

SECTION C. **DEFINITIONS**

Active Service – The status of any Member receiving authorized service under the provisions of this Tariff.

Applicant – A person, partnership, cooperative corporation, corporation, agency public or private organization of any type applying for service with the Yancey Water Supply Corporation.

Board of Directors – The governing body elected by the Members of the Yancey Water Supply Corporation. (Article 1396-1.02(7))

Bylaws – The rules pertaining to the governing of the Yancey Water Supply Corporation adopted by the Corporation Members. (Article 1396-1.02 (5))

Certificate of Convenience and Necessity (CCN) – The authorization granted under Chapter 13 Subchapter G of the Texas Water Code for Yancey Water Supply Corporation to provide water utility service within a defined territory. Yancey Water Supply Corporation has been issued Certificate Number 163-0021. Territory defined in the CCN shall be the Certificated Service Area. (See Section D. Certificated Service Area Map)

Corporation – The Yancey Water Supply Corporation. (Section B. 3 of this Tariff)

Developer – Any person, partnership, cooperative corporation, corporation, agency, or public or private organization who subdivides land or requests two (2) **or more** water connections on a single contiguous tract of land [as defined in Chapter 13.2502 (e)(1) of the Water Code]. (Revised 12-11-01)

Disconnection of Service – The discontinuance of water service by the Corporation to a Member/Customer.

Easement – A private perpetual dedicated right-of-way for the installation of water pipelines and necessary facilities which allows access to property for future operation, maintenance, facility replacement, facility upgrades, and/or installation of additional pipelines (if applicable). This may also include restrictions on the adjacent area to limit the installation of sewer lines or other facilities that would restrict the use of any area of the easement. (See Sample Application Packet, **RUS-TX** Form 442-8 or **RUS-TX** 442-9)

Equity Buy-In Fee – **Each Applicant shall be required to achieve parity with existing Members. This fee shall be assessed prior to providing or reserving service on a per service unit basis for each tap/lot and shall be assigned and restricted to the tap/lot for which the service was originally requested.** (Section G. 5., also see Miscellaneous)

Final Plat – A complete plan for the subdivision of a tract of land. The Yancey Water Supply Corporation shall determine if a plat submitted for the purpose of this Tariff shall qualify as a final plat. (30 TAC 291.85)

Hazardous Condition – Condition that jeopardizes the health and welfare of the Members/Consumers of the Corporation as determined by the Corporation or regulatory authority.

Indication of Interest Fee – A fee paid by a potential Member of the Corporation for the purpose of determining the feasibility of a construction and/or expansion project. The Indication of Interest Fee may be converted to a Membership Fee upon determination that service to the Applicant is feasible and available. This also applies to applicants applying for, or receiving, Temporary Service. (Section E. 6. b., and Sample Application Packet – USDA RUS-TX Bulletin 1780-9 (Rev. 4/99))

Liquidated Membership – A Membership that has been canceled due to delinquent charges exceeding the Membership Fee or for other reasons as specified in this Tariff.

Member – Any person, partnership, cooperative corporation, corporation, agency, or public or private organization **who holds a membership in the Corporation and who is a record owner of a fee simple title to the property served**, that has qualified for service and **been certified as a member** in accordance with the Corporation’s Tariff. (**TX Water Code Chapter 13.0010, TX Water Code Chapter 67**)

Membership – A non-interest bearing stock **certificate** purchased from the Corporation evidencing a Member’s interest in the Corporation. (See Tariff Section E. 6 b and Article 1396-2.08 D)

Membership Fee – A fee qualified as such under the terms of the tariff and the bylaws of the Corporation assigned to the real estate designated to receive service. The membership fee shall be non-refundable upon termination of service and surrendering the Membership. (30 TAC 291.3 Definitions, Texas Water Code 13.043(g))

Proof of Ownership – **Texas Water Code 67.016(d) gives authority to the corporation to require ownership of real estate designated to receive service as a condition of membership and service.** For the purpose of this tariff, applicants for service and membership shall provide proof of ownership by deed of trust, warranty deed, or other recordable documentation of fee simple title to real estate to be served. (**Texas Water Code 67.016(d)**)

Rural Utilities Service (RUS) – An Agency of the United States Department of Agriculture Rural Development Mission Area that provides loan and grant funds for development of rural water and sewer systems serving communities with a population of less than ten thousand (10,000) people.

Renter – A consumer who rents or leases property from a Member or who may otherwise be termed a tenant. (See Tariff Section E. 7.)

Re-Service – Providing service to an Applicant at a location for which service previously existed. Costs of such re-servicing shall be based on justifiable expenses. (See Tariff Section E. 3. b., and Miscellaneous)

Reserved Service Charge – A monthly charge assessed for each property where service is being reserved. (See Tariff Section F. 6. d., e)

Service Availability Charge – (Also known as “minimum monthly charge”, “minimum”, or the “base rate”) The monthly charge assessed each Member/Customer for the opportunity of receiving service. The Service Availability Charge is a fixed rate based upon the meter, service size, or equivalent dwelling unit(s). (See definition of Reserved Service Charge)

Service Application and Agreement – A written agreement between the Member/Applicant and the Corporation defining the specific type of service requirements requested on the current service application and agreement form, and the responsibilities of each party required before service is furnished. (See Sample Application Packet RUS-TX Bulletin 1780-9 (Rev. 5/99) or Non-Standard Service Contract)

Service Unit – The base unit of service used in facilities design and rate making. For the purpose of this Tariff, a service unit is a 5/8” X 3/4” water meter. Facilities are designed and rates are based on the basis of population served or demand. (See Tariff Section G. 6. a., Miscellaneous)

Subdivide – To divide the surface area of land into lots **or tracts**. (Local Government Code Chapter 232, Section 232.021 Definitions)

Subdivision – An area of land that has been subdivided into lots **or tracts**. (Local Government Code Chapter 232, Section 232.021 Definitions)

Tariff – The operating policies, service rules, service extension policy, service rates, rationing policies, sample application packet, and miscellaneous transaction forms adopted by the Board of Directors. A copy of this Board approved tariff is on file at the Corporation office and as required since September 1, 1989 at the State office of the **TCEQ**.

Temporary Service – The classification assigned an applicant that is in the process of construction or moving into an existing service location. This could also apply to service for uses other than permanent (agricultural, road, construction, drilling, livestock, etc.). The Board will set the length of time associated with this classification. This classification will change to permanent service after requirements in Section E. A, E. 2., E. 3. and E. 5 are met. Applicant must have paid an Indication of Interest Fee.

Texas Commission On Environmental Quality (TCEQ) – State regulatory agency having jurisdiction of water and sewer service utilities and appellate jurisdiction over the rates and fees charged by Non-Profit Water and Sewer Service Corporations.

Transferee – An Applicant receiving a Yancey WSC Membership by legal means from a person or entity desiring to forfeit and transfer current rights of Membership to another person or entity. (See Tariff Section E. 6 c., Miscellaneous Transaction Forms)

Transferor – A Member who transfers Membership by legal means to another person or entity desiring to qualify for service at a property for which the Membership is currently issued or to the Corporation. (Texas Water Code, Chapter 67.016)