise the existing service fees rate schedule in order to recover costs of service; and

**WHEREAS**, the Utilities Commission presented said proposed service fees to the customers of the Utilities Commission, and to other parties of interest, at two public hearings which were duly noticed and advertised; preliminary public hearing held on June 15, 2009, and final public hearing held July 20, 2009.

**NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That the following rate schedule has been revised as shown on the tariff sheets attached hereto and made a part of this resolution as follows: Fourth Revised Sheet No. 4.3 - Rate Schedule SF-1 (Service Fees Rate Schedule); Third Revised Sheet No. 4.4 - Continuation of Fourth Revised Sheet No. 4.3; and Original Sheet No. 4.4.1 - Continuation of Third Revised Sheet No. 4.4.

**SECTION 2:** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3:** All Resolutions, or portions thereof, in conflict herewith are hereby rescinded and superseded.

**SECTION 4:** After adoption by the Utilities Commission, this Resolution shall take effect on August 1, 2009.

THE ABOVE AND FOREGOING RESOLUTION was introduced at a regular meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held on July 20, 2009, by Commissioner Reynolds, who moved its adoption, which motion was seconded by Commissioner Hall, and upon roll call vote of the Commission was as follows:

CHAIRMAN	<u>Walter Allen III</u>	<u>yes</u>
VICE CHAIRMAN	<u>William Hall</u>	<u>yes</u>
SECY.-TREAS.	<u>William H Reynolds</u>	<u>yes</u>
ASST. SECY.-TREAS.	<u>David Zell</u>	<u>yes</u>
COMMISSIONER	<u>James Wilson</u>	<u>yes</u>

APPROVED:

Walter Allen III  
CHAIRMAN

ATTEST:

William H Reynolds  
SECRETARY-TREASURER

S E A L

APPROVED AS TO FORM AND  
CORRECTNESS:

William H Reynolds

Utilities Commission Attorney

**RATE SCHEDULE SF-1**  
**SERVICE FEES RATE SCHEDULE**

The Utilities Commission shall charge and collect for customer service fees on the basis of the type of service rendered.

Availability

This schedule is available at any location within the Utilities Commission service area in accordance with the service policies of the Commission.

Terms of Payment

Payment for services rendered shall be made at the time the service is requested.

Fees

The fees to be charged for services rendered are as follows:

<u>SERVICE</u>	<u>FEES</u>
<u>Cut-In and Cut-Out Fees*</u>	
(*For Electric, Water, Wastewater, and Reuse Water)	
Cut Ins/Cut Outs will only be performed during regular working hours Requests received for cut ins/cutouts by 2 pm M-F will be completed on the same day, requests received after 2 pm will be completed no later than 2 pm the following business day.	\$ 35.00
Cut-In/Cut-Out Fee After Hours - Emergency Only - Determined by the UC	\$150.00
Meter Lock Charge* (*Required for Meter Sets for Construction or as may be determined needed by the UC)	\$ 35.00
Temporary Cut-In/Cut-Out Service for Building Maintenance, Etc. (Weekdays) (Requires 24 hrs. Notice; Services will be active from 11 am the day of cut-in to 11 am the next day)	\$ 75.00
Temporary Cut-In/Cut-Out Service for Building Maintenance, Etc. (Weekends) (Requires 24 hrs. Notice; Services will be active from 11 am on Friday to 11 am on Monday)	\$100.00
<u>SERVICE</u>	<u>FEES</u>
Reconnection Fee After Disconnection for Non-Payment, Regular Working Hours	\$ 50.00
Reconnection Fee After Unauthorized (Illegal) Connection* (*Minimum or Actual Cost of Investigation)	\$150.00
Reconnection at Pole	\$150.00
Meter Reset Charge After Unauthorized (Illegal) Connection (same as supplemental meter)	\$150.00

ISSUED BY: Robert J. Rodi  
General Manager/CEO

EFFECTIVE: August 1, 2009

<u>SERVICE</u>	<u>FEES</u>
<u>TAMPERING FEES*</u>	
Cut Seal or Cut Lock Fee	\$ 35.00
Damaged Equipment	\$ 75.00
Meter Tampering / Unauthorized Use (Illegal) Fee* - 1 <sup>st</sup> Offense (*Minimum Plus Any Applicable Service Charges)	\$300.00
Meter Tampering / Unauthorized Use (Illegal) Fee* - Repeat Occurrence (*Minimum Plus Any Applicable Service Charges)	\$500.00
Fire Hydrant Use / Unauthorized Use (Illegal)* (*Minimum Plus Any Applicable Service Charges)	\$300.00

\*Utility Tampering / Unauthorized Use (Illegal) Fees and/or the Unauthorized Use of Fire Hydrant to be assessed whenever there is evidence of meter tampering, meter bypassing, self-restored services, or unauthorized use of fire hydrants, in addition to the cost of investigation, repairs, the estimated usage, and any other service charges which may be applicable, up to and including three times the estimated dollar value of services obtained unlawfully.

Trip Fees: Any time a utility employee is deployed (other than routine meter readings or maintenance) to a customer's premise, whether for the process of disconnection (hang tag or disconnect) or other service, the customer will bear the expense. Payment in the field does not negate this fee. If a customer requests a meter checked for accuracy, and said meter is determined to be functioning accurately, the customer will bear the expense of the trip fee. Residential energy audits are exempt from trip fees. Other examples for which the customer may bear the expense for trip fees are: requests for checking load management devices if functioning properly and sewer back-ups if determined customer's responsibility and/or due to customer's use.

Trip Fees During Regular Workings Hours	\$ 35.00
Trip Fees After Hours - Emergency Only* (*Determined by the UC)	\$150.00

Research Fee: Per Each Request for Determination of Existing U.C. Liens, Assessments and/or Promissory Notes \$ 20.00

Collections Processing Fee: Customer's Utility Account Sent to Collections for Non-Payment - Fee is Per Account \$ 35.00

2" Temporary Construction Meter - Equipment Fee: \$ 750.00\*\*  
 (\*\*Portion Refundable Upon Return of Equipment)

The customer will pay the equipment fee upon receipt of the 2" temporary/portable meter. Upon return of the meter in good working condition, the customer will receive a refund of the lesser of \$600 or this amount reduced by replacement cost of the damaged meter and/or other components, and reduced by payment of final bill for usage. All temporary/portable meters must be read or usage reported monthly, and will be charged a standard non-residential (commercial) water rate based on the meter size plus a non-prorated \$35 monthly processing fee. It is the responsibility of the customer to notify, and upon U.C. request, the location(s) of this meter.

2" Temporary Construction Meter Wrench Fee: \$ 30.00\*\*\*  
 (\*\*\*)Refundable upon Return of Equipment)

SERVICE

FEES

Wastewater Credit Request:

\$ 35.00

A customer may request a credit for the usage portion of their wastewater charges to fill or refill a swimming pool; installation of new landscaping or sod; or plumbing leak that caused excessive usage. The customer must request the credit in writing (on UC form) within 30 days of occurrence and must provide documentation\* to substantiate request. (\*U.C. retains right to determine acceptable documentation). There is a limit of one credit adjustment per location per type each calendar year.

ISSUED BY: \_\_\_\_\_

*Robert J. Rodi*  
General Manager/CEO

EFFECTIVE: August 1, 2009