



SECTION 3B
MAJOR FACILITIES CAPACITY FOR STANDARD SERVICE

SYSTEM CAPACITY

It is the policy of the District that applicants for water service shall bear the cost of major facilities capacity which must be planned, designed and constructed to provide that service. Therefore, except as otherwise provided in this Section, applicants for water service shall pay the applicable System Capacity Charge (SCC) under Schedule J of the Schedule of Rates and Charges. The SCC is a charge for each region of the District identified in Schedule J, based on the costs of providing water service to applicants within each region. The SCC also includes a component for the allocated cost of providing a future water supply, including nonpotable water supply, to meet the long term increase in water demand in the District.

The number of service connections and meter sizes required for service shall be consistent with the applicant's proposed development and acceptable to the District.

Nonpotable water service is subject only to the future water supply component of the SCC. All other conditions of this section apply to nonpotable water service.

SCHEDULE OF PAYMENT

The applicable SCC shall be due and payable at the time the District accepts the applicant's request for installation of the water meter to complete an individual service connection and when the water service account is opened. The District will accept such a request, and thus payment of the SCC, any time after the applicant has met all the requirements for water service as stated in these regulations and the following:

- Approval of the land use by the city or county with jurisdiction, which for a subdivision means approval of the tentative map;
- Issuance of either the grading permit to prepare the premises for construction of improvements or the building permit for the improvements; and
- Execution of an agreement for installation of the water service connections when installation of a water main extension is required in order to serve the applicant's premises. The applicable charge shall be the SCC in effect at the time payment is due.

ADVANCE PAYMENT AGREEMENTS

If the District determines that major facilities must be constructed before service can be extended to the applicant's premises, then prior to planning, design, and construction of any new water service facilities, the applicant shall enter into an agreement or agreements with the District as provided in this section. The location, design, and size of the major facilities to be constructed and the extent of the area to be served by such facilities shall be determined by the District in accordance with the District's Distribution System Master Plan (DSMP) and Engineering Standard Practice (ESP). Advance payment agreements shall be entered into on behalf of the District by the General Manager or the General Manager's designee.



SECTION 3B
MAJOR FACILITIES CAPACITY FOR STANDARD SERVICE

The agreement or agreements shall provide as follows:

1. Preliminary Work Deposit

The applicant shall pay in advance that portion of the estimated cost of preliminary work allocated to providing major facilities capacity for the applicant's premises and for future customers within the immediate pressure zone area. Preliminary work shall include the planning, preliminary engineering, and environmental documentation necessary for the major facilities. Subject to District approval, payment may be made in a form of credit acceptable to the District.

2. Detailed Design Deposit

Upon completion of the preliminary work and approval of the project by the District, the applicant shall pay that portion of the estimated cost of detailed design, including plans and specifications for the major facilities, allocated to providing major facilities capacity for the applicant's premises and for future customers within the immediate pressure zone area. Subject to District approval, payment may be made in a form of credit acceptable to the District.

3. SCC Guaranty

The District will determine how much of the total service capacity of the proposed major facilities to be constructed will be allocated to existing customers and to other future customers in other bona fide developments that can be served by the major facilities. If the allocation to existing customers is 90 percent or more, then an SCC Guaranty is not required.

For purposes of this Section 3B, "bona fide development" shall mean development by parties other than the applicant that the District has determined meets all city or county requirements prerequisite to the preparation and filing of the tentative subdivision map(s), including the city or county approval of applicable environmental and other documentation which directly impacts the size or nature of facilities required.

The amount of the SCC Guaranty shall be based on the estimated cost of the major facilities to be constructed less the proportional capacity allocated to bona fide development and existing customers.

The SCC Guaranty shall be due and payable prior to award of a contract or commencement of work by District forces for construction of the major facilities.

4. Refunds

If no SCC Guarantee is collected, deposits paid for the preliminary work and for detailed design shall be refunded to the applicant, without interest, following award of the contract(s), and commencement of work by District forces, for construction of the major facilities.



SECTION 3B
MAJOR FACILITIES CAPACITY FOR STANDARD SERVICE

If a payment is collected by the District on the SCC Guaranty, then refunds will be made to the applicant, without interest, from SCC payments collected within the area served by the major facilities from development other than the bona fide development identified at the time the SCC Guaranty was provided. Refunds will be paid to the applicant once each year in March for refunds which accrued during the previous calendar year. No SCC refunds will be paid after twenty years from the date that the major facilities are placed in service.

EXCEPTIONS

1. Additional Major Facilities

If the District determines that service to an applicant's premises will require construction of major facilities in addition to or significantly different from those already included in the District's DSMP, the average cost of said major facilities will be calculated by dividing their estimated cost by the projected future service connections (measured in 3/4" meter equivalents) within the area to be served by the major facilities. If that average cost plus the applicable cost components for future water supply and any system and region-wide buy-in costs is more than fifty percent higher than the SCC for the supplying region, then a separate SCC shall apply in the area served by the major facilities in lieu of Schedule J.

The separate SCC shall be equal to said average cost of major facilities, plus the applicable cost components for future water supply and any system and region-wide buy-in costs. If a separate SCC is not established, the charges under Schedule J shall apply.

2. SCC Under Section 3A

Applicants for service in the north Oakland hills area, as defined in Section 3A, shall pay the SCC in Schedule J of the Schedule of Rates and Charges.

3. Unusual Conditions

When, in the opinion of the District, applications for service for which major facilities must be constructed present unusual conditions, problems, or situations not adequately covered hereunder, the applicable charges for major facilities capacity shall be determined by the District on a case-by-case basis.

4. Standard Participation Charge

Applicants with major facilities agreements or applicants who made bona fide written requests for water service on or before June 28, 1983 shall pay the applicable Standard Participation Charge under Schedule H of the Schedule of Rates and Charges, in lieu of the SCC, for each service within a project covered by such major facilities agreement or water service request. The Standard Participation Charge shall be paid at the time an applicant requests that the meter be installed to complete an individual service connection and the applicant's account is opened.



SECTION 3B
MAJOR FACILITIES CAPACITY FOR STANDARD SERVICE

In pressure zones in which major facilities constructed prior to June 28, 1983, under a major facilities agreement will not provide adequate capacity to meet estimated service needs, the charge for distribution system capacity applicable to the applicant with such agreement shall be determined by the District on a case-by-case basis. Nothing herein shall be construed to modify agreements which provide for a major facilities contribution in lieu of the Standard Participation Charge.