

FREQUENTLY ASKED QUESTIONS BY CUSTOMERS OF WATER UTILITIES

Please Note: PUC rules and regulations apply only to regulated water utilities subject to PUC jurisdiction. A water utility may be "exempt" from regulation, a "public water utility" regulated for adequate water service, or a "rate-regulated water utility" regulated for both service and rates.

PUC Regulation

Q. How does a utility become PUC regulated? How can I get my water utility under PUC regulation?

- A. The PUC has regulatory authority over privately-owned water utilities and certain mobile home parks and associations owning a water system. The PUC regulates water utilities to ensure that customers receive safe and adequate service at fair and reasonable rates. Once a water provider comes under PUC regulation, it is a public utility and regulated for service. The PUC also regulates the rates and fees charged by certain public water utilities (rate-regulated water utilities).

A water utility becomes a public utility subject to PUC SERVICE REGULATION if it is:

1. Charging an average annual monthly residential rate of \$18 or more, or
2. Found to be providing unsafe, discriminatory, or inadequate service; or
3. Providing both water and wastewater services and the wastewater service is provided within the boundaries of a city. In this circumstance, both water and wastewater services are regulated for service and rates.

A water utility becomes a PUC RATE-REGULATED utility if:

1. The water utility charges or proposes to charge a rate or fee that exceeds the regulatory threshold listed below:
 - a. \$24 annual average monthly residential or small commercial rate threshold AND 20 percent or more of the customers petition the PUC for rate regulation; or
 - b. \$85 annual average monthly service rate for large commercial customers; or
 - c. A standard hook-up fee that exceeds \$450 or a nonstandard hook-up fee that is not at actual cost AND 20 percent or more of the customers petition the PUC for rate regulation; or
 - d. Any system development or like fee that is not cost-based AND 20 percent or more of the customers petition the PUC for rate regulation.
2. The utility serves 500 or more customers, or
3. The water utility requests PUC regulation.

A rate-regulated water utility is always regulated for service and rates. However, a public water utility regulated for service is not always rate regulated.

Q. Where can I find a listing of PUC regulated water utilities?

- A. The PUC has a list of the regulated water utilities on its website at <http://www.puc.state.or.us/PUC/water/regcos.pdf>.

PUC Jurisdiction

Q. My water utility is not privately owned (i.e., city, district, or cooperative); whom can I turn to with grievances?

- A. The PUC does NOT have authority over municipalities, districts, or cooperatives. Each entity should have a customer service representative or department, or some established process for receiving complaints. If that does not work, you may want to try the following:
1. City: Start with the city's water system supervisor, then the city manager or city council, then the mayor. Statutes (state laws) govern a municipality; therefore, it is subject to the requirements of the state laws under which it was formed. In addition, all counties and cities have charters or applicable rules, requirements, and regulations.
 2. District: A district is considered a quasi-municipal entity. A district is formed at the county level and must comply with the requirements of the statute under which it was formed and its bylaws. District members elect a board of directors. You can voice your grievance at a public board meeting or attempt to meet individually with board members.
 3. Cooperative: A cooperative must conform to the requirements of the statute under which it was formed. A cooperative has a board of directors. If you are a member of the cooperative, you can voice your grievance at a public board meeting or attempt to meet individually with board members.
 4. Associations or Homeowners Associations: Associations may be formed without a governing state law. Associations elect a board of directors and adopt a set of bylaws. Currently, homeowners associations are not subject to PUC jurisdiction unless they are providing water service to a customer who is not a member of the association or 20 percent of the association members petition PUC for regulation.

Water Service Disconnection

Q. If my water utility is regulated by the PUC and the utility is going to disconnect my water service, what kind of notice is it required to give to me?

- A. The water utility is required to provide a written disconnect notice five business days before disconnecting water service. On the day the utility expects to disconnect your service, a utility representative must try to contact you or another adult at the residence to inform you of the utility's plans to disconnect water service. If the utility representative contacts you at home, you may still avoid disconnection by offering full payment or a reasonable partial payment to maintain service.

Q. Can the water utility disconnect my residential service for nonpayment of irrigation service?

A. The answer depends on how the water is delivered:

1. If your irrigation service is delivered separate from your residential water service either through a different water system or a separate service pipe, the utility cannot disconnect your residential service for nonpayment of a past due irrigation water bill.
2. If your irrigation service is delivered by the same water system and same pipes that deliver your residential service, your residential service may be disconnected due to nonpayment of a past due irrigation water bill because the water to both services is co-mingled and cannot be separated.

Q. Can my service be disconnected for nonpayment on a Friday, weekend, or holiday?

A. No. Except for safety reasons, utility companies may not disconnect service on a Friday, weekend, or the day before or on a state holiday.

Q. There are four families served by our well. We all evenly divide the cost of running the pump. One of the families does not pay its share. Can we disconnect water service to this family?

A. The answer depends on the type of ownership of the well:

1. If all four families share ownership of the well and equipment, then everyone has a say in the operation and policies of the water system. Therefore, no monopoly exists and the PUC does not have jurisdiction over the system. Most likely, the families are considered to be an association, and a majority vote by the parties to disconnect the nonpaying family can be accomplished at a board or public meeting.
2. If anyone served by the system is not a shared owner of the system, the customer is not represented in the utility's decision-making process. In this case, the PUC would have jurisdiction. The owner or owners of the system would have a right to disconnect the nonowner family for nonpayment. However, the water system must follow the PUC's disconnect procedures found in Oregon Administrative Rules (OAR) 860-036-0205 through OAR 860-036-00245. The OARs can be located at the PUC's website http://www.puc.state.or.us/PUC/admin_rules/index.shtml or on the Secretary of State's website http://arcweb.sos.state.or.us/rules/OARS_800/OAR_860/860_036.html and are available at most libraries. You may request a copy of the PUC water rules by contacting the PUC Consumer Services Section at 1-800-522-2404; TTY 711.

Interruption of Service & Service Outages

Q. How much notice does the water utility have to provide when it interrupts my water service for repairs or down time?

- A. The water utility may interrupt water service for scheduled repairs, down time or for emergencies.
1. To the extent practical, the customers shall be notified in advance of any routine or contemplated work, such as scheduled repairs or down time that will interrupt service.
 2. In the case of outages due to emergency repairs or safety hazards, the utility is not required to give advance notice to customers of the water outage.

System Flushing

Q. Is the utility required to notify me before flushing the water system?

- A. The utility is required to provide customers with a routine flushing schedule, including dates, beginning times, and approximate ending times. This can be accomplished by sending out a yearly schedule.

Q. When the utility flushes the system, I get dirty water and debris in my pipes. What can I do about it?

- A. The purpose of routine flushings is to clean out the sediment and debris that has settled in the water mains and dead-end pipes out of the system. The debris being flushed can enter residential pipes when a lower water pressure is created within the home (or yard) than the pressure in the water mains. If a customer flushes a toilet, waters the lawn, or uses water during a flushing, he/she may create a lower pressure resulting in the sediment and debris being sucked into the customer's water pipes. To minimize unwanted water in customer pipes, avoid using water during system flushings.

Q. How often are water utilities required to flush out their systems?

- A. The need for routine flushings varies with each utility. Some utilities may need to flush their system once a month, some once a year. The PUC recommends at least once a year, but there is no set requirement. The rules state that a water utility will flush its dead-end water mains or lower portions of the system as needed or at reasonable intervals to minimize customer complaints. If you believe your water utility needs to flush its water mains more often, talk with your water utility. If after discussing it with the utility you believe the problem has not been resolved, you may contact the PUC Consumer Services Section:

Email: PUC.consumer@state.or.us
Call: 1-800-522-2404 or 503-378-6600 or TTY 711
Write: The Public Utility Commission of Oregon
Consumer Services Section
PO Box 2148
Salem OR 97308-2148

General System Maintenance

Q. What can happen when a utility does not maintain or neglects its water system, or fails to clean up its reservoirs?

A. As with any mechanical system, water systems require routine and preventative maintenance to maintain the integrity of the system. The system also requires timely repairs in order to avoid small problems from becoming big problems. The following is a general list of some possible consequences from poor or neglectful care and maintenance of a system:

1. Water loss and potential health hazards from line leaks/breaks,
2. Valve failure due to corrosion,
3. Inappropriate revenue gain or loss due to inaccurate meter calibrations,
4. Odor and taste problems resulting from dirty reservoirs and sediment in the pipes,
5. Fire hydrants not working properly because they have not been maintained,
6. Pump failure due to lack of pump monitoring and maintenance (pumps can burn up, seize up, lose their rollers or ball bearings, or consume too much electricity),
7. General appearance of neglect,
8. Safety hazards due to lack of cleanup and maintenance,
9. Well screen plugging due to lack of well monitoring,
10. Emergency repairs instead of planned repairs.

Complaint Process

Q. What if I have a complaint about my water service?

A. You should first notify your utility. It is important to give your utility a chance to resolve the problem. Keep a record of your conversations (date, time, and pertinent information) with the utility, including the name of the person with whom you spoke. If you believe that the problem has not been resolved, you may request that a utility supervisor review your complaint. The supervisor will review your complaint and the utility representative's response. It may take time for the supervisor to gather all the facts, so be patient.

Q. What can I do if I am unable to resolve my complaint through my water utility? Is there someplace else I can get help?

- A. If you cannot resolve your complaint with the water utility, you may contact the Oregon Public Utility Commission's Consumer Services Section. Consumer Services staff will make an effort to resolve the dispute between you and the water utility. You may contact the Consumer Services Section at:

Email: PUC.consumer@state.or.us
Call: 1-800-522-2404 or 503-378-6600 or TTY 711
Write: The Public Utility Commission of Oregon
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Utility Response to Customer

Q. When I write or call the water utility and leave a message, how soon is the utility required to call me back?

- A. The water utility is required to respond to both emergency and nonemergency customer inquiries and complaints.
1. For nonemergency inquiries/complaints, the utility should respond within 24 hours.
 2. For emergencies, the utility should respond within 1 hour. However, emergency circumstances may prevent a utility from being able to respond until the situation is under control or resolved.

Fines & Penalties

Q. If a water utility is fined by the PUC or the Department of Human Services Drinking Water Program for noncompliance, is that expense recoverable in customer rates?

- A. No. Typically, fines are removed from allowable expenses when setting rates so customers do not bear the cost of the penalty.

Water Pressure

Q. What is the required water pressure the water utility must provide?

- A. In general, if a water utility produces 40 to 60 pounds per square inch (psi) of water in its water mains, individual service pressure should be sufficient to provide adequate pressure when measured on the customer's side of the meter. However, each water system is unique. The determination of adequate pressure for one utility may not be adequate for another.

Q. What can I do if I think my water pressure is too low?

- A. You have a right to request the water utility test your water pressure. The utility must conduct the test within 20 working days of the request. If you request more than one test in any 12-month period, a deposit to recover the cost of the test may be required. The deposit will be returned if the pressure is found to be inadequate under normal operating conditions.

Service Connection (Hook-Up) Fees

Q. What constitutes a service connection, and how much should this cost?

- A. The service connection is that portion of the service pipe that extends from the utility's water main line to the customer's private service pipe at the property line. It includes all pipes and fittings necessary to make the connection. It does not include the cost of the meter or installation of the meter. The Commission's allowable fee for a standard water service connection is \$450. However, customers may be charged for costs above the \$450 threshold for nonstandard service connections such as road crossings, digging through rock, extra large pipes, and other unusual circumstances. If the water utility is going to charge for costs above the \$450 threshold, prior to construction it is required to inform the customer of the estimated cost for the service connection. The customer and the utility must agree in writing upon the amount prior to actual installation. If a dispute arises, the utility has the burden of proof to demonstrate to the Commission that the charge is necessary, actual, and reasonable.

Can They Do This?

Q. My house is outside of the city limits, but has always been served by the city water. Now they're saying that they are considering NOT serving us. Can they do that? If they can, where am I supposed to get my water?

- A. PUC does not regulate any city water systems. You should contact the city to resolve the issue.

Q. My water utility is very small. The owners have not paid their electric bill for the pump. What can I do to prevent my water service from being interrupted?

- A. In this situation, you need to contact the PUC Consumer Services Section:

Email: PUC.consumer@state.or.us
Call: 1-800-522-2404 or 503-378-6600 or TTY 711
Write: The Public Utility Commission of Oregon
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Backflow Prevention or Cross Connection

Q. Who administers the Cross Connection/Backflow Prevention Program in the state?

- A. The Department of Human Services, Drinking Water Program's Cross Connection Coordinator is Dewey Darold (971) 673-1220. Please direct any cross connections questions to him.

Q. Who is responsible to pay for and install the backflow prevention assembly?

- A. Water utilities are required to develop, implement, and maintain a backflow prevention plan. Each utility's plan is individual to the system. The utility is responsible for identifying potential backflow hazards for each customer's premises, informing customers in writing when a backflow prevention device is required, what type of device is required, and a description of what corrective actions will be taken if a customer fails to comply.

It is up to the customer to purchase, install, inspect, maintain, and test the device.

Q. Why am I required to have a backflow device when I know that my neighbors have the same water utility and they DON'T have a backflow device?

- A. Backflow prevention devices are required on the basis of potential hazards. It is up to the utility to determine the customer's level of hazard and whether or not a backflow device is required. In addition, the utility's implementation program is generally completed in stages over a period of time. In most cases, it is not reasonable to expect the utility to implement its plan over the entire customer base at the same time.

Q. Can my water utility require me to install and test a backflow prevention assembly?

- A. Yes, if your water utility requires a backflow prevention device and a potential cross connection hazard is located on your property. The law states it is the customer's responsibility to purchase, install, inspect, maintain, and annually test the backflow assembly, unless the water utility chooses to use premise isolation on a one- or two-family dwelling under the jurisdiction of the Oregon Plumbing Specialty Code **and** there is no actual or potential cross connection. In this case, the water utility shall install the device at the point of delivery; notify the premise owner and water user in writing of thermal expansion concerns; and take responsibility for testing, maintenance, and repair of the installed approved backflow prevention assembly.

Q. Can my water utility install, inspect, test, maintain and/or repair my backflow prevention assembly?

- A. The water utility may offer the customer its services (install, inspect, test, maintain, and/or repair backflow prevention assemblies; however; the customer is under no obligation to hire the utility.

Q. Can my water utility disconnect my service if I don't purchase, install, maintain, or test a backflow prevention assembly required by the utility?

- A. Yes. The utility is responsible to implement and maintain a backflow prevention plan and file annual reports with the state. If you fail to purchase, install, inspect, maintain, or annually test your backflow prevention assembly as required, the utility will be out of compliance with the state law. The utility's recourse is to disconnect water service to the customer who failed to comply with the requirements of the utility's backflow prevention plan.

Meter Test

Q. What should I do if I think there is something wrong with my water meter?

- A. If you believe your meter is not accurately measuring your water usage, you have a right to request a water utility to test your meter. The utility must conduct the test within 20 working days of your request. There is no charge for the first meter test in a 12-month period. The customer or a designated representative has the right to be present during the testing. The test should take place at a mutually agreeable time during regular business hours. If more than one test is requested in a 12-month period, a deposit may be required to recover the cost of the additional test. The deposit will be returned if the meter is found to register more than 2 percent fast or slow under normal operating conditions.

Billings and Payments

Q. If I have been billed incorrectly, what should I do?

- A. If you believe you have been billed incorrectly, the first thing you should do is contact the utility. Water utilities are obligated to thoroughly investigate the matter and report the results to you. The utility must also inform you of your right to a supervisory review. If the dispute cannot be resolved, the utility must notify you of the PUC's dispute resolution procedure and give you the Consumer Services Section toll-free telephone number 1-800-522-2404; TTY 711.

Q. If I'm not able to pay a utility bill on time, will there be a late charge?

- A. Yes. The water utility has authority to charge late fees. The Commission annually determines the allowable percentage that a utility can charge on overdue balances. The current authorized late fee is 1.7 percent.
1. Water utilities are entitled to charge a late-payment fee to residential customers if there is a monthly balance carried forward at the time the new bills are prepared.
 2. Water utilities are entitled to charge a late-payment fee to commercial or industrial customers if the current bill is not paid by the due date.

Q. If I cannot pay my bill in full, am I allowed to make payment arrangements?

A. You can avoid disconnection of residential service if you enter into a written time-payment agreement with the utility. The utility may offer various choices of time-payment agreement options. According to PUC rules, water utilities must offer at least the following two plans:

1. Levelized-payment plan: This plan allows you to pay a down payment equal to your average annual bill, including the account balance, divided by 12. After paying the down payment, you agree to pay a like payment each of the next 11 months.
2. Equal-pay arrearage plan: This plan allows you to pay a payment equal to one-twelfth of the total amount owed including any current amount due. Each month for the next 11 months, you must pay an amount equal to the down payment, along with payment for your current monthly bill.

If you fail to pay your time-payment agreement as specified, the water utility may disconnect your service after giving you a 15-day and a five-day written notice.