

Regulation 115

ADJUSTMENT OF USAGE CHARGE FOR UNINTENTIONAL OR INADVERTENT USAGE

(a) **Policy**

It is the policy of the District that a charge shall be made to each customer for all water that passes through the customer's meter during each billing period, with only the following exceptions: (1) Any component of usage that is provided without charge under the System's schedule of rates and charges; (2) Any usage by the System itself or by the District for firefighting or for Fire Department training or other authorized activities; (3) Any usage incorrectly measured as a result of malfunction or misreading of the customer meter; (4) Any usage that occurs as a consequence of an event declared by the Board of Directors as a natural disaster; (5) Usage that is unintended or inadvertent as provided for in Paragraphs (c) through (k) of this regulation.

(b) **Meter Reading Error or Meter Reading Transcription Error**

Whenever it becomes apparent that a statement has been rendered to a customer that includes usage charges based on an erroneous reading of the customer's water meter or an erroneous transcription of the customer's meter reading, the General Manager shall immediately cause the appropriate credit or debit to be posted to the customer's account so as to rectify the erroneous charge. In the event a credit is posted against erroneous charges that a customer has already paid, the General Manager shall refund the credit amount to the customer if the customer so requests, provided that the amount of the credit equals or exceeds \$100.00 and provided that the refund request from the customer is received at the District office at least 21 days before the next scheduled statement date.

(c) **Unintended or Inadvertent Usage**

In the event of unintended or inadvertent usage of water by a customer during a billing period and upon application by the customer on the District's form, the General Manager shall adjust the customer's water usage charge, provided that all the following conditions are satisfied:

- (1) The customer's total metered usage during the billing period in which the unintended or inadvertent usage occurred was at least 2,100 cubic feet (21 ccf).
- (2) The customer's total metered usage during the billing period in which the unintended or inadvertent usage occurred was at least 150% of the customer's normal usage for that billing period, based on the average of the customer's usage during the same billing period over the three preceding years, as determined pursuant to Paragraph (f) of this Regulation.
- (3) If the cause of the unintentional or inadvertent usage was a fault or malfunction in the customer's plumbing system or fixtures, repairs adequate to correct the fault or malfunction have been made and documentation thereof has been submitted; if the cause of the unintentional or inadvertent usage is unknown, the customer has submitted a signed affidavit that the reason for the high usage is unknown to the customer.
- (4) The customer's service connection is in compliance with Regulation 108, "Cross-Connection and Backflow Prevention," of the Regulations of the Inverness Public Utility District Water System.
- (5) The customer has not had a usage charge adjusted under the provisions of Paragraphs (c) through (k) of this Regulation as a result of unintentional or inadvertent usage that occurred during the 36 months preceding the first day of the billing period during which the current intentional or inadvertent usage occurred.

(d) **Adjusted Usage Charge**

A qualifying customer's adjusted usage charge for the billing period in which the unintentional or inadvertent usage occurred shall be the usage charge that would apply had the customer's usage been equal to the customer's normal usage for the billing period, based on the average of the customer's usage during

the same billing period over the three preceding years (as determined pursuant to Paragraph (f) of this Regulation), plus the Usage Adjustment Processing Charge specified in Paragraph (n) of Regulation 301, "Rates and Charges," of these Regulations of the Inverness Public Utility District Water System.

(e) **Application Requirements**

- (1) An application for adjustment of usage charge must be made on the District's form and must be received at the District office within 60 days of the date of the customer billing statement that includes the charge requested for adjustment. An application that does not include all information requested and necessary in order to grant the adjustment shall be returned to the customer for completion and must be resubmitted within 21 calendar days. Failure of the customer to resubmit the application within 21 days or failure of the customer to provide the omitted information shall be deemed to constitute a withdrawal by the customer of the application.
- (2) An application for adjustment of usage charge shall state the cause of the unintentional or inadvertent usage to the best of the customer's knowledge and must include a statement of the measures taken by the customer to prevent recurrence of the cause of the unintentional or inadvertent usage.
- (3) If the cause of the unintentional or inadvertent usage is unknown to the customer, the customer must include with the application a signed affidavit that the cause is unknown to the customer and that to the best of the customer's knowledge and belief the higher than normal usage was not made knowingly or intentionally.
- (4) **Documentary evidence of repairs.** If the unintentional or inadvertent usage was caused by or resulted from a fault or malfunction in a component of the customer's plumbing system or fixtures, including an irrigation system, documentary evidence that repairs have been made must be submitted as a prerequisite to adjustment of the usage charge. Documentary evidence may consist of a copy of a plumber's or contractor's invoice, or copies of receipts for materials purchased for making repairs. Such documentary evidence, when required, must be submitted within 90 days of receipt by the General Manager of the application for adjustment of usage charge; extensions may be granted by the General Manager under unusual circumstances. Failure to submit required documentary evidence within the prescribed time limit shall be construed as a withdrawal of the application. The General Manager may for good cause waive the requirement that documentary evidence be submitted or may require an inspection of the repairs by a District employee in lieu of or in addition to requiring submission of documentary evidence.

(f) **Determination of Customer's Normal Usage**

For purposes of determining a customer's eligibility for adjustment of usage charge and for determining the customer's adjusted usage charge, the General Manager shall determine the customer's normal usage for the billing period by calculating the customer's average usage during the same billing period over the three preceding years. In the event that any of the data for the three preceding years is not available or is not reflective of the customer's normal usage, the General Manager may use any alternative averaging or determination method that is reasonable.

(g) **Inspection**

As a prerequisite to granting an adjustment of usage charge, the General Manager may require onsite inspection by System personnel of repairs made in connection with the application and/or may require a general inspection of the customer's plumbing system and fixtures. The General Manager may reject an application for adjustment of usage charge if in the judgment of the General Manager repairs that have been made are inadequate to reasonably prevent recurrence of unintentional or inadvertent usage or if the customer's plumbing system fails to meet applicable building code standards.

(h) **Service Call Charges**

Nothing in this regulation shall preclude or limit the System from levying its normal service call charges for calls made by System personnel to the customer's premises in connection with locating, investigating, or

correcting the cause of an unintentional or inadvertent usage of water or in order to conduct inspections of repairs or of an applicant’s plumbing system.

(i) Subsequent Application for Adjustment of Usage Charge Within 36 Months

If the General Manager denies an application for adjustment of usage charge on grounds that the applicant has already been granted an adjustment of usage charge within the preceding 36 months, the General Manager shall inform the applicant of the right to appeal the denial to the Board of Directors. Such an appeal must be filed in writing with the Clerk of the Board within 30 days of notification to the customer of the General Manager’s denial of the application. Upon receipt of an appeal, the Clerk of the Board shall place the appeal on the next agenda to be prepared for a regular meeting of the Board of Directors. The decision by the Board of Directors on the appeal, and if an adjustment is made on the amount of the adjustment, shall be solely at the discretion of the Board of Directors, whose determination shall be final. In making its determination, the Board may consider such circumstances as, but not limited to, the following: the immediate cause of the unintentional or inadvertent usage, the surrounding circumstances, the amount of the unintentional or inadvertent usage, the circumstances of the previous unintentional or inadvertent usage, the similarities between the current and the previous instances of unintentional or inadvertent usage, the history at the service premises of unintentional or inadvertent usage, the condition of the customer’s plumbing system, fixtures, and facilities, the likelihood of recurrence, financial hardship on the customer, the occupancy of the served premises, use at the served premises of an irrigation system and/or an automated watering system control device, and the amount of Water System staff time expended on locating, investigating, making temporary repairs, etc., in conjunction with the unintentional or inadvertent usage. The burden of demonstrating that mitigating circumstances exist shall rest with the applicant.

(j) Compliance with Regulation 108

The General Manager shall deny an application for adjustment of usage charge that occurred at a customer service that is subject to the requirements of Regulation 108 (“Cross-Connection and Backflow Prevention”) but is not in compliance with the requirements of Regulation 108.

(k) Appeal

Any determination, finding, or decision made by the General Manager in applying the provisions of this regulation or in handling an application for adjustment of usage charge may be appealed to the Board of Directors. Such an appeal must be filed in writing with the Clerk of the Board within 30 days of notification to the customer of the General Manager’s determination, finding, or decision. The appeal shall be placed on the next agenda to be prepared for a regular meeting of the Board of Directors. The decision of the Board of Directors shall be final.

- Regulation 115: 1988, January 18: Adopted (Ordinance 11-87)*
- 1989, November 20: Revised in its entirety (Ordinance 23-89)*
- 1991: October 21: Revised in its entirety and retitled (Ordinance 29-91)*
- 1993. May 17: Paragraph (k) added (Ordinance 33-93)*
- 1995, January 16: Revised in its entirety and retitled (Ordinance 39-95)*
- 1997, May 27: (1) in Paragraph (c) and (2) in Paragraph (d) revised (“...2100 cubic feet (21 ccf)...” amended to “...1500 cubic feet (15 ccf)...”) (Ordinance 44-1997)*
- 1997, October 27: (1) in Paragraph (c) and (2) in Paragraph (d) revised (“...1500 cubic feet (15 ccf)...” amended to “...2100 cubic feet (21ccf)...”) (Ordinance 47-1997)*
- 2023, July 26: Paragraph (d) revised changing the determination of the adjusted usage charge; paragraph (j) revised deleting obsolete references to Ordinances 83-4 and 28-91; non-substantive changes made in subparagraphs (2) and (4) of paragraph (c) (Ordinance 112-2023)*
- 2025, November 18 (Ordinance 117-2025): Revised Paragraph (d) to refer to Regulation 301 for the amount of the Usage Adjustment Processing Charge.*