

DATE: MAY 17, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 92 - 2004

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the term of three and a half (3 1/2) years beginning on July 1, 2004.

WHEREAS, Aqua Ohio, Inc., its successors and assigns (hereinafter called the "Company") shall be bound to furnish such water as it shall hereafter furnish for public and private consumption within the City of Massillon, Ohio (hereinafter called the "City"), for and during the term of three and a half (3 1/2) years beginning July 1, 2004, upon the terms and conditions hereinafter set forth:

WHEREAS, Aqua Ohio, Inc. now owns and operates a water supply plant in said City and the Company enjoys the right and privileges of using the streets and public highways for the location, operation, maintenance and existence of its mains, services and other appurtenances; and

WHEREAS, the City and the inhabitants thereof are now and have been receiving water service from said Company, all property, plants, distribution mains and equipment of which Company now used and useful in the furnishing of said water service, and the legal title to the same, as well as any equipment or extensions which may hereafter be placed in said City by said Company, its successors and assigns;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

In consideration of the covenants of the City and the Company as hereinafter contained, the following terms and conditions are declared and made effective relative to the supplying of such water service. In the event that the City shall levy, assess or impose any new privileges, occupation, franchise or excise tax, or shall increase any such taxes presently existing against the Water Company at any time during the period which this Ordinance shall be in force, then the rates fixed in Sections 3, 4 and 5 hereof be so increased by the Company by filing a new schedule as to provide sufficient additional revenue to cover such new or additional tax or taxes provided, however, that if the City shall propose an alternative schedule of additional rates acceptable to the Company which would yield the requisite revenue, such alternative schedule shall control. In either event, the new and increased schedule shall become effective on all bills rendered after the effective date for such new tax or taxes.

Section 2:

First Period. In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge for water furnished during the period of July 1, 2004 through December 31, 2005 the following rates on all bills rendered:

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.29
For the next 10,000 cubic feet per month	\$2.57
For all over 15,000 cubic feet per month	\$1.44

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$8.91
3/4" meter	\$9.79
1" meter	\$12.47
1-1/2" meter	\$16.02
2" meter	\$25.83
3" meter	\$97.93
4" meter	\$124.64
6" meter	\$186.96

ACCOUNT ACTIVATION FEE: An account activation charge of Twenty Dollars (\$20.00) will be charged for a service connection during the Company's regular business hours.

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: RECONNECTION fees as defined in the Company's Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

RECONNECTION Fee during regular business hours..... \$25.00
 RECONNECTION Fee other than during regular business hours \$85.00

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$9.72
1-1/2" hose connection	\$12.16
2" hose connection	\$15.22
2-1/2" hose connection	\$17.65
Private fire hydrants	\$36.97

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$30.28
4"	10,000 square feet or less	\$45.52
6"	20,000 square feet or less	\$63.70
Additional floor space	Per 1,000 square feet	\$1.78

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company=s option when the Company returns the dishonored check or may be charged on the customer=s next billing.

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

Any and all charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

DIVISION D
BULK WATER SALES

For sales of bulk water at Company-designated connections, a customer shall pay Ten Dollars (\$10.00) per one thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company=s costs incurred for bulk water connection and metering accommodations.

DIVISION E
CUSTOMER IMPACT FEE

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

<u>Meter Size</u>	<u>Customer Impact Fee</u>
5/8" x 3/4"	\$1,200.00
1"	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00

Section 3:

Second Period. In consideration of the above, the parties hereto agree that the Company, for services described, shall charge for water furnished during the period of January 1, 2006 through December 31, 2006, the following rates on all bills rendered:

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.44
For the next 10,000 cubic feet per month	\$2.69
For all over 15,000 cubic feet per month	\$1.51

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$9.33
3/4" meter	\$10.25
1" meter	\$13.06
1-1/2" meter	\$16.77
2" meter	\$27.04
3" meter	\$102.53
4" meter	\$130.50
6" meter	\$195.75

ACCOUNT ACTIVATION FEE: An account activation charge of Twenty Dollars (\$20.00) will be charge for a service connection during the Company's regular business hours.

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the

Company=s option when the Company returns the dishonored check or may be charged on the customer=s next billing.

RECONNECTION FEE: RECONNECTION fees as defined in the Company=s Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

RECONNECTION Fee during regular business hours..... \$25.00
 RECONNECTION Fee other than during regular business hours \$85.00

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$10.18
1-1/2" hose connection	\$12.73
2" hose connection	\$15.94
2-1/2" hose connection	\$18.48
Private fire hydrants	\$38.71

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$31.70
4"	10,000 square feet or less	\$47.66
6"	20,000 square feet or less	\$66.69
Additional floor space	Per 1,000 square feet	\$1.86

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

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ORDINANCE NO. 92 - 2004

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company=s option when the Company returns the dishonored check or may be charged on the customer=s next billing.

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

Any and all charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

DIVISION D
BULK WATER SALES

For sales of bulk water at Company-designated connections, a customer shall pay Ten Dollars (\$10.00) per one thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company=s costs incurred for bulk water connection and metering accommodations.

DIVISION E
CUSTOMER IMPACT FEE

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

Meter Size	Customer Impact Fee
5/8" x 3/4"	\$1,200.00
1"	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00

Section 4:

Third Period. In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge the following rates for water furnished during the period of January 1, 2007 through December 31, 2007 and thereafter until new rates have been agreed upon between the Company and the City.

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.60
For the next 10,000 cubic feet per month	\$2.82
For all over 15,000 cubic feet per month	\$1.58

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$9.77
3/4" meter	\$10.73
1" meter	\$13.67
1-1/2" meter	\$17.56
2" meter	\$28.31
3" meter	\$107.35
4" meter	\$136.63

6" meter	\$204.95
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ACCOUNT ACTIVATION FEE: An account activation charge of Twenty Dollars (\$20.00) will be charged for a service connection during the Company's regular business hours.

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: RECONNECTION fees as defined in the Company's Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

RECONNECTION Fee during regular business hours.....	\$25.00
RECONNECTION Fee other than during regular business hours	\$85.00

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$10.66
1-1/2" hose connection	\$13.33
2" hose connection	\$16.69
2-1/2" hose connection	\$19.35
Private fire hydrants	\$40.53

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$33.19
4"	10,000 square feet or less	\$49.90

6"	20,000 square feet or less	\$69.82
Additional floor space	Per 1,000 square feet	\$1.95

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ORDINANCE NO. 92 - 2004

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company=s option when the Company returns the dishonored check or may be charged on the customer=s next billing.

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

Any and all charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

DIVISION D
BULK WATER SALES

For sales of bulk water at Company-designated connections, a customer shall pay Ten Dollars (\$10.00) per one thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company=s costs incurred for bulk water connection and metering accommodations.

DIVISION E
CUSTOMER IMPACT FEE

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

<u>Meter Size</u>	<u>Customer Impact Fee</u>
5/8" x 3/4"	\$1,200.00
1"	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00

Section 5:

If, during the term of this Ordinance, the City desires that the Company expand or construct improvements beyond those planned by the Company and beyond any improvements which the Company has agreed to implement, the City may request negotiations with the Company for adjustment of the rates set forth herein to facilitate such improvements.

If, following July 1, 2004, (a) the Company=s rate of return on rate base (as determined in accordance with Ohio Revised Code Chapter 4909) for its Stark Regional Division falls one percentage point or more below any such return then in effect for any of the Company=s districts established by the Ohio Public Utilities Commission and (b) events beyond the control of the Company have contributed to such lowered return, then the City and the Company shall renegotiate the rates set forth in Section 5 hereof. If renegotiated rates have not been reached within sixty (60) days after such negotiations are requested, the Company may apply to the Ohio Public Utilities Commission for a rate determination for its Stark Regional Division in the same manner as if the City had not set rates as provided in Ohio Revised Code Section 4909.35. For purposes hereof, increased Company personnel compensation costs shall not be deemed an event beyond the Company=s control.

Section 6:

The Company=s rates and service shall comply with Aqua Ohio, Inc. Master Tariff P.U.C.O. No. 2, as amended and revised from time to time, provided, however, any conflicting provisions of this Ordinance shall supercede said Tariff and, furthermore, the Company will not collect or charge a related facilities fee (rather, the Company will collect the Customer Impact Fee set forth herein above).

Section 7:

This contract and the rates herein provided for shall continue and be in force for a period of three and a half (3 1/2) years beginning on July 1, 2004 and until canceled by either the City or the Company upon sixty (60) days written notice.

Section 8:

This Ordinance and the written acceptance thereof by the Company filed in the office either of the Clerk of Council or the Auditor of the city, after its passage and approval by the Mayor, shall constitute a contract between the City and the Company pursuant to and by virtue of Sections 4 and 5 of the Article XVIII of the Constitution of Ohio.

Section 9:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the additional reason that the Aqua Ohio, Inc. agreement with the City is about to expire. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

Ordinance No. 1038-97

Passed February 04 1997

VILLAGE OF POLAND

ORDINANCE

No. 1038-97

AN ORDINANCE ESTABLISHING THE RATES AT WHICH CONSUMERS OHIO WATER COMPANY SHALL FURNISH WATER TO THE VILLAGE OF POLAND AND ITS INHABITANTS THEREOF FOR AND DURING THE TERM OF THREE YEARS BEGINNING ON MARCH 01, 1997.

NOW, THEREFORE, BE IT ORDAINED by the council of the Village of Poland, Ohio, a majority of all members elected thereto concurring:

SECTION 1:

That Consumers Ohio Water Company shall charge for water furnished to Village of Poland and its inhabitants, the following rates for service rendered on and after March __, 1997 through and including December 31, 1997.

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month	<u>Net</u> \$4.00
	<u>Per 100 Cu. Ft. Net</u>
For the first 2,500 cu. ft. per month	\$3.28
For all over 2,500 cu. ft. per month	\$2.73

MINIMUM CHARGES: The customer charge, \$4.00 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

Meter Size	Water Allowed Per Month	Per Month* Net
Minimum charge for a 1" meter	765 cu. ft.	\$29.09
Minimum charge for a 1 1/4" meter	1,725 cu. ft.	\$60.58
Minimum charge for a 2" meter	3,060 cu. ft.	\$101.29
Minimum charge for a 3" meter	6,905 cu. ft.	\$206.26
Minimum charge for a 4" meter	12,280 cu. ft.	\$352.99
Minimum charge for a 6" meter	27,630 cu. ft.	\$772.05

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECEIVED
MAR 05 1997
TARIFF DIVISION
Public Utilities Commission of Ohio

Ordinance No. 1038-97

Passed February 04 1997

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours\$25.00
 Reconnection Fee other than during regular business hours\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	<u>Per Month Net</u>
1 1/4" hose connection	\$10.73
1 1/2" hose connection	\$13.34
2" hose connection	\$16.14
2 1/2" hose connection	\$19.19
Private fire hydrants	\$39.48

AUTOMATIC SPRINKLERS

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month Net</u>
2"	5,000 sq. ft. or less	\$31.54
4"	10,000 sq. ft. or less	\$52.82
6"	20,000 sq. ft. or less	\$79.14
8"	30,000 sq. ft. or less	\$111.54
Additional floor space	Per 1,000 sq. ft.	\$.98

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

SECTION 2:

Consumers Ohio Water Company shall charge for water furnished to the Village of Poland and its inhabitants, the following rates for service rendered on and after January 1, 1998 through and including December 31, 1998.

Ordinance No. 1038-97

Passed February 04 1997

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month Net
\$4.10

For the first 2,500 cu. ft. per month Per 100 Cu. Ft. Net
\$3.37
 For all over 2,500 cu. ft. per month \$2.80

MINIMUM CHARGES: The customer charge, \$4.10 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

Meter Size	Water Allowed Per Month	Per Month* Net
Minimum charge for a 1" meter	765 cu. ft.	\$29.88
Minimum charge for a 1 1/2" meter	1,725 cu. ft.	\$62.23
Minimum charge for a 2" meter	3,060 cu. ft.	\$104.03
Minimum charge for a 3" meter	6,905 cu. ft.	\$211.69
Minimum charge for a 4" meter	12,280 cu. ft.	\$362.19
Minimum charge for a 6" meter	27,630 cu. ft.	\$791.99

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours\$25.00

Reconnection Fee other than during regular business hours\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	Per Month Net
1 1/4" hose connection	\$11.01
1 1/2" hose connection	\$13.69
2" hose connection	\$16.56
2 1/2" hose connection	\$19.69
Private fire hydrants	\$40.51

Ordinance No. 1038-97

Passed February 04 1997

AUTOMATIC SPRINKLERS

Size of Connection	Floor Space	Per Month Net
2"	5,000 sq. ft. or less	\$32.36
4"	10,000 sq. ft. or less	\$54.19
6"	20,000 sq. ft. or less	\$81.20
8"	30,000 sq. ft. or less	\$114.44
Additional floor space	Per 1,000 sq. ft.	\$1.01

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in division A - Measured or Metered Service Rate Schedule.

SECTION 3:

Consumers Ohio Water Company shall charge for water furnished to the Village of Poland and its inhabitants, the following rates for service rendered on and after January 1, 1999 through and including December 31, 1999; provided, however, in the event Consumers Ohio Water Company is required by the Ohio Environmental Protection Agency or any other governmental or regulatory agency to commence construction of a major capital expenditure during the term of this Agreement, Consumers Ohio Water Company may seek an increase to establish the 1999 rates greater than those stated hereinbelow by agreement, or in the manner prescribed by law as if no rates were established herein for the year 1999.

Ordinance No. 1038-97

Passed February 04 1997

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month	<u>Net</u> \$4.21
	<u>Per 100 Cu. Ft. Net</u>
For the first 2,500 cu. ft. per month	\$3.46
For all over 2,500 cu. ft. per month	\$2.87

MINIMUM CHARGES: The customer charge, \$4.21 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

Meter Size	Water Allowed Per Month	Per Month* Net
Minimum charge for a 1" meter	765 cu. ft.	\$30.68
Minimum charge for a 1 1/2" meter	1,725 cu. ft.	\$63.90
Minimum charge for a 2" meter	3,060 cu. ft.	\$106.78
Minimum charge for a 3" meter	6,905 cu. ft.	\$217.13
Minimum charge for a 4" meter	12,280 cu. ft.	\$371.40
Minimum charge for a 6" meter	27,630 cu. ft.	\$811.94

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours	\$25.00
Reconnection Fee other than during regular business hours	\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	<u>Per Month Net</u>
1 1/4" hose connection	\$11.30
1 1/2" hose connection	\$14.05
2" hose connection	\$16.99
2 1/4" hose connection	\$20.20
Private fire hydrants	\$41.56

Ordinance No. 1038-97

Passed February 04 19 97

AUTOMATIC SPRINKLERS

Size of Connection	Floor Space	Per Month
2"	5,000 sq. ft. or less	\$33.20
4"	10,000 sq. ft. or less	\$55.60
6"	20,000 sq. ft. or less	\$83.31
8"	30,000 sq. ft. or less	\$117.42
Additional floor space	Per 1,000 sq. ft	\$1.04

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in division A - Measured or Metered Service Rate Schedule.

SECTION 4:

The rates in Section 3 shall continue in effect after December 31, 1999 until new rates have been agreed upon or have been fixed in the manner prescribed by law. Either the Village or the Company may request of the other party the establishment of new rates to become effective after December 31, 1999; and if no agreement has been reached during a period of sixty (60) days following the making of such request, either party may proceed to have the aforesaid rates fixed in the manner prescribed by law.

SECTION 5:

Consumers Ohio Water Company will construct approximately 225 million dollars of capital improvements within its Struthers Division during the period of this Ordinance

SECTION 6:

Service shall be furnished by Consumers Ohio Water Company in accordance with the Rules and Regulations of the Public Utilities Commission of Ohio and the applicable tariff of the Company as it may be amended or supplemented from time to time.

SECTION 7:

Representatives of Consumers Ohio Water Company will meet with representatives of the Village on the second Monday of January, April, July and October. These meetings will be open to the public.

SECTION 8:

The Village will appoint at least one representative to be a part of a Water Utility Committee which will consist of persons from all of the communities served by Consumers Ohio Water Company Struthers Division. The company and the committee will arrange periodic meetings to discuss Division-wide matters.

Ordinance No. 1038-97

Passed February 04 19 97

SECTION 9:

This ordinance and the written acceptance thereof by Consumers Ohio Water Company filed with the Clerk of Council, after its passage and approval by the Mayor, shall constitute a contract between the Village and Company pursuant to and by virtue of Sections 4 and 5 and Article XVIII of the Constitution of Ohio.

SECTION 10:

Ordinance No. 961-94, being one and the same, is hereby repealed.

SECTION 11:

This Ordinance shall take effect and be in effect from and after the earliest period allowed by law.

PASSED IN COUNCIL THE 04TH DAY OF February, 1997.

MAYOR

CLERK OF COUNCIL

I, Linda M. Srnec, Clerk-Treasurer, do hereby certify that the above ordinance was published in The Vindicator, an English newspaper of general circulation on the following dates: _____ and _____.

Linda M. Srnec, Clerk-Treasurer

Village of Lowellville

ORDINANCE

No. 2885

AN ORDINANCE ESTABLISHING THE RATES AT WHICH CONSUMERS OHIO WATER COMPANY SHALL FURNISH WATER TO THE VILLAGE OF LOWELLVILLE AND ITS INHABITANTS THEREOF FOR AND DURING THE TERM OF THREE YEARS BEGINNING ON MARCH 1, 1997.

NOW, THEREFORE, BE IT ORDAINED by the council of the Village of Lowellville, Ohio, a majority of all members elected thereto concurring:

SECTION 1:

That Consumers Ohio Water Company shall charge for water furnished to the residents of the Village of Lowellville and its inhabitants, the following rates for service rendered on and after March 1, 1997 through and including December 31, 1997.

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month	<u>Net</u> \$4.00
	<u>Per 100 Cu. Ft. Net</u>
For the first 2,500 cu. ft. per month	\$3.28
For all over 2,500 cu. ft. per month	\$2.73

MINIMUM CHARGES: The customer charge, \$4.00 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

Meter Size	Water Allowed Per Month	Per Month* Net
Minimum charge for a 1" meter	765 cu. ft.	\$29.09
Minimum charge for a 1½" meter	1,725 cu. ft.	\$60.58
Minimum charge for a 2" meter	3,060 cu. ft.	\$101.29
Minimum charge for a 3" meter	6,905 cu. ft.	\$206.26
Minimum charge for a 4" meter	12,280 cu. ft.	\$352.99
Minimum charge for a 6" meter	27,630 cu. ft.	\$772.05

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECEIVED

MAR 05 1997

TARIFF DIVISION
Public Utilities Commission of Ohio

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours	\$25.00
Reconnection Fee other than during regular business hours	\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	<u>Per Month Net</u>
1 ¼" hose connection	\$10.73
1 ½" hose connection	\$13.34
2" hose connection	\$16.14
2 ½" hose connection	\$19.19
Private fire hydrants	\$39.48

AUTOMATIC SPRINKLERS

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month Net</u>
2"	5,000 sq. ft. or less	\$31.54
4"	10,000 sq. ft. or less	\$52.82
6"	20,000 sq. ft. or less	\$79.14
8"	30,000 sq. ft. or less	\$111.54
Additional floor space	Per 1,000 sq. ft	\$.98

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

SECTION 2:

Consumers Ohio Water Company shall charge for water furnished to the Village of Lowellville and its inhabitants, the following rates for service rendered on and after January 1, 1998 through and including December 31, 1998.

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month	<u>Net</u> \$4.10
	<u>Per 100 Cu. Ft. Net</u>
For the first 2,500 cu. ft. per month	\$3.37
For all over 2,500 cu. ft. per month	\$2.80

MINIMUM CHARGES: The customer charge, \$4.10 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

<u>Meter Size</u>	<u>Water Allowed Per Month</u>	<u>Per Month* Net</u>
Minimum charge for a 1" meter	765 cu. ft.	\$29.88
Minimum charge for a 1½" meter	1,725 cu. ft.	\$62.23
Minimum charge for a 2" meter	3,060 cu. ft.	\$104.03
Minimum charge for a 3" meter	6,905 cu. ft.	\$211.69
Minimum charge for a 4" meter	12,280 cu. ft.	\$362.19
Minimum charge for a 6" meter	27,630 cu. ft.	\$799.99

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours	\$25.00
Reconnection Fee other than during regular business hours	\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	<u>Per Month Net</u>
1 ¼" hose connection	\$11.01
1 ½" hose connection	\$13.69
2" hose connection	\$16.56
2 ½ " hose connection	\$19.69
Private fire hydrants	\$40.51

AUTOMATIC SPRINKLERS

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month Net</u>
2"	5,000 sq. ft. or less	\$32.36
4"	10,000 sq. ft. or less	\$54.19
6"	20,000 sq. ft. or less	\$81.20
8"	30,000 sq. ft. or less	\$114.44
Additional floor space	Per 1,000 sq. ft	\$1.01

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in division A - Measured or Metered Service Rate Schedule.

SECTION 3:

Consumers Ohio Water Company shall charge for water furnished to the Village of Lowellville and its inhabitants, the following rates for service rendered on and after January 1, 1999 through and including December 31, 1999; provided, however, in the event Consumers Ohio Water Company is required by the Ohio Environmental Protection Agency or any other governmental or regulatory agency to commence construction of a major capital expenditure during the term of this Agreement, Consumers Ohio Water Company may seek an increase to establish the 1999 rates greater than those stated hereinbelow by agreement, or in the manner prescribed by law as if no rates were established herein for the year 1999.

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month	<u>Net</u> \$4.21
	<u>Per 100 Cu. Ft. Net</u>
For the first 2,500 cu. ft. per month	\$3.46
For all over 2,500 cu. ft. per month	\$2.87

MINIMUM CHARGES: The customer charge, \$4.21 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

<u>Meter Size</u>	<u>Water Allowed Per Month</u>	<u>Per Month* Net</u>
Minimum charge for a 1" meter	765 cu. ft.	\$30.68
Minimum charge for a 1½" meter	1,725 cu. ft.	\$63.90
Minimum charge for a 2" meter	3,060 cu. ft.	\$106.78
Minimum charge for a 3" meter	6,905 cu. ft.	\$217.13
Minimum charge for a 4" meter	12,280 cu. ft.	\$371.40
Minimum charge for a 6" meter	27,630 cu. ft.	\$811.94

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours	\$25.00
Reconnection Fee other than during regular business hours	\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	<u>Per Month Net</u>
1 ¼" hose connection	\$11.30
1 ½" hose connection	\$14.05
2" hose connection	\$16.99
2 ½ " hose connection	\$20.20
Private fire hydrants	\$41.56

AUTOMATIC SPRINKLERS

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 sq. ft. or less	\$33.20
4"	10,000 sq. ft. or less	\$55.60
6"	20,000 sq. ft. or less	\$83.31
8"	30,000 sq. ft. or less	\$117.42
Additional floor space	Per 1,000 sq. ft	\$1.04

LATE PAYMENT PENALTY: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in division A - Measured or Metered Service Rate Schedule.

SECTION 4:

The rates in Section 3 shall continue in effect after December 31, 1999 until new rates have been agreed upon or have been fixed in the manner prescribed by law. Either the Village or the Company may request of the other party the establishment of new rates to become effective after December 31, 1999; and if no agreement has been reached during a period of sixty (60) days following the making of such request, either party may proceed to have the aforesaid rates fixed in the manner prescribed by law.

SECTION 5:

Consumers Ohio Water Company will construct approximately 2.25 million dollars of capital improvements within its Struthers Division.

SECTION 6:

Service shall be furnished by Consumers Ohio Water Company in accordance with the Rules and Regulations of the Public Utilities Commission of Ohio and the applicable tariff of the Company as it may be amended or supplemented from time to time.

SECTION 7:

Representatives of Consumers Ohio Water Company will meet with representatives of the Village on the second Monday of January, April, July and October. These meetings will be open to the public.

SECTION 8:

The Village will appoint at least one representative to be a part of a Water Utility Committee which will consist of persons from all of the communities served by Consumers Ohio Water Company Struthers Division. The company and the committee will arrange periodic meetings to discuss Division-wide matters.

SECTION 9:

This ordinance and the written acceptance thereof by Consumers Ohio Water Company filed with the Clerk of Council, after its passage and approval by the Mayor, shall constitute a contract between the Village and Company pursuant to and by virtue of Sections 4 and 5 and Article XVIII of the Constitution of Ohio.

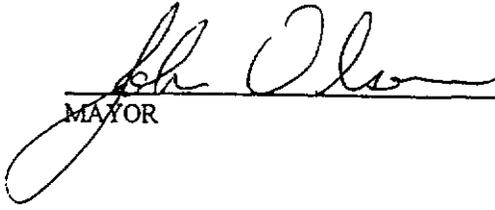
SECTION 10:

Ordinance No. 2732, being one and the same, is hereby repealed.

SECTION 11:

This Ordinance shall take effect and be in effect from and after the earliest period allowed by law.

PASSED IN COUNCIL THE 8TH DAY OF JANUARY, 1997.



MAYOR



CLERK OF COUNCIL

This is to certify that the above is a true copy of the original.



Ronald Guerrieri
Clerk-Treasurer

SUPPLEMENTAL AGREEMENT

**OF
MARCH , 1997**

BY AND BETWEEN

**CONSUMERS OHIO WATER COMPANY
AND
COUNTY OF MAHONING**

This SUPPLEMENTAL AGREEMENT made this 20 day of ^{FEBRUARY} ~~March~~, 1997 at Youngstown, Ohio, by and between CONSUMERS OHIO WATER COMPANY, an Ohio corporation hereinafter referred to as "Company", and the COUNTY OF MAHONING, STATE OF OHIO, hereinafter referred to as "County", by and through its Board of Commissioners:

WITNESSETH:

WHEREAS, the Company has entered into contracts with the County for furnishing water service in certain Sub-sewer Districts of the Mahoning County Metropolitan Sewer District; and,

WHEREAS, the County and the Company have agreed upon a new schedule of rates to be charged by the Company for service pursuant to said contracts (being the same schedule of rates that the Company is now authorized to charge in the City of Struthers and the Villages of Poland and Lowellville); and

NOW, THEREFORE, it is agreed by and between the parties that the existing contracts between the parties shall be deemed amended and modified by incorporation therein the following provisions:

SECTION 1:

Consumers Ohio Water Company shall charge for water furnished to the residents and consumers of the various sub-sewer districts and any other areas of Mahoning County Metropolitan Sewer District which are under contract to Consumers Ohio Water Company, the following rates for service rendered on and after March L, 1997 through and including December 31, 1997.

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month	<u>Net</u> \$4.00
For the first 2,500 cu. ft. per month	<u>Per 100 Cu. Ft. Net</u> \$3.28
For all over 2,500 cu. ft. per month	\$2.73

MINIMUM CHARGES: The customer charge, \$4.00 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

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MAR 05 1997
TARIFF DIVISION
Public Utilities Commission of Ohio

Meter Size	Water Allowed Per Month	Per Month* Net
Minimum charge for a 1" meter	765 cu. ft.	\$29.09
Minimum charge for a 1½" meter	1,725 cu. ft.	\$60.58
Minimum charge for a 2" meter	3,060 cu. ft.	\$101.29
Minimum charge for a 3" meter	6,905 cu. ft.	\$206.26
Minimum charge for a 4" meter	12,280 cu. ft.	\$352.99
Minimum charge for a 6" meter	27,630 cu. ft.	\$772.05

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours	\$25.00
Reconnection Fee other than during regular business hours	\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	<u>Per Month Net</u>
1 ¼" hose connection	\$10.73
1 ½" hose connection	\$13.34
2" hose connection	\$16.14
2 ½ " hose connection	\$19.19
Private fire hydrants	\$39.48

AUTOMATIC SPRINKLERS

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month Net</u>
2"	5,000 sq. ft. or less	\$31.54
4"	10,000 sq. ft. or less	\$52.82
6"	20,000 sq. ft. or less	\$79.14
8"	30,000 sq. ft. or less	\$111.54
Additional floor space	Per 1,000 sq. ft	\$.98

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

SECTION 2:

Consumers Ohio Water Company shall charge for water furnished to the residents and consumers of the various sub-sewer districts and any other areas of Mahoning County Metropolitan Sewer District which are under contract to Consumers Ohio Water Company, the following rates for service rendered on and after January 1, 1998 through and including December 31, 1998.

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month	<u>Net</u> \$4.10
	<u>Per 100 Cu. Ft. Net</u>
For the first 2,500 cu. ft. per month	\$3.37
For all over 2,500 cu. ft. per month	\$2.80

MINIMUM CHARGES: The customer charge, \$4.10 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

Meter Size	Water Allowed Per Month	Per Month* Net
Minimum charge for a 1" meter	765 cu. ft.	\$29.88
Minimum charge for a 1½" meter	1,725 cu. ft.	\$62.23
Minimum charge for a 2" meter	3,060 cu. ft.	\$104.03
Minimum charge for a 3" meter	6,905 cu. ft.	\$211.69
Minimum charge for a 4" meter	12,280 cu. ft.	\$362.19
Minimum charge for a 6" meter	27,630 cu. ft.	\$791.99

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours	\$25.00
Reconnection Fee other than during regular business hours	\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	<u>Per Month Net</u>
1 ¼" hose connection	\$11.01
1 ½" hose connection	\$13.69
2" hose connection	\$16.56
2 ½" hose connection	\$19.69
Private fire hydrants	\$40.51

AUTOMATIC SPRINKLERS

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month Net</u>
2"	5,000 sq. ft. or less	\$32.36
4"	10,000 sq. ft. or less	\$54.19
6"	20,000 sq. ft. or less	\$81.20
8"	30,000 sq. ft. or less	\$114.44
Additional floor space	Per 1,000 sq. ft	\$1.01

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

SECTION 3:

Consumers Ohio Water Company shall charge for water furnished to the residents and consumers of the various sub-sewer districts and any other areas of Mahoning County Metropolitan Sewer District which are under contract to Consumers Ohio Water Company, the following rates for service rendered on and after January 1, 1999 through and including December 31, 1999; provided, however, in the event governmental or regulatory agency to commence construction of a major capital expenditure during the term of this Agreement, Consumers Ohio Water Company may seek an increase to establish the 1999 rates greater than those stated hereinbelow by agreement, or in the manner prescribed by law as if no rates were established herein for the year 1999.

DIVISION A - MEASURED OR METERED SERVICE RATE SCHEDULE

Customer Charge Per Month	<u>Net</u> \$4.21
	<u>Per 100 Cu. Ft. Net</u>
For the first 2,500 cu. ft. per month	\$3.46
For all over 2,500 cu. ft. per month	\$2.87

MINIMUM CHARGES: The customer charge, \$4.21 net is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

<u>Meter Size</u>	<u>Water Allowed Per Month</u>	<u>Per Month* Net</u>
Minimum charge for a 1" meter	765 cu. ft.	\$30.68
Minimum charge for a 1½" meter	1,725 cu. ft.	\$63.90
Minimum charge for a 2" meter	3,060 cu. ft.	\$106.78
Minimum charge for a 3" meter	6,905 cu. ft.	\$217.13
Minimum charge for a 4" meter	12,280 cu. ft.	\$371.40
Minimum charge for a 6" meter	27,630 cu. ft.	\$811.94

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees are defined by master Tariff P.U.C.O. No. 2 (or subsequent number) are:

Reconnection Fee during regular business hours\$25.00

Reconnection Fee other than during regular business hours\$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS

	<u>Per Month Net</u>
1 ¼" hose connection	\$11.30
1 ½" hose connection	\$14.05
2" hose connection	\$16.99
2 ½ " hose connection	\$20.20
Private fire hydrants	\$41.56

AUTOMATIC SPRINKLERS

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 sq. ft. or less	\$33.20
4"	10,000 sq. ft. or less	\$55.60
6"	20,000 sq. ft. or less	\$83.31
8"	30,000 sq. ft. or less	\$117.42
Additional floor space	Per 1,000 sq. ft	\$1.04

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option; when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in division A - Measured or Metered Service Rate Schedule.

SECTION 4:

The rates in Section 3 shall continue in effect after December 31, 1999 until new rates have been agreed upon or have been fixed in the manner prescribed by law. Either the Board or the Company may request of the other party the establishment of new rates to become effective after December 31, 1999; and if no agreement has been reached during a period of sixty (60) days following the making of such request, either party may proceed to have the aforesaid rates fixed in the manner prescribed by law.

SECTION 5:

Consumers Ohio Water Company will construct approximately 2.25 million dollars of capital improvements within its Struthers Division during the period of the ordinance.

Service shall be furnished by the Consumers Ohio Water Company in accordance with the Rules and Regulations of the Public Utilities Commission of Ohio and the applicable tariff of the Company as it may be amended or supplemented from time to time.

Representatives of Consumers Ohio Water Company will meet with representatives of the County on the second Monday of January, April, July and October. These meetings will be open to the public.

The County will appoint at least one representative to be a part of a Water Utility Committee which will consist of persons from all of the communities served by Consumers Ohio Water Company Struthers Division. The company and the Committee will arrange periodic meetings to discuss Division-wide matters.

The existing contracts between the parties as amended are ratified and confirmed excepting that all provisions of said contracts which are inconsistent with the above provisions of this Supplemental Agreement shall be deemed superseded and of no further force or effect.

IN WITNESS WHEREOF, the CONSUMERS OHIO WATER COMPANY has caused its corporate name to be affixed hereto by Walter J. Pishkur, its President, and the County of Mahoning, State of Ohio, has caused its name to be affixed hereto by the Board of Commissioners as of the day and year first above written.

CONSUMERS OHIO WATER COMPANY

By Walter J. Pishkur
Walter J. Pishkur, President

COUNTY OF MAHONING, STATE OF OHIO

By BOARD OF COMMISSIONERS

Mark R. Ford
[Signature]
[Signature]

Approval as to form:

Karen Maguire
Prosecuting Attorney

[Signature] 2/20/97

City of Struthers

ORDINANCE

No. 97-9570

(SECOND READING)
AN ORDINANCE ESTABLISHING THE RATES AT WHICH
CONSUMERS OHIO WATER COMPANY SHALL FURNISH
WATER TO THE CITY OF STRUTHERS AND ITS INHAB-
ITANTS THEREOF FOR AND DURING THE TERM OF
THREE YEARS BEGINNING ON MARCH 1, 1997.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
Struthers, Ohio, 3/4's of all members elected thereto concurring:

SECTION 1: That Consumers Ohio Water Company shall charge for
water furnished to the City of Struthers and its inhabitants for
the following rates for service rendered on and after March 1,
1997 through and including December 31, 1997.

DIVISION A - MEASURED OR METERED RATE SERVICE SCHEDULE

Table with columns for Customer Charge Per Month, Net, and Per 100 c.f. Net. Includes rates for 2,500 cu. ft. per month and over.

MINIMUM CHARGES: The customer charge, \$4.00 (net) is applicable to all
customers regardless of consumption. For meters larger than 5/8" there
are monthly minimum charges* and water allowances as per the following
schedule: (* includes customer charge)

Table with columns for Meter Size, Water Allowed Per Month, and Per Month* Net. Lists minimum charges for meter sizes from 1" to 6".

LATE PAYMENT FEE: The customer will be charged a late payment fee of
5%, if bill payment is paid after the past due date as specified on the
customer bill.

DISHONORED CHECKS: When a check that has been received as payment for
service is returned by the bank unpaid, a charge of (\$5.00) will be
assessed to cover the cost of processing this transaction. The charge
for the dishonored check may be reflected at the Company's option, when
the Company returns the dishonored check or may be charged on the
customer's next billing.

RECONNECTION FEE: Reconnection fees as defined by Master Tariff
P.U.C.O. No. 2 (or subsequent number).

Table with 2 columns: Reconnection Fee description and amount. Shows \$25.00 for regular hours and \$75.00 for other hours.

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

Hose Connections and Hydrants

Table with 2 columns: Description of hose connections and hydrants, and Per Month Net rate.

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Public Utilities Commission of Ohio

City of Struthers

ORDINANCE

No. 97-9570

RECONNECTION FEE: Reconnection fees as defined by Master Tariff P.U.C.O. No. 2 (or subsequent number).

Reconnection Fee during regular business hours..... \$25.00
Reconnection Fee other than regular business hours..... \$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

Hose Connections and Hydrants

Table with 2 columns: Description and Per Month Net. Rows include 1-1/4" hose connection (\$11.01), 1-1/2" hose connection (13.69), 2" hose connection (16.56), 2-1/2" hose connection (19.69), and Private Fire Hydrants (40.51).

Automatic Sprinklers

Table with 3 columns: Size of Connection, Floor Space, and Net. Rows include 2" (5,000 sq. ft. or less, \$32.36), 4" (10,000 sq. ft. or less, 54.19), 6" (20,000 sq. ft. or less, 81.20), and 8" (30,000 sq. ft. or less, 114.44).

Additional floor space Per 1,000 sq. ft. 1.01

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public fire hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Rate Service Schedule.

SECTION 3: Consumers Ohio Water Company shall charge for water furnished to the City of Struthers and its inhabitants the following rates for services rendered on and after January 1, 1999 through and including December 31, 1999; provided, however, in the event the Consumers Ohio Water Company is required by the Ohio Environmental Protection Agency or any other governmental or regulatory agency to commence construction of a major capital expenditure during the term of this Agreement, Consumers Ohio Water Company may seek an increase to establish the 1999 rates from those stated hereinbelow by agreement, or in the manner prescribed by law as if no rates were established herein for the year 1999.

DIVISION A - MEASURED OR METERED RATE SERVICE SCHEDULE

Table with 2 columns: Description and Net. Rows include Customer Charge Per Month (\$ 4.21), and rates per 100 c. f. net: For the first 2,500 cu. ft. per month (\$ 3.46) and For all over 2,500 cu. ft. per month (2.87).

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MINIMUM CHARGES: The customer charge, \$4.21 (net) is applicable to all customers regardless of consumption. For meters larger than 5/8" there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

Meter Size	<u>Water Allowed</u> <u>Per Month</u>	<u>Per Month *</u> <u>Net</u>
Minimum charge for a 1" meter	765 cu. ft.	30.68
Minimum charge for a 1-1/2" meter	1,725 cu. ft.	63.90
Minimum charge for a 2" meter	3,060 cu. ft.	106.78
Minimum charge for a 3" meter	6,905 cu. ft.	217.13
Minimum charge for a 4" meter	12,280 cu. ft.	371.40
Minimum charge for a 6" meter	27,630 cu. ft.	811.94

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees as defined by Master Tariff P.U.C.O. No. 2 (or subsequent number).

Reconnection Fee during regular business hours \$25.00
 Reconnection Fee other than during regular business hours .. \$75.00

DIVISION B - PRIVATE FIRE PROTECTION RATE SCHEDULE

Hose Connections and Hydrants

	<u>Per Month</u> <u>Net</u>
1-1/4" hose connection	\$ 11.30
1-1/2" hose connection	\$ 14.05
2" hose connection	\$ 16.99
2-1/2" hose connection	\$ 20.20
Private Fire Hydrants	\$ 41.56

Automatic Sprinklers

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Net</u>
2"	5,000 sq. ft. or less	\$33.20
4"	10,000 sq. ft. or less	55.60
6"	20,000 sq. ft. or less	83.31
8"	30,000 sq. ft. or less	117.42

Additional floor space per 1,000 sq. ft. 1.04

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars (\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

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Automatic Sprinklers

<u>Size of Connection</u>	<u>Floor Space</u>	<u>Net</u>
2".....	5,000 sq. ft. or less.....	\$ 31.54
4".....	10,000 sq. ft. or less.....	\$ 52.82
6".....	20,000 sq. ft. or less.....	\$ 79.14
8".....	30,000 sq. ft. or less.....	\$111.54

Additional floor space.....Per 1,000 sq. ft.\$ 0.98

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars(\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public fire hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Rate Service Schedule.

SECTION 2: Consumers Ohio Water Company shall charge for water furnished to the City of Struthers and its inhabitants the following rates for service rendered on and after January 1, 1998 through and including December 31, 1998.

DIVISION A - MEASURED OR METERED RATE SERVICE SCHEDULE

Customer Charge Per Month.....	<u>Net</u> \$ 4.10
	<u>Per 100 c.f.</u>
	<u>Net</u>
For the first 2,500 cu. ft. per month.....	\$ 3.37
For all over 2,500 cu. ft. per month.....	\$ 2.80

MINIMUM CHARGES: The customer charge, \$4.10 (net) is applicable to all customers regardless of consumption. For meters larger than 5/8 there are monthly minimum charges* and water allowances as per the following schedule: (*includes customer charge)

<u>Meter Size</u>	<u>Water Allowed Per Month</u>	<u>Per Month Net</u>
Minimum charge for a 1" meter....	765 cu. ft.	29.88
Minimum charge for a 1-1/2" meter....	1,725 cu. ft.	62.23
Minimum charge for a 2" meter....	3,060 cu. ft.	104.03
Minimum charge for a 3" meter....	6,905 cu. ft.	211.69
Minimum charge for a 4" meter....	12,280 cu. ft.	362.19
Minimum charge for a 6" meter....	27,630 cu. ft.	791.99

LATE PAYMENT FEE: The customer will be charged a late payment fee of 5%, if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of five dollars(\$5.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option, when the Company returns the dishonored check or may be charged on the customer's next billing.

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DIVISION C - PUBLIC FIRE PROTECTION SERVICE RATE SCHEDULE

Any and all charges for the operation and maintenance of all public fire hydrants now or hereafter installed and to be used for fire protection purposes only are provided for included in Division A Measured or Metered Rate Service Schedule.

SECTION 4: The rates in Section 3 shall continue in effect after December 31, 1999 until new rates have been agreed upon or have been fixed in the manner prescribed by law. Either the City or the Company may request of the other party the establishment of new rates to become effective after December 31, 1999; and if no agreement has been reached during a period of sixty (60) days following the making of such request, either party may proceed to have the aforesaid rates fixed in the manner prescribed by law.

SECTION 5: Consumers Ohio Water Company will construct approximately 2.25 million dollars of capital improvements within its Struthers Division during the period of this Ordinance.

SECTION 6: Service shall be furnished by Consumers Ohio Water Company in accordance with the Rules and Regulations of the Public Utilities Commission of Ohio and the applicable tariff of the Company as it may be amended or supplemented from time to time.

SECTION 7: Representatives of Consumers Ohio Water Company will meet with representatives of the City on the second Monday of January, April, July and October. These meetings will be open to the public.

SECTION 8: The City will appoint at least one representative to be a part of a Water Utility Committee which will consist of persons from all of the communities served by Consumers Ohio Water Company Struthers Division. The Company and the Committee will arrange periodic meetings to discuss District-wide matters.

SECTION 9: This Ordinance and the written acceptance thereof by the Consumers Ohio Water Company filed with the Clerk of Council, after its passage and approval by the Mayor, shall constitute a contract between the City and Company pursuant to and by virtue of Sections 4 and 5 of Article XVIII of the Constitution of Ohio.

SECTION 10: Ordinance No. 94-9303, being one and the same, is hereby repealed.

SECTION 11. This Ordinance shall take effect and be in effect from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 4TH DAY OF FEBRUARY, 1997.

Joni Constantino
CLERK OF COUNCIL

Michael Y. Drenth
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 4TH DAY OF FEBRUARY, 1997.

Joni Constantino
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 4TH DAY OF FEBRUARY, 1997.

PUBLISHED IN THE JOURNAL

THIS IS A CERTIFIED COPY OF THE ORIGINAL

SAVE: OWSRATES DATE 2/13/97

Joni Constantino
CLERK OF COUNCIL

Ord # 97-9570

DATE 2/24/97

Joni Constantino
CLERK OF COUNCIL