

65-407 PUBLIC UTILITIES COMMISSION

Chapter 620: SERVICE STANDARDS FOR WATER UTILITIES

SUMMARY: This rule sets forth comprehensive regulations for water utilities, including rules applicable to jobbing, conditions of service, seasonal service, water conservation and utilization, low pressure areas, limited service contracts, metering, and water supply emergencies.

§ 1 PURPOSE AND APPLICABILITY

A. Purpose

This Chapter establishes minimum customer service standards for water utilities.

B. Applicability

Unless otherwise specified, this Chapter applies to all water utilities that are subject to the jurisdiction of the Commission.

§ 2 DEFINITIONS

A. ANSI/AWWA. ANSI is the American National Standards Institute; AWWA is the American Water Works Association.

B. Commission. “Commission” means the Maine Public Utilities Commission.

C. Customer. “Customer” means any person or business that has applied for or been accepted to receive or is either receiving utility service or has agreed to be billed for utility service. This term also includes a person or business that was a customer of the same utility within the past 30 days and who requests service at the same or a different location.

D. Electromagnetic or Ultrasonic Water Meter. "Electromagnetic or ultrasonic water meter" means a cold water electronic electromagnetic or ultrasonic type meter.

E. Establishment. “Establishment” means a location at which water service is sought or is being rendered.

F. Jobbing. “Jobbing” means the provision of unregulated utility service by a water utility, including, but not limited to, construction services. Jobbing services are at the discretion of the water utility and are at the customer’s request and expense.

- G. Limited Service Contract.** “Limited service contract” means a written agreement, approved by the Commission, under which a water utility agrees to provide and the customer agrees to accept a substandard level of service described in the contract.
- H. Main.** “Main” means a water line which is owned, operated, and maintained by a water utility, and used for the transmission or distribution of water, other than a private line as defined in Section 2(L) of this Chapter or a service line as defined in Section 2(M) of this Chapter.
- I. Mechanical Water Meter.** “Mechanical water meter” means a cold-water displacement meter conforming to standard ANSI/AWWA C715-18.
- J. Person.** “Person” means a corporation, partnership, limited partnership, limited liability company, limited liability partnership, association, trust, estate, any other legal entity or natural person.
- K. Private Line.** “Private line” means (1) A water line constructed prior to May 7, 1986 across private property to serve one or more customers and that is not considered by the water utility to be a main; (2) except as provided under Section 2(C) of Chapter 65 of the Commission’s Rules, a water line constructed after May 7, 1986 across private property to serve a single customer, a single multi-unit dwelling complex or a single commercial or industrial development upon which no other person has an easement or other right of access for water line purposes.
- L. Service Line.** “Service line” means a water line running from the water main to the customer's establishment.
- M. Temporary Establishment.** “Temporary establishment” means an establishment that a water utility reasonably believes to be temporary in nature after giving due consideration to the location, setting, structures, and use of the establishment. The absence of a cellar or permanent foundation must not be the sole criterion used by the water utility in determining that an establishment is a temporary establishment.
- N. Water Utility.** “Water utility” means every person, its lessees, trustees, receivers or trustees appointed by any court, owning, controlling, operating or managing any water works for compensation within this State, including any aqueduct organized under former Title 35, chapter 261 and any of its predecessors.

§ 3 GENERAL PROVISIONS

- A. Applications for Service.** An application for service may be made by either the owner or occupant of the establishment to be served. If a new service connection

or other work on the owner's premise is required, the owner must authorize the water utility to enter the premises to perform the necessary work.

- B. Advance Payment for Jobbing.** Whenever a water utility agrees to do work outside the scope of regulated utility service for a customer at the customer's expense, the water utility may require an advance payment equal to the water utility's estimated cost of the work. At the completion of the work, any excess over the actual bill for services will be returned to the customer, and any amount due in excess of the advance payment will be payable by the customer.

C. Service Lines.

1. The water utility will determine or approve the size, location, and material of the service line. The water utility must install, own, and maintain the utility portion of the service line (historically known as the service drop), as described in, and subject to the payment and other requirements of, Chapter 65 of the Commission's Rules. The customer is responsible to pay for, install, own, and maintain the customer's portion of the service line.
2. When a customer requests that a water utility thaw a frozen service line and the water utility cannot determine whether the service line is frozen on the water utility's portion of the service line or on the customer's portion of the service line, one half of the cost of thawing the pipe must be borne by the water utility.

D. Temporary Service.

1. If it is impractical for a water utility to provide service directly to a customer, the water utility may furnish water temporarily from an adjacent service line if the water utility and the owner of the adjacent service line approve. The cost of the temporary service will be borne by the customer requesting the temporary service.
2. A water utility has no obligation to make an investment to serve a temporary establishment. If however, service is installed at the customer's expense and water service is taken for the following five consecutive years after the initial provision of service, or if the factors causing the water utility to believe that the establishment was temporary no longer exist, the establishment is considered permanent and the water utility must refund to the customer any expenses borne by the customer which would otherwise have been borne by the water utility with interest compounded annually in accordance with Chapter 870 of the Commission's Rules.

- E. Summer Service Lines and Mains.** A water utility is only required to serve customers through summer service pipes and mains from May 1 to October 1 or other such dates in the water utility's terms and conditions.

- F. Joint Use of Pipe Trench.** A water utility must not place water mains or service lines in the same trench with facilities of other utilities. If possible, a water utility must provide a horizontal separation of ten feet between water mains or service lines and facilities of other utilities.
- G. Seasonal Customers and Vacancies.** A water utility may file a tariff establishing a reasonable charge, based on its costs, for each resumption of service to customers subject to seasonal rates, or for partial vacancy or multiple units served through a single meter with a normal minimal charge for that size meter. If an establishment is to be vacated for a period of thirty days or more, a water utility must abate water charges if the customer notifies the water utility of the vacancy and requests the water utility shut off service as required in the water utility's terms and conditions.
- H. Service Interruption.** Notice of any planned shut off must be given to affected customers at least twenty-four hours in advance of an interruption of service. Notice of unplanned shut offs must be given as soon as practicable. Notice pursuant to this subsection may be given using electronic means, including but not limited to posts on the water utility's website or social media sites, email, and text messages.
- I. Low Pressure Areas.**
1. A water utility must not extend its mains or render service to new customers in areas where substantially uniform system pressure at the connection of the water service to the main may be expected to fall below 20 p.s.i.g. static, as measured or calculated, except for periods of fire flow or system maintenance, unless a limited service contract is executed between the customer and the water utility and approved by the Commission. If a customer within a water utility's franchise area is willing to enter into a limited service contract, then the water utility must provide service to the customer unless the Commission orders otherwise. The water utility must ensure that the limited service contract specifies the materials and minimum size for the customer's portion of the service line. The limited service contract must be made expressly subject to the authority of the Commission to require better service when, upon investigation, the Commission concludes that service should be improved.
- J. Water Conservation and Utilization.** A water utility must take all reasonable steps to prevent the unnecessary waste of water. A water utility must not supply water at flat rates for any continuous flow device. If a water utility concludes that a customer charged at flat rates is unnecessarily wasting water, the water utility may convert the customer's service to a metered service. When necessary to conserve and manage water resources, a water utility may restrict or prohibit the use of hoses or sprinklers for both flat rate and metered customers, implement water use provisions specified in the water utility's terms and conditions, or limit

water use as required by the Maine Center for Disease Control & Prevention or Maine Department of Environmental Protection.

K. Water Supply Emergency. A water utility may declare a water supply emergency and implement mandatory water conservation and/or utilization restrictions: (i) when the water utility has determined that water availability from the water utility's source or, if it has more than one source, combined sources is not sufficient to meet demand; (ii) to comply with drinking water orders by the federal or Maine Center for Disease Control and Prevention; (iii) when maintenance and repair of facilities or equipment substantially limits the water utility's ability to meet water demand; or (iv) when the water utility identifies other conditions that substantially limit the water utility's ability to meet water demand. A water utility may declare a water supply emergency for the water utility's entire distribution system or for a discrete portion or portions of the water utility's distribution system. A water utility that declares a water supply emergency and has conservation and utilization procedures in its Commission-approved Terms and Conditions may use those procedures or follow the following process:

1. Provide notice to all affected customers as soon as reasonably practicable. Notice must be given to customers by U.S. Postal Service mail, email, text message, by posting notice on the water utility's webpage or other electronic platform (for example but not necessarily limited to a Facebook page or Twitter account), by postings in public areas of the community, or any combination of the above. The notice must include a description of the water supply emergency, a description of the specific water conservation and/or utilization restrictions being imposed by the water utility, and notice that violations of the water conservation and/or utilization restrictions may subject the customer to a fee equal to twice the general reconnection fee in the water utility's Commission-approved Terms and Conditions. The notice must also specify that each 24-hour period for which the customer is not in compliance with the water utility's water conservation and/or utilization restrictions constitutes a separate violation;
2. For the first violation of the water utility's water conservation and/or utilization restrictions, the water utility must provide a warning by U.S. Postal Service mail, email, hand delivery, text message, door hanger, or any combination of the above to each customer in violation of the water utility's water conservation and/or utilization restrictions. The warning must specify that each 24-hour period for which the customer is not in compliance with the water utility's water conservation and/or utilization restrictions constitutes a separate violation;
3. For each subsequent violation of the water utility's water conservation and/or utilization restrictions after the violation that resulted in the

warning in subsection 3(K)(2) of this Chapter, the water utility may impose a fee on the customer's next water bill equal to twice the general reconnection fee contained in the water utility's terms and conditions. For purposes of this fee, each 24-hour period for which the customer is not in compliance with the water utility's water conservation and/or utilization restrictions constitutes a separate violation. A water utility may disconnect customers for repeated violations of the water utility's water conservation and/or utilization restrictions if it deems those customers to be a threat to the safety of any person or the integrity of the water utility's delivery system. Water utilities must conduct such disconnections in accordance with Chapter 660 of the Commission's Rules; and

4. Notify Commission Staff within 24 hours of the implementation and removal of mandatory water conservation and/or utilization restrictions. Notification may be by email or telephone.

§ 4 METERS

A. Application. A customer may receive water through a meter, in accordance with the water utility's application process and its terms and conditions. The person applying for service must submit to the water utility all necessary information (as determined by the water utility) to enable the water utility to determine and/or approve the size of the meter.

B. Meter Setting.

1. All meters must be set as close as practicable to the point of entrance of the service line to the establishment. The water utility must require the customer to provide a warm, dry, and accessible location for the meter. The location of the meter, once set, may be changed at the request and expense of the customer, but the change may be made only by the water utility or an appropriately licensed plumber hired by the customer and approved by the water utility. For new installations of meters, the piping arrangement must be in accordance with the requirements of the water utility.
2. The cost of the meter, related meter reading equipment, and installation must be apportioned according to Chapter 65 of the Commission's Rules.
3. If a customer does not furnish a suitable location for a meter inside a building or if it is necessary to locate the meter outside the building, a water utility may require the customer to provide and maintain a suitable vault or enclosure. Installation may be performed by the water utility on a jobbing basis, by an appropriately licensed contractor approved by the

water utility, or by the customer's appropriately licensed contractor under the supervision of the water utility.

C. Meter Repairs. Repairs and replacement of meters and related meter reading equipment owned by the water utility, necessitated by ordinary wear must be paid for by the water utility. Meter repair and replacement due to damage other than ordinary wear and tear may be charged to the customer, including the associated labor cost.

D. Testing.

1. A water utility furnishing water on a metered basis must have provisions in its terms and conditions for testing its meters in a manner acceptable to the Commission.
2. Meters placed in service by a water utility must be tested by the manufacturer, with proper certification of such testing furnished to the water utility, or by the water utility before installation. Thereafter, meters must be tested in accordance with this Subsection or more frequently if requested by the customer.

All meter tests are at the expense of the water utility unless the customer requests more than one test in 18 months, in which case the water utility may require the customer to make a reasonable deposit, if authorized by the water utility's tariffs, to cover the cost of the test. The water utility must provide a written report of the test results, which includes the flow rates at which the meters were tested, the volume of water used to test at each of those flow rates and the accuracy of the meter (expressed as % registration) to the customer.

If a meter tested at the request of a customer does not conform to the standards below, the water utility must refund the customer's deposit, if provided. If the meter conforms to the standards below, the customer's deposit may be retained by the water utility, and the meter may be continued in use at the same location.

3. To determine the accuracy of mechanical and electromagnetic and ultrasonic meters, the water utility must follow the standard specifications of the most recent AWWA Manual M6 or the table below or use the manufacturer's recommended testing procedures.

FLOW IN GALLONS PER MINUTE

Mechanical Meters

Nominal Meter Size	Low	Intermediate	High
1/2"	0.25	2	8
5/8"	0.25	2	15
3/4"	0.50	3	25
1"	0.75	4	40
1 1/2"	1.50	8	50
2"	2.00	15	100

Electromagnetic and Ultrasonic Meters

Nominal Meter Size	Low	Intermediate	High
1/2"	0.11	0.35	8
5/8"	0.25	2	15
3/4"	0.50	3	25
1"	0.75	4	40
1 1/2"	1.50	8	50
2"	1.00	5	100

A water utility must not place or continue in service any meter that registers more than 2% above or below the intermediate or high flows or below 90% of the low flow.

A water utility must replace meters on a schedule determined by manufacturer warranties, specifications, and limits or adopt the schedule below.

Nominal Size of Meter	Max. Interval between Tests (in years)	Cubic Feet
5/8"	10	100,000
3/4"	10	150,000
1"	10	300,000
1 1/2"	8	
2"	8	
3"	4 Field	
4"	2 Field	
6" or Larger	1 Field	

H. Rate Adjustment.

1. For purposes of computing rate adjustments, a water utility must use an overall weighted accuracy. To determine an overall weighted accuracy for a meter a water utility must add 15% of the low flow test accuracy percentage plus 70% of the intermediate flow test accuracy percentage plus 15% of the high flow accuracy percentage.
2. If the meter over-registers, the water utility must determine the corrected usage amount by dividing 100 by the overall weighted accuracy and multiplying that amount by the usage read by the meter. The water utility must then use this corrected usage amount to determine the customer's bill for the applicable portion of the current billing period and the most recent full billing period. If a meter is under-registering in favor of the customer, the water utility must not bill the customer for the difference.

§5 CONDITIONS OF SERVICE

As a condition of service, a water utility must require or adopt the following:

- A.** The right of reasonable access to all establishments which it serves, at reasonable hours, to permit the inspection of plumbing and fixtures, to set, remove, or read meters, and to ascertain the amount of water used.
- B.** That every establishment be equipped with operable valves located inside the building near the entrance of the service line, easily accessible, and protected from freezing. One valve must be located immediately upstream of the meter and one valve must be located immediately downstream of the meter. The water utility must also require that all piping be arranged to prevent back-siphonage and to permit draining whenever necessary.
- C.** Regulations to prohibit or limit the use of water consumption equipment which affects the water utility's pressure or operating conditions and interferes with water service to other customers. If a customer fails to comply with these regulations, the water utility may disconnect service pursuant to Chapter 660 of the Commission's Rules.
- D.** That customers install vacuum, temperature, or pressure relief valves or cutouts to prevent damage to a direct pressure water device or system supplied by an automatic feed valve as required by the Maine Center for Disease Control.
- E.** Regulations limiting or prohibiting any cross connection between the public water supply system and any other supply unless it is properly protected by measures which comply with rules of the Maine Center for Disease Control. If the owner of such a connection fails or refuses to break or properly protect the connection

within a time limit specified by the water utility or the Maine State Internal Plumbing Code (02-395 C.M.R. ch. 4), the water utility may seek to discontinue service pursuant to Chapter 660 of the Commission's Rules.

§ 6 WAIVER

Upon the request of any person subject to the provisions of this Chapter, or upon its own motion, the Commission may, for good cause, waive any of the requirements of this Chapter that are not required by statute. The waiver may not be inconsistent with the purpose of this Chapter or Title 35-A. The Commission, the Director of the Telephone and Water Utility Industries, or the Presiding Officer assigned to a proceeding related to this Chapter may grant the waiver.

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Statement of Factual and Policy Basis, Docket No. 2021-00334, issued on November 16, 2022. Copies of the Order have been filed with this Chapter at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S. §§ 111

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on _____. It was filed with the Secretary of State on _____ and became effective on _____.