RULEMAKING ACTION:
    PERMANENT final adoption

RULES:
    165:65-1-2. Definitions [AMENDED]
    Subchapter 3. Plant, Equipment, and Facilities
    165:65-3-1. Construction and maintenance of plant, equipment, and facilities
    [AMENDED]
    165:65-3-2. Extent of system in which utility shall maintain service [AMENDED]
    165:65-3-3. Service pipes and meter sets [AMENDED]
    165:65-3-5. Sale or disposal of facilities by utility [AMENDED]
    165:65-3-5.1. Acquisition, control, or merger of domestic public water utilities
    [REVOKED]
    Subchapter 5. Water Quality, Testing, and Pressure
    165:65-5-4. Station meters and pressure gauges [AMENDED]
    Subchapter 7. Meter Requirements and Testing
    165:65-7-2. Adjustment of bills [AMENDED]
    165:65-7-4. Information as to reading of meters [AMENDED]
    Subchapter 9. Records, Reports, and Filing Requirements
    165:65-9-1. Retention, location and availability of records; contact persons [AMENDED]
    165:65-9-2. Interruptions of service. [AMENDED]
    165:65-9-2.1. Restoration of Service [AMENDED]
    165:65-9-7. Filing of rate schedules, contracts, agreements, and rules [AMENDED]
    165:65-9-9. Cost of services, material, or facilities for other types of business or
    subsidiaries [AMENDED]
    165:65-9-10. Accounting [AMENDED]
    165:65-9-11. Relief from rate increase requirements [AMENDED]
    165:65-9-12. Response to customer complaint inquiry [NEW]
    Subchapter 11. Customer Service
    Part 1. Deposits and Billing
    165:65-11-1. Information on bills [AMENDED]
    165:65-11-2. Penalty or charge for late payment of bills [AMENDED]
    165:65-11-3. Deposits and interest [AMENDED]
    Part 3. Disconnection
    165:65-11-10. Disconnection of service by a consumer [AMENDED]
    165:65-11-11. Disconnection of service by a utility [AMENDED]
    165:65-11-14. Commission notification procedure for elderly and/or consumers with
    disabilities [AMENDED]
    165:65-11-15. Delays to disconnection of residential service [AMENDED]
    Part 5. Character of Service
165:65-11-22. Change in character of service [AMENDED]
165:65-13-6. Contributions [AMENDED]
165:65-13-7. Filing Submission of promotional practices [AMENDED]

AUTHORITY:
Corporation Commission; Article IX, Section 18 of the Oklahoma Constitution; 17 O.S. §
152(A); and 17 O.S. §§ 159.11 et seq.

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
Although the Oklahoma Corporation Commission is not subject to the requirements of
Executive Order No. 2019-11, the proposed rules were submitted to the Governor and Cabinet
Secretary on February 8, 2019.

COMMENT PERIOD:
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SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
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LEGISLATIVE APPROVAL:
Approved May 28, 2019 by HJR 1022

FINAL ADOPTION:
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EFFECTIVE:
July 25, 2019

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

GIST/ANALYSIS:
The adopted rules add general grammatical, formatting, and spelling changes; shorten
defined terms, and/or other clarifying language; clarifies business day or calendar day; add
definitions; clarify reporting requirements; change references in the rule from "filing" of
information with the Commission to "submitting" information to the Commission; add a
requirement for installation of service lines and marking of trenches for public safety; add a
provision concerning events beyond the utility's control; requires the utility to provide an email
address to the Commission's Public Utility Division through which a representative of the utility
may be contacted; establish requirements for utilities to report cybersecurity or infrastructure
security events that affect immediate customers; require the utility to clearly delineate utility and
non-utility expenses and revenues; and add a new requirement for acknowledgement of customer
complaint inquiries and clarifying language. Further, the adopted rules add language and
requirements for slow meter, non-registering meters, billing issues, and installment payments;
require specific billing period for meters for incorrect register and incorrect usage amount; add a
requirement for utilities to include contact information for the Consumer Services Division to
customer bills; clarifies the method through which utilities are informed of a customer deposits...
interest rate change; add life-threatening situations to the "false information" section of delays to disconnection of residential service rules; deny a utility's ability to require a new customer deposit from a customer when the utility has no record of returning any previous customer deposit to that customer; modify the Commission notification procedures for elderly and consumers with disabilities; add clarification language for severe weather forecasting for disconnection of service for residential service; and require promotional practices be submitted instead of being filed.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2019:

SUBCHAPTER 1. GENERAL PROVISIONS

165:65-1-2. Definitions
The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Affiliate" means any person, entity, or business section, or division that directly or through one or more intermediaries controls, is controlled by, or is under common control with the entity in question. Control includes but is not limited to, the possession, directly or indirectly and whether acting alone or in conjunction with others, of the authority to direct a direction of the management or policies of a person or entity. Control may be exercised through management, ownership of voting securities or other right to vote, by contract or otherwise. A voting interest or ownership of five percent (5%) or more creates a presumption of control.

"Attorney General" means the Oklahoma Attorney General.

"Business day" means Monday through Friday, excluding all legal holidays which have been declared legal holidays by law or proclamation of the Governor of Oklahoma, or those days on which mail is not delivered.

"Commission" means the Oklahoma Corporation Commission.

"Complaint" means an oral, electronic or written communication by an interested party requesting an investigation or corrective action regarding the provision of water services.

"CSD" means the Consumer Services Division of the Oklahoma Corporation Commission.

"Consumer" means any person, firm, corporation, municipality, or agency, other political subdivision of the United States or the State of Oklahoma receiving any type of water service. Any reference to a "customer" or "end-user" contained in a tariff, or in this Chapter, shall be deemed to mean a "consumer," unless the context clearly indicates otherwise.

"Corporation Commission" means the Oklahoma Corporation Commission.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Distribution" or "Distribution service" means the transportation of water services through a utility's distribution facilities bundled with any one or more of the services of billing, metering, customer service and similar services.
"Distribution main" means a distribution line that serves as a common source of supply to service lines.

"Distribution system" means any pipeline, meter, metering station, valve, regulator, regulating station and/or delivery station which receives water from any water supply source for service to one or more consumers.

"Electronic notification" means any automated communication received by e-mail, phone, text message or fax.

"Gallon" means one U.S. Standard gallon, containing 231 cubic inches and weighing 8.333 pounds.

"Interested party" means any individual or entity with appropriate authority to act on behalf of a particular consumer or group of consumers or any other party involved in, or affected by, the provision of water services.

"Legal holiday" means only those days declared legal holidays by law or proclamation of the Governor of Oklahoma, or those days on which mail is not delivered or banks are closed, such as Columbus Day.

"Local forecast" means a statement of what the weather is predicted to be, that is issued by the National Weather Service for a specific county, city, and/or zip-code area.

"Meter" means any device that measures the quantity of water transferred from one party to another.

"NWS" means the National Weather Service.

"Pipe" means any tubing used in the gathering, transmission or distribution of water which meets the specifications of the DEQ.

"Premises" means any piece of land or real estate, or any building or other structure or portion thereof, or any facility where water service is furnished to a consumer.

"Prudency review" means, for purposes of this Chapter, a comprehensive review that examines as fair, just and reasonable, a utility's practices and policies and judgment regarding an investment or expense at the time the investment was made or expense was incurred; including direct or indirect maximization of its positive impacts and mitigation of adverse impact upon its ratepayers, without consideration of its ultimate used and useful nature.

"P.s.i.g." means pounds per square inch gauge.

"PUD" means the Public Utility Division of the Oklahoma Corporation Commission.

"Regulator" means a device used to reduce the water pressure.

"Residence" means any dwelling unit containing kitchen appliances, permanent sewer or septic facilities and water service. A weekend cabin and a mobile home are residences when used as such. An individual room in a hotel or motel is not a residence.

"Service line" means a line that branches off a distribution main or distribution line in order to transport water from the common source of supply to utility meters or to a consumer's piping, whichever is farther downstream, or the connection to a consumer's piping if there is no utility meter.

"Subdivision" means any land, wherever located, whether improved or unimproved, contiguous or not, which is divided into lots or proposed to be divided, for the purpose of disposition pursuant to a common promotional scheme or plan of advertising.

"Tariff" means every rate schedule, or provision thereof, and all terms, conditions, rules and regulations for furnishing water service filed with the Commission and approved by the Director of the Public Utility Division.
"Temporary service" means every rate schedule, or provision thereof, and all terms, conditions, rules and regulations for furnishing water service filed with the Commission and approved by the Director of the Public Utility Division.

"Uniform System of Accounts (USOA)" applicable to water utilities published by the National Association of Regulatory Utility Commissioners (NARUC) or other uniform system acceptable to the Commission may be adopted by a utility.

"Utility" means and includes any corporation, association, company, individual, and the trustees, lessees, or receivers, successors or assigns of any of them, (but shall not include a city, town or other body politic) that now or hereafter may own, operate, or manage any plant or equipment, or any part thereof, directly or indirectly, for public use, for the transmission and distribution of water by pipeline.

**SUBCHAPTER 3. PLANT, EQUIPMENT, AND FACILITIES**

165:65-3-1. Construction and maintenance of plant, equipment, and facilities

(a) **Water plant and system construction and maintenance.** Each utility shall construct and maintain its entire water plant and system in such condition as will enable it to furnish safe, adequate and reliable service subject only to emergency conditions beyond its control.

(b) **Construction, installation, and maintenance of systems.** Transmission and distribution systems, including transmission mains and pipe lines, distribution mains, pumps, valves, storage tanks, meters, equipment, etc., shall be constructed, installed, and maintained in accordance with all applicable rules and orders of the Commission and DEQ. Utilities must be able to locate water lines consistent with the requirements of 63 O.S. §§ 142.1 et seq.

(c) **Statement regarding plant, equipment, and facilities.** Each utility shall file with the Commission annually a statement regarding its plant, equipment, and facilities in such form as the Commission may require. Utilities other than those that purchase water shall provide appropriate authority for their use of water (U.S. Corps of Engineers, Oklahoma Water Resources Board, and/or other appropriate authority). All water service utilities that withdraw groundwater or divert stream water must hold a water right from the Oklahoma Water Resources Board before placing water to use.

(d) **Plans, surveys, and permits.** Each utility shall file with the Commission a certified copy of all plans and surveys of its waterworks which have been filed with the DEQ. A description of the source from which the water supply is derived shall be filed with the Commission, and no new or different source of supply shall be used until a certified copy of the certificate of the DEQ approving the use of the new or different supply has been filed with the Commission. No utility shall sell water or extend water service to a consumer until certified copies of all permits required to be issued by the DEQ to the utility are filed with the Commission.

(e) **Depth of mains.** Water mains, except mains used exclusively for temporary or seasonal service, shall be installed below the normal frost line or otherwise protected to prevent freezing in accordance with DEQ.

(f) **Dead ends.** Insofar as practicable the utility shall design its distribution system so as to avoid dead ends on its mains. Where dead ends exist, under circumstances that adequate water circulation does not exist, the utility shall provide hydrants or valves for the purpose of flushing the mains. Mains without adequate circulation shall be flushed every ninety (90) calendar days, or more often if necessary, to maintain the proper quality of the water. Records shall be kept of
the date, place and duration of flushing mains; and such records shall be used as a guide to
determine the necessary frequency of flushing of the same mains thereafter.

(g) **Segmentation of systems.** The design of water mains or systems hereafter constructed shall
contain valves at intervals throughout the system to facilitate repairs and minimize interruptions
of service to consumers.

(h) **Grid systems.** Whenever feasible, the distribution system shall be laid out in a properly
segmented grid so that in case of breaks or repairs the interruption of service to the consumers
can be kept at a minimum.

(i) **Fire protection service.** Specifications, location, installation, and the responsibility for the
maintenance of fire hydrants, public and private fire protection facilities and connecting mains,
and the ownership of such facilities shall be subject to negotiation between the utility and the
municipality served. Fire hydrants and public and private fire protection facilities shall conform
to the requirements of the city where installed or in the absence of city requirements, to the rules
and orders of the Commission.

(j) **Valves.** Each utility shall inspect the principal mainline valves on its distribution system at
least once every two (2) years. A record of each valve shall be kept showing the size, type,
location, date of inspection and the results thereof.

(k) If PUD informs the utility of any safety issues concerning the utility's plant, equipment, or
facilities by identifying the relevant Commission rule, or other applicable Federal or State laws
implicated by the safety issue, the utility shall electronically provide photographic evidence to
PUD showing completion of work and that the issue has been resolved. If the utility has the
necessary equipment it shall provide such evidence via electronic photographs or such other
method that will reasonably show the issue has been resolved.

165:65-3-2. **Extent of system in which utility shall maintain service**

(a) Each With the exception of emergency conditions beyond its control, each utility shall
operate and maintain in safe, efficient, and proper condition all the facilities and instrumentalities
used in connection with the transmission, distribution, regulation, measurement, and delivery of
water to any consumer up to and including the point of delivery into the piping owned by the
consumer.

(b) A water utility may operate and maintain any privately owned lines utilized by the utility for
transmission and distribution of water, if granted such permission by the owner of the private
line.

(c) No residential meter shall be installed inside a residence.

(d) The meter shall be set at the nearest feasible point to the property or curb line of the
consumer.

(e) All mains, water lines, pipes, and equipment owned by the consumer from the outflow side
of the meter shall be maintained in a safe, efficient, and proper condition by and at the expense
of the consumer. The utility shall have the right to inspect a new installation prior to furnishing
service and the right to inspect an existing installation under reasonable conditions. Service may
be refused or discontinued until the provisions of this Chapter are complied with.

(f) Each water utility, for each locality which it serves, shall provide contact information for
an office or agent where the consumer may pay bills and conduct any other necessary business
with a representative of the utility. Such office or agent shall be available to the consumer
during reasonable business hours at least five (5) days per week.
(g) The utility shall provide in the telephone directory for each area it serves a telephone listing by which the utility personnel can be notified at any time during a twenty-four (24) hour day period of any utility service deficiency or emergency. If utility personnel are not available to accept the call and the call is recorded, the utility shall contact the consumer to confirm receipt of the call within two (2) hours.

165:65-3-3. Service pipes and meter sets
(a) Upon application by any bona fide applicant for water service, the utility shall provide a tap and a corporation cock at the main, furnish and install a service pipe of suitable material and capacity, furnish and install a shut-off cock, a meter box, and all other fittings necessary to set a meter on the applicant's property abutting upon any public way in which the utility has an adjacent water distribution main.
(b) Where additional meters are furnished by the utility for the convenience of the consumer, a charge for such meters may be made in accordance with a schedule approved by and on file with the Commission.
(c) The utility may charge the residential applicant a tap-on charge specified in its tariff or rules of service on file with and approved by the Commission for furnishing and installing the necessary material and coupling devices, providing the meter setting and connecting the meter to the consumer's house service line. The charge shall be a non-recurring charge for the premises, notwithstanding later change in ownership or consumers there served. Subsequent consumers may be charged a service initiation fee, provided such fee is listed in the utility's approved tariff. The meter box, meter, and all other fittings used in connecting service and serving the meter shall remain the property of the utility. When it is necessary to make a tap-on of a size larger than required for a residential consumer, the tap-on and meter setting cost shall be charged the consumer as specified in the tariff or Rules of Service, or if no such charge is there stated, at the actual cost to the utility.
(d) Where the utility and the consumer cannot agree upon the location, dimensions and type of installation to be made, the utility shall advise the consumer of the CSD and provide the telephone number to the consumer to address the problem and seek resolution. If the problem remains unsolved, either the consumer or the utility may file an application with the Commission for hearing and final determination.
(e) Where circumstances require the meter to be set at a point other than the property or curb line, the proper service pipes shall be installed by the utility from the main to the meter. If the meter is located inside the property line at the consumer's request, the consumer shall pay the cost of the service pipe from the property or curb line to the meter and for installation thereof, under uniform rates to be adopted by the utility and approved by and on file with the Commission. The utility shall own and maintain all service lines and equipment up to the outflow side of the meter wherever installed.
(f) The utility shall provide each service connection with an individual shut-off cock. No tandem service shall be allowed.
(g) The size, design, material, and installation of the consumer's service pipe shall conform to any code, ordinances or requirements of the city or town where installed, or where no such requirements exist, to the rules and orders of the Commission and the Service Rules of the utility filed with and approved by the Commission. No service pipe shall be less than three-fourths inch (3/4") nominal size. All service pipes shall be laid underground at a depth sufficient to
prevent freezing, except where service is not intended to be used during freezing weather and the pipes are actually drained during such periods.

(h) In the installation of a service pipe the consumer shall not install any tee or branch connection without consent of the utility. The consumer shall leave the trench open and pipe uncovered until it has been inspected by the utility or inspection waived. The service pipe shall be provided with a suitable shut-off cock by the consumer. The consumer is responsible for maintenance of all service pipes from the outflow side of the meter.

(i) When the installation of a service pipe requires a trench to remain open on the consumer's property for an inspection or waiver of inspection, the utility shall perform the inspection, or request that the inspection be performed if done by a third party, within fourteen (14) calendar days of the installation.

(j) All open trenches shall be clearly marked for the safety of the public using, at a minimum, caution tape or flags.

165:65-3-5. Sale or disposal of facilities by utility

(a) The parties to a transaction, the performance of which will result in the transfer of any portion of a water utility's jurisdictional plant or operating system or the transfer of some or all of a water utility's customers to a person or entity that is not an affiliate of such utility, shall, at least ninety (90) calendar days before the effective date of such sale or transfer, request the approval of the Commission of the transaction by filing an original and eight (8) four (4) copies of a joint application, consistent with OAC 165:5-7-1, with the Commission's Office of the Court Clerk, accompanied by the applicable filing fee. At the time the joint application is filed, the parties to the transaction shall serve a copy of the joint application, with all attachments thereto, upon the Attorney General and the Department of Environmental Quality. Additionally, the person or entity receiving the facilities or customers shall, at the time of the filing, be providing water service to Oklahoma customers or be seeking approval, in the joint application or in a separate cause, to provide such service to Oklahoma customers.

(b) The joint application referred to in (a) of this Section shall include the following information:

(1) The names of the parties to the transaction and the addresses of their respective principal places of business;

(2) A narrative description of the transaction, including, without limitation, a description of the transferring party's jurisdictional plant or operating system to be transferred to the acquiring party, the number and types of customers to be transferred to the acquiring party as a result of the transfer of those jurisdictional assets, the contemplated effective date of the transfer, and the consideration to be given for consummating the transfer;

(3) A statement as to whether the consideration to be given for consummating the transfer is below or above the net book value of the transferred assets;

(4) A narrative description of how the transferred customers will continue to receive safe and reliable water service after the effective date of the transaction, any proposed changes to the rates charged for that service after the effective date of the transaction, including a summary of the effect that the proposed changes to rates would have on an average customer's bill, and any other proposed changes in the terms and conditions of that service after such effective date subject to the terms of (g) of this Section;
(5) A narrative description of the principal occupation or business of the acquiring party and all affiliates thereof during the previous five (5) years, and the names and relevant biographical information of all principals, officers, and directors of the acquiring party;

(6) A narrative description of the operational and managerial experience of the acquiring party's personnel to be responsible for the operation and management of the facilities to be used to provide water service to the transferred customers after the effective date of the transaction;

(7) The names, addresses, email addresses, and telephone numbers of representatives of the acquiring party who will be the contacts for the Public Utility Division (PUD) and the Consumer Services Division (CSD) and who will be primarily responsible for:

(A) Customer service issues;
(B) Repair and maintenance issues;
(C) Customer complaint issues;
(D) Authorizing and furnishing refunds to customers;
(E) Tariff issues; and
(F) Receiving notices related to causes docketed at the Commission;

(8) Audited financial statements of the acquiring party, to include but not be limited to balance sheets and income statements, covering the previous three (3) years;

(9) An unaudited financial statement of the acquiring party, covering the most recent quarter closed immediately preceding the filing of the application;

(10) An affidavit by the acquiring party stating that the acquiring party possesses the financial and managerial ability to provide safe and reliable water utility service to the transferred customers and that the acquiring party is aware of and will abide by all Commission rules applicable to the provision of such service;

(11) The information required by OAC 165:65-11-3(o) and (q) and an affirmation that the records and reports required by OAC 165:65-9 exist and may be subject to review by the Commission during the application process.

(12) A copy of the agreement governing the terms of the transaction;

(13) If the acquiring party is also a public utility subject to the jurisdiction of the Commission, a statement to that effect. The information listed in (5) through (9) of this subsection is not required if the acquiring party is a public utility currently engaged in the furnishing of public utility services under the jurisdiction of the Commission at the time that the application is filed; and

(14) The name and address of the acquiring party's service agent registered with the Oklahoma Secretary of State.

(c) Upon Commission approval of the joint application referred to in (a) of this Section, the transferring party shall also transfer to the acquiring party the records required by the Commission to be maintained pursuant to OAC 165:65-9 and OAC 165:65-11-3(o) and (q), to the extent they pertain to the transferred customers.

(d) After notice and hearing, the Commission shall issue an order approving the application if it finds that the transaction is, fair, just, and reasonable and in the public interest. The acquiring party shall have the burden of establishing that the proposed transaction is fair, just and reasonable, as well as in the public interest.

(e) Unless otherwise ordered by the Commission, the hearing referred to in (d) of this Section shall be commenced within sixty (60) calendar days after the joint application referred to in (a) of this Section is filed. Upon motion by any interested party in the proceeding, or sua sponte, the
Commission shall establish a procedural schedule setting forth dates for the filing of written testimony, discovery, and the hearing on the merits and such other dates, as the Commission deems appropriate.

(f) Notice of the hearing referred to in (d) of this Section shall be mailed to the Attorney General and to each customer of record of the transferring party who will be transferred to the acquiring party, and to any other person directed by the Commission to receive notice, at least twenty (20) calendar days prior to the date of the hearing. The form of the notice must be approved by the Commission prior to such mailing.

(g) If the application is approved, the rates for water service in effect for the transferred customers prior to the effective date of the transfer shall continue to be charged by the acquiring party with respect to those customers, unless and until different rates are reviewed and approved by the Commission in the current cause or in a subsequent cause. If different rates are reviewed and approved and/or changes in the terms and conditions of service are approved by the Commission in the current cause or in a subsequent cause, the acquiring party shall have thirty (30) calendar days after the final order has been issued to submit an original and two (2) copies of the proposed tariffs, which conform to OAC 165:65-9-7, reflecting the changes or additions to rates and/or terms of service to the Public Utility Division PUD for review and approval.

(h) Upon motion, a party may request a waiver from or modification to any of the requirements of this section pursuant to OAC 165:65-1-5.

(i) This section does not apply to transactions that involve discontinuance of service pursuant to OAC 165:65-11-10 or 165:65-11-11 or routine retirement or replacement of facilities.

165:65-3-5.1. Acquisition, control, or merger of domestic public water utilities [REVOKED]

(a) An original and eight (8) copies of an application for approval, consistent with OAC 165:5-7-1, shall be filed with the Commission's Office of the Court Clerk no less than forty-five (45) days prior to the effective date of any of the following transactions:

(1) acquisition of all or any controlling interest in a domestic public utility,
(2) merger of a domestic public utility.

(b) At the time the application is filed, the filing party shall serve a copy of the application with all attachments upon the Attorney General and the Department of Environmental Quality. The application shall include the following additional information, made under oath or affirmation:

(1) The name and address of each acquiring party and all affiliates thereof; and

(A) If such acquiring party is an individual, his principal occupation and all offices and positions held during the past five (5) years, and any conviction of crimes other than minor traffic violations during the past ten (10) years, or
(B) If such acquiring party is not an individual, a report of the nature of its business and its affiliates' operations during the past five (5) years or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence; an informative description of the business intended to be done by such acquiring party and its subsidiaries; and a list of all individuals who are or who have been selected to become directors or officers of such acquiring party, or who perform or will perform functions appropriate or similar to such positions. Such list shall include for each such individual the information required by (A) of this paragraph;

(2) The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a detailed description of any transaction wherein funds
were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration, provided, however, that where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential if the person filing such statement so requests;

(3) Audited financial information in a form acceptable to the Commission as to the financial condition of an acquiring party of the preceding three (3) fiscal years of each such acquiring party, or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence, and similar information as of a date not earlier than one hundred thirty-five (135) days prior to the filing of the application or the period of the most recent closed quarter prior to the filing of the application;

(4) Any plans or proposals which an acquiring party may have to liquidate such public utility, to sell its assets or a substantial part thereof, or merge or consolidate it with any person, or to make any other material change in its investment policy, business or corporate structure, or management. If any change is contemplated in the investment policy, or business or corporate structure, such contemplated changes and the rationale therefor shall be explained in detail. If any changes in the management of the domestic public utility or person controlling the domestic public utility are contemplated, the acquiring party shall provide a resume of the qualifications and the names and addresses of the individuals who have been selected or are being considered to replace the then current management personnel of the domestic public utility or the person controlling the domestic public utility.

(5) The number of shares of any voting security which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement, or acquisition;

(6) The amount of each class of any voting security which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

(7) A full description of any contracts, arrangements, or understanding with respect to any voting security in which any acquiring party is involved, including but not limited to transfer of any securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements, or understandings have been entered into;

(8) A description of the purchase of any voting security during the twelve (12) calendar months preceding the filing of the application, by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefore; and

(9) Copies of all tender offers for, requests for, advertisements for, invitations for tenders of, exchange offers for, and agreements to acquire or exchange any voting securities and, if distributed, of additional soliciting material relating thereto.

(c) Such additional information as the Commission may prescribe as necessary or appropriate for the protection of ratepayers of the domestic public utility or in the public interest shall be provided as directed by the Commission.

(d) If a person required to file the application is a partnership, limited partnership, syndicate or other group, the Commission may require that the information called for in (b) of this Section shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group and each person who controls such partner or member. If any such partner, member, person or acquiring party is a corporation or if a person required to file the application is a corporation, the Commission may require that the information called for by (b) of this Section be given with respect to such corporation, each officer and director of such
corporation, and each person who is directly or indirectly the beneficial owner of more than ten percent (10%) of the outstanding voting securities of such corporation and each affiliate of such corporation.

(e) If any material change occurs in the facts set forth in the application filed with the Commission and sent to such domestic public utility, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the Commission and sent by the person filing the application to the domestic public utility within two (2) business days after such person learns of such change.

(f) Unless otherwise ordered by the Commission, a hearing shall be commenced within thirty (30) days after the application is filed and shall be concluded within thirty (30) days after its commencement. Notice of hearing shall be mailed to the domestic water utility and to each of its customers prior to the date of the hearing as ordered by the Commission.

(g) Any application for merger and other acquisition of control shall be deemed approved unless the Commission has, within sixty (60) days after the conclusion of such hearing, entered its order approving the merger or other acquisition.

SUBCHAPTER 5. WATER QUALITY, TESTING, AND PRESSURE

165:65-5-4. Station meters and pressure gauges
(a) Station meters. The utility shall install station meters and instruments necessary to keep a daily and monthly record of the total amounts of water delivered into the mains.
(b) Pressure gauges. Each utility shall provide itself with one (1) or more pressure gauges for the purpose of making pressure surveys as required by this Chapter. These gauges shall be suitable to record the pressure experienced on the utility's system and shall be able to record at least a twenty-four (24) hour continuous test. One recording pressure gauge shall be maintained in continuous service at some representative point on the utility's mains.
(c) Pressure surveys. Each utility required to have recording pressure gauges shall make frequent records during periods of maximum use, each covering intervals of at least twenty-four (24) hours duration of the water pressure at various points on the system. All records or charge made by these meters shall be identified, dated, and kept on file and available for inspection for at least two (2) years.

SUBCHAPTER 7. METER REQUIREMENTS AND TESTING

PART 1. GENERAL PROVISIONS

165:65-7-2. Adjustment of bills
(a) Allowable error in adjustment of charges. Whenever any water meter is tested by the Commission-PUD or the utility at the request of the consumer to determine the accuracy with which it has been registering in service, it may be considered correct if found to have an average error of no more than two percent (2%) and no adjustment of charges shall be required unless the error is greater than two percent (2%).
(b) Fast meters. Whenever any water meter tested by the Commission-PUD or the utility is found to have an average error of more than two percent (2%) fast, (or in favor of the utility), the utility shall refund to the consumer the overcharge based upon the corrected meter reading for a period equal to one-half (1/2) the time elapsed since the last previous test, but not to exceed six
(6) months, unless it can be established that the error was due to some cause, the date of which can be fixed with reasonable certainty, or the error was due to meter tampering or theft, in which case the overcharge shall be computed from that date.

(c) **Slow meters.** Whenever any water meter tested by the Commission PUD or the utility is found to have an average error of more than two percent (2%) slow, (or in favor of the consumer), the utility may charge for the water consumed, but not included in bills previously rendered, based upon the corrected meter reading for a period equal to one-half (1/2) of the time elapsed since the last previous test, but not to exceed six (6) months, unless it can be established that the error was due to some cause, the date of which can be fixed with reasonable certainty, in which case the charge shall be computed from that date meter tampering or theft. The utility shall allow the consumer to pay the corrected amount, in installment payments, over the same period of time in which the incorrect billing took place, but not to exceed six (6) months, unless otherwise agreed to by the utility and consumer.

(d) **Non-registering meter.** If a meter is found not to register or to register intermittently for any period, the utility may charge for an estimated amount of water used, by averaging the amounts registered over corresponding periods in previous years, or in the absence of such information, over similar periods preceding or subsequent thereto. The estimated billing shall not exceed six (6) months, unless it can be established that the error was due to meter tampering or theft. The utility shall allow the consumer to pay the estimated billing amount, in installment payments, over six (6) months, unless otherwise agreed to by the utility and consumer.

(e) **Incorrect register on meter.** If a meter is found to have an incorrect register, the error shall be corrected. Where the error is adverse to the consumer the utility shall refund to the consumer the excess charged for the water incorrectly metered for the period of time the meter was used in billing the consumer. Where the error is adverse to the company, the utility may charge the consumer the undercharge for the water incorrectly metered for the period of time the meter was used in billing the consumer, and if necessary the utility may receive payment in installments over a reasonable period of time unless it can be established that the error was due to meter tampering or theft. The utility shall allow the consumer to pay any unbilled amount over the same period of time in which the undercharge took place, but not to exceed six (6) months, unless otherwise agreed to by the utility and consumer.

(f) **Inaccurate usage amount.** Bills rendered to the consumer by the utility with inaccurate usage shall be adjusted with the next succeeding bill. The utility shall advise the consumer of the error prior to the next bill being rendered. However, the utility may make a special reading without charge to the consumer and render a corrected bill to the consumer. The utility shall allow the consumer to pay any unbilled amount over the same period of time in which the undercharge took place, unless otherwise agreed to by the utility and consumer.

(g) **Exception.** This Section shall not apply to routine testing and replacement of meters pursuant to OAC 165:65-7-11.

165:65-7-4. **Information as to reading of meters**

(a) **Meter reading records.** The meter reading records shall show:

1. Consumer's name, address, and rate schedule symbol.
2. Identifying number or description of the meter.
3. Meter readings and dates thereof.
4. If the reading has been estimated.
5. Any applicable multiplier or constant.
(b) **Information to customers.** Each utility supplying metered service shall adopt a means of informing its consumers as to the method of reading meters, either by printing on its bills a description of the method of reading meters, by distributing booklets or folders describing the method, or by notice to the effect that the method will be explained by contacting the utility. Meter reading information shall be sent at least annually to each consumer.

(c) **Meter reading information.** Each service meter shall be read by the utility.

1. **Information required.** Each service meter shall indicate clearly the number of gallons of water registered by the meter. Where water is measured in cubic feet or where the quantity is determined by calculation from recording devices, the utility upon request shall supply the consumer with sufficient information to make clear the method by which the quantity is determined.

2. **Meter reading.** Each service meter shall be read by the utility at approximate monthly intervals at least ten (10) times a year on approximately the same day of each meter-reading period. If for reasons beyond the control of the utility it is impossible to read a meter for two (2) successive monthly billing periods, it will be permissible for the utility to submit an estimated bill based upon past service records the amount of such estimated bill to be adjusted as necessary when access to the meter is obtained.

3. **Access to meters and other property.** The utility shall at all reasonable times have access to meters, service connections, and other property owned by it on the consumer's premises for purpose of meter reading and maintenance. Refusal on the part of the consumer to provide reasonable access for the purpose of meter reading shall be deemed sufficient cause for discontinuance of service on the part of the utility, after notice as provided in this Chapter for discontinuance of service for nonpayment of bills. The utility shall provide its employees with a means of identification in order to claim the right of access.

4. **Alternative reading periods.** Upon application of the utility and after notice and hearing, the Commission may authorize the reading of meters less frequently than monthly and prescribe conditions and procedures therefore.

5. **Special meter reading request.** Whenever a special meter reading is required following a request by a consumer, the utility shall not make a charge for the special meter reading, whether or not its applicable tariff authorizes a charge for a special meter reading, unless the consumer has requested and received special meter reading within the previous twelve (12) month period.

**PART 3. TESTING**

165:65-7-12. **Meter testing on request of consumer**

(a) Upon receipt of written request of a consumer, the utility shall within ten (10)-twenty (20) calendar days thereafter test the accuracy of the meter or replace the meter.

(b) No deposit or payment shall be required, whether or not there is an applicable charge in the utility's tariff, from the consumer for such meter test as requested by the consumer, unless the consumer has requested such meter test within the previous twelve (12) months. If the meter meets the accuracy standards of the Commission, and the consumer has not requested such a test in the previous twelve (12) month period, and the consumer was notified before such test of the tariff charge that might be applicable to such meter test, then the consumer should bear the expense of the test provided an approved charge is in the utility's tariff.
(c) Any charge made pursuant to subsection (b) of this Section shall be refunded to the consumer if the meter is found when tested to have an average error of more than two percent (2%).
(d) A consumer may make written request to be present when the utility conducts the test on his meter and may have an expert or other representative present at the time, in which case the utility shall conduct the test only in the presence of the persons requested.
(e) A written report stating the name of the consumer requesting the test, the date of the request, the location of the premises where the meter has been installed, the type, make, size and serial number of the meter, the date of removal, the date tested, and the result of the test shall be supplied to such consumer within ten (10) business days after the completion of the test.

SUBCHAPTER 9. RECORDS, REPORTS, AND FILING REQUIREMENTS

165:65-9-1. Retention, location and availability of records; contact persons
(a) Record retention. Unless otherwise specified herein, all records required by the rules in this Chapter shall be preserved by the utility in the form and for a period of time not less than two (2) years and shall be available for examination by the Commission or its representatives.
(b) Record location. All records required by this Chapter shall be kept within Oklahoma at the office or offices of the utility and shall be open for examination by the Commission or its representatives; provided that if the general office of the utility is located outside of Oklahoma, the records may be kept at the general office. Each utility shall maintain records in such detail that the cost of property located and business done in the State of Oklahoma can be accurately and readily ascertained, and the utility shall make available any such records for examination by the Commission or its authorized representative. Each utility shall notify the Commission as to the location of the office or offices at which the various classes of records are kept and shall file with the Commission such reports as the Commission may from time to time require.
(c) Submetering records. In the event of the use of submetering, all submetering records shall be retained for a period of two (2) years and shall be available for inspection by the Commission, the affected consumer and/or duly interested person or entity at a location accessible to the consumer affected by submeters.
(d) Contact persons. Each utility shall report to the CSD the name, title, address, and telephone number of the person who should be contacted in connection with general management duties, consumer relations and complaints, engineering operations, meter tests and repairs and emergencies during non-business hours. This information shall be furnished applicable to each operating district, town or any segment of the utility so that the CSD will be able to reach the responsible person at any time. The utility shall report any changes in the above promptly, notify in writing, the PUD Director within thirty (30) days of a change in the company-designated contacts for PUD and CSD issues.
(1) The update shall include the name(s), physical street address(es), electronic mail addresses and telephone number(s) of the designated individual(s), and shall be furnished applicable to each operating district, town or any segment of the utility so that PUD will be able to reach the responsible person at any time. If this information is unavailable, the utility may seek a waiver from the PUD Director by making the request in writing.
(2) The contact name(s) provided pursuant to this subsection shall be the individual(s) primarily responsible for:
   (A) Providing customer service;
   (B) Repair and maintenance;
(C) Answering complaints;
(D) Authorizing and/or furnishing refunds to customers;
(E) Tariff issues;
(F) Regulatory matters;
(G) PUD Fee Assessment (and Fee Assessment Payments, if different);
(H) Primary emergency;
(I) After hours emergency;
(J) Annual reporting;
(K) Attorney for regulatory matters;
(L) Community liaison; and
(M) Engineering operations, meter tests and repairs.

(e) **Other information.** Each utility shall promptly furnish such other information as PUD or the Commission may request, unless otherwise ordered by the Commission.

165:65-9-2. **Interruptions of service**

Each utility shall make reasonable efforts to avoid interruption of service. When an interruption occurs service shall be re-established as soon as possible.

1. Each utility shall keep a record of interruptions of service on its primary distribution system, including a statement of the time, duration and cause of each such interruption. The record shall be available to the Commission or its representative on request.
2. The log for each unattended substation shall show interruptions which require attention to restore service with the estimated time and duration of interruption.
3. Any planned interruption shall be made at a time that will not cause unreasonable inconvenience to consumers and shall be preceded by at least a two (2) day notice to consumers affected.
4. The utility is required to report cybersecurity or infrastructure security events that affect customers immediately to the PUD Director or designee.

165:65-9-2.1. **Restoration of service**

This Section establishes general parameters to ensure timely communication to the Commission, of the utility's implementation of its restoration of service plan, following an unplanned service interruption. Each water utility shall have a written restoration of service policy/plan, which shall include a communication plan to be followed during unplanned or emergency interruptions, with a current copy filed by September 30 of each year on file with the Commission's CSD Director of the Consumer Services Division and the Commission's Emergency Liaison. No later than September 30 of each year, this policy shall be reviewed by the utility at least annually and updated as deemed necessary and appropriate. A statement detailing all changes from the previous edition shall be filed with the Commission and included at the front of the policy on file. Each water utility shall provide and keep current, the phone number of any 24 hour emergency operations center or a list with a minimum of two individuals with 24-hour contact numbers to the Commission's CSD Director of the Consumer Services Division and the Commission's Emergency Liaison. The following items are guidelines to be addressed in the policy:

1. Assessment of the extent of the service interruption and what resources (equipment, materials, and labor) will be required to restore service. The utility should also attempt to
determine the number of customers affected and the geographic extent of the service interruption.

(2) Determination as to whether or not the service restoration can be accomplished by use of in-house personnel only, or if contractors (personnel obtained from other utilities or third-party entities) will be required. The objective is to have service restored as soon as possible.

(3) Identification of priorities for service restoration, based upon emergency needs and upon ease of restoration for the greatest number of consumers for the least expenditure of money, time and effort. Priority shall be given to any life-threatening situations known or discovered during restoration of service.

(4) Once water to installations affected with the interest of public health and safety has been restored (such as hospitals, fire and police departments, and 911 centers), service shall be restored to schools as quickly as feasible, during such time of the year that school is in session.

(5) Attempted notification of high-priority customers or major water consuming facilities who are affected by the service outage, when possible. Radio and/or television should be utilized to notify larger numbers of customers as to the type of service outage, extent of the service outage, and the expected time to restore service. Other means of notification may also be utilized, so long as the result is mass notification on an efficient, effective, and timely basis.

(6) Commission notification through the CSD Director of the Consumer Services Division and the Commission's Emergency Liaison to implement the process outlined in paragraphs A through C below. The Commission notification process to the designated Consumer Services Division CSD individual(s) and the Commission's Emergency Liaison may be accomplished by one or more of the following methods: business telephone and/or e-mail address during the business hours of 8:00 a.m. through 4:30 p.m. Monday through Friday, or emergency cellular telephone number after normal business hours, weekends and holidays. The notification shall consist of the following:

(A) An initial contact to notify Staff of outages which involve a major utility substation or facility, may cause a high degree of public interest or concern, or which have a duration of four (4) hours or more and involve one percent (1%) or fifty (50) customers or more, whichever is greater, of the utility's meter count.

(B) Intermediate contact to provide status reports, as deemed necessary by the utility, or as may be requested by Commission Staff.

(C) A conclusory contact detailing the results and completion of the restoration of service plan implementation.

165:65-9-7. Filing of rate schedules, contracts, agreements, and rules
(a) It shall be unlawful for a utility to furnish, charge for, or receive payment for water service except strictly in accordance with a tariff or rate schedule on file with and approved by the Commission.

(b) No tariff or rate schedule shall be added, deleted, changed, closed or discontinued after the effective date of the rules in this Chapter except pursuant to order of the Commission upon application of the utility and after notice and hearing.

(c) A utility shall not demand or accept payment for service of any kind of a sum greater or less than specified in an approved tariff.
(d) A special contract or agreement other than a filed tariff under which water service is furnished to one or more consumers shall be deemed a tariff for purposes of this Section. From and after the effective date of the rules in this Chapter, no service shall be furnished pursuant to such a contract which has not been filed with and approved by the Commission. Any special contract for water service made after the effective date of the rules in this Chapter shall not become effective except after approval by order of the Commission.

(e) The utility shall maintain and furnish to a member of the public on request:
   1. A copy of every tariff and rate schedule under which water service is being furnished to consumers within the area serviced by that local office or agent.
   3. A copy of this Chapter, and all amendments thereto.

(f) A certified copy of every franchise, agreement or permit granted a utility by any municipality shall be filed with the Commission.

(g) A utility shall not sell water to any consumer for resale, except pursuant to a tariff on file with and approved by the Commission which authorizes resale and the consumer has on file with and approved by the Commission tariffs, rate schedules rules and regulations covering such resale or is exempt by law from such requirement.


Each utility shall provide upon request within ten (10) business days to the Commission suitable, detailed maps, a size and media as agreed by the utility and the director of the Public Utility Division (PUD Director) of its general system and shall maintain suitable, detailed maps of its entire system, which shall be made available to the Commission on request. The general system maps may be provided by sections or counties where necessary to meet size requirements. Such maps shall be brought up to date annually, not later than ninety (90) calendar days after the end of the utility's fiscal year.

165:65-9-9. Cost of services, material, or facilities for other types of business or subsidiaries

(a) When a utility is engaged in any type of non-utility business or operations, through subsidiaries or otherwise, or in any business not considered in the ratemaking process, and personnel, material, equipment, or any facility of the utility is supplied for the operation of such other type of business or subsidiary, the utility shall keep an accurate account or allocation of all of the cost of personnel, services, material, equipment, or any facility between utility and non-utility operations. There shall be a written accounting thereof between utility and non-utility operations on a monthly basis. This accounting will clearly delineate company's utility and non-utility expenses and revenues for the purposes of accurate ratemaking.

(b) The cost of keeping the records and any other expense caused by furnishing such services, materials, or facilities shall be charged to the recipient thereof. "All of the cost" in this Section shall mean actual cost plus any direct or indirect charges related to the cost of services, materials, or facilities calculated on the same basis used in allocating direct and indirect charges to the utility operations.

(c) Records of and reports on services, materials, or facilities to other types of business or subsidiaries referred to in this Section shall be available to the Commission or its representatives.
165:65-9-10. Accounting
(a) The "Uniform System of Accounts" applicable to water utilities published by the National Association of Regulatory Utility Commissioners (NARUC) or other uniform system acceptable to the PUD shall be adopted by a utility.
(b) All water utilities that have multi-state operations shall maintain records in such detail that the costs of property located and business done in the State of Oklahoma in accordance with geographic boundaries can be accurately and readily ascertained.
(c) No change in or departure from the system used by the utility will be permitted except upon order of the Commission after notice and hearing.
(d) Every water utility shall file with the PUD an annual report on a form furnished by the PUD, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the State of Oklahoma. Any cost allocations necessary in developing results of operations for the State of Oklahoma separately shall be accomplished on a basis acceptable to the PUD. The annual report form may be changed by the Director of the Public Utility Division PUD Director or designee upon notice being given by posting on the Commission's website the proposed changes, provided such changes must be posted no later than December 31 of the year for which the proposed changes are to be effective.
(e) The results of operations reported by each water utility in its annual report to the PUD shall be reconciled with the results of operations shown on its books, records, and in its other reports to the Commission.
(f) Each utility shall report to the PUD at the end of the utility's fiscal year, on summary sheets furnished or approved by the PUD, the book value of its utility plant. These reports and annual reports required by (d) of this Section shall be delivered to the PUD not later than one-hundred twenty (120) calendar days after the end of the fiscal year, provided that the PUD may grant an extension for good cause shown.
(g) Each utility shall make special reports at such time and in such form as the PUD may from time to time require.

165:65-9-11. Relief from rate increase requirements
(a) Class C or D water utilities, having less than $250,000-$400,000 in annual gross revenue within the state, shall not be subject to the requirements of OAC 165:70-7-4 rate regulation as prescribed in Chapter 70, the general rate regulation requirements, unless a water utility proposes an increase in rates and charges which exceeds a fifteen percent (15%) annual increase in revenue, based on the previous twelve (12) months gross revenue generated by the existing water usage rates.
(b) A water utility may not submit more than two (2) consecutive annual submissions using the provisions of this Subchapter, nor may a water utility submit more than three (3) submissions within the most recent five (5) year period using the procedures set forth in this Subchapter.
(c) Each water utility desiring to increase its water rates pursuant to this section shall provide notice to its water customers in no less than two (2) billing cycles with the second notice being given at least sixty (60) calendar days before the effective date of the proposed rate increase. Notice shall be made by regular mail or personal service and be included with each customer's regular bill. Notice to the water utility's customers shall include the following:
   (1) Existing rate and proposed rate;
   (2) Average dollar increase per customer per rate class;
   (3) Percentage of total company regulated revenues increase; and
(4) The procedure necessary for a customer to petition the Commission to examine and determine the reasonableness of the proposed rate increase, pursuant to Section (h) of this Subchapter.

d) Each water utility desiring to increase its water rates pursuant to this section shall notify the Commission at least seventy-five (75) calendar days before the effective date of the proposed rate increase. Notice to the Commission shall include the following:

1. A copy of the notice to be provided to its customers;
2. Verified statement showing the total number of customers of the water utility as of the date of the most recent billing;
3. Verified statement showing the water utility's total gross revenue for the previous twelve (12) months;
4. The date of the water utility's last rate increase, the cause number and the final order number, if applicable;
5. Any anticipated growth or decline in the water utility's customers which is expected to occur during the first twelve (12) months following the proposed rate increase;
6. The types of customers the water utility serves;
7. A copy of the water utility's approved tariff sheet showing the existing rates and proposed new rates;
8. The date of the most recent annual report in accordance with OAC 165:65-9-10(d)-(g).

e) If, thirty (30) calendar days prior to the effective date of this proposed increase in rates and charges, the Commission has received petitions from fewer than fifteen percent (15%) of the affected customers, requesting that the Commission examine the proposed increase in rates and charges, the Commission shall notify the water utility that the rate increase may be implemented on the proposed effective date and shall apply to all bills normally rendered on and after the effective date.

f) If, thirty (30) calendar days prior to the effective date of the proposed increase in rates and charges, the Commission has received petitions from fifteen percent (15%) or more of the affected customers, then the Commission shall notify the water utility that it will examine and determine the reasonableness of the proposed increase in rates and charges and the rate increase may not be initiated until the Commission has completed its determination.

g) A water utility shall not increase its rates and charges under this Section more than once in any twelve (12) month period. If a water utility is eligible to increase its rates and/or charges pursuant to this Section and desires to increase its rates and/or charges above that which is allowed under this Section, it shall file an application pursuant to the Commission's applicable rules, unless otherwise allowed by law.

h) A petition submitted to the PUD Director of the Public Utility Division requesting the Commission to examine and determine the reasonableness of a water utility's proposed increase in rates and charges shall be in substantially the following form:

1. Form: The petition shall be headed by a caption, which shall contain:
   A) The name of the utility seeking an increase in rates and charges; and
   B) The relief sought.

2. Body: The body of the petition shall contain the following:
   A) All allegations of facts, without unnecessary detail, explaining why the customers oppose the increase in rates;
   B) A reference that the petition is submitted pursuant to OAC 165:65-9-11;
   C) The name, address, telephone number, and signature of each petitioning customer;
(D) A copy of the notice provided by the water utility and received by one of the customers signing the petition shall be attached to the petition.

(i) Petitions may be signed only by the affected customers of the water utility. Only one signature per meter shall be counted to determine if the fifteen percent (15%) threshold has been met.

165:65-9-12. Utility acknowledgement of customer complaint inquiries

If PUD contacts a utility concerning a customer complaint, the utility shall respond to PUD within the following time periods:

(1) Inquiries regarding disconnection, suspension, or termination of service shall be acknowledged by the utility within one (1) business day of receipt of inquiry from PUD.

(2) Inquiries other than for disconnection, suspension, or termination of service shall be acknowledged by the utility within three (3) business days of receipt of inquiry from PUD.

SUBCHAPTER 11. CUSTOMER SERVICE

PART 1. DEPOSITS AND BILLING

165:65-11-1. Information on bills

The utility shall bill each consumer as promptly as possible following the reading of his meter. The consumers shall receive their bills by mail, or by electronic notification to consumers who make an affirmative election to receive electronic notification of such information. In no event shall there be a charge for providing a bill through the United States Mail or though different means. The bill shall show:

(1) The reading of the meter at the end of the period for which the bill is rendered.
(2) The date on which the meter was read.
(3) The number and kind of units metered.
(4) The applicable rate schedule or identification of the applicable rate schedule. If the actual rates are not shown, the bill shall carry a statement to the effect that the applicable rate schedule will be furnished on request.
(5) The total amount due for water used. In the case of prepayment meters, the amount of money collected shall be shown.
(6) The date by which the consumer must pay the bill in order to avoid addition of a penalty.
(7) The total amount due after addition of any penalty for nonpayment within a designated period. The terms "gross bill" and "net bill" or other similar terms implying the granting of a discount for prompt payment shall not be used where a penalty is added for nonpayment within a designated period.
(8) A distinct marking to identify an estimated bill.
(9) Any conversions from meter reading units to billing units, or any calculations to determine billing units from recording or other devices, or any other factors used in determining the bill.
(10) The name and toll-free telephone number of the Commission's CSD, to which the end-user may direct complaints and questions regarding utility services.

165:65-11-2. Penalty or charge for late payment of bills
(a) A utility may make a penalty charge in an amount not to exceed one and one-half (1 1/2\%) for delay in receipt of payment by the utility past the due date of the bill, unless otherwise ordered by the Commission. The due date shall be stated on the face of the bill and shall not be earlier than ten (10) days after the bill was mailed, except that for residential consumers, it shall not be earlier than twenty (20) days after the bill is mailed or hand delivered.  

(b) A utility shall clearly state upon the face of its bills the amount of late payment penalty, and the date on or before which payment must be received in order to avoid paying the late payment penalty. In its billing, the utility shall not use the term "prompt payment discount" or other words of similar import which suggest that the consumer will receive a discount or reduction of charges for water service for payment prior to a certain date. The late payment penalty may be applied to any unpaid balance due at each monthly billing period.

165:65-11-3. Deposits and interest
(a) Each utility shall prepare and submit a plan containing criteria for deposits to the Commission for approval. The plan shall include criteria for residential and nonresidential consumers with residential being defined in each utility's tariff.

   (1) The residential plan shall conform to all subsections of this Section.

   (2) The nonresidential plan shall conform to all subsections of this Section except (b), (c), (d), and (j).

(b) No utility shall require a deposit of a residential consumer who has received the same or similar type and classification of service for twelve (12) consecutive months and service was not terminated for nonpayment nor was payment late more than twice nor was a check for payment dishonored. The twelve (12) month service period shall have been within eighteen (18) months prior to the application for new service. The utility plan may establish other relevant criteria which will qualify the consumer for nonpayment of a deposit.

(c) No utility shall require a deposit more than one-sixth (1/6) of the estimated annual bill. The utility may allow smaller deposits to be made, in conformance with relevant, objective criteria written in the utility's plan. The utility plan may allow consumers to pay deposits in installments.

(d) Any utility that fails to maintain an accurate record of any customer's deposit history, pursuant to this section, and in accordance with 165:65-11-3(q), may not require a new deposit from that same customer should the customer request new service.

(e) A utility may require an advance deposit as a condition of service for consumers other than those consumers addressed in (b).

(f) A present consumer may be required to post a deposit as a condition of continued service if undisputed charges have become delinquent, with delinquent meaning a payment not received on or before the due date as posted on the bill, in two (2) of the last twelve (12) billing periods or if the consumer has had service disconnected during the last twelve (12) months or has presented a check that has been subsequently dishonored.

(g) Interest on cash deposits shall be paid by the utility at no less than the rate calculated as follows:

   (1) For all consumer deposits returned within one (1) year or less, the interest rate shall be established on the 1st day of January of each year to equal the average of the weekly percent annual yields of one (1) year U.S. Treasury Securities for September, October, and November of the preceding year. The interest rate shall be rounded to the nearest basis point.
(2) For all consumer deposits held by the utility for more than one (1) year, the interest rate shall be established the 1st day of January for each year to equal the average of the weekly percent annual yields of 10 year U.S. Treasury Securities for September, October, and November of the preceding year. The interest rate shall be rounded to the nearest basis point. The utility may pay the average of one (1) year Treasury Security, as referenced in (f)(1) of this Section, for the first year the deposit is held.

(3) Provided, however, that after the interest rate is initially established pursuant to this subsection, the interest rate(s) shall not change unless the application of the formula in (f)(1) and/or (2) results in a change in interest rate(s) that is/are greater than fifty (50) basis points.

(4) The PUD Director of the Public Utility Division shall calculate the interest rate(s) as pursuant to (f)(1) and (2) of this Section, and shall mail provide notice to the utility company via mail, email, or posting on the Commission's website by December 15th of each year, only if a change in the rate(s) is/are necessary pursuant to subsection (f), otherwise the current interest rate(s) will remain in effect.

(g)(h) If refund of deposits is made within thirty (30) days of receipt of deposit, no interest payment is required. If the utility retains the deposit more than thirty (30) days, payment of interest shall be made retroactive to the date of deposit. No interest shall accrue on a deposit after discontinuance of service.

(i)(j) The deposit shall cease to draw interest on the date it is returned or credited to the consumer's account.

(k)(l) Each consumer posting a cash deposit shall receive a nonassignable receipt in writing at the time of making the deposit or within the ten (10) days thereafter. When a consumer pays a deposit as a portion of a water service bill, payment of the bill shall serve as a receipt of the deposit. If the deposit is not paid by the due date, the amount of the deposit will become a part of the past due amount owed and monies paid shall be applied to the oldest past due amount. The utility plan shall provide reasonable means whereby a depositor who applies for the return of his/her deposit, or any deposit to which he/she is entitled, but who is unable to produce the original receipt may not be deprived of his/her deposit or balance.

(m)(n) The utility shall automatically refund the deposit for residential service, with accrued interest, after twelve (12) months' satisfactory payment of undisputed charges and where payment was not late more than twice; provided, however, that service has not been disconnected within the twelve (12) month period. Payment of a charge shall be deemed satisfactory if received on or prior to the date the bill is due. Payment of a charge shall be deemed not satisfactory if made by a check subsequently dishonored. The utility plan shall provide for the review of all deposits at least annually and shall provide whether refunds will be paid by negotiable instrument, upon request of the consumer, provided, the consumer's bill is not delinquent, or by credit against current billing.
(n)(o) The utility may withhold refund of return of the deposit, pending the resolution of a
dispute with respect to charges secured by such deposit.
(o)(p) The utility company shall keep records to show:
   (1) The name, account number and address of each depositor.
   (2) The amount of the deposit and date received.
   (3) Each transaction concerning the deposit.
(p)(q) Such records shall be retained for two (2) years after deposit and/or interest is refunded or
applied.
(q)(r) Upon the sale or transfer of any public utility or operating units thereof, the seller shall
file with the application for transfer a verified list of all consumers from whom a deposit is being
held, the date such deposit was made, the amount thereof, and the unpaid interest thereon. The
information provided shall be treated as confidential and shall not be available for public
inspection unless ordered by the Commission after notice and hearing.
(r)(s) Deposits shall not include membership fees in cooperatives.
(s)(t) The deposit made by the consumer with the utility at the time of application for water
service shall not constitute an advance payment to cover service bills, but for all purposes it is to
be considered as security for the payment of monthly bills or other proper charges.

PART 3. DISCONNECTION OF SERVICE

165:65-11-10. Disconnection of service by a consumer
   A consumer may be required to give up to five (5) business days written notice, excluding
legal holidays, Saturdays and Sundays, of intention to have service disconnected or to have the
account closed and shall be responsible for all charges for service until the expiration thereof.
This 5-day written notice provision may be waived by the utility. Such disconnection or closing
of the account does not relieve the consumer of obligations incurred prior to disconnection. At
the time the consumer requests disconnection or closing of the account, the utility will advise the
consumer of any reconnection and service fees, if any reconnection and or service fee applies
pursuant to the utility's approved tariffs.

165:65-11-11. Disconnection of service by a utility
(a) Sufficient reasons for disconnection of service. A utility may disconnect service to a
consumer for any of the following reasons:
   (1) Nonpayment of all or any portion of undisputed utility bills or a utility bill which is no
   longer disputed or for which the Commission's dispute process has been completed.
   (2) Failure to comply with the terms and conditions of a settlement agreement or any type of
defered payment agreement or a Commission order.
   (3) Failure to post a deposit as prescribed in OAC 165:65-11-3.
   (4) Failure to make application for service.
   (5) Misrepresentation of identity or facts for the purpose of obtaining service or use of an
   alias, trade name, business name, relative's name or another person's name as a device to
   escape payment of an unpaid obligation for utility service provided to the consumer.
   (6) Violation of any rule or regulation of the Commission or Commission-approved rule of
   the utility.
(7) Refusal to grant access at reasonable times for the purpose of installation, inspection, maintenance, replacement, or reading of utility equipment installed upon the premises of the consumer, or maintaining any obstruction that would deny access for these purposes.
(8) Potential adverse effect of the service required by the consumer on the service of other consumers of the utility, provided the consumer has been notified and given a reasonable opportunity to correct the adverse effect.
(9) A consumer provides false or misleading information to the utility in order to avail the consumer of the provisions applicable to the financial assistance delay, deferred payment agreement or Commission notification procedure for elderly and/or handicapped consumers.
(10) Where negligent or wasteful use of water exists on a consumer's premises, which adversely affects the general service, the utility may discontinue the service if the conditions are not corrected. Where such waste threatens the supply to a substantial number of other consumers, service may be discontinued immediately after notice.
(11) Abandonment of the premises served.
(12) Upon request of the consumer pursuant to OAC 165:65-11-10.
(13) Causing injury or threatening to cause injury to an employee of the utility or the family of an employee of the utility or the property of the utility for the purpose of preventing a utility employee from engaging in activities authorized by law or in retaliation for such activities.
(14) Whenever the utility has reason to believe that continued service will create a condition on the consumer's premises that is dangerous to persons or property.
(15) Violation of the utility's rules regarding the operation of nonstandard equipment or unauthorized attachments, if the consumer was notified first and given a reasonable opportunity to comply with the rules.
(16) Violation of federal, state, or local laws or regulations through use of the service.
(17) Causing damage to utility property.
(18) A condition exists which poses a health or safety hazard.
(19) Unauthorized use of water service accomplished through bypassing of the utility's measuring equipment or tampering with pipes, meters, or other utility equipment.
(20) The utility may disconnect service twenty-four (24) hours after providing notice for violations of (3) through (9) of this subsection.

(b) Insufficient reasons for disconnection of service. A utility shall not disconnect service to a consumer for any of the following reasons:
(1) Failure to pay for a different kind or classification of service from that requested.
(2) Failure to pay a bill correcting a previous under billing, due to misapplication of rates, unless the utility offers the consumer a deferred payment agreement as provided elsewhere in this Chapter.
(3) Failure of a previous owner or occupant at the premises or user of the service to pay an unpaid or delinquent account, except where the previous occupant remains an occupant or user of the utility service.
(4) Failure of a consumer to pay any portion of an estimated billing which the consumer disputes, except where the consumer fails to allow a utility representative access to the meter.
(5) If a current consumer in good standing who accepts an additional household member owing a previous bill to the utility unless that additional household member is listed on the lease arrangements or another utility service as a responsible party, or unless the household member shared service with the subscriber at a different or same location.
(6) If a consumer or potential consumer for a previously unpaid account from a different utility beyond the boundaries of the utility's service territory.

(7) Pending verification, service cannot be withheld or disconnected from a consumer whose name was used to obtain service at another location without the consumer's permission or knowledge.

(8) Nonpayment of an amount past due for more than three (3) years if the utility cannot substantiate the charges with a copy of the consumer's complete billing history reflecting usage, consumption and relevant charges.

(9) Failure to pay a past due amount to another utility.

c) Effective period of notice. A utility may disconnect service on the date specified in the notice or within thirty (30) calendar days thereafter, during regular business hours, so long as the disconnection does not occur within the last two (2) hours of the business day; nor shall service be disconnected on a holiday, nor after noon (12:00 p.m.) on Fridays until Monday morning.

d) Documentation of reason(s). The utility shall provide documentation to the consumer indicating the reason(s) that service is being withheld or disconnected.


(a) Twenty-four hour notice. Except as otherwise specifically provided for in this Subchapter (OAC 165:65-11-11), service shall be disconnected only after at least twenty-four (24) hours written notice has been given to the consumer by leaving a copy of such notice with the consumer or by leaving a copy of such notice in a conspicuous place at the premises where service is provided. This notice shall be in writing and state the reason for the action, the amount due, if applicable, the company to contact in bold print, the contact telephone number, in bold print, and the telephone number of the CSD. This notice shall be in writing, in bolded lettering, and state the reason for the disconnection, the amount due, if applicable, and the utility company's name, telephone number, and contact information. After the utility company's contact information, the notice shall include the telephone number of CSD in a printed size smaller than the print size used for the utility company's contact information, not bolded, and shall include the following statement: "For clarification of statutes and rules governing services, or escalations of disputes, you may contact the Oklahoma Corporation Commission's Consumer Services Division." The utility shall submit a copy of the notice to PUD for approval prior to usage.

(b) Residential notice. When service to a residential consumer is to be disconnected for nonpayment of a bill for utility service or failure to make a security deposit after a reasonable time, the utility company shall give at least ten (10) days written notice from the date of mailing to the consumer. Said written notice shall be mailed by the utility company to the consumer's billing address, unless the mail is returned from that address as undeliverable, in which case the notice may be delivered to the premises at which the service was rendered.

1. Notice will be deemed delivered to the consumer three (3) business days after mailing by the utility company, which shall not extend the ten (10) days written notice from the date of mailing to the consumer written notice requirement above.

2. A notice of disconnection shall contain the following information:
   - (A) The words "DISCONNECTION NOTICE" OR "CUT OFF NOTICE" in bold print no smaller than one-fourth inch (1/4") tall.
   - (B) The name and address of the consumer.
   - (C) A statement of the reason for the proposed disconnection of service.
(D) The date on or after which service will be disconnected unless appropriate action is taken.
(E) The telephone number in bold print of the utility company where the consumer may make an inquiry.
(F) The approved charges for reconnection.
(G) A statement that the consumer must contact the utility company regarding the disconnection, prior to contacting the Commission's CSD, and should contact CSD if they cannot reach a resolution with the utility.
(H) The address and telephone number of the Commission's CSD, in print size which is smaller than the print size used for the utility company's telephone number.
(I) A statement that advises the consumer of the availability of a deferred payment agreement.
(J) A statement that advises the consumer of the elderly/handicapped notification.
(K) A statement that advises the consumer of the availability of the 20-day financial aid assistance delay.
(L) A statement that advises the consumer there are agencies providing assistance to consumers for their utility bills as well as provide the location of pay agents upon the consumer's request.

(3) The utility company shall notify the consumers in writing, at least annually, of the name and address of the authorized payment agencies, if other than the utility company's offices, where consumers may make payments.

(c) **Commission as intermediary.** Unless otherwise directed by the CSD, the utility company shall not contact the consumer regarding the consumer's account after the Commission has notified the utility company of a complaint or inquiry from the consumer. The Commission shall be the intermediary between the utility and the consumer until the resolution of the problem has been completed.

(d) **Third party notice.** A utility shall permit residential consumers to designate a consenting individual or agency to receive the applicable notice of disconnection.

(e) **Tenant notice.** Where a master metered apartment complex, building, or trailer court is subject to disconnection, the written notice to the consumer shall also be posted in a common area of the premises at least ten (10) days prior to disconnection of service. The utility may contract with tenants for residential service.

(f) **Commercial or business notice.** Service of nonresidential customers or other water systems shall be disconnected for nonpayment of all or any portion of an undisputed utility bill or failure to comply with the provisions of a deferred payment agreement only after at least five (5) business days written notice has been mailed to the consumer by the utility or after the notice is left in a conspicuous place at the premises where service is provided.

**165:65-11-14. Commission notification procedure for elderly and/or consumers with disabilities**

(a) At any time prior to disconnection of service, the Commission notification procedure shall be available to those elderly and/or consumers with disabilities who have notified the utility in writing that they wish to be included in the following Commission notification procedure:

(1) A utility shall notify the Commission's CSD by telephone at least five (5) days prior to disconnection.
(2) Such notification shall be confirmed in writing by the utility and mailed, e-mailed, or faxed to the Commission's CSD the same day as the telephone notification. Written confirmation shall contain at a minimum:

(A) The name, address, telephone number, and account number of the involved parties.

(B) The words "NOTICE", "SERVICE SUBJECT TO CUTOFF" AND "ELDERLY and/or CONSUMER WITH DISABILITIES" should be conspicuously placed on the notice in bold, capitalized letters.

(C) The scheduled date for disconnection.

(D) The unpaid balance amount.

(E) The name and telephone number of a contact person at the utility.

(3) For those who have registered with the utility as elderly and/or consumer with disabilities, the utility shall delay disconnection of service to the elderly and/or consumers with disabilities for five (5) additional business days upon request of the Commission's CSD.

(4)(2) Elderly and/or consumers with disabilities are those consumers who have notified the utility in writing that they wish to be included in the Commission notification procedure available to them and who:

(A) Have a permanent impairment which substantially limits the disabled consumer's ability to pay for utility service; or

(B) Are sixty-five (65) years of age or older.

(b) The utility shall notify the consumer or other person responsible for the bill, during the initial application for service, annually thereafter, and at any time disconnection is imminent, of this additional notification procedure.

(c) The utility may require verification of the consumer's qualifications.

(d) The Commission notification procedure is in addition to the other requirements set forth in this Subchapter, which the utility shall meet prior to disconnection of service.

165:65-11-15. Delays to disconnection of residential service

(a) Limitations on disconnection. After notice and hearing, the Commission may issue an order that may include limitations on disconnection of residential utility service.

(b) Temporary ban on disconnections. The Commission shall have the authority to order a temporary ban on any or all disconnections during periods of extremely severe weather or when circumstances exist such that disconnection could create a situation dangerous to the life or health of consumers or to property.

(c) Severe weather.

(1) If the high temperature is actually, or predicted to be, 32 degrees Fahrenheit or below on the day of disconnection or the nighttime low is predicted to be 20 degrees Fahrenheit or less, the utility shall suspend its disconnection of service if the water service is used for heating purposes. If the NWS issues a local forecast predicting the temperature will drop below 32 degrees Fahrenheit for any time period during the following twenty-four (24) hours, the utility shall suspend its disconnection of service if the water service is used for heating purposes. The utility must obtain the most recent local forecast for the customer's location from the NWS reports between the hours of 6:00 a.m. and 8:00 a.m. on the morning of the day that the customer's shut-off is scheduled. If the NWS issues an updated forecast on the day of disconnection, then such updated forecast shall be used in place of the earlier obtained forecast.
(2) If the service is utilized for cooling and the temperature is actually, or predicted to be, 101 degrees heat index or higher on the day of disconnection, the utility shall suspend its disconnection of service activity. If the NWS issues a local forecast predicting the temperature will be 101 degrees Fahrenheit heat index or higher on the day of disconnection, or if the actual heat index is 101 degrees Fahrenheit or higher, the utility shall suspend its disconnection of service activity if the service is used for cooling purposes. The utility must obtain the most recent local forecast for the customer's location from the NWS reports between the hours of 6:00 a.m. and 8:00 a.m. on the morning of the day that the customer's shut-off is scheduled. If the NWS issues an updated forecast on the day of disconnection, then such updated forecast shall be used in place of the earlier obtained forecast.

(3) Nothing in this Section shall prohibit a utility from establishing a higher temperature threshold for residential heating purposes below which it will not discontinue utility service or from establishing a lower temperature threshold for residential cooling purposes above which it will not discontinue utility service. The utility may continue to disconnect utility service for unauthorized use of the utility's measuring equipment or tampering with pipes, meters, or any other utility equipment or obtaining service without contract.

(d) **Financial assistance delay.** When a residential consumer has applied for and is awaiting financial assistance, including social security income, from a federal, state, or local social service agency, and the utility has initiated written notice of disconnection, it shall delay disconnection of service for a period of at least twenty (20) calendar days from the date when such notice was either delivered or mailed to the premises where service is rendered, provided:

(1) The reason for disconnection is for nonpayment of the utility bill.
(2) The consumer has notified the utility that the consumer has applied for and is awaiting financial assistance.
(3) Verification from the involved agency must be provided in a form as prescribed by the utility upon its request.
(4) If the expected financial assistance is less than the amount owed for services, the utility may require the consumer to enter into a deferred payment agreement as prescribed in (e) of this Section.
(5) Under no condition is the utility required to furnish service to the consumer unless there is reasonable expectation of payment for such service except where other rules of this Commission apply.

(e) **Deferred payment agreement.** The utility shall be required to offer a deferred payment agreement before disconnecting service for any bill or account balance in excess of fifty dollars ($50.00) when a residential consumer is unable to pay an account in full. The utility shall not disconnect service for nonpayment of a bill if the consumer enters into a deferred payment agreement with the utility. If the terms of the deferred payment agreement are agreed to orally, the utility may send confirmation of such agreement by mail or by electronic notification to consumers who make an affirmative election to receive electronic notification of such information. A deferred payment agreement may be entered into by the consumer up to, but not including, the day of disconnection. Except where payment assistance for the total amount of the bill is pending, the utility may require a reasonable partial payment in accordance with paragraph one (1) of this subsection, at the time the deferred payment agreement is made.

(1) Deferred payment agreement means a just and reasonable agreement offered by the utility and agreed to by the consumer which provides for the payment of all future bills during the
period of agreement by the due date and the payment of the balance of any outstanding bills in reasonable installments based upon:

(A) Consideration of the consumer's gross income less employer deductions.
(B) Size of the delinquent account.
(C) Consumer's ability to pay.
(D) Consumer's payment history with the utility.
(E) Length of time and reasons why the debt has not been paid.
(F) Other extraordinary expenses of the consumer.
(G) Loss of income through unemployment or illness.
(H) Any other relevant factors concerning the circumstances of the consumer.

(2) The payments under such an agreement need not be equal in amount.
(3) The consumer shall initiate a renegotiation prior to breach of the deferred payment agreement. The deferred payment agreement shall be renegotiated if financial circumstances, such as loss of income through unemployment or illness, or any other relevant factors concerning the circumstances of the consumer, change during the payment period.
(4) If a consumer fails to comply with the terms of the deferred payment agreement, the consumer will be subject to disconnection without further notice, so long as the disconnection date on the first and second notice has not been passed. If the disconnection date has passed, the utility shall provide at least twenty-four (24) hours notice of disconnection to the consumer.
(5) Under no condition is the utility required to furnish service to the consumer unless there is a reasonable expectation of payment for such service except where other rules of this Commission apply.

(f) **False information.** If a consumer provides false or misleading information to the utility in order to avail the consumer of the provisions applicable to the financial assistance delay, deferred payment agreement, life threatening situation, or Commission notification procedure for elderly and/or consumers with disabilities, the false information shall be grounds for disconnection of service by the utility. The utility may disconnect service upon the utility providing notice to the customer in accordance with OAC 165:65-11-13(a).

(g) **Consumer liability.** Reconnection or continuance of service under this Section shall not in any way relieve the consumer of the consumer's liability incurred for utility service.

**PART 5. CHARACTER OF SERVICE**

165:65-11-22. **Change in character of service**

(a) Each utility shall, upon request, give its consumers such information and assistance as is reasonable in order that consumers may secure safe and efficient service.
(b) No change in the characteristics of the water service which may impair the safe, and efficient utilization of the water shall be made.
(c) In order to protect itself against serious and unnecessary waste or misuse of water, the utility may meter any flat rate service connection and apply the regularly established meter rates where the consumer continues to waste or misuse water two (2) business days after the utility has notified him in writing to discontinue such practice.
(d) The utility may require water saving devices to be installed on air conditioning and refrigeration devices of over three (3) tons.
(e) If a change in service to a consumer is required for the convenience or benefit of the utility, the utility shall pay such part of the cost of changing the consumer's equipment as determined by mutual agreement, or by the Commission in the absence of such an agreement, including the cost of making the necessary change in consumer piping.

**SUBCHAPTER 13. PROMOTIONAL POLICIES AND PRACTICES**

165:65-13-6. Contributions
(a) All gifts, donations, and contributions made by the regulated utility shall be treated as "below the line" expenses and excluded from operating expenses allowable for rate making purposes; including, but not limited to the following:
   (1) Contributions to charitable, religious, or educational institutions or associations.
   (2) Contributions to civic, community, social, or public welfare organizations or associations.
   (3) Payments to cities or towns in excess of franchise taxes or charges which the regulated utility is obligated to pay pursuant to an enforceable written contract or franchise.
(b) Dues and fees paid to industry, scientific, and professional organizations which in amount bear a reasonable relationship to benefits received from membership therein shall not be restricted in this Section, and may be eligible for recovery.

165:65-13-7. Filing Submission of promotional practices
(a) Each utility shall file with the Commission a complete and concise statement of every promotional practice not prohibited by this Chapter which it undertakes and offers for the purpose of encouraging the use of its service or appliances using its utility service on the effective date of this Chapter.
(b) The utility shall grant the same promotional benefits to every customer or other person falling within the same classification or meeting the same requirements as any person receiving the benefits.
(c) The utility shall not change, increase, decrease, or alter any promotional benefit or commence any new practice or benefit, except pursuant to order of the Commission upon application of the utility and after notice and hearing; or discontinue any allowance except after written notice to the Commission.

The utility shall submit an annual submission of current promotional practices by May 1, and as programs are updated, to PUD. The report shall include a list and description of all promotional practices and activities. Although submission by the utility shall not assume approval by PUD, it will allow PUD and the utility to review and dialogue as to the appropriateness of the promotional practices, whether or not the expenses should be recovered through rates, and ensure that the promotional practices are provided on a nondiscriminatory basis.
ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to OAC 165:65, Water Service Utilities, which were considered finally adopted by the Oklahoma Corporation Commission on May 28, 2019, under permanent rulemaking provisions of the Administrative Procedures Act, 75 O.S., §§ 250 et seq.

I, the undersigned do hereby attest that such rules were finally adopted in substantial compliance with the Administrative Procedures Act.

__________________________
Lindsay LaFevers Archer
Rules Liaison
Oklahoma Corporation Commission
May 31, 2019
NAME OF AGENCY:                  
Corporation Commission           

TYPE OF DOCUMENT:               
Final Adoption of Permanent Rules

LIAISON VERIFICATION:           
I verify that I have reviewed the attached document and that it substantially conforms to 
filings and format requirements of the Administrative Procedures Act and the rules of the 
Secretary of State. Additional information may be obtained by contacting me at (405) 521-4259.

________________________________________
Lindsay LaFevers Archer 
Rules Liaison 
Oklahoma Corporation Commission 
May 31, 2019