

First Revision Sheet No. 1 Cancelling Original Sheet No. 1
WN U-1
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Suncadia Water Company, LLC
Department of Health WFI #AA317

NAMING RATES FOR

Water Service

At

Cle Elum, Washington

And

CONTAINING RULES AND REGULATIONS

GOVERNING SERVICE

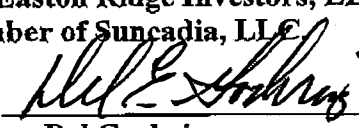
Issued: July 3, 2008

Effective: August 3, 2008

Issued by: Suncadia, LLC, sole owner of Suncadia Water Company, LLC

By: Easton Ridge Investors, LLC, a Delaware Limited Liability Company, managing member of Suncadia, LLC

By:


Del Goehring

**Title: Senior Vice President,
Finance and Administration**

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**WATER SERVICE
RULES AND REGULATIONS**

Rule 1 - Adoption of Rules of Regulatory Authorities

The rules regulating water service prescribed by the Washington Utilities and Transportation Commission, after this called the Commission, are adopted and by this reference are made a part of this tariff.

Rule 2 - Schedules and Conditions

The schedules and conditions specified in this tariff for water service are subject to change according to the public service laws of the State of Washington. The amount of water furnished is subject to the Department of Health required standards of quantity and quality. All schedules for water service apply to applicants for or customers receiving water service from the utility.

Rule 3 - Application and Agreement for Service

Each prospective customer desiring water service will be required to sign the utility's standard form of application before service is supplied.

An application for service is notice that the prospective customer desires water service from the utility and represents agreement to comply with the utility's rules and regulations on file with the Commission and in effect at the time service is furnished. In the absence of a signed application for water service, the delivery of water by the utility through a standard connection and the taking thereof by the customer will constitute an agreement by and between the utility and the customer for the delivery and acceptance of service under the applicable rate schedule(s) and these rules and regulations.

Rule 4 - Definition of Service

Service will be supplied as described in these rules and under the applicable rate schedule(s). Service will be supplied only to those who secure their source of water exclusively from the utility, unless otherwise provided under written contract. Water service will be used only for the purpose specified in the service agreement and applicable rate schedule(s). A customer will not sell or permit others to use such service, unless authorized to do so under written contract with the utility. For residents of The Lodge at Suncadia, service is presumed to begin when a given condominium unit is purchased and the purchaser has the right to occupy it. For restaurant facilities within The Lodge at Suncadia, service is presumed to begin when the restaurants are open for business.

The customer will not increase demand or use of service as stated in the application for

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service without giving prior notice of such increase. In the event of such increase, the customer is required to pay the utility's regularly published rates for the increased service from the date of connection and use of the service.

Rule 5 – Service Visit Charge/Reconnection Charge

N

When a utility employee is dispatched to disconnect service, that employee must accept payment of a delinquent account and service visit charge as specified in **Schedule X**. If the amount owed is tendered in cash, the utility employee will not be required to dispense change for excess of the amount due and owing. Any excess payment will be credited to the customer's account. The utility will restore service when the cause of discontinuance has been removed and payments of all property charges due from the customer have been made.

N

A reconnection charge, as specified in **Schedule X**, will apply for reconnection of the customer's service to the utility's distribution system. Such charge is to apply only in cases where service has been discontinued for non-payment of delinquent accounts, refusal to make repairs, or other causes described in Rule 14. No charge will be made for reconnection of service if the shut-off was made for the convenience of the utility in making repairs or performing system maintenance.

N

Rule 6 - Installation of Service Pipes and Meters

The utility will construct service connections of a proper size from its distribution mains to the customer's property.

Rule 7 – Responsibility for Extension of Distribution Mains

Suncadia Water Company's service area lies entirely within a Master Planned Resort. The Water Company or its owner will construct and pay for the distribution mains serving Suncadia's planned lots unless a homebuilder agrees to construct and pay for the distribution mains serving those lots that the builder is purchasing for resale. For the retail purchaser of individual lots, the cost of the distribution mains will be included in the price of the lot.

Rule 8 - Responsibility for, and Maintenance of, Services

The point at which water will be delivered to and received by the customer will be on the property line (Point of Delivery) of the customer's property at a point designated by the utility. The utility will install its meter at the Point of Delivery, except, at its option, the utility may install its meter at some other agreed point on the customer's property, provided that in such event the property line will nevertheless be deemed the Point of Delivery.

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The customer will assume all responsibility after Point of Delivery for water supplied by the utility. The utility will be exempt from all liability for loss or damage caused by leakage of water furnished by the utility, after water has passed the Point of Delivery.

All service pipes and fixtures on the customer's side of the Point of Delivery shall be provided and must be maintained and protected from freezing at the customer's expense. Where there are leaking or defective pipes or fixtures, the water may be turned off at the option of the utility until properly repaired. The utility may require any service to be equipped with freeze prevention devices to be used during cold weather conditions instead of permitting water to run continuously from faucets. Utility shall not be liable for loss, damage or claims, that arise from or relate to the discontinuance of water service due to leaking or defective pipes or fixtures that are the responsibility of the customer. Such limitation of liability shall include, but is not limited to loss, damage, or claims arising from or relating to inoperable sprinkler systems during the period of water shut-off due to any of the foregoing reasons described in this Rule 8.

The Company shall be responsible for maintaining meter boxes and their contents, along with fire hydrants and services on the street side of the Point of Delivery. However, if a customer N (including Ready to Serve customers) or a customer's contractor causes damage to a meter box, fire hydrant, or other piece of Company-maintained infrastructure, the customer will be responsible for paying the Repair/Damage Charges identified in **Schedule X**.

Rule 9 - Access to Premises / Service Visit Charge

The utility's regularly authorized agents or employees will have access to the premises of the customer at reasonable hours for meter reading, inspection, connection, disconnection, repair or removal of the utility's property.

The customer will pay a Service Visit Charge as specified in **Schedule X** when: N

- a. A utility employee or agent is dispatched to the premise and the condition was caused by or was the responsibility of the customer.
- b. The utility employee or agent has not had access to read the meter for at least two billing cycles as a result of conditions for which the customer was responsible, and the utility employee or agent is dispatched to access the meter and continues to not have access to the meter.

During the winter months when snow and ice prevent access to the meter boxes, the lack of N access shall not be considered the responsibility of the customer. During the winter season when meters cannot be read, the consumption charge shown in **Schedule 2** will be estimated

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based on the customer's average monthly winter consumption for the previous year. Where N winter consumption history is not available for a particular customer, then the average winter consumption for all members of that customer class shall be used as the basis for the estimated winter consumption charges. After the first meter reading of the spring, each customer's account will be adjusted in accordance with the actual metered consumption for the previous winter months. For single-family residential customers, if the spring adjustment requires that the customer pay additional consumption charges for the past winter's water use, then the adjustment will be billed over a sufficient number of months so that the amount of additional consumption charges that the customer is expected to pay in any one month does not exceed the monthly base charge shown in **Schedule 2**.

Rule 10 - Interruption to Service

The utility will make a diligent effort to render uninterrupted service and supply of water. In cases where shut-off is necessary for repair, reconstruction, damage prevention or similar cause, the utility will give advance notice to its customers of such scheduled shut-off. However, the utility will not be responsible for any damage that may result from any cessation of services such as above outlined, nor for failure to give notice of shut-off when circumstances are such that it is impossible to give notice.

Rule 11 - Bills / Late Payment Charge

All bills shall be paid monthly in arrears. Bills will be deemed received upon personal delivery to customer or three (3) days following the deposit of the bill in the United States mail to the customer's last known address. Where the meter has not been read due to N conditions unique to a particular property, a minimum bill will be rendered and adjusted when the next succeeding meter reading is available. Except for the winter procedures described in Rule 9, estimating shall not be done for more than two consecutive months.

Bills are due and payable upon receipt. Bills are considered delinquent if unpaid twenty (20) days after the bill mailing date. A Late Payment Charge, as specified in **Schedule X**, shall be N added to each account for each month the bill is delinquent. The late payment charge will not be applied to any disputed amount unless such amount remains unpaid for twenty (20) days after the dispute has been resolved.

Rule 12 - Deposits

The utility may require a deposit in situations when a customer is unable to establish or maintain credit with the utility, or where a customer's service has been disconnected for nonpayment of amounts owed to the utility as defined by Commission rules. The utility will

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comply with all provisions of the Commission's deposit rules, specifically, the WAC on Deposits.

The deposit will not be more than an average two-twelfths of estimated annual billing. When the Company collects customer deposits, interest must be paid for each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, and published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. Interest is computed from the date of deposit to the date of refund or when applied directly to the customer's account.

The company must refund deposits plus accrued interest when there has been satisfactory payment, as defined by Commission rules or upon termination of service, less any amounts due the company by the customer.

Rule 13 - Responsibility for Delinquent Accounts

The utility will not refuse or discontinue service to an applicant or customer who is not in arrears, even though there are unpaid charges due from the premises occupied by the applicant or customer, due to the unpaid bill of a prior property owner, unless there is evidence of intent to defraud. Property owners are responsible for any unpaid utility bills incurred by renters.

The utility may not permanently deny service to an applicant because of a prior obligation to the utility.

Rule 14 - Discontinuance of Service

The utility reserves the right to discontinue service to its customers for:

- (a) Unpaid bills, as provided for in this tariff.
- (b) Water uses for purposes or properties other than those specified in the customer's application for service.
- (c) Willful waste of water through improper or defective piping, equipment, or otherwise.
- (d) Piping or equipment that does not meet the company's standards or fails to comply with other applicable codes and regulations.
- (e) Tampering with the company's property.
- (f) Vacating the premises.
- (g) Nonpayment of any proper charges, including deposit, as provided in this tariff.
- (h) Refusing to allow access as required in commission Rules.
- (i) Violating rules, service agreements, or effective tariffs, including violation of outdoor watering instructions given to customers in order to curtail water use during time of shortage.

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- (j) Use of equipment that detrimentally affects the company's service to its other customers.
- (k) Service obtained by fraud.

The right to discontinue service may be exercised whenever and as often as any of the foregoing situations occur, and neither delay nor omission by the utility to enforce this rule any time will be deemed a waiver of its right to discontinue service.

Utility shall not be liable for loss, damage, or claims that arise from or relate to the discontinuance of service as a result of any of the foregoing reasons described in this Rule 14. Such limitation of liability shall include, but is not limited to loss, damage, or claims that arise from or relate to inoperable sprinkler systems during the period of discontinuation of water service due to any of the foregoing reasons described in this Rule 14.

Discontinuance of service by a customer: Seasonal or temporary discontinuations of service initiated by a customer are prohibited. If the property is sold, the customer shall be required to give notice to the utility of their intention to transfer responsibility for the account to the purchasing party, along with the date of the transfer.

Required notice prior to disconnecting service: The Utility must serve a written disconnection notice on the customer, either by mail, or, at the Utility's option, by personal delivery of the notice to the customer's address, attached to the primary door.

A minimum of eight (8) business days' written notice will be given a customer before service is discontinued, except in the case of danger to life or property. Before disconnecting service, the utility must in addition to the first (1st) notice as described above, provide a second (2nd) notice by on the two options listed below.

- (1) Delivered notice - The company must deliver a second (2nd) notice to the customer and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than twenty-four (24) hours after the of delivery that allows the customer until 5:00 p.m. of the following day to comply, or
- (2) Mailed notice - The company must mail a second (2nd) notice, which must include a deadline for compliance that is no less than three (3) business days after the date of mailing if mailed from within the state of Washington.

Disconnection notice will expire after ten (10) business days from the first day that the Utility may disconnect service, unless other mutually agreed upon arrangements have been made and confirmed in writing by the Utility. If mutually accepted arrangements are not kept, the Utility may disconnect service without further notice.

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Rule 15 – Exterior Sprinkling and Irrigation

Water used for exterior sprinkling and irrigation must be paid for at the regular prescribed tariff rates for such service. The hours for such use will be as prescribed from time to time by the utility, subject to protest by any customer affected and reviewed by the Commission. During peak use months (June through September), and at such other times when demand may be high, the utility may prohibit or limit exterior sprinkling and irrigation to preserve water for domestic consumption and fire protection.

No person will use water for exterior sprinkling or irrigation purposes during any fire in the area, and all exterior sprinkling or irrigation must be stopped immediately when a fire alarm is sounded. Water use may resume three (3) hours after the fire has been extinguished.

Rule 16 - Rates

Rates for water service and supply are those published in the utility's tariff on file with the Commission. Unless otherwise stated in this tariff, the rates apply to a single service, to one customer at one premise. Where two or more families with separate housekeeping establishments occupy the same or separate dwellings, each family using water is considered a separate customer. Each separate housekeeping establishment or business, using water service, will each be considered a customer.

When conditions require that more than one customer be supplied through one meter (such as with the condominiums and restaurant facilities in The Lodge at Suncadia), each customer will be charged the monthly base charge for its customer class as provided by the schedule of rates in **Schedule 2**. If a special fire protection charge is applicable, then that charge shall be allocated across the customers according to **Schedule 2** (for The Lodge at Suncadia) or according to the number of equivalent residential units (ERUs) of each customer, where the number of ERUs for a given customer class shall be calculated based on the utility's estimate of the average water usage for each customer class in relation to the estimated average water usage for the single-family residential customer class. The charge for metered consumption will be calculated using the rate shown in **Schedule 2** for the total of all customers sharing the meter, and that overall charge will then be allocated to each customer based on the number of ERUs receiving service in that month through that meter. For multi-family condominiums such as those in The Lodge at Suncadia (and any other multi-family residential structures that might be built in the future with a single meter), an individual condominium unit shall be considered to be receiving service as of the date it has been purchased and the purchaser has the right to occupy it. For the restaurant facilities in the Lodge (or for the commercial parts of a mixed-use building with a common meter that might be constructed in the future), facilities are considered to be receiving service as of the date they first open for business.

Nothing in this tariff shall preclude the Company from entering into agreements with

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neighboring water service providers to buy or sell wholesale water for the rate specified in the agreement.

Rule 17 – Account Set-Up Charge/NSF (Non-Sufficient Funds) Charge N

An account set-up charge as specified in **Schedule X** will be made for each new account or change of account responsibility on an existing service. Such charge will be included in the initial billing to the customer. This charge includes the utility dispatching an employee to establish a base meter reading. An account set-up charge does not apply to owners or agents assuming temporary responsibility for service to vacant premises. N

An NSF check charge as specified in **Schedule X** will be made for handling customer checks that have been returned by the bank as NSF or account closed. This charge will be applied to the next billing to the customer. N

Rule 18 - Water Availability Letter Charge

Suncadia, LLC (owner of Suncadia Water Company, LLC) has already purchased water rights and proved the availability of water supply for all lots within the Suncadia master planned resort. Accordingly, there is no need for water availability letters, and no charge is applicable.

Rule 19 - Cross Connection Control

The customer shall not permit the plumbing on their premises to be connected to any source of water supply other than the utility's, or to any potential source of contamination, without first obtaining the utility's written permission and meeting the utility's cross connection control criteria. The cross connection control program is outlined in Schedule 12.

Rule 20 – Temporary Water Service through Fire Hydrants N

Building contractors or others with a need for temporary service from fire hydrants (other than for fire suppression purposes) are required to rent a hydrant meter from the Company and meter their usage. There is no charge for the rental of the hydrant meter if the equipment is not damaged, but there is a security deposit amount identified in **Schedule X**. When the hydrant meter is returned, the temporary customer will be charged for the water consumed at the consumption rate identified in **Schedule 2**. If the hydrant meter is returned within three days of the agreed-upon return date, the security deposit will be returned in full. If the equipment is returned more than three days after the agreed-upon return date, the security deposit will be forfeited by the customer. N

The security deposit may be waived if the borrower gives a credit card authorization for the full replacement cost of the meter. If the item is returned on time, the credit card draft will not be

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drawn. If the equipment is returned but more than 3 days late, a draft will be drawn on the credit card in the amount of the security deposit identified on **Schedule X**. If the equipment is not returned at all, a draft for the full replacement cost will be drawn.

Rule 21 – Water Used by the System but Not Accounted For

N

At the end of each year, the Company will calculate its total potable water accounted for through customer meters and compare it with the total potable water received from the City of Cle Elum. If the amount received from the City of Cle Elum is more than 10% above the total metered potable water for that year, then Suncadia, LLC will be billed for the excess water above that 10% threshold, using the variable contract rate charged to the Company by the City of Cle Elum.

Rule 22 – Procedures and Charges in the Event of a Water Leak

When a customer's monthly consumption is so much higher than expected that a utility employee determines that a leak has occurred on the customer's property, then the following procedure shall apply.

N

Until a customer notifies the Company of a probable leak and makes the necessary repairs, the normal rates shall continue to apply. After the customer notifies the Company of the leak and submits a bill from a plumber or other evidence that the leak has been repaired, then the Company shall re-calculate the customer's bill for the relevant time period (but not more than two months) so that the consumption charge for that time period consists of:

N

1. Normal consumption rates according to **Schedule 2**, applied to the amount of water used during that same time period the year before, or (if the previous year's history is not available) an estimate by the company of the normal use for that time period;
2. The then-current variable contract rate charged to the Company by the City of Cle Elum for purchased potable water, applied to the number of thousand gallons actually metered in excess of the historical (or estimated normal) consumption for the relevant time period.

After recalculating the customer's bill for the relevant time period (but not more than two months), the Company will credit the customer's account for the difference between the originally billed charge and the recalculated charge.

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SERVICE AREA

Water System List:

<u>System Name</u>	<u>County</u>	<u>DOH</u> <u>WFI #</u>
Suncadia Water Company	Kittitas County	AA317

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TARIFF SCHEDULES

SCHEDULE NO. 1
FLAT RATE SERVICE

Not applicable.

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TARIFF SCHEDULES

SCHEDULE NO. 2
METERED RATE SERVICE

Available

Within the limits of the Company's service area and at the Company's option and capability to maintain Department of Health standards of quantity and quality.

Applicable

Applicable to all customers served by the utility on a metered basis.

Conditions

The charge for this service is not subject to cancellation or reduction for seasonal or temporary periods. This charge will be the monthly minimum bill for this class of service.

Potable Water Rates

N

Customer Class	Monthly Base Charge	Monthly Special Fire Protection Charge	Consumption Charge
<i>Customers without Dedicated Fire Lines:</i>			
Single-family residential – 1-inch meter	\$43.86		\$1.59 per 1,000 gallons up to 7,000 gal./mo.
			\$3.18 per 1,000 gallons used between 7,000-14,000 gal./mo.
			\$6.36 per 1,000 gallons above 14,000 gal./mo.
<i>Commercial buildings:</i>			
1-inch meter	\$43.86		\$2.54/1,000 gal.
2-inch meter	\$140.35		\$2.54/1,000 gal.
3-inch meter	\$280.70		\$2.54/1,000 gal.
4-inch meter	\$438.60		\$2.54/1,000 gal.
<i>Potable irrigation accounts:</i>			
1.5-inch meter	\$80.28		\$2.54/1,000 gal.
2-inch meter	\$128.45		\$2.54/1,000 gal.
3-inch meter	\$256.90		\$2.54/1,000 gal.

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TARIFF SCHEDULES

SCHEDULE NO. 2, continued
METERED RATE SERVICE

Potable Water Rates, continued

N

Customer Class	Monthly Base Charge	Monthly Special Fire Protection Charge	Consumption Charge
Customers with Dedicated Fire Lines:			
The Lodge at Suncadia (shared 4" meter):			\$2.54/1,000 gal. *
Multi-family unit	\$26.32	\$47	
Restaurant facilities	\$3,877.22	\$69.16	
* See Rule 16 for allocation of consumption charges where there is a shared meter.			
Commercial buildings:			
1-inch meter, 1-inch fire line	\$43.86	\$5.43	\$2.54/1,000 gal.
1-inch meter, 2-inch fire line	\$43.86	\$17.38	\$2.54/1,000 gal.
1-inch meter, 4-inch fire line	\$43.86	\$54.30	\$2.54/1,000 gal.
2-inch meter, 2-inch fire line	\$140.35	\$17.38	\$2.54/1,000 gal.
3-inch meter, 4-inch fire line	\$280.70	\$54.30	\$2.54/1,000 gal.
3-inch meter, 6-inch fire line	\$280.70	\$108.60	\$2.54/1,000 gal.
4-inch meter, 4-inch fire line	\$438.60	\$54.30	\$2.54/1,000 gal.
4-inch meter, 6-inch fire line	\$438.60	\$108.60	\$2.54/1,000 gal.
Temporary Customers:			
Metered hydrant water			\$2.54/1,000 gal.

Non-Potable Irrigation Water Rates

N

Customer Class	Monthly Base Charge	Consumption Charge
Non-potable irrigation – 12-inch meters	\$3,220.77	\$.36/1,000 gal.

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TARIFF SCHEDULES

SCHEDULE NO. 3
READY TO SERVE SERVICE

Available

Within the limits of the Company's service area and at the Company's option and capability to maintain Department of Health standards of quantity and quality.

Applicable

To any property owner who has purchased a buildable lot within the Master Planned Resort and for whom the utility has installed a direct connection from the water system to the applicant's property line, but who has not yet connected to the system and begun metered service.

Conditions

The charge for this service is not subject to cancellation or reduction for seasonal or temporary periods. This charge will be the monthly minimum bill for this class of service. Before the meter is connected and water service begins, the customer must pay the meter installation charge and any past due Ready to Service charges. After the meter is connected and water service begins, the Ready to Service charge will be discontinued and the customer will be transferred to Schedule 2, Metered Service.

Monthly Rates

Each customer

\$10.00 per month

Issued: July 3, 2008
Issued by: Suncadia, LLC
By: Del Goehring

Effective: August 3, 2008
Title: Senior Vice President, Finance and Administration

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Suncadia Water Company, LLC

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TARIFF SCHEDULES

SCHEDULE NO. 4
CAPITAL IMPROVEMENT SURCHARGE

Not applicable.

Issued: July 3, 2008
Issued by: Suncadia, LLC
By: Del Goehring

Effective: August 3, 2008
Title: Senior Vice President, Finance and Administration

First Revision Sheet No. 18 Cancelling Original Sheet No. 18
WN U-1

Suncadia Water Company, LLC

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TARIFF SCHEDULES

SCHEDULE NO. 5
WATER SYSTEM FACILITIES CHARGE
RESIDENTIAL EQUIVALENT CUSTOMER

Not applicable.

Issued: July 3, 2008
Issued by: Suncadia, LLC
By: Del Goehring

Effective: August 3, 2008
Title: Senior Vice President, Finance and Administration

First Revision Sheet No. 19 Cancelling Original Sheet No. 19
WN U-1

Suncadia Water Company, LLC

For Commission's Receipt Stamp

TARIFF SCHEDULES

SCHEDULE NO. 10
SERVICE CONNECTION CHARGE

Not applicable.

Issued: July 3, 2008
Issued by: Suncadia, LLC
By: Del Goehring

Effective: August 3, 2008
Title: Senior Vice President, Finance and Administration

First Revision Sheet No. 20 Cancelling Original Sheet No. 20
WN U-1

Suncadia Water Company, LLC

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TARIFF SCHEDULES

SCHEDULE NO. 11
METER INSTALLATION CHARGE

Not applicable.

Issued: July 3, 2008
Issued by: Suncadia, LLC
By: Del Goehring

Effective: August 3, 2008
Title: Senior Vice President, Finance and Administration

First Revision Sheet No. 21 Cancelling Original Sheet No. 21
WN U-1

Suncadia Water Company, LLC

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TARIFF SCHEDULES

SCHEDULE NO. 12
CROSS CONNECTION CONTROL

Applicable

To all customers served by the Utility for purposes of assessing the presence of cross connections and additional requirements applying to those customers that have cross connections.

Rate:

There is no separate charge for the Company's maintenance and inspection of its cross connection control equipment.

Conditions:

1. This schedule is established pursuant to the requirements adopted by the Washington State Department of Health in WAC 246-290-490, as it now exists or is hereafter amended or replaced. Copies of this regulation are available from the Washington State Department of Health or from the Utility.
2. Suncadia Water Company operates newly constructed water infrastructure, and during the construction process, the Company has been able to verify that cross connections do not exist before lots are sold to individual customers.
3. Suncadia Water Company purchases, installs, inspects and maintains backflow prevention devices in each meter box in order to protect the public water supply. The cost of this service is included in the regular monthly rates paid by customers.
4. If any property owner has a fire sprinkler system that uses non-potable fluids for fire protection purposes, it is the responsibility of that property owner to purchase, install, inspect and maintain, at his own expense, any backflow prevention devices necessary to protect the property's drinking water from contamination by the property's fire sprinkler system.
5. Suncadia Water Company will comply with any requirements of the Washington State Department of Health with regard to cross connection control. The customer will be responsible to cooperate with Water Company personnel in carrying out any procedures necessary to ensure that the system is protected from contamination through cross connections.
6. The Company may immediately shut off water service if a public health emergency exists, including when a backflow is occurring or an unprotected cross connection with sewage exists.

Issued: July 3, 2008
Issued by: Suncadia, LLC
By: Del Goehring

Effective: August 3, 2008
Title: Senior Vice President, Finance and Administration

First Revision Sheet No. 22 Cancelling Original Sheet No. 22
WN U-1

Suncadia Water Company, LLC

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TARIFF SCHEDULES

SCHEDULE X
ANCILLARY CHARGES

N

Rule 5 & Rule 14	Reconnection Charge:	\$40.00 per labor hour
Rule 9	Service Visit Charge:	\$30.00 per visit
Rule 11	Late Payment Charge: on unpaid balances, or a minimum charge of whichever is greater.	2% per month \$5.00 per month,
Rule 17	Account Set-Up Charge NSF Check Charge:	\$30.00 per set-up \$10.00 per check
Rule 20	Security Deposit for Hydrant Meters:	\$500.00
Rule 8	Repair/Damage Charges:	\$40.00 per labor hour plus direct cost of materials

Issued: July 3, 2008
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Effective: August 3, 2008

Title: Senior Vice President, Finance and Administration