

ALABAMA PUBLIC SERVICE COMMISSION

**CHAPTER 770-X-9
Wastewater Management Entity Rules**

770-X-9-.01. Application and Scope (Rule WW-1)

- (1) These rules and regulations shall apply to all Wastewater Management Entities (“MEs”) subject to the jurisdiction of the Alabama Public Service Commission (“Commission”). These rules are intended to assist the Commission with the certification and monitoring of the financial viability of MEs, ensuring the long-term operation of wastewater systems.
- (2) If compliance with any of these rules causes unusual hardship, application may be made to the Commission for modification of the rules or for temporary exemption from their requirements, provided the ME submits with such application a complete explanation of the reason for the proposed exemption.
- (3) No deviation from these rules shall be permitted without written authorization granted by the Commission.
- (4) Adoption of these rules shall in no way preclude the Commission, upon complaint or upon its own motion, from altering or amending them, in whole or in part after the provision of appropriate notice.
- (5) It is not intended that any rule or regulation herein shall supersede or conflict with the regulations of any agency of the State of Alabama or the United States, including the Alabama Department of Public Health, the Alabama Department of Environmental Management, and the United States Environmental Protection Agency.
- (6) The adoption of these rules shall in no way relieve any ME from any duties under the laws of the State of Alabama.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-.02. Definitions (Rule WW-2)

- (1) ADEM. The Alabama Department of Environmental Management
- (2) ADPH. The Alabama Department of Public Health
- (3) CERTIFICATE OF FINANCIAL VIABILITY (“Certificate”). The certification by the Commission of the financial viability of a ME.
- (4) CLUSTER WASTEWATER SYSTEM. An integrated wastewater collection system and/or treatment system or multiple systems serving a single development or contiguous developments, which

collectively have a design flow of 15,000 GPD or less, and is designed and permitted for discharge of the treated wastewater to a subsurface distribution system, but excluding systems that discharge directly to surface waters of the state. The system must be designed by and certified by a licensed professional engineer to comply with design and permit requirements established by the Alabama Department of Public Health. The term “cluster wastewater system” does not include a small-flow cluster system.

(5) COMMISSION. The Alabama Public Service Commission or the “PSC”

(6) COMMUNITY WASTEWATER SYSTEMS. An integrated wastewater collection system and/or treatment system or multiple systems serving a single development or contiguous developments, which collectively have a design flow of more than 15,000 GPD, and is designed and permitted for discharge of the treated wastewater to a subsurface distribution, but the term specifically excludes systems that discharge directly to surface waters of the state. The system must be designed and certified by a licensed professional engineer to comply with the design and permit requirements established by the Alabama Department of Environmental Management.

(7) CUSTOMER. A person, business, or other entity, public or private, that is connected or eligible for connection to a certified ME’s wastewater system upon proper payment of costs and fees and is subject to rates approved by the Commission.

(8) DEPARTMENT. The Alabama Department of Public Health or The Alabama Department of Environmental Management, as specified.

(9) DESIGN FLOW. The average daily flow that a wastewater system will treat with appropriate consideration given to maximum flow periods, equalization, and organic loading.

(10) DRAFT PERMIT. A preliminary permit issued by the Alabama Department of Environmental Management or the Alabama Department of Public Health setting forth the discharge and other requirements which will be included in the final permit (also referred to as an operating permit, discharge permit, or performance permit) that may be issued upon determination of financial viability and compliance with the department rules.

(11) EFFLUENT. Treated wastewater

(12) GPD. Gallons per day

(13) GROSS WASTEWATER PLANT. The value of the wastewater system components owned by a ME, determined by the actual original cost to construct the wastewater system as recorded by the party funding the construction.

(14) ME. A Wastewater Management Entity

(15) PSC. The Alabama Public Service Commission

(16) RESERVE ACCOUNT. Separate company bank account with the funds used only with Commission approval or in response to an emergency that requires immediate access to the account funds to prevent system failure.

(17) SMALL-FLOW CLUSTER SYSTEM. A wastewater system serving four or fewer dwellings, apartment units, or other establishments whether owned by a single person or multiple persons, including individual single-user septic tank systems but excluding systems that discharge directly to the waters of the state.

(18) VACANT LOT FEE (commonly referred to as “system access fee” or “capacity reservation fee”). Fee that allows MEs to collect funds prior to development of a lot to reserve sewer system access at a later date.

(19) WASTEWATER. Waterborne waste of similar composition as may be found in the typical residence or dwelling and sometimes referred to as sewage; but not to include wastewater generated at an industrial nonresidential site.

(20) WASTEWATER MANAGEMENT ENTITY (“ME”). An entity which exercises sole responsibility for the operation and maintenance of one or more cluster or community wastewater systems.

(21) WASTEWATER SYSTEM. An integrated specialized technological process for the collection, treatment, processing, disposal, discharge, and reuse of domestic wastewater generated by multiple dwellings or establishments, including single structures with multiple units, sometimes referred to as a wastewater plant.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-.03. Application for Certificates of Financial Viability and Modifications Thereof
(Rule WW-3)

(1) All MEs that seek a Certificate of Financial Viability shall file an application with the PSC accompanied by a \$700 certification fee. A Certificate of Financial Viability must be issued by the PSC prior to the issuance of a new operating permit by ADEM or ADPH. Such applications for a Certificate of Financial Viability may apply to multiple systems for the \$700.00 certification fee.

(2) Form of Application

(a) Each application shall be addressed to the Alabama Public Service Commission and filed with the Secretary of the Commission.

(b) Each application shall be subscribed and sworn to before a notary public or other officer authorized to administer oaths, by the owner, officer, general partner or other responsible individual member of applicant’s management.

(c) In addition to any special requests by the Commission, each application shall specify or include by exhibit attached thereto, the following:

1. Full and accurate name and address of the applicant
2. Character of the organization; e.g., corporation, LLC, partnership, or individual proprietorship
3. Proposed tariff showing all rates, classifications and charges for service of every kind furnished or to be furnished and all Rules and Regulations (Commission will provide a sample tariff to the ME upon request)
4. Worksheets for rates, detailing the data and calculations used to arrive at such rates which must be cost-based
5. Detailed description of proposed service area including service area map
6. Detailed description of the wastewater system(s) including a description of the collection system(s) and the treatment facility(s)
7. Copy of franchise agreement(s) and/or approval(s) of municipal authorities (or county permits)
8. Estimate of the cost of proposed construction
9. Draft operational permit number(s)
10. All documents pursuant to 770-X-9-.06 and 770-X-9-.07
11. Estimated annual revenue for each of the first five years of operation, indicating the estimated number of consumers in each classification of service. Include and itemize estimated revenue to be derived from vacant lot fees or sewer system access fees
12. Copies of operators/installers licenses
13. Copies of all contracts pertaining to wastewater system(s) to which the ME is a party
14. Copies of all relevant deeds
15. Copies of all regulatory compliance enforcement documents received by applicant in the last two years.

(3) In addition to initial applications seeking a Certificate of Financial Viability, MEs that already hold a Certificate of Financial Viability issued by the PSC may seek a modification of their existing Certificate by filing an Application for Modification of an Existing Certificate of Financial Viability. Applications for Modification of an Existing Certificate of Financial Viability may encompass multiple systems for the required filing fee of \$300.00. Such Applications for Modification must include all of the information required by 770-X-9-.03(2) that has not been previously provided to the Commission. Modification of an existing Certificate of Financial Viability shall be mandatory before a new operating permit is issued by ADEM or ADPH or before an operating permit is modified by ADEM or ADPH.

(4) The original and one (1) copy of all applications for certification of financial viability or modification of existing certificates shall be filed with the Commission if applicant also submits applications online using the PSC website. Otherwise, an original and ten (10) copies are required for submittal.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §§22-25B-6, 22-25B-7.

HISTORY:

770-X-9-.04. Renewal Applications for Certificates (Rule WW-4)

(1) Applications for the renewal of Certificates of Financial Viability must be accompanied by an application fee of \$300.00 if the renewal request does not involve any simultaneous modifications. Certificate renewal requests also involving certificate modification(s) must be accompanied by an application fee of \$500.00.

(2) The original and one (1) copy of applications for Certificate of Financial Viability renewals shall be filed with the Commission if applicant also submits applications online using the PSC website. Otherwise, an original and ten (10) copies must be submitted. Such renewals must be submitted at least 60 days in advance of the expiration date of the Certificate of Financial Viability sought to be renewed. Applicants may renew only those certificates previously issued by the PSC which remain in good standing, have not expired, and have not been revoked and/or suspended by PSC order.

(3) Form of Renewal Applications

(a) Each application shall be addressed to the Alabama Public Service Commission and filed with the Secretary of the Commission.

(b) Each application shall be subscribed and sworn to before a notary public or other officer authorized to administer oaths, by the owner, officer, general partner or other responsible individual member of applicant's management.

(c) Each application shall specify or include by exhibit attached thereto, the following:

1. Full and accurate name and address of the applicant
2. PSC certificate or docket number
3. ADEM or ADPH operating permit number for each wastewater system added in last two years
4. Copies of all deeds and trust indentures for wastewater systems acquired in the last two years
5. Current number of customers and number of vacant lots for each wastewater system

6. Data reflecting all customer disconnections for each wastewater system for each of the preceding two years, including the reason for the disconnection (nonpayment or other tariff violation) and the method used for disconnecting the service
7. Describe equipment replacements and single repairs made in excess of \$1,500.00 in or to each wastewater system over the preceding two years
8. Describe any wastewater system modifications within the preceding two years
9. All documents pursuant to 770-X-9-.06 and 770-X-9-.07
10. Copies of all contracts pertaining to wastewater system(s) in Alabama to which the ME entered into in the preceding two years and not previously provided to the Commission, excluding contracts with individual customers
11. Copies of all regulatory compliance enforcement documents pertaining to wastewater system(s) received by applicant in the preceding two years
12. Copies of the last six (6) bank account statements (account number redacted) for the Commission-required reserve account.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-.05. Expansion of a Certificated Area (Rule WW-5)

(1) Before serving any customers outside of the approved service area (as defined in the initial application or subsequent expansion approved by the Commission), the ME shall submit an Application for Modification of a Certificate of Financial Viability (prescribed herein by 770-X-9-.03(3)) requesting approval of the expansion of the service area.

(2) Applications for service area expansion shall include the following:

- (a) Detailed description of proposed expansion to wastewater system
- (b) Number of projected additional customers for each classification for each year until build out and the total number of customers at expansion build-out
- (c) Copies of all contracts pertaining to the expansion to which the ME is a party
- (d) Wastewater system operating permit number and PSC Certificate or Docket number
- (e) Map of the current and proposed service area.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-.06. Records and Reports (Rule WW-6)

(1) On or before April 15 of each year, each ME shall file annual financial operating and statistical reports upon forms prescribed by or authorized by the Commission. All foot notes and instructions contained on the report forms prescribed or authorized by the Commission for making annual reports must be carefully observed.

(2) Each ME shall furnish the Commission, at such time and in such form as the Commission may require, the results of any tests and summaries of any required records. The ME shall also furnish the Commission any information concerning the ME's facilities or operations which the Commission may request for determining rates or assessing the business practices of the ME. All such data, unless specified, shall be consistent with and reconcilable with the ME's Annual Report to the Commission.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-.07. Financial Assurance Requirements (Rule WW-7)

(1) Each ME shall obtain financial security in the form of a surety bond or irrevocable letter of credit in an amount equal to fifty percent (50%) of the ME's gross wastewater plant with a maximum required amount of \$300,000. The bond or letter of credit shall contain a provision which renders the full amount available to the Commission upon the presentation of a Commission Order which states that the Commission is taking possession of the wastewater system in accordance with Ala. Code § 22-25B-1 et seq. Upon request, the Commission will provide a sample bond and letter of credit which meet the requirements of these rules. If a ME proposes to post financial security other than the type or amount permitted here, it must file a separate petition with the Commission and obtain PSC approval for such other financial security.

(2) MEs shall ensure that the PSC is notified in writing at least sixty (60) days prior to any termination action concerning an irrevocable letter of credit that will not be renewed. At least sixty (60) days written notice shall also be required prior to the expiration date for a bond of non-perpetual duration that is not renewed or a bond that is otherwise terminated. Written notification by means of certified mail to the PSC shall be required.

(3) Each ME shall provide proof of general commercial, pollution, and environmental liability insurance in the amount of \$2,000,000 general aggregate.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-.08. Standardized Financial Operations and Management (Rule WW-8)

- (1) MEs shall be established and exist as separate business entities and not as subsets or divisions of other business entities.
- (2) MEs shall limit business activities to those authorized by the Commission. If a ME seeks authority to conduct business activities other than the operation of cluster or community wastewater systems as defined in Alabama Code § 22-25B-1, it must submit a petition to the Commission requesting that authority. The ME has the burden of showing that any business activities other than operation of wastewater systems listed on its certificate would not negatively impact the financial viability of the ME. If the Commission approves the petition to conduct such business activities, the ME shall maintain separate accounting for the activities covered by the PSC certificate and the additional activities.
- (3) MEs shall not contribute capital toward the initial design, equipment purchase, or construction of wastewater systems, or purchase a wastewater system, without the prior written approval of the Commission.
- (4) MEs shall not borrow against wastewater system assets or in any manner pledge such assets as security without the prior written approval of the Commission.
- (5) MEs shall take measures to ensure that subdivision or development “Covenants to Run with the Land” are in place to protect their interest as the wastewater service provider for the development.
- (6) MEs shall employ water service lock-out valves for the purpose of disconnecting sewer service for non-payment or other tariff violation.
- (7) MEs shall maintain a reserve account as a separate company bank account. All revenue derived from reserve rate riders approved by the PSC shall be deposited into such reserve account monthly. Unless an emergency requires immediate access to funds to prevent system failure, MEs shall not make a withdrawal from this reserve account until a petition has been submitted to the Commission and approval granted. If a ME withdraws from its reserve account in response to an emergency, the ME must notify the Commission within 48 hours of the nature of the emergency and the amount withdrawn.
- (8) Titling of Wastewater System Property
 - (a) The components of the wastewater treatment plant, collection system and disposal system shall be the property of the ME. Residential on-lot wastewater treatment facilities may be customer-owned.
 - (b) The wastewater sewerage treatment plant, collection system and disposal area may be situated within easements. Such easements may be located within the common area of the subdivision or condominium, or on privately held real property in the name of the ME, or held in trust.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-.09. Adequate Service Requirements (Rule WW-9)

(1) MEs shall have operation and maintenance (O & M) procedures in place in order to ensure proper operation of wastewater systems. Such procedures shall be designed to ensure reliable sewer service and to minimize system O & M costs while complying with operating permit requirements. These procedures shall require, at a minimum, the pumping of interceptor tanks as needed, treatment facility media replacement as needed, preventive maintenance, and regular system inspections. These procedures shall apply equally to all wastewater system components located on customer premises.

(2) MEs shall have provisions in place to adequately respond to unscheduled service calls from their customers.

(3) MEs shall keep a record of all interruptions of service to their customers, including a statement of time, duration, and cause of such interruptions.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-.10. Administrative Procedures (Rule WW-10)

(1) The initial application of each ME seeking certification of such entity's financial viability shall be set for hearing pursuant to notice issued by the PSC. Such hearings shall be subject to the provisions of subsection (14) of this rule.

MEs shall bear the burden of proving to the satisfaction of the PSC during said hearings that such applicants are economically viable as required by the *Code of Ala. 1975, §22-25B-1, et seq.* and that such applicants are familiar with and will comply with the requirements of *Code of Ala. 1975, §22-25B-1, et seq.* as well as all related rules and regulations promulgated by the PSC. The PSC may also require in its discretion that the certification renewal applications required by 770-X-9-.04 herein be set for hearing with the applicants required to meet the same burden of proof established herein for MEs submitting applications under 770-X-9-.03 herein. The PSC will issue an order approving or denying any such application.

(2) Whenever a ME desires to put in operation a new rate or service regulation or to change any existing rate or service regulation, it shall file with the Commission a new schedule embodying the same, not less than 30 days prior to the time it desires to make the same effective; but the Commission may, upon application of the ME, prescribe a less time within which the same may be made effective. In the absence of suspension or disapproval by the Commission, as herein provided, the new rate or service

regulation embodied in any such new schedule shall become effective at the time specified in such schedule, subject however to the power of the Commission at any time thereafter to take any action respecting the same authorized by these rules or Title 22, Chapter 25B, *Code of Ala. 1975*, as amended.

(3) Upon a complaint in writing made against any ME by any affected person or entity, that any rate, service regulation, classification, practice or service in effect or proposed to be made effective is in any respect unfair, unreasonable, unjust or inadequate, or unjustly discriminatory, or unduly preferential, or constitutes unfair competition, or that the service is inadequate or cannot be obtained, the Commission shall proceed, and without such complaint, the Commission, whenever it deems that the public interest so requires, may proceed, after notice as provided in this rule, to make such investigation as it may deem necessary or appropriate; but no order affecting such rates, service regulation, classification, practice, or service complained of shall be entered by the Commission without notice and a hearing. Any ME may make complaint as to any matter within the provisions of these rules with like effect as though made by any person or entity. However, when any such complaint in writing is filed, the same shall be set down for hearing within 90 days from the date of the filing thereof, which said hearing may be continued for an additional period not to exceed 90 days, unless the parties to said proceeding agree upon further continuance.

(4) To enable it to make such investigation as, in its opinion, the public interest requires, the Commission, in its discretion, for a period not exceeding six months may suspend the operation of any new schedule of rates or service regulations filed with the Commission. Unless as a result of its investigation the Commission otherwise orders before the termination of such period of six months, such rate or service regulation shall thereupon become effective. The Commission may make any order in the premises which it is authorized by statute or any of the provisions of this rule to make in any investigation or complaint or on its own motion without complaint.

(5) The Commission, by order, may require any ME or any officer or agent thereof to produce within the state, at such reasonable time and place as it may designate, any books, records, accounts or documents kept in any office or place without or within the state, or certified copies thereof, whenever the production thereof is reasonably required and pertinent to any matter under investigation before the Commission, in order that an examination thereof may be made by the Commission, or by any person employed by the Commission.

(6) The Commission shall examine and inspect, or cause to be examined and inspected, at reasonable times and in a reasonable manner, under its authority, the books, records, accounts, documents, plant, property and facilities of any ME, whether there is any proceeding by or against the ME then pending before the Commission or not. Every ME, its officers and agents shall make all its books, records, accounts and documents available at its principal office or place of business in this state, for examination and inspection by the Commission or its authorized representatives or employees, whenever the Commission may deem it in the public interest that such examination or inspection should be made. Every ME, its officers and agents shall make available all and every part of its plant, property and facilities for examination and inspection by the Commission or its authorized representatives or employees, whenever the Commission may deem it in the public interest that such examination or inspection should be made; and any person shall produce, when so required, his authority from the Commission to make such examination or inspection under the seal of the Commission.

(7) Complaint proceedings shall be commenced by filing formal complaints with the Secretary of the Commission which allege the manner in which the practices, service regulations, rate or rates, or order

or orders complained of are invalid or unfair or unreasonable. Such complaints shall comply with the requirements specified in the PSC's published Rules of Practice.

(8) Whenever the Commission shall determine to conduct an investigation either with or without complaint, as in this rule provided, it shall fix a time and place for public hearings of the matters under investigation.

(9) Before proceeding to make such investigation, the Commission shall give the ME and the complainant at least 10 days notice of the time and place when and where such matters will be considered and determined, and all parties shall be entitled to be heard, through themselves or their counsel, and shall have process to enforce the attendance of witnesses.

(10) Whenever the Commission shall make any order or determination, or issue any subpoena, notice or writ, notice thereof may be served on the person affected thereby by delivering a copy of such order, subpoena, notice or writ to any such person or an officer or agent of such person, if a corporation, as in the case of civil process, which service may be executed by any member of the Commission, the secretary or any employee thereof, or by any sheriff of the state, and a copy of such order, subpoena, notice or writ, with the service endorsed thereon, must be returned to the Commission and entered of record as a part of the proceedings.

(11) Every person, firm, corporation, co-partnership, association, or organization affected thereby may by petition intervene and become a party to any proceeding envisioned by these rules before the Commission.

(12) In any hearing, proceeding or investigation conducted under these rules by the Commission, any party may be heard in person or by attorney.

(13) At the hearing held pursuant to such notice, the Commission may take such testimony as may be offered, or as it may desire, and may make such other further investigation as in its opinion is desirable.

(14) The Commission, by appropriate order in any case, may appoint or designate a special examiner or one of the Commission to take evidence at such time and place as designated by the Commission in the order. The laws which now provide for the attendance of witnesses, the giving of testimony, the punishing for contempt, the production of evidence and the payment of witnesses at hearings before the Commission shall apply to and govern hearings and examinations conducted by such special examiner or Commissioner when acting under an order of the Commission. A transcript of the evidence, together with all the exhibits received at such hearings or examinations shall be promptly conveyed to and filed with the Secretary of the Commission for the consideration of the Commission in reaching its decision.

(15) Whenever, upon an investigation made under the provisions of these rules, the Commission shall find any existing rate or rates or any regulation or practice whatsoever or any service, unreasonable or unjustly discriminatory, or any service inadequate, it shall so determine and by order fix, to the extent that it is within its power to do so, a reasonable rate, fare, charge, or classification to be imposed, observed and followed in the future in lieu of that found to be unreasonable or unjustly discriminatory, or inadequate, as the case may be. All MEs to which the order applies shall make such changes in their schedule of rates, fares, charges or classifications as may be necessary to make the same conform to said order, where such order relates to rates, fares, charges or classification, and no change shall thereafter be made by any ME in such rates, fares, charges or classification, or joint rate or rates, or in the service or practice so ordered, without the approval of the Commission.

(16) Whenever, after investigation in accordance with the provisions of this title the Commission shall be of the opinion that any provision or requirement of these rules or any order of the Commission is being, has been, or is about to be violated, it may make and enter of record an order in the premises, specifying the actual or proposed acts or omission to act which constitute such real or proposed violation and requiring that such violation be discontinued or rectified, or both, or that it be prevented.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §22-25B-6.

HISTORY:

770-X-9-11. Inspection and Supervision Fees (Rule WW-11)

(1) Each ME doing business in this state and subject to the jurisdiction of the Commission shall pay a regulatory fee each year for the inspection and supervision of such business during the next preceding fiscal year. Such inspection and supervision fees shall be paid by such MEs in addition to any and all property, franchise, license, intangible and other taxes, fees and charges now or hereafter provided by law. Such inspection and supervision fees shall be measured by the amount of gross receipts of each such ME for the fiscal year next preceding the dates herein fixed for the payment of the same, except that in case of such MEs engaged in interstate business, the fees shall be measured by the gross receipts of such MEs from intrastate business only, for such preceding fiscal year, and not in any respect upon receipts derived wholly or in part from interstate business. Such fees shall be ascertained as follows: A fee of \$2.85 per \$1,000.00 for the first \$100,000.00 or less of such gross receipts; a fee of \$2.35 per \$1,000.00 for each additional \$1,000.00 of such gross receipts up to and including \$1,000,000.00 thereof; a fee of \$.85 per \$1,000.00 for each additional \$1,000.00 of such gross receipts over \$1,000,000.00 thereof, but in no case shall said fee be less than \$25.00, which shall be the minimum inspection and supervision fee to be paid by any ME. The Commission shall keep a true record of all such amounts so paid to it, under this subsection but said amounts, when received by the Commission, shall be promptly paid over to the treasurer, and shall be held in the Commission's operating fund by, and shall be paid out by the treasurer in payment of expenses incurred by the Commission under this title upon warrants drawn as provided by law upon the treasurer and approved as required by law. Payment of the supervision and inspection fees provided for hereunder shall in all respects be governed by the provisions of subsections (2) and (3) of this rule.

(2) Supervision and inspection fees provided for in this rule shall be in default after November 1 of each year, if not paid prior to or on that date. In the event that the amount payable by any ME for any year cannot be ascertained on or before November 1 of a given year, such ME shall, in any event, pay the minimum supervision and inspection fee herein provided and in addition such part of any additional supervision and inspection fee as may be ascertainable on or before the date of default; and when any further or additional amount payable for year can be ascertained, the same shall be paid within 30 days after it becomes possible to ascertain the same. Any ME failing in whole or in part to pay any supervision or inspection fee, or part thereof, due by it within any of the time herein prescribed for payment of the same, shall be in default and shall be liable to a penalty of not exceeding \$50.00 per day, to be recovered by suit of the state, for every day it thereafter remains in default, and such penalty may be recovered together with the supervision and inspection fee in default, in a single action.

(3) The state shall have a lien upon all the property in this state of any ME for the payment of the supervision and inspection fees provided for in this chapter and the related penalties.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §§22-25B-6, 22-25B-7.

HISTORY:

770-X-9-.12. Failure to Comply with Rules (Rule WW-12)

(1) Upon failure of a ME to comply with any law, regulation, order, or certificate, the Commission may issue a Show Cause Order requiring the ME to appear at a hearing before the Commission and show cause why the Commission should not revoke its Certificate.

(2) Depending on the severity of the noncompliance, the Commission may: 1) revoke the Certificate, 2) allow the ME to retain its Certificate and pay a fine of up to \$100 per violation per day, or 3) allow the ME to retain its certificate and pay no fine.

AUTHOR: Alabama Public Service Commission

STATUTORY AUTHORITY: Code of Ala. 1975, §§22-25B-6.

HISTORY: