

SECTION C. DEFINITIONS

Applicant – A person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity applying for service with the District. A person must have reached age of majority (18) in Texas to apply for service. (Section 129.001, Civil Practice & Remedies Code)

Authorized Representative or District Representative – The General Manager of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed by this policy pursuant to either general or specific authorization to do so from the General Manager or the Board of Directors of the District.

Board of Directors – The governing body of the District elected by registered voters within the District's boundaries in accordance with the applicable election laws.

Customer – Any person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity having District's service at any specified premises designated to receive service.

Defined Service Area – That area within which water services are provided to customers and that includes the area within the District's boundaries (and/or the area described within Certificate of Convenience and Necessity (CCN) Number 10435).

Deposit – A non-interest bearing refundable fee as set by the Board of Directors based upon the size of the water meter or customer class, which is held by the District as security for service being rendered.

Developer – Any person, partnership, cooperative corporation, corporation, agency, or public or private organization who owns land located within the District or the District's service area(s) who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision and/or requests two (2) or more water service connections on a single contiguous tract of land as defined in Section 13.2502 (e) (1) of the Texas Water Code.

Disconnection of Service – The discontinuance of water service to a customer of the District.

District – The Brookesmith Special Utility District.

District's Water System – The water production, treatment, and distribution facilities operated or to be constructed by the District as currently operating and any water system extensions or improvements which may be built within the District in the future.

Easements -- A private perpetual right-of-way dedicated to the District for the installation of water pipelines and necessary facilities that allows access to property for future operation, maintenance, facility replacement, facility upgrades, and/or installation of additional pipelines (if applicable) for both service to a customer/applicant and system-wide service. This may also include restrictions on the adjacent area to limit the installation of water lines or other facilities that would restrict the use of any area of the easement. The District maintains and occasionally updates a standard easement which must be provided prior to service to a new customer or new service connection. The easement will be filed in the real property records of the appropriate county or counties.

Feasibility Study Fee – A fee paid by a potential customer of the District for the purpose of determining the feasibility of a construction and/or expansion project.

Final Plat – A complete and exact plan for the subdivision of a tract of land which has been approved by all regulatory agencies having jurisdiction over approval of the design, planning and specifications of the facilities of such subdivision.

Hazardous Condition – A condition that jeopardizes the health and welfare of the customers of the District as determined by the District or any other regulatory authority with jurisdiction.

Installation Fee (Tap Fee) – A fee charged for all costs necessary for installation of the type of service requested. (See Section G. for breakdown of costs included in the fee.)

Master Meter – A meter used to measure, for billing purposes, all water usage of an apartment house, condominium, multiple use facility, or manufactured home rental community, including common areas, common facilities, and dwelling units. (See PUC Rules Chapter 24, Subdivision H, Section 24.275(c)(8))

Meter Test Fee - A fee assessed by the District upon written request of the Customer for testing the accuracy of the meter.

Mobile Home Park – A property on which spaces are rented for the occupancy of manufactured or mobile homes for non-transient residential use and for which rental is paid at intervals of one month or longer.

Public Utility Commission (PUC) – State regulatory agency having jurisdiction over Certificate of Convenience and Necessity (CCNs) and appellate jurisdiction for rates of utility districts.

Recreational Vehicle (RV) – A motor vehicle primarily designed as temporary living quarters for recreational camping or travel use, including a travel trailer, camping trailer, truck camper, and motor home. (See Section 522.0044(b) Transportation Code)

Recreational Vehicle Park (RV Park) – A Commercial property that is designed primarily for recreational vehicle transient guest use for which fees for site service connections are paid daily or longer. (See Texas Water Code Section 13.087)

Regulatory Assessment Fee – A fee collected from retail customers by water utilities regulated by the Texas Commission on Environmental Quality (TCEQ). These fees are used to pay the costs and expenses incurred by the TCEQ in the regulation of these retail public utilities. Also required by law, a portion of these fees is used to provide on-site technical assistance and education to these retail public utilities.

Re-Service (Re-Set) – Providing service to an Applicant at a location at which service previously existed and at which there is an existing setting for a meter. Cost of such re-servicing shall be established in the District's Service Policy or based on justifiable expenses in connection with such re-servicing.

Revenues -- Any funds received for water service, tap fees, service charge fees, disconnect fees, reconnection fees or any and all other charges except for service deposits, that may be charged and collected by the District from the ownership and operation of its water systems.

Service Application and Agreement – A written agreement on the current service application and agreement form between the Applicant and the District defining the specific type of service requirements requested, and the responsibilities of each party regarding the service to be provided on property designated to receive service.

Service Availability Charge (Base Rate) – The monthly charges assessed each Customer for the opportunity of receiving service. The Service Availability Charge is a fixed rate based upon the meter size as set forth in the equivalency chart in Section G.

Service Classification/Unit – The type of water service required by an Applicant as may be determined by the District based on specific criteria such as usage, meter size, demand, type application, and other relevant factors related to the Applicant's request. The base unit of residential water service used by the District in facilities design and rate making in this Service Policy is a 5/8" x 3/4" water meter.

Subdivide – To divide the surface area of land into lots or tracts. (Texas Local Government Code Section 232.021(11)).

Subdivider or Person who Subdivides Land – An individual, firm, corporation, or other legal entity that directly or indirectly subdivides land into lots as part of a common promotional plan in the ordinary course of business. See (Texas Local Government Code Section 232.021(12) Definitions and Section F, Part II.)

Subdivision – An area of land that has been subdivided into lots or tracts. See (Texas Local Government Code Section 232.021 (13) Definitions)

Tap Fee – all current labor and materials necessary to provide individual metered water service.

Temporary Service – The classification assigned an applicant that is in the process of construction. This could also apply to service for users other than permanent (resale inspections, agricultural, road construction, drilling, livestock, etc.)

Texas Commission of Environmental Quality (TCEQ) – State regulatory agency having general supervision and oversight of water district, including:

- Monitoring water district activities and the compliance with state laws.
- Providing information to district customers, consultants, board members and employees.
- Reviewing applications and petitions for appointment to district boards.
- Reviewing the issuance of bonds that finance certain district infrastructure.

Usage – Amount billed for water service based on actual or estimated usage.

1. **Actual Usage** – Amount billed or to be collected bases on actual meter reading.
2. **Estimated Usage** – Amount billed or to be collected bases on either the customer's historical average usage for the prior month or for the same month of the prior year where data is available. (See Section E. 6.b.; See also PUC Rules 16 TAC §24.165(i) regarding estimated bills.)

Water Conservation Penalty – A penalty that may be assessed under Section H of the Policy to enforce customer water conservation practices during drought contingency or emergency water demand circumstances. (See Section H Sample Drought Contingency Plan item 7)