

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS

CHAPTER 630

WASTEWATER SERVICE

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SUBCHAPTER 1

GENERAL PROVISIONS

**§16-630-1 Application and purpose of chapter.**

(a) This chapter applies to any utility providing public wastewater services operating within the State and subject to the commission's jurisdiction. It does not apply to any wastewater utility owned and operated by the State, county, or other governmental entity.

(b) The purpose of this chapter is to establish uniform and reasonable regulatory and service standards to ensure that safe, adequate, reliable, and efficient wastewater service is provided to customers at just and reasonable rates.

(c) A wastewater utility shall not deviate from this chapter without specific authorization from the commission as provided in this chapter. If unreasonable hardship to a wastewater utility or to a customer results from the application of any provision of this chapter, the utility may apply to the commission for temporary or permanent exemption or waiver from the provision.

(d) This chapter does not relieve a wastewater utility from any of its duties under the laws of the State or from any rules, orders, or directives of the commission. If, prior to the effective date of these rules, a utility had been required to submit a report

similar to a report required by these rules, such utility may apply for review by the commission for a review and possible revision or consolidation of such requirements.

(e) This chapter takes precedence over all inconsistent tariff provisions or other rules of a wastewater utility. The utility shall revise any tariff or rule that is inconsistent with this chapter and refile the tariff or rule with the commission within thirty days of the effective date of this chapter.

(f) A wastewater utility may establish uniform, nondiscriminatory rules more favorable or advantageous to its customers than those set forth in this chapter.

(g) Where a wastewater utility supplied service to a customer before the effective date of this chapter under conditions more favorable or advantageous to the customer than the minimum levels of service provided in this chapter, whether as to quality or character of service, the utility may not reduce or eliminate the level of service provided without the commission's prior written approval.

[Eff ] (Auth: HRS §269-6) (Imp: HRS §§269-6, 269-31)

**§16-630-2 Application of additional legal authorities.** This chapter:

- (1) Shall be read in context with any applicable:
  - (A) Federal law, order, and regulation; and
  - (B) State law and commission order and rule, including but not limited to chapter 269, HRS, and chapter 16-601, HAR, as they may be amended; and
- (2) Supersedes any conflicting commission order or rule that may be in effect on the effective date of this chapter.

[Eff ] (Auth: HRS §269-6)  
(Imp: HRS §269-6)

**§16-630-3 Definitions.** As used in this chapter, unless the context clearly requires otherwise:

"ASHRAE" means American Society of Heating, Refrigerating, and Air-Conditioning Engineers.

"ASHRAE level-1 energy audit" is known as a simple or screening audit and is the basic starting place for creating energy optimization. It entails brief interviews with building operating staff, overview of the facility's utility bills and additional data, and an abbreviated walk-through of the building. The ASHRAE level-1 energy audit is focused on the identification of the potential for energy efficiency improvements, understanding the overall building configuration, and defining the type and nature of energy systems.

"AWWA" means the American Water Works Association.

"Bill" means any invoice for wastewater service including final invoices and invoices for maintenance or repair service.

"Building Drain" means the same as in the State Plumbing Code, Section 3-183, HAR.

"Certificate of public convenience and necessity" or "CPCN" means the certificate described in §269-7.5, HRS.

"Chair" means the chair of the public utilities commission or designee thereof, including the executive officer of the public utilities commission.

"Commission" means the public utilities commission of the State.

"Consumer advocate" means the executive director of the division of consumer advocacy of the department of commerce and consumer affairs of the State.

"Customer" means any person (regardless of whether the person is the owner or tenant of the premises to which service is provided or is the actual user of the service), partnership, association, corporation, governmental agency, or other entity, who signs an application, contract, or agreement for

wastewater service or who accepts, is billed for, and pays the bills for wastewater service.

"Disconnection of service" means the intentional cessation of wastewater service to a customer by the utility.

"HRS" means the Hawaii Revised Statutes.

"Interruption of service" means a break in wastewater service for any reason for any length of time.

"Lower Lateral" means that portion of a sewer lateral line that is located between: (i) either the property line of a residence or business, or the boundary of an established easement; and (ii) the sewer main line.

"Main" or "sewer main line" means a pipe, owned, operated, or maintained by a utility, for the purpose of collection and delivery of wastewater to a treatment facility, and includes collector sewers, gravity sewers, force mains, trunks and interceptors, but does not include upper or lower laterals.

"Meter" or "customer meter" means any device or instrument that measures, registers, or records a quantity of water or wastewater for the purposes of assessing wastewater service charges, such as: the amount of water delivered to the property; the amount of water diverted to or from wastewater generating uses; or the amount of wastewater discharged to the sewer system.

"NARUC" means the National Association of Regulatory Utility Commissioners.

"Person" means the same as in section 1-19, HRS.

"Plant account," "plant in service," and other regulatory accounting terms shall have the same meanings as provided in the National Association of Regulatory Utility Commissioners' Uniform System of Accounts ("NARUC USOA"), as amended.

"Point of service" means the point at which the wastewater utility's lower lateral connects to the customer's upper lateral, or elsewhere if provided for in a user's agreement. The utility shall own and maintain all facilities located between the point of service and the main.



"Premises" means a piece or tract of land or real estate, including buildings and other appurtenances thereon.

"Service connection" means the pipe on the wastewater utility's side of the point of service.

"Service line" means the pipe on the customer's side of the point of service.

"State" means the State of Hawaii.

"Tariff" means a schedule of rates or charges and the rules governing the rates or charges and the services provided by a wastewater utility. It includes the rates or charges and the conditions contained in special contracts and supplemental tariffs.

"Upper lateral" means that portion of a sewer lateral line that is located between: (i) the building drain and (ii) either the property line of a residence or business, or the boundary of an established easement.

"Utility" means a public utility, as defined by HRS section 269-1, under the jurisdiction of the commission that is operating within the state to provide wastewater or water and wastewater service.

"Wastewater Collection System" means all parts of the wastewater collection system owned or operated by the utility that are intended to convey domestic or industrial wastewater to the utility's wastewater treatment plants, including, without limitation, pipes, sewers, pump stations, lift stations, sewer manholes, force mains, and appurtenances to each of the above.

"Wastewater service" means all operations involved in the collection, conveyance, transmission, treatment, or disposal of wastewater by a public utility under the jurisdiction of the commission.

"Wastewater utility" or "utility" means a public utility as defined in §269-1, HRS, that collects, conveys, treats, or disposes wastewater.

"Year" means calendar year, when used to establish time interval testing of meters or other equipment.

[Eff ] (Auth: HRS §269-6) (Imp: HRS §§269-1, 269-6)

**§16-630-4 Enforcement of chapter.** Chapter 269, HRS and any other applicable State law and commission rule and order, including the provisions of HAR 16-608, "Investigation and Enforcement of Laws Governing Public Utilities, Motor Carriers, and Water Carriers," apply to the enforcement of this chapter. [Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §§269-6, 269-7, 269-8, 269-10, 269-12, 269-15)

**§16-630-5 Service of documents and information on consumer advocate.** A wastewater utility shall serve on the consumer advocate a copy of all reports and documents required by these rules to be filed with the commission. It shall also make available to the consumer advocate all information required by these rules to be made available to the commission. Any report, document, or information deemed confidential may be furnished or made available under a protective order pursuant to Chapter 16-601-50. [Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-6 Severability clause.** If any provision of this chapter or the application of the provision to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable. [Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§§16-630-7 to 11** (Reserved)

SUBCHAPTER 2

RECORDS AND REPORTS

**§16-630-12 Location and availability of records.**

(a) Unless otherwise authorized by the commission, a wastewater utility shall keep within Hawaii all books of accounts and supporting data. No books of accounts or supporting data may be maintained solely outside the state.

(b) The utility shall make available to the commission, at any time upon request, all records required to be kept by this chapter.

(c) If any book or account is maintained outside the state, the utility shall reimburse the commission for all actual costs and expenses incurred by the commission in conducting an out-of-state audit.

(d) A copy, in lieu of the original set of records and documents, is sufficient to constitute compliance with subsections (a) and (b).

[Eff ] (Auth: HRS §§269-6, 269-8.2)  
(Imp: HRS §§269-6, 269-8, 269-8.2, 269-8.5)

**§16-630-13 Accounting standards; preservation and retention of records.**

(a) Unless otherwise ordered by the commission, a wastewater utility shall follow the definitions and instructions, maintain all books of accounts, and prepare all reports in accordance with the most recent edition of the National Association of Regulatory Utility Commissioners' Uniform System of Accounts ("NARUC USOA") for Water Utilities, as amended.

(b) The utility shall keep and preserve all general accounting records in accordance with the most

recent edition of the National Association of Regulatory Utility Commissioners' "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" ("NARUC Regulations"), as amended.

(c) Without prior commission approval, the utility shall not destroy any book, memorandum, or any other document that supports entries to its accounts that are not otherwise specifically included among the records to be kept in the NARUC Regulations.

(d) Unless otherwise specified in this chapter or by the commission, the utility shall preserve and maintain all of the records required by this chapter for the period of five years or until the decision and order is issued in a rate case relying upon those records, whichever is longer. [Eff ]  
(Auth: HRS §§269-6, 269-8.2) (Imp: HRS §§269-6, 269-8, 269-8.2, 269-8.5)

**§16-630-14 Initial filing of chart of accounts.**

Within ninety days from the effective date of this chapter, a wastewater utility shall file with the commission an updated chart of accounts used internally by the utility. Thereafter, whenever additions or revisions are made, the wastewater utility shall promptly file with the commission the corresponding amendment or amendments to its chart of accounts; provided that the commission, at any time, may direct that, in lieu of filing amendments, a newly updated chart of accounts be filed with the commission to replace and supersede the existing chart of accounts on file with the commission.

[Eff ] (Auth: HRS §269-6) (Imp: HRS §§269-6, 269-8, 269-8.2, 269-8.5)

**§16-630-15 Documents, data, and information to be filed with the commission.** (a) A wastewater

utility shall maintain, file with the commission, and update upon any change, all of the following:

- (1) The utility's current tariff(s).
- (2) A copy of all notices pertaining to methods or requirements for bill payment, and a sample of each type of customer bill form, which shall include the information normally shown on a customer's bill for service.
- (3) A copy of each special contract for service, if any, not covered by the utility's filed tariff.
- (4) The utility's current rules, specifications, and drawings, if any, covering meter and service installation, published or furnished by the utility for use by persons such as engineers, architects, contractors, or others.
- (5) A map or maps showing the utility's service area. The utility shall revise the maps annually. If no revision is necessary, the utility shall notify the commission that the map on file is current.
- (6) A confidential map or maps showing the location of the utility's facilities, including but not limited to major collection systems, trunk mains, force mains, lift stations, treatment plants, filters, lagoons, leach fields, seepage pits, mounds, injection systems, septic tanks, and discharge systems; and location, size, and name of each service area.
- (7) The name, title, address, email, and telephone number of the utility contact for each of the following topics:
  - (A) The main point of contact for the commission.
  - (B) General management duties.
  - (C) Customer relations (complaints).
  - (D) Engineering operations.
  - (E) Testing and repairs.
  - (F) Emergencies during non-office hours.

- (8) In accordance with section 16-630-112, reports of all accidents caused by or occurring in connection with its operation or service. A report must be filed within seven days of each accident. In addition, the wastewater utility shall notify the commission by telephone, text, or email within two hours of any accident that results in death or serious bodily injury or in property damage, followed by the written report within seven days of the accident.
- (9) The written notice of removal, transfer, or sale of property referenced in section 16-630-25, if applicable.

(b) Unless otherwise specified in this section, a wastewater utility shall also produce the document, data, or information enumerated in subsection (a) when required by the commission and in the form prescribed by the commission. [Eff ] (Auth: HRS §§269-6, 269-8, 269-8.2, 269-9) (Imp: HRS §§269-6, 269-8, 269-8.2, 269-9)

**§16-630-16 Annual reports.** (a) A wastewater utility shall file an annual financial and statistical information report ("Annual Financial Report") for each calendar year, in the format prescribed and adopted by the commission, by March 31 following the close of such calendar year.

(b) The owner, officer, general partner, or authorized agent of the utility shall verify each Annual Financial Report and certify that it was prepared in accordance with the most recent edition of the NARUC USOA for Water Utilities, as amended.

(c) Unless directed otherwise by the commission, the other reports required to be filed with the commission on an annual basis may be filed concurrently with the Annual Financial Report. Such reports include, but may not be limited to, the following:

- (1) Informational reports referenced in section 16-630-17.
- (2) The capital improvement reports identified in section 16-630-24.
- (3) Annual reports of removal, sale or transfer of property identified in section 16-630-25.
- (4) The summary of quantities identified in section 16-630-46.
- (5) The number of disconnections of wastewater service during the past calendar year, as identified in section 16-630-67.
- (6) The number of complaints received, by categories of complaints, and the resolution of such complaints, as identified in section 16-630-69.
- (7) The volume of water from all sources, as identified in section 16-630-95.
- (8) The service interruption reports identified in section 16-630-103.
- (9) A report on emergency preparedness, as required by section 16-630-113.
- (10) The water audit report identified in section 16-630-121.
- (11) The Action Plan and system evaluation report identified in section 16-630-122.  
[Eff \_\_\_\_\_ ] (Auth: HRS §269-6)  
(Imp: HRS §§269-6, 269-8, 269-8.2, 269-8.5)

**§16-630-17 Additional reports may be required.**

The Commission may require additional or special reports from the utilities and may prescribe the manner, form, and frequency of reporting.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§§16-630-18 to 21 (Reserved)**

SUBCHAPTER 3

CERTIFICATION OF UTILITY  
TO PROVIDE WASTEWATER SERVICE

**§16-630-22 Certificate of public convenience and necessity.**

(a) All certificates of public convenience and necessity to provide wastewater service, issued pursuant to §269-7.5, HRS, and in effect on the effective date of this chapter, remain in full force and effect.

(b) Any person seeking to offer, initiate, or provide wastewater service within the State must apply to the commission for a Certificate of Public Convenience and Necessity ("CPCN"). The application must comply with the applicable requirements of:

- (1) Section 269-7.5, HRS;
- (2) Chapter 16-601; and
- (3) Any applicable commission order.

(c) The application must include an affidavit from a licensed professional engineer certifying that the wastewater system meets the applicable engineering and design requirements and standards referenced in subchapter 7.

(d) The application must demonstrate compliance with applicable Federal, State, and County requirements, including water discharge permits.

(e) The commission may reject any application that fails to meet any of these requirements or is otherwise incomplete. [Eff ]  
(Auth: HRS §269-6) (Imp: HRS §§269-6, 269-7.5)

**§16-630-23 Issuance or denial of certification.**

(a) The CPCN may authorize the whole or any part of the wastewater service covered by the application,



with such other terms and conditions as the commission deems appropriate.

(b) No hearing is required in granting or denying an application for a CPCN; provided that the commission may hold a hearing before it acts on the application, if it deems a hearing to be appropriate or if the granting of the application is contested by the consumer advocate or a permitted intervenor.

(c) A person granted a CPCN may provide only that service and in only that geographic area specified in the CPCN. The commission may include in the CPCN such other terms and conditions as it deems appropriate. [Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §§269-6, 269-7.5)

**§16-630-24 Capital improvements.** (a) The wastewater utility shall submit to the commission for review proposed capital expenditures for any single project related to system replacement, expansion, or modernization that is estimated to exceed \$500,000 or ten per cent of the value of total plant in service, whichever is less. The utility shall submit the proposed expenditures to the commission for review at least sixty days before the commencement of construction or commitment of funds for the project, whichever is earlier.

(b) Unless otherwise ordered by the commission, the application and any supporting documents, data, and information shall be submitted in the form and manner prescribed by Chapter 16-601.

(c) If the commission determines that the project or a portion of it is not necessary or is unreasonably in excess of probable future requirements for utility purposes, then the utility may not include such rejected project or portion thereof in its rate base.

(d) The commission may subsequently allow the inclusion of the project or the rejected portion in the utility's rate base upon a showing by the utility, and approval of the commission, that the project or

the rejected portion has become necessary and useful for public utility purposes.

(e) If the commission does not act upon the proposed expenditure within ninety days of its submission for review, the utility may include the project in its rate base without any determination by the commission.

(f) The utility shall file a completion report to the commission within sixty days of the project's commercial operation. The completion report shall include a comparison of estimated, approved (if available) and actual costs, by category (labor, materials, overhead, outside services, other contributions, etc.).

(g) Any increase of ten per cent or more in project costs from that approved (or estimated in the application, if no determination was made by the commission) shall be explained in the completion report.

(h) Each year, concurrently with the Annual Financial Report referenced in section 16-630-16, the utility shall file with the commission a report containing the following information:

- (1) All projects pending or completed within the previous calendar year. The report shall include:
  - (A) For pending projects:
    - (i) The corresponding docket number;
    - (ii) A descriptive summary of the project;
    - (iii) Updated estimated costs;
    - (iv) Source of project funds; and
    - (v) An estimate, stated in terms of a percentage amount, of the project's completion.
  - (B) For completed projects:
    - (i) The corresponding docket number;
    - (ii) A descriptive summary of the project;
    - (iii) Estimated cost, final cost, and variance;

- (iv) An explanation, if the final cost exceeds the estimated cost by ten per cent or more; and
  - (v) Source of project funds.
- (2) The utility's projected capital improvements program expenditures budget for the ensuing five years which shall include, in detail, the capital improvements expenditures budget approved by management for the first year of the five-year period.
- [Eff ] (Auth: HRS §269-6)  
 (Imp: HRS §269-6)

**§16-630-25 Removal, transfer, or sale of property.**

- (a) Each year, concurrently with the annual financial report filed in accordance with section 16-630-16, a wastewater utility shall file with the commission a report of all property the utility, during the past calendar year:
- (1) Removed from its regulated plant account; or
  - (2) Transferred from its regulated plant account to either a:
    - (A) Regulated non-operating plant account; or
    - (B) Non-regulated account.
- (b) The report identified in subsection (a) must include the following information:
- (1) A description of the property and its use by the wastewater utility.
  - (2) Identification of the property, such as the year of manufacture, tax map key number, or other identifier.
  - (3) The reasons for the removal or transfer.
  - (4) The current status of the property.
  - (5) Whether the removal or transfer of accounts were approved by the commission.
  - (6) The salvage value including the gain or loss from the removal or transfer of the property, including any supporting calculations and documentation; and the

identity of the account which was used to record the gain or loss.

(c) Each year, concurrently with the annual financial report filed in accordance with section 16-630-16, the utility shall file with the commission a report of all property sold by the wastewater utility during the past calendar year. The report must include the following information:

- (1) A description of the property and its use by the utility.
- (2) Identification of the property, such as the year of manufacture, tax map key number, or other identifier.
- (3) A description of the sale of the property, including the name and business address of the purchaser and the sales price.
- (4) The reasons for the sale of the property.
- (5) Whether the sale of the property was approved by the commission.
- (6) Any gain or loss on the sale of the property, including any supporting calculations and documentation; and the identity of the account which was used to record the gain or loss.

(d) At the utility's option, the reports identified in this section may be filed with the commission as a single report or may be combined with other annual reports. If a utility, during the past calendar year, did not engage in the removal, transfer, or sale of property described in this section, the utility shall submit a statement so attesting.

(e) For purposes of this section, the term "property" includes both real and other tangible property considered used and useful in the provision of the utility's regulated service.

[Eff ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-26 Change or abandonment of utility service or ownership.** (a) A utility shall not change any service or ownership of facilities without commission approval.

(b) A utility desiring to discontinue or abandon a service shall file with the commission an application identifying the utility; including data regarding past, present and estimated future customer use of the service; describing any plant or facility that would no longer be in use if the application were approved; and explaining why the utility desires to discontinue or abandon the service.

(c) A utility is not required to apply for commission approval to remove individual facilities where a customer has requested service discontinuance.

(d) A utility shall not abandon, sell, lease, transfer, or otherwise dispose of its facilities or operation without first obtaining authority therefore from the commission.

(e) A utility desiring to abandon, sell, lease, transfer, or otherwise dispose its facilities or operation shall file with the commission an application that includes, at a minimum:

- (1) The legal name, physical address, mailing address (if different), email address, and telephone number of the utility;
- (2) A description of the utility property proposed to be abandoned, sold, leased, transferred, or otherwise disposed of;
- (3) Documentation establishing the utility's financial condition including at least the utility's current assets and liabilities, an income statement, the utility's revenue and expenses for the most recently completed 12-month accounting period, and the value of the utility's utility plant in service;
- (4) Information on any pending legal issues, petitions, or judgements;
- (5) The legal name, physical address, mailing address (if different), email address, and telephone number of any proposed purchaser, lessee, transferee, or assignee;

- (6) The terms and conditions of the proposed abandonment, sale, lease, transfer, or assignment and copies of any agreement that has been or will be executed concerning the transaction;
- (7) A description of the effect that the proposed transaction will have upon the utility's services;
- (8) The method by which the proposed transaction is to be financed;
- (9) A description of the effect that the proposed transaction will have upon any other utility;
- (10) The number of customers to be affected by the proposed transaction; and
- (11) A description of the effect that the proposed transaction will have upon customers, including quantifications of any changes in rates, bill impacts, or service levels. [Eff: \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §§269-6, 269-7.5, 269-19)

**§16-630-27 Amendment, suspension, or revocation.**

(a) Upon the application of a wastewater utility for amendment, suspension, or revocation of the utility's CPCN, the commission may amend, suspend, or revoke the utility's CPCN, in whole or in part. No hearing is required before the commission acts on the application; provided that the commission may hold a hearing, if it deems a hearing to be appropriate.

(b) The commission may amend, suspend, or revoke a CPCN, in whole or in part, if, after notice and hearing, the holder is found to be in willful violation of any applicable:

- (1) Federal law, order, or regulation;
- (2) State law, rule, or commission order, including chapter 269, HRS, and this chapter; or

- (3) Any term or condition set forth in the CPCN.  
[Eff \_\_\_\_\_ ] (Auth: HRS §269-6)  
(Imp: HRS §§269-6, 269-7.5)

**§§16-630-28 to 31** (Reserved)

#### SUBCHAPTER 4

#### TARIFFS

**§16-630-32 Tariff filing requirement.** (a) A wastewater utility shall file its tariffs with the commission. All tariffs are subject to commission approval.

(b) The tariff must include:

- (1) A description of the qualifications for each available class of service.
- (2) A schedule of rates or charges for each class of service, with applicable riders.
- (3) The rules, terms, conditions, policies, and practices affecting the rates or charges or classification of services and the rendering of service. The utility shall include in the rules:
  - (A) A list of the items that the utility furnishes, owns, and maintains, such as meters and service connections, that are included in the regular rates for service.
  - (B) The minimum number of days allowed for payment of the customer's bill before service is discontinued for nonpayment.

(c) At all times, including at the time of tariff filing, the utility shall ensure, through one or more non-tariff filings, that the Commission has in

its files the most current versions of the information identified in section 16-630-15.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-33 Temporary service.** When a utility renders temporary service, the utility may require the customer to pay costs of making the service connection and removing the material after the service has been discontinued, or to pay a fixed amount in advance to cover such expenses. However, if material paid for by the customer is removed by the utility, the customer shall be credited with the reasonable salvage which the utility will receive on discontinuance of service.  
[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§§16-630-34 to 38** (Reserved)

## SUBCHAPTER 5

### GENERAL SERVICE REQUIREMENTS

**§16-630-39 Application for wastewater service.**  
(a) A wastewater utility may require an applicant for wastewater service to complete and sign a standard application form before service is rendered. In any such application form, the wastewater utility shall provide for the inclusion of the following information:

- (1) Applicant's name (prospective customer);
- (2) Complete street address of the premises to be served;



- (3) Billing address, if different from the street address identified in paragraph (2);
  - (4) The date the applicant requests wastewater service to commence; and
  - (5) Any other relevant information the wastewater utility may reasonably require to initiate and provide service.
- (b) The utility may decline to serve an applicant if, in the utility's best judgment:
- (1) The property to be served is not within the utility's service territory;
  - (2) The wastewater utility does not have adequate facilities to render the service applied for;
  - (3) The intended use of wastewater service is of a character that is likely to detrimentally affect the service to the utility's other customers; or
  - (4) The applicant's installation of water piping is regarded as hazardous or of such character that satisfactory service cannot be given.
- (c) If the applicant is a former customer who was responsible for and who failed to pay any bill for services previously rendered by the wastewater utility, regardless of the location of service or when the bill was incurred, the wastewater utility may refuse to serve the applicant until the applicant pays all outstanding bills.
- (d) Accepted applications shall constitute a contract between the utility and the applicant, obligating the applicant to pay for service in accordance with the utility's tariff currently on file with the commission and obligating both parties to comply with applicable rules and regulations.
- (e) When a customer desires to have service terminated, the customer shall notify the utility in accordance with section 16-630-66.
- [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-40 Utility's access to property.** A wastewater utility shall have access at all reasonable times to property owned by the wastewater utility on a customer's premises for purposes of maintenance and operation, including disconnection for any of the causes provided in this chapter or the wastewater utility's tariff. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-41 Rights-of-way and easements.** (a) A wastewater utility shall construct, install, own, operate, and maintain water mains, service connections, and other equipment for the transmission and distribution of water only along public streets, roads, and highways that the wastewater utility has the legal right to occupy and on public lands and private property across which rights-of-way or easements satisfactory to the wastewater utility have been obtained by the wastewater utility.

(b) If a property for which an applicant has requested wastewater service fronts property that the utility has no legal right to occupy, it shall be the responsibility of the applicant to extend the applicant's service line, at the applicant's own cost, to the utility's nearest existing service connection or main. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-42 Service connections.** (a) A wastewater utility shall install a service connection at the customer's expense. The wastewater utility shall base the installation and connection charge on the cost of installation and connection. Thereafter, the wastewater utility shall maintain the service connection.

(b) The customer shall furnish and install the necessary service line and keep the service line in

good repair. The customer shall not connect or disconnect any service line and shall not rebuild or make any changes in the service line without written notice to and approval by the wastewater utility.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)]

**§16-630-43 Service measurement.** (a) If wastewater metering equipment is to be used for billing purposes, such equipment shall be the property of, and will be installed and maintained by the wastewater utility.

(b) In accordance with the wastewater utility's tariff, wastewater charges may be based on metered water use.

(c) Where it is impractical or uneconomical to install meters to measure service, such service may be supplied unmetered, with commission approval; provided that the price charged for the service is estimated as nearly as practicable to what would be charged if meters were used.

(d) Whenever flat rate service is furnished and a demonstrated abuse of the service occurs, the wastewater utility, upon notice to the customer, may meter the service. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-44 Service information.** Where wastewater service is metered or where quantity is determined by calculation, the wastewater utility, upon a customer's application, shall supply the customer with the information that describes the method by which the quantity is determined.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-45 Service records.** (a) A wastewater utility shall include the following information in each customer's service record:

- (1) Customer's name, account number, service and billing addresses, and rate schedule;
- (2) Meter type (water or wastewater) and identifying number;
- (3) A description of the meter, including make, model, serial number, and size;
- (4) Meter readings;
- (5) Whether any reading has been estimated; and
- (6) Any applicable multiplier or constant.

(b) Where consumption quantity is determined by calculations from recording devices, the wastewater utility shall include in the records the date of the recorded period, the meter number, customer's name and location, and the recording device's multiplier.

[Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-46 Meter reading intervals and annual report.** (a) A wastewater utility shall read all customer meters at regular intervals. The intervals may be monthly, bimonthly, quarterly, or more frequent intervals as the utility may determine. Special readings may be made when necessary, such as to close accounts. The wastewater utility shall not send a customer two successive estimated bills, if practicable.

(b) The utility shall make a summary of charges and volumes, if applicable, by classification of service, in the appropriate service territory or rate-making district, and include the summary in the annual report submitted to the commission.

[Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-47 Location and condition of meters.**

(a) If meters are to be used, the wastewater utility shall designate the location for meter placement. The meter locations must be easily accessible for reading, testing, and making necessary adjustments and repairs. To the extent practicable, the utility shall locate meters at the curb or as near as possible to the point of service.

(b) When a number of meters are grouped, each meter shall be tagged as to indicate the particular customer or premise served by it.

(c) The utility shall only utilize meters that are mechanically sound and accurate.

[Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-48 Master metering.** If a wastewater utility provides service to a property serving several tenants under a master metering or other arrangement, wastewater charges for such service may be as agreed to between the property manager and the utility, provided such agreements are reasonable in comparison with the utility's other customers, subject to Commission approval. [Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-49 System extensions.** (a) A wastewater utility shall file with the commission, as part of the wastewater utility's tariff, its policy on main extensions. As with other tariff revisions, the policy and any amendment or revision to the policy is subject to commission approval. Any such policy may differentiate between main extensions to serve individuals and main extensions to serve subdivisions, tracts, housing projects, industrial developments, or organized service districts.

(b) Upon request, the utility shall provide to an applicant for a main extension a detailed cost

estimate of the main extension and an explanation of the basis for the cost estimate.

(c) The utility shall appropriately track, use, and account for all Contributions in Aid of Construction.

(d) In addition to any other main extension options offered, the utility shall provide all main extension applicants with the following payment options:

- (1) Payment by the applicant of a predetermined estimated cost, with no adjustment upon completion of the main extension project.
- (2) Payment in advance by the applicant of a predetermined estimated cost, with an adjustment, if any, upon completion of the main extension project. Under this option, the utility, upon completion of the project, shall present the applicant with an accounting of the actual cost of the project and determine the amount of any additional payment or refund required.  
[Eff \_\_\_\_\_ ] (Auth: HRS §269-6)  
(Imp: HRS §269-6)

**§16-630-50 Rainwater.** Connection of downspouts, sump pumps, stormwater management systems, or other situations that introduce extra water into the wastewater utility's system, shall be limited to types and amounts preapproved by the utility, as designated in contracts or tariffs. [Eff \_\_\_\_\_ ]  
(Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-51 Other wastewater.** Other wastes or waters generated outside the property, or that bypass meters or systems used by the utility for billing purposes, may not be introduced into the wastewater utility's system without the utility's knowledge and

written consent. [Eff ] (Auth: HRS  
§269-6) (Imp: HRS §269-6)

**§§16-630-52 to 57** (Reserved)

SUBCHAPTER 6

CUSTOMER RELATIONS

**§16-630-58 Information about the utility.** (a)  
Information for the public. Each utility shall maintain and make available to the public at one or more of the utility's commercial offices and on the utility's website, if a website is maintained, information regarding the services rendered, including the following:

- (1) A description, in writing, of the utility services provided and service territory.
  - (2) A non-confidential map of the utility's service territory.
  - (3) Copies of all active tariffs including rates, general rules of the utility, the extent of territory served, and applicable contract and application forms.
  - (4) How to report spills, sewer backups, concerns about utility facilities, or other issues.
- (b) Each utility shall maintain, and make available to its customers, the following information:
- (1) Any changes or proposed changes in the quality or character of its service.
  - (2) The method used to determine charges for service.
  - (3) Customer rights and obligations.

- (4) How customers can make suggestions or complaints, including, but not limited to, where to mail complaints, telephone and email contact information (during work and non-working hours) that can be used to file a complaint, and the information that a customer should provide when filing a complaint.
- (5) Available ratepayer assistance programs.
- (6) How a customer can obtain emergency assistance.
- (7) Any additional information that may reasonably be requested by the customer.  
[Eff: \_\_\_\_\_] (Auth: HRS §269-6)  
(Imp: HRS §269-6)

**§16-630-59 Information about rates, policies, and bills.** (a) A wastewater utility shall advise a new or prospective customer (and any current customer, upon request), orally or in writing, of the rate options that are available, if any, and assist the customer in selecting the most economical rate schedule.

(b) Prior to or upon commencement of wastewater service, the utility shall provide the customer, through a brochure or other written material, with a brief explanation of the existing rate schedule and billing practice, including termination of service procedures and policy. The utility shall record in the customer's file the date on which and the form in which the explanation was given.

(c) Within sixty days after the utility files an application for approval to increase its rates and charges, the wastewater utility shall provide written notice to its customers of the filing. The notice may be sent to its customers as an insert to each customer's bill. The utility shall include in the notice a brief explanation of the increase it is seeking.



(d) Within sixty days after receiving commission approval to change any rate, classification, or service, the utility shall notify the affected customers in writing of such authorization. The notice may be sent to its customers as an insert to each affected customer's bill. The utility shall include in the notice a brief explanation of the change.

(e) Upon a customer's request, the utility shall provide a statement of the customer's bills for each billing period during the prior year. The utility shall not be required to fulfill such customer's request more frequently than once each calendar year.  
 [Eff ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-60 Establishment and reestablishment of credit; customer deposit.** (a) A wastewater utility may require an applicant for wastewater service to establish credit before service is rendered. Credit is established when the applicant:

- (1) Furnishes credit information or references satisfactory to the utility;
- (2) Establishes a record of timely payment to the utility for service for twelve consecutive months;
- (3) Is the owner with substantial equity in the premises to be served or in other real estate located within the utility service area of sufficient value in relation to the charges to be incurred for the service requested; or
- (4) Furnishes a guarantor, satisfactory to the utility, to secure payment of bills for the service requested.

Where an applicant is not able to establish credit as provided above, the utility may require the applicant to make a cash deposit as provided in subsection (d).

(b) The utility may require an applicant who was previously a customer but to whom service was

discontinued for nonpayment of bills to pay all amounts owing to the wastewater utility and to reestablish credit as provided in subsection (a) or to make a cash deposit as provided in subsection (d), before service is provided or restored.

(c) The utility may require a customer to pay all outstanding bills and make a cash deposit as provided in subsection (d) if the customer:

- (1) Is delinquent in the payment of the customer's bills; and
- (2) Fails to pay the bills within seven days after notice that service will be discontinued for nonpayment of bills.

(d) The utility may require any customer or prospective customer to make a cash deposit to guarantee payment of bills for service. Cash deposits are governed by the following:

- (1) The deposit may not exceed the maximum estimated charge for two consecutive billing periods or in an amount as the utility may reasonably require in cases involving service for short periods or in special situations.
- (2) The deposit is not transferable.
- (3) The utility may retain the deposit as long as it feels it is necessary to ensure payment of bills for service, provided it complies with paragraph (4), or until the customer establishes credit as prescribed in subsection (a).
- (4) The utility need not pay any interest on the deposit, if it refunds the deposit within thirty days after the customer establishes credit as prescribed in subsection (a). If the utility does not refund the deposit within thirty days after the customer establishes credit, the utility shall pay simple interest on the deposit at a rate of six per cent per annum from the time credit is established until the deposit is refunded; provided that no interest need be paid on and after the date:

- (A) Service is terminated; or
- (B) Notice is sent to the customer's last known address that the deposit is no longer required.

Interest on a deposit accrues annually and is payable annually, if so requested by the customer, or at the time the deposit is returned.

- (5) The utility shall keep records identifying:
  - (A) The name and address (street and billing, if not the same) of each depositor;
  - (B) The amount and date of the deposit; and
  - (C) Each transaction concerning the deposit.
- (6) The utility shall issue a receipt for a deposit to each customer from whom a deposit is received. The utility shall provide a means for a depositor to establish a claim for a deposit, if the receipt is lost.
- (7) When the customer establishes credit, at the option of the customer, the utility may offset the deposit and any accrued interest against the customer's unpaid bills for service or against future bills for service. In such event, interest ceases to accrue as of the date of the offset.
- (8) Notwithstanding section 16-630-13, the utility shall maintain a record of each unclaimed deposit for at least three years, during which time the utility shall make a reasonable effort to return the deposit.
- (9) The utility shall credit unclaimed deposits, together with accrued interest, to an appropriate account. [Eff \_\_\_\_\_ ]  
 (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-61 Customer bills.** (a) Customer bills must include the following information:

- (1) The name and address of the person to whom bill is sent.
  - (2) The reading of the meter at the beginning and at the end of the billing period.
  - (3) The dates of the billing period.
  - (4) The applicable rate schedule or identification of the applicable rate schedule. If the actual rates are not shown, the bill must carry a statement to the effect that the applicable rate schedule is available for inspection at the utility's business office.
  - (5) The amount of the bill, including the current charges, any unpaid balance from a previous billing period, late charges, payments received, any applicable fees and taxes, and net amount due.
  - (6) The word, "estimate," if the bill is an estimate.
  - (7) Any multipliers or calculations used to determine wastewater charges based on water consumption.
  - (8) A comparison of the average daily charges during the billing period and:
    - (A) The previous billing period, if available; and
    - (B) The same month in the previous calendar year, if available.
- (b) The utility shall bill each customer as promptly as possible following the reading of the customer's meter.
- (c) An estimated bill may be rendered, if the meter:
- (1) Cannot be read; or
  - (2) Fails to register due to any cause, except the nonconsumption of water.

In either case, a bill may be estimated, based on the customer's average past consumption; provided that in the case of an estimated bill resulting from the meter's failure to register, the estimated bill is subject to adjustment, taking into account all factors before, during, and after the billing period.

(d) A closing bill (a bill rendered after termination of service) that covers a short time period from the last meter reading date is ordinarily determined by the amount of water actually used, as indicated by meter reading, plus a proration of the service charge, if such a charge is set up on the rate schedule. In prorating a service charge, a billing month is deemed to consist of thirty days.

(e) For purposes of billing, all meters serving a customer's premises are to be considered separately, and the utility shall not combine the readings of the meters, except where the utility, because of operating necessity, installs two or more meters in parallel to serve the same customer's service pipe.

[Eff ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-62 Adjustment of bill due to meter**

**inaccuracy.** (a) Meter requirements and testing shall be in accordance with subchapter 8.

(b) If, as a result of such tests, a meter used for billing of a customer is found to register more than two percent fast or slow under conditions of normal operation, the utility shall adjust the bills for service during the period of the inaccuracy, in the case of over-registration, and may adjust the bills, in the case of under-registration. The utility shall adjust the bill amount to reflect a bill based on a one hundred percent accurate meter.

(c) The following time limitations apply in adjusting bills on account of defective meters:

- (1) If the date when the error in meter registration began can be determined, that date is the starting point for determining the amount of the adjustment, except that an adjustment due to a slow meter is limited to the three-month period preceding the date of the discovery of the error.
- (2) If the date when the error in meter registration began cannot be determined, the

utility shall assume that the error existed for a period equal to one-half of the time elapsed since the meter was installed or one-half of the time elapsed since the last previous test of the meter, whichever is less. In any case:

- (A) An adjustment due to a slow meter is limited to the three months preceding the date of the discovery of the error;
- (B) Except as provided in paragraph (C), an adjustment due to a fast meter is limited to the six months preceding the date of the discovery of the error; and
- (C) If the time for the periodic test of the meter has overrun to the extent that one-half of the time elapsed since the last previous test of the meter exceeds six months, the date of the last previous test is the starting point for determining an adjustment due to a fast meter; provided that the commission may limit the adjustment to the six months preceding the date of the discovery of the error as prescribed in paragraph (B) where the utility demonstrates that the failure to make the periodic test when due was due to causes beyond the utility's control.

For good cause, the commission may authorize deviations from the time limitations specified in this subsection.

(d) The utility shall calculate any adjustment on the basis of average past volume, using actual monthly volumes. If the average error cannot be determined by test because of meter equipment failure, the utility may estimate the volume of wastewater based on available data. The utility shall advise the customer of the basis for any such estimate.

(e) Subject to the time limits specified in (c), the wastewater utility shall make any refund resulting from a bill recalculation as follows:

- (1) If more than \$1 is due from an existing customer or \$2 is due to a person who is no longer a customer, the utility shall refund in full the difference between the amount paid and the recalculated amount;
- (2) The utility shall refund up to two (2) of the most recent customers who received service through the meter found to be in error; and
- (3) If a refund is due a person who is no longer a customer, the utility shall mail a notice of the refund to the customer's last known address and remit the refund to the customer, if the customer requests the refund within three months after the date the notice is mailed.

(f) The utility may backbill a customer, if, as a result of a bill recalculation, more than \$1 is due the utility from an existing customer or more than \$2 is due from a former customer.

(g) In its rules, the utility may establish other levels in excess of \$1 and \$2 above which the wastewater utility will commence billing for amounts due the utility. [Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-63 Adjustment of bill due to errors in meter readings and other similar causes.** (a) If a customer is overcharged as a result of an incorrect meter reading, incorrect application of the rate schedule, incorrect meter connection, or other similar reason, the utility shall adjust the billing and issue a refund to the customer or, at the customer's option, credit the customer with the amount of the overcharge.

(b) If a customer is undercharged as a result of an incorrect meter reading, incorrect application of the rate schedule, incorrect connection of a meter, meter tampering, or other similar reason, the utility may bill the customer for the undercharge, provided that:

- (1) The amount of the undercharge is more than \$1.
- (2) The undercharge for which the customer is billed is for a period not more than twelve months preceding the date of the discovery of the cause of the undercharge.
- (3) Before billing the customer, the water utility shall furnish the customer with all facts concerning the cause of the undercharge, the extent of the undercharge, and the basis for calculating the billed amount.
- (4) Any disputes shall be handled in accordance with the provisions of section 16-610-67.

The customer shall pay the undercharged amount within twelve months of receiving the bill for the undercharge. The customer and the utility may mutually agree on a payment schedule, provided that the total billed amount is paid within twelve months.  
[Eff ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-64 Reasons for denial or disconnection of service.** (a) Wastewater service may be denied or disconnected, without notice, for any of the following reasons:

- (1) Presence of a condition determined by the utility to be hazardous, dangerous, or unsafe;
- (2) The customer's use of equipment in a manner that adversely affects the utility's equipment, employees, or the utility's service to others;
- (3) The customer's tampering with the meter or equipment furnished and owned by the utility; or
- (4) The customer's unauthorized or fraudulent use of the utility's service. Whenever service is disconnected for unauthorized or fraudulent use of service, the utility,



before restoring service, may require the customer, at the customer's own expense, to make all changes in equipment and facilities necessary to eliminate unauthorized or fraudulent use and to pay an amount reasonably estimated as the loss in revenue incurred by the utility as a result of the customer's unauthorized or fraudulent use of service.

(b) Wastewater service may be denied or disconnected with notice, as prescribed in section 16-630-67, for any of the following reasons:

- (1) The customer's violation or failure to comply with the utility's tariffs or rules on file with and approved by the commission governing wastewater service.
- (2) The customer's failure to fulfill the customer's contractual obligations for regulated wastewater service or facilities.
- (3) The customer's failure to permit the utility reasonable access to the utility's equipment.
- (4) The customer's failure to provide adequate physical space for the utility's meter and equipment.
- (5) The customer's failure to establish credit or to post a cash deposit as set forth in section 16-630-60.
- (6) The customer's failure to furnish service equipment, permits, certificates, or rights-of-way, as specified by the utility as a condition to obtaining service, or the withdrawal or termination of such service equipment, permits, certificates, or rights-of-way.
- (7) The customer's failure to pay amounts due, as described in section 16-630-67.

If the utility denies wastewater service pursuant to this subsection, the utility shall notify the applicant in writing as soon as practicable of the reason for such denial. If the utility disconnects

service, the utility shall follow the applicable procedures set forth in section 16-630-67.

(c) In addition to subsections (a) and (b), the commission may for good cause, with or without notice, order the denial or disconnection of service.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-65 Insufficient reasons for denial or disconnection of service.** wastewater service may not be denied or disconnected for any of the following reasons:

- (1) Delinquency in payment for service by a previous occupant of the premises to be served, unless the current applicant or customer occupied the premises at the time the delinquency occurred or the previous customer continues to occupy the premises and benefits from the service.
- (2) Failure to pay for any nonregulated service rendered by the utility.
- (3) Failure to pay for a different type of utility service, such as electricity, gas, or telecommunications.
- (4) Failure to pay the bill of another customer as a guarantor. [Eff \_\_\_\_\_ ]  
(Auth: HRS §269-6) (Imp: §269-6)

**§16-630-66 Disconnection of service by customer.**  
If a customer desires to discontinue receiving wastewater service provided by a wastewater utility, the customer shall give the utility not less than forty-eight hours' notice and state the date on which the customer intends the disconnection to become effective. The utility shall adopt methods to authenticate such requests. The utility shall be allowed a reasonable period of time after the receipt of such notice to terminate service. A customer may

be held responsible for all service furnished at the premises until:

- (1) Forty-eight hours after receipt of such notice by the utility; or
- (2) The date of disconnection specified in the notice, whichever is later.  
[Eff: \_\_\_\_\_] (Auth: HRS §269-6)  
(Imp: HRS §269-6)

**§16-630-67 Disconnection of service by the utility.** (a) Before disconnecting service for nonpayment of a bill, a wastewater utility shall, in addition to the written notice, give the customer an opportunity to pay the bill or to dispute any charge in the bill, as follows:

- (1) The utility shall give the customer at least fifteen days after the issuance of the bill to pay the bill.
- (2) Within the fifteen days allowed to pay the bill, the customer may dispute any charge on the bill and file a complaint with the utility.
- (3) The utility shall investigate the complaint and furnish a written response to the customer, outlining:
  - (A) The utility's findings and conclusions as to the correctness of the disputed charge or the need for any adjustment; and
  - (B) The actual amount due and payable on the bill.
- (4) The utility shall allow the customer seven days after receipt of the utility's response to pay the actual bill amount noted in the response.
- (5) The customer may continue to dispute the charge and submit its protest to the commission for final determination. The customer must, however, pay the amount noted in the utility's response within seven days

of the receipt of the response to avoid disconnection of service.

(b) The utility shall give a customer reasonable written notice before disconnecting service for any reason enumerated in section 16-630-64. The notice must include all of the following:

- (1) The reason or reasons for disconnection of service.
- (2) The date on which service will be disconnected; provided that service may not be disconnected on a Saturday, Sunday, or holiday. The utility shall plan for disconnection during normal utility working hours. For purposes of this paragraph, "holiday" means any day designated as such by HRS sections 8-1 and 8-2.
- (3) The action that the customer must take to avoid disconnection.
- (4) The telephone number or numbers of utility representatives available to handle the subject of disconnection.

(c) The utility shall give special consideration in disconnecting service to an elderly or handicapped customer. The utility shall not disconnect service to an elderly or handicapped customer without first investigating the circumstances and filing a written report on its findings with the commission. The utility shall file the report not less than five days before the planned date of disconnection. To be eligible for special consideration:

- (1) An elderly customer must be at least sixty-two years of age. The customer must show proof of age to the utility by personally presenting the proof at the utility's office or by a written verification of the customer's date of birth.
- (2) A handicapped customer must obtain certification of the customer's physical condition from a duly licensed physician or an appropriate state agency.

(d) If the user of wastewater service is a tenant and the person responsible for the payment of

wastewater service bill is the tenant's landlord, before disconnecting service to the tenant for failure of the landlord to pay a bill, the utility shall provide the tenant with a written notice that includes the information prescribed in subsection (a) and advises the tenant of the tenant's right and option to subscribe for wastewater service in the tenant's name, provided that the changeover in service can be accomplished with minimal technical difficulties and financial costs. If the tenant chooses to exercise this option:

- (1) wastewater service to the tenant will not be disconnected;
- (2) The tenant will be responsible and billed for wastewater service rendered to the tenant after the changeover; and
- (3) The tenant will not be held responsible for the landlord's unpaid bill.

(e) On an annual basis, in accordance with section 16-630-16, the utility shall report to the commission the number of disconnections of wastewater service, by type (at the request of the customer, due to nonpayment, or other reasons) during the past calendar year. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-68 Charges for wastewater service in the case of property transfer.** A wastewater utility may hold any person, who takes possession of a property or premises and uses wastewater services provided by the utility, responsible for the payment of bills for services rendered to the property or premises, even though the change in bill payment responsibility to such person from the former occupant or owner of the property or premises has not been registered in the records of the utility. The utility may hold such person responsible for the payment of bills for services rendered since the date of the last recorded meter reading. The utility may disconnect service to the property or premises five business days after the

utility gives a written notice to the person in possession of the property or premises of the utility's intent to disconnect service, in all cases where:

- (1) A proper application for a transfer of bill payment responsibility is not made, although notified to do so by the utility; and
- (2) Accumulated bills for service are not paid upon presentation of the bills to the person in possession of the property or premises.  
[Eff \_\_\_\_\_ ] (Auth: HRS §269-6)  
(Imp: HRS §269-6)

**§16-630-69 Customer complaints.** (a) A wastewater utility shall fully and promptly investigate all complaints from customers concerning the utility's charges, practices, facilities, or services, whether the complaint is made directly to the utility or the commission.

(b) The utility shall advise a customer, who has exhausted the utility's internal procedures and expresses dissatisfaction with the utility's action, of the customer's right to have the customer's complaint considered and reviewed by the commission. The advice must include the commission's address, website, and telephone number.

(c) When the commission has notified the utility that an informal complaint has been received concerning a specific account and the commission has received notice of the complaint before service is discontinued, the utility shall not discontinue the service of that account until the commission's investigation is completed and the results allow for discontinuance of service.

(d) A copy of all correspondence shall be maintained electronically in accordance with AWWA standards, or for two years after the resolution of the complaint, whichever is greater.

(e) The utility shall keep a chronological record of all complaints. For each complaint, it shall include in the record:

- (1) Name and address of the complainant.
- (2) Date the complaint was received.
- (3) Nature and content of the complaint.
- (4) Result of any investigation.
- (5) A description and date of any correspondence and/or contact with complainant about complaint.
- (6) Action taken.
- (7) Name of the person responsible for investigating and documenting the complaint.
- (8) A description and date of final disposition of the complaint.

Notwithstanding section 16-630-13, the wastewater utility shall keep the record for at least two years after disposition of the complaint.

(e) On an annual basis, in accordance with section 16-630-16, the utility shall report to the commission the number of complaints received, by categories of complaints, and the resolution of such complaints, during the past calendar year.

[Eff ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-70 Payments.** (a) The due date for payment of a bill may not be less than fifteen days from the date of transmittal; that is, the date of mailing, electronic transmission, or physical delivery of the bill by the utility to the customer.

(b) For remittance by mail, payment shall be deemed to have been made on the date of the postmark.

(c) A utility may offer electronic payment options. Electronic payment programs must include the following requirements:

- (1) Electronic bill payment shall be voluntary. A utility may not require a customer to enroll in electronic bill payment as a





any other purpose which is proper and necessary in the conduct of the utility's business.

(b) Any utility representative whose duties require entering the customer's premises shall wear a distinguishing uniform or other insignia, identifying the utility representative as an employee of the utility, or carry other identification such as a badge to verify employment by the utility, to be shown by the utility representative upon request. The utility shall inform the customer in advance, in such a manner that the utility can prove the customer was aware of impending access to utility-owned property, except in events where health and safety are at risk.

(c) When a pipe or other utility-owned equipment is on the property of a resident in the utility's service area which is on file with the commission, the resident shall provide reasonable access to the utility for the maintenance thereof. Any damage done to the property by the utility shall be corrected to conform with the condition before the maintenance process began. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

§§16-630-73 to 77 (Reserved)

## SUBCHAPTER 7

### ENGINEERING

**§16-630-78 Recognized and generally accepted good engineering practices.** (a) A wastewater utility shall design, construct, install, maintain, and operate its plants and facilities in accordance with recognized and generally accepted good engineering

practices and in accordance with federal, State, and county requirements, as amended.

(b) The wastewater utility should refer to the applicable provisions of the regulatory agencies, and industry standards, examples of which include:

- (1) The State Plumbing Code and requirements of the applicable county.
- (2) The most recent version of the Standard Details for Public Works Construction of the State of Hawaii.
- (3) The requirements of the State of Hawaii, Department of Health, including the provisions of Chapters 11-61 and 11-62, and other pertinent chapters.
- (4) Requirements of the United States Environmental Protection Agency.
- (5) Rules, regulations, and standards adopted by or applicable to county-provided wastewater services located in the county where the wastewater utility intends to or is providing wastewater service.
- (6) Published and widely accepted codes, published consensus documents, standard industry practices, and appropriate internal standards.

(c) The wastewater utility shall design, construct, install, maintain, and operate its plants and facilities in a manner as to ensure:

- (1) Continuity and reliability of service;
- (2) Uniformity in the quality and character of the service furnished;
- (3) Safety of persons and protection of property; and
- (4) Sanitary operations.

(d) Application may be made to the commission for temporary or permanent exemption from the requirements of this section if the requirement would cause unreasonable hardship to a utility or to a customer.

(e) The utility shall keep a record of defective, unsafe, or hazardous conditions affecting life, property, or service found during inspections or

otherwise reported or ascertained. For each such condition, the utility shall also record the date, location, and circumstances, and the date and general character of any corrective action taken.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-79 Adequacy of supply.** (a) The wastewater utility's system capacity and design shall comply with all federal, State, and county requirements, as amended, and shall be able to meet all reasonably expectable demands for minimum, average, and peak flows while meeting applicable codes and standards, maintaining appropriate levels of safety, and providing a reasonable reserve for emergencies.

(b) Reports filed with the Department of Health shall also be filed with the commission.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-80 Materials, equipment, and inspection of plants and facilities.** (a) Materials and equipment shall be selected to mitigate corrosion, electrolysis, deterioration, and other damage that may result from internal and external forces in accordance with AWWA standards, as amended.

(b) The utility shall consider the cost effectiveness, for the intended application, of any material or equipment used.

(c) The commission does not intend to prevent the use of newly developed materials and equipment that otherwise meet the requirements described in this subchapter.

(d) A wastewater utility shall adopt and file with the commission a program for inspecting its plant and facilities to determine the necessity for replacement and repair. The utility shall base the

frequency of the inspections on the utility's experience and accepted good industry practice.

(e) The utility shall keep sufficient records to evidence its compliance with, and effectiveness of, its inspection program. [Eff ]  
(Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-81 Service connection standards.** (a) A wastewater utility shall adopt and file with the commission a standard method for installing meters and service connections, including the size or sizes of the meters and the location of the service connections, a written description of the method, and drawings.

(b) The utility shall include the schedule of connection charges in its tariff.  
[Eff ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-82 Reliability.** All critical equipment shall have adequate redundancy and reliability, including fixed or portable backup power, incorporated as determined by the utility and approved by the commission. [Eff ] (Auth: HRS §269-6)  
(Imp: HRS §269-6)

**§16-630-83 Intervening properties.** Service connections should not cross intervening properties unless:

- (1) There is no other cost effective way in which service can be provided.
- (2) Appropriate easements are obtained.  
[Eff ] (Auth: HRS §269-6)  
(Imp: HRS §269-6)

**§16-630-84 Connection standards.** A wastewater utility shall adopt a standard method for connecting new customers to the collection system. The wastewater utility shall provide a written description of the method, together with drawings, and a schedule of connection charges in its rules. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-85 Treatment capacity.** (a) A wastewater utility shall ensure that sufficient capacity exists for wastewater treatment under common conditions, including power outages, marine warnings, and weather events. (b) A wastewater utility shall be designed for a reasonable level of resilience and shall consider disaster preparedness in its planning, siting, and upgrading. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-86 Overflow prevention program.** A wastewater utility may establish an overflow prevention plan, which may include customer education about blockage prevention, backflow prevention devices, and risk reduction. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§§16-630-87 to 88** (Reserved)

SUBCHAPTER 8

TESTING

**§16-630-89 Customer meters.** (a) Meters shall be tested before installation.

(b) The utility shall establish a program for the periodic inspection of its meters.

[Eff ] (Author: HRS §269-6) (Imp. HRS §269-6)

**§16-630-90 Meter testing at customer's request.**

A wastewater utility shall test a meter when requested to do so by a customer. Testing at the customer's request is subject to the following conditions:

- (1) The utility shall perform the test at no charge to the customer, provided the customer does not request the utility to test a meter more than once in a twelve-month period. If a customer requests the utility to conduct any additional tests during the same twelve-month period, the utility may charge a fee sufficient to cover the reasonable cost of the test, as set forth in its tariff, for the additional test.
- (2) The customer or the customer's representative may be present when the customer's meter is tested.
- (3) The utility shall provide the customer with a copy of the report on the results of the test within a reasonable time after the test is completed. The utility shall keep in its files a copy of the report and the record of the test. The report must include the following information:
  - (A) Customer's name and address.

- (B) Date of the request.
  - (C) Location of the property or premises where the meter is installed.
  - (D) Identification number, serial number, and the type, make, and size of the meter.
  - (E) Date of the test.
  - (F) Result of the test.
  - (G) Description of any action taken as a result of the test.
- [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-91 Meter testing facilities and equipment.** (a) Unless excused by the commission, a wastewater utility shall have equipment, facilities, and methods to test its meters for conformity with industry standards.

(b) Alternatively, the utility may have testing and calibration performed by a company certified for such services. [Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-92 Meter test records.** (a) A wastewater utility shall maintain records of the last two tests made of each meter in service. Test records must include the following:

- (1) The date and reason for the test.
- (2) The reading of the meter before the test.
- (3) The accuracy of the meter as found in the test.
- (4) A description of the repairs made, if any.
- (5) The disposition of the meter following the test or repair (returned to service at the same location, removed from service, etc.).

(b) The utility shall maintain records of equipment testing and results in accordance with the NARUC publication, "Regulations to Govern the

Preservation of Records of Electric, Gas and Water Utilities," as amended. [Eff \_\_\_\_\_ ]  
(Auth: HRS §269-6) (Imp: HRS §269-6)

**§§16-630-93 to 101** (Reserved)

SUBCHAPTER 9

QUALITY OF SERVICE

**§16-630-102 Interruption of service.** (a) A wastewater utility shall exercise reasonable diligence and care in the treatment and disposal of wastewater from the customer and avoid any interruption of service. Whenever an interruption occurs, the wastewater utility shall reestablish service within the shortest time practicable.

(b) Whenever necessary for the purpose of making repairs, changes, or improvements to its system or for safety or emergency reasons, a wastewater utility may shut off service; provided that any planned interruption is:

- (1) Made at a time that will cause the least inconvenience to customers; and
- (2) Preceded by adequate and reasonable notice, as circumstances will permit, to those who will be affected.

(c) The wastewater utility shall keep records of all planned and unplanned interruptions of service and shall analyze the records to determine the steps to be taken to prevent recurrence of the interruptions. As applicable, the wastewater utility shall include in the record for each interruption:

- (1) The date, time, duration, and cause of the interruption;



- (2) The number of customers affected;
- (3) The corrective action taken, if any; and
- (4) Any other pertinent information.

(d) The wastewater utility shall notify the commission by email text, or telephone as soon as possible during normal working hours of any interruption of service to more than fifty per cent of its customers of a duration longer than one hour.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-103 System service reliability.** (a) A wastewater utility shall adopt indices by which to measure its system service reliability.

(b) The utility shall maintain an annual record of its system reliability and make such record available to the commission upon request.

[Eff \_\_\_\_\_ ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-104 Interruption of service - compensation.** (a) A wastewater utility is not liable for any interruption of service or for any loss, cost, damage, or expense of any nature occasioned by the interruption, if the interruption is caused by an accident, storm, fire, strike, riot, war, or any cause not within the wastewater utility's control through the exercise of reasonable diligence and control.

(b) Any customer's claim for loss, cost, damage, or expense resulting from any interruption of wastewater service, other than that described in subsection (a), must be filed with the utility within thirty days of the interruption of service. Within thirty days after receipt of the claim, the utility shall:

- (1) Complete its review and investigation of the claim.

- (2) Notify the customer in writing as to whether the claim is denied or accepted, and, if denied, the reasons for the denial.
- (3) Compensate the customer for any loss, cost, damage, or expense resulting from a cause determined by the utility to be within the utility's control.

Upon request and a showing of good cause or under extraordinary circumstances, the utility may extend the deadline for the filing of a compensation claim.

(c) If the customer disagrees with the utility's decision denying the customer's claim, the customer may file a complaint with the commission (informal or formal) against the utility. If a complaint is filed, the procedures set forth in chapter 16-601 will govern the processing of the complaint, to the extent practicable. If the commission finds that the loss, cost, damage, or expense incurred by the customer was from a cause within the utility's control, the utility shall compensate the customer.

(d) Nothing in this chapter is to be construed as limiting or preventing a customer from pursuing any other available rights or remedies.

[Eff ] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§16-630-105 Special measures.** Whenever, in a wastewater utility's opinion, special measures are necessary in order to forestall wastewater system blockages, treatment issues, or other serious problems, the utility may notify customers of the situation and institute new rules with adequate notice to customers and subject to commission approval.

[Eff ] (Auth: HRS§269-6) (Imp: HRS §269-6)

**§§16-630-106 to 110** (Reserved)

SUBCHAPTER 10

SAFETY AND EMERGENCY PREPAREDNESS

**§16-630-111 Safety.** (a) A wastewater utility shall follow all applicable federal, State, and county safety standards, institute best practices for safety followed generally by wastewater service companies, and review the recommendations in the most recent edition of the relevant publications of AWWA, as amended.

(b) The utility shall adopt and execute a safety program suited to the size and type of its operations. At a minimum, the safety program shall include:

- (1) A requirement that employees use suitable tools and equipment so that the employees may perform their work in a safe manner.
- (2) Instructions to employees on safe methods of performing their work.
- (3) Instructions to employees on accepted methods of first aid, including cardiopulmonary resuscitation.

[Eff \_\_\_\_\_] (Auth: HRS §§269-6, 269-8.2) (Imp: HRS §269-6, 269-8.2)

**§16-630-112 Protective measures.** (a) A wastewater utility shall exercise reasonable care to reduce hazards to its employees, customers, and the general public.

- (b) The utility shall assist the commission in:
- (1) Investigating the cause of accidents; and
  - (2) Determining suitable means of preventing accidents.

(c) Notwithstanding section 16-630-13, a utility shall maintain a summary of accidents arising from its operations for a minimum period of five years.

(d) Accident reports shall be filed in accordance with section 16-630-15.

[Eff \_\_\_\_\_ ] (Auth: HRS §§269-6, 269-8.2)  
(Imp: HRS §§269-6, 269-8.2)

**§16-630-113 Emergency preparedness.** (a) A wastewater utility shall have emergency preparedness plans, including a Continuity of Operations Plan, in place and shall coordinate such with the Hawaii Emergency Management Agency and the emergency operations agency in each county in which the utility operates. Such plans shall be filed with the commission under confidential seal.

(b) Prior to a disaster, the utility shall take steps to enable recovery and access to federal, State, and county assistance after a disaster. Such steps may include:

- (1) Establishing a relationship with the hazard mitigation office in the county in which the utility operates, so that the utility will be included in the area's disaster preparedness plans.
- (2) With the assistance of the county, applying for hazard mitigation grant funding (private for-profit utilities that are sole service providers for an area are considered critical infrastructure; local governments may apply for grant funding on their behalf).
- (3) Maintaining documents on the state of the facility and equipment, including periodic photos of facilities and equipment, copies of maintenance records, and insurance policies.

(c) After a disaster occurs, the utility shall document the damage with photos and written descriptions prior to performing cleanup and repairs;

document expenses, including those for equipment repair and replacement, employee overtime, and other emergency expenses; and seek assistance as needed from emergency management agencies.

(d) The utility shall include a section on emergency preparedness in its annual report to the commission. [Eff \_\_\_\_\_] (Auth: HRS §269-6) (Imp: HRS §269-6)

**§§16-630-114 to 118** (Reserved)

## SUBCHAPTER 11

### WATER-ENERGY NEXUS

**§16-630-119 Purpose of this subchapter.** Chapter 269, HRS, requires that the commission establish goals and standards for energy efficiency and the increased use of renewable energy to reduce the State's reliance on fossil fuels. The energy intensive nature of wastewater treatment has led to challenges for utilities in controlling costs as well as challenges to the State in reducing fossil fuel use. The purpose of this subchapter is to encourage implementation of energy management programs, demand side management programs, and other industry best practices that can help reduce operating costs and fossil fuel use. [Eff \_\_\_\_\_] (Auth: HRS §§269-6, 269-96) (Imp: HRS §§269-6, 269-96)

**§16-630-120 Energy audits.** (a) Each utility shall complete at least one energy audit at least equivalent to an ASHRAE level-1 audit, or similar,

prior to December 31, 2020 and at least every five years thereafter.

(b) Each utility shall use the results of the energy audit to work with the State's Public Benefits Fee Administrator, or other similarly qualified experts in energy efficiency, to identify cost-effective measures that the utility can take to reduce energy use or overall energy expenses (including electricity and fuel).

(c) The utility shall file with the commission the results of the energy audit and the findings of the energy efficiency experts by December 31 of the year in which the energy audit takes place.

[Eff: \_\_\_\_\_] (Auth: HRS §269-6, 269-96)  
(Imp: HRS §§269-6, 269-96)

**§16-630-121 Action plan and system evaluation.**

(a) Each year, concurrently with the annual financial report filed in accordance with section 16-630-16, each wastewater utility shall file with the commission an Action Plan. The Action Plan shall include a written report on:

- (1) Evaluation and implementation of cost-effective system energy efficiency measures and energy management based on industry best practices, such as those found in the Hawaii Energy publication entitled *Water and Wastewater Energy Management Best Practices Handbook Hawaii Edition*, as amended, or other sources.
- (2) Participation in real-time demand response programs to benefit the wastewater utility's customers, while providing benefits to the electric grid, through measures such as coordinating operation of equipment or pumps to match generation resources or providing ancillary services to the power system.
- (3) Development of on-site energy resources such as biogas or solar energy.

(b) Concurrently with, or as part of the Action Plan, the utility shall file an annually updated system evaluation using "Wastewater Facility Energy Checklist and Best Practices Review" forms prepared and furnished by the commission. The system evaluation will include:

- (1) The total kilowatt hours of electricity consumed by the utility in the previous year.
- (2) The total number of gallons of wastewater treated in the previous year.
- (3) A description of each major process or piece of equipment and the actual or estimated amount of energy consumed or produced by said process or piece of equipment in the utility's operation in the previous year.
- (4) A review of best practices for each major process or piece of equipment and potential use of such best practices by the utility.  
[Eff ] (Auth: HRS §269-6)  
(Imp: HRS §269-6)

(END OF WASTEWATER - WORKING DRAFT #1)

