

P.S.C. No. 2 – Water
SUEZ Water New York Inc.
Initial Effective Date: August 1, 2020

Leaf No. 67
Revision: 0
Superseding Revision:

ARTICLE THREE

BOTH PARTIES AGREE THAT:

FIRST: As soon as the actual cost of the extension of the main and facilities, exclusive of paving costs, is known, and if the estimated cost exceeds the actual cost, the Company shall within sixty (60) days refund the difference and the proportionate amount of taxes to the Applicant. If the difference, including related taxes, is not refunded within sixty (60) days from when the job is completed or the utility receives invoices, whichever is later ("Completion Date"), then the amount to be refunded will include interest on the difference beginning from the Completion Date. Notwithstanding the above, if the difference between the deposited estimated cost and the actual cost exceeds 20%, the amount refunded shall include interest on the portion of the deposit in excess of actual cost beginning from the Completion Date, unless such difference can be shown to have been due to causes that could not have been reasonably anticipated by the Company. The rate of interest shall be the greater of the unadjusted Customer deposit rate or the applicable late payment rate.

SECOND: (a) If the actual cost exceeds the Applicant's advance, the excess, including the proportionate amount of taxes, shall be paid to the Company by the Applicant within thirty (30) days of receipt of notice from the Company explaining the reason for the additional cost.

Except as provided in subparagraph (b) below, no refund on the advance shall be made to the Applicant before the expiration of one year from the date of the completion of the extension, i.e. the date when water service becomes available to the premises to be served by the extension.

At the expiration of one year from the date of completion of the extension aforesaid, and annually thereafter, the Applicant shall be entitled to a refund, without interest; said refund being proportionate to the number of Customers connected to the extension for that year multiplied by seventy-five (75) feet and then divided by the total extension length. Any refund made shall include a proportionate amount of taxes.

(b) The cost of installing the fire hydrants shall be refunded to the Applicant at such time as the hydrants become usable and revenue is collected through hydrant charges.