

Name of Utility: EMC of St. Charles County, LLC

Service Area: Certificated Areas in St. Charles County

Rules Governing Rendering of Sewer Service

INDEX

Sheet No.

1	Index
2	Map of Service Area
3	Legal Description of Service Area
4	Schedule of Rates
5	Schedule of Service Charges

Rule No.

6	1. Definitions
9	2. General Rules and Regulations
10	3. Limited Authority of Company Employees
11	4. Applications for Sewer Service
13	5. Inside Piping and Customer Service Sewer
16	6. Improper or Excessive Use
18	7. Discontinuance of Service by Company
20	8. Interruptions in Service
21	9. Bills for Service
23	10. Special Contract for Excess Capacity
24	11. Extension of Collecting Sewers

* Indicates new rate or text

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DATE OF ISSUE March 5, 2008
Month Day YearDATE EFFECTIVE April 4, 2008
Month Day YearISSUED BY Todd Thomas, General Manager, 1001 Boardwalk Springs Place, O'Fallon, MO 63368

name of officer

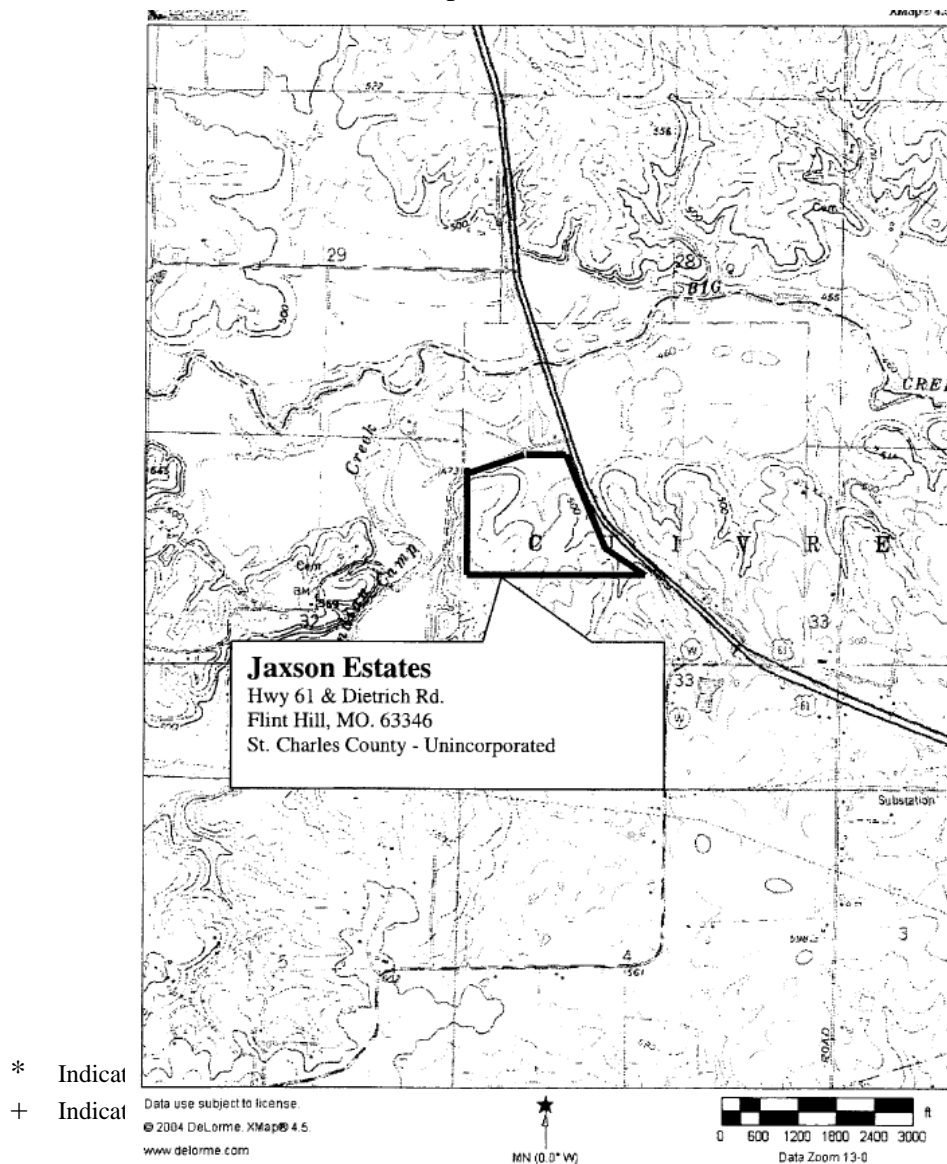
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Map of Service Area

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Legal Description of Service Area

DESCRIPTION
89.36 ACRES

A tract of land being part of U.S. Survey 950, Township 48 North, Range 1 East, St. Charles County, Missouri and being more particularly described as follows:

BEGINNING at a point marking the northwest corner of Lot 14 of Clairen Estates as recorded in Plat Book 23, Page 95 of the St. Charles County, Missouri Records, said point also being a point on the eastern line of Big Country Acres as recorded in Plat Book 21, Page 51 of the said St. Charles County, Missouri Records and being the southwest corner of property now or formerly of Wencker L. Meyer and Mary M. Meyer as recorded in Book 959, Page 97 of the said St. Charles County, Missouri Records; thence leaving said corner along the eastern line of said Big Country Acres and the eastern line of property now or formerly of Peter and Michele Kaiser as recorded in Book 3103, Page 617 of the said St. Charles County, Missouri Records and the western line of said Meyer property North 00°03'43" East a distance of 1513.63 feet to a point on the southern right-of-way line of Dietrich Road (30-foot wide) per Right-Of-Way Conveyance Book 2, Page 162 of the St. Charles County, Missouri Records; thence leaving the eastern line of said Kaiser property along the southern right-of-way line of said Dietrich Road the following courses: North 59°31'25" East a distance of 7.98 feet to a point; thence North 66°08'15" East a distance of 1101.65 feet to a point; thence North 77°26'15" East a distance of 483.81 feet to a point; thence North 86°38'15" East a distance of 18.43 feet to a point on the western right-of-way line of Interstate Highway 61 (variable width); thence along the western line of Interstate Highway 61 the following courses: South 05°34'15" East a distance of 24.04 feet to a point; thence North 83°47'06" East a distance of 82.00 feet to a point; thence South 18°53'44" East a distance of 410.85 feet to a point of curvature; thence along a curve to the left having a radius of 2989.79 feet an arc distance of 205.75 feet a chord of which bears South 20°52'01" East a chord distance of 205.71 feet to a point; thence South 03°43'58" West a distance of 118.81 feet to a point on a curve; thence along a curve to the left having a radius of 3044.79 feet an arc distance of 1257.72 feet a chord of which bears South 36°40'19" East a distance of 1248.79 feet to a point of tangency; thence South 48°30'21" East a distance of 34.45 feet to a point on the western line of property now or formerly of Roy C. Eisenbath, et al. as recorded in Book 703, Page 1210 of the said St. Charles County, Missouri Records; thence leaving said right-of-way line along the western line of said Eisenbath, et al. property and the eastern line of the aforementioned Meyer property South 00°18'25" East a distance of 347.53 feet to a point marking the northeast corner of aforementioned Clairen Estates; thence leaving the western line of said Eisenbath, et al. property along the northern line of said Clairen Estates and the southern line of said Meyer property North 89°37'24" West a distance of 2562.61 feet back to the POINT OF BEGINNING and containing 3,892,430 square feet or 89.36 acres more or less.

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Rules Governing Rendering of Sewer Service

Schedule of Rates

Flat monthly sewer rates - \$30.00

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Rules Governing Rendering of Sewer Service

<u>Schedule of Service Charges</u>

- | | |
|--|--|
| 1) Connection Fee: \$50 - For all new accounts
2) Reconnection Fee: \$50 - Fee will be charged before service can be restored to a customer who has been physically disconnected.
3) Late Fee: \$3.00 per month, up to three months.
4) Return Check Charge: \$39.00.
5) Service Calls: Repairs or maintenance made by the Company as a result of damages or misuse of the sewer system, when requested by the customer, shall be paid by the customer based upon the actual costs of labor, travel and materials for said repairs or maintenance, but in no event shall be less than \$100. | |
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Rules Governing Rendering of
Sewer Service

Rule 1 DEFINITIONS

- A. An "APPLICANT" is a person, firm, corporation, governmental body, or other entity which has applied for service or a sewer extension; two or more such entities may make one application for a sewer extension, and be considered one APPLICANT.
- B. "B.O.D" denotes biochemical oxygen demand. It is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions expressed in milligrams per liter.
- C. C. A "COLLECTING SEWER" is a pipeline, including force lines, gravity sewers, interceptors, laterals, trunk sewers, manholes, lampholes, and necessary appurtenances, including service wyes, which is owned and maintained by the company, located on public property or on private easements, and used to transport sewage waste from the customer's service connection to the point of disposal.
- D. The "COMPANY" is EMC of St. Charles County, LLC, acting through its officers, managers, or other duly authorized employees or agents.
- E. A "CUSTOMER" is any person, firm, corporation or governmental body which has contracted with the company for sewer service or is receiving service from company, or whose facilities are connected for utilizing such service.
- F. The "DATE OF CONNECTION" shall be the date the permit for a service connection is issued by the company. In the event no permit is taken and a service connection is made, the date of connection shall be determined based on available information, such as construction/occupancy permits, or water or electric service turn-on dates.
- G. A "DEVELOPER" is any person, firm, corporation, partnership or any entity that, directly or indirectly, holds title to, or sells or leases, or offers to sell or lease, or advertises for sale or lease, any lots in a subdivision.

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- H. "DISCONTINUANCE OF SERVICE" is intentional cessation of the use of sewer service by action of the company not at the request of the customer. Such DISCONTINUANCE OF SERVICE may be accomplished by methods including physical disconnection of the service sewer, or disconnection of water service by the water utility at the request of the company.
- I. "DOMESTIC SEWAGE" is sewage, excluding storm and surface water, resulting from normal household activities; and, "NON-DOMESTIC SEWAGE" is all sewage other than DOMESTIC SEWAGE including, but not limited to, commercial or industrial wastes. (See Rule 6 pertaining to Improper Waste and Excessive Use.)
- J. A "FOUNDATION DRAIN" is a pipe installed inside or outside the foundation of a structure for the purpose of draining ground or subsurface water away from the foundation.
- K. "pH" is the relative degree of acidity or alkalinity of water as indicated by the hydrogen ion concentration. PH is indicated on a scale reading from 1-14, with 7 being neutral, below 7 acid, and above 7 alkaline; more technically defined as the logarithm of the reciprocal of the hydrogen ion concentration.
- L. A "SERVICE CONNECTION" is the connection of a service sewer to the company collecting sewer either at the bell of a wye branch or the bell of a saddle placed on the barrel of the collecting sewer.
- M. A "SERVICE SEWER" is a pipe with appurtenances installed, owned and maintained by the customer, used to conduct sewage from the customer's premises to the collecting sewer, excluding service wyes or saddles.
- N. A "SUBDIVISION" is any land in the state of Missouri which is divided or proposed to be divided into two or more lots or other divisions of land, whether contiguous or not, or

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Rule 2 GENERAL RULES AND REGULATIONS

- A. Every customer, upon signing an application for service or accepting service rendered by the company, shall be considered to have expressed consent to be bound by these rates and rules.
- B. The company's rules governing rendering of service are set forth in the numbered sheets of this tariff. The rates applicable to appropriate class of service are set forth in rate schedules and constitute a part of this tariff.
- C. The company reserves the right, subject to the authority from the Public Service Commission of Missouri, to prescribe additional rates or to alter existing rates or rules as it may deem necessary or proper.
- D. At the effective date of these rules, all new facilities, construction contracts and written agreements shall conform to these rules in accordance with the statutes of the State of Missouri and authority of the Public Service Commission of Missouri. Pre-existing facilities which do not conform with these rules may remain, if said facilities do not cause any service problems and reconstruction is impractical.
- E. The company shall have the right to enter upon the customer's premises for the purpose of inspecting for compliance with these rules. Company personnel shall identify themselves and such inspections shall be conducted during reasonable hours.

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Rule 4 APPLICATIONS FOR SEWER SERVICE

- A. A written application for service, signed by the customer, and accompanied by the appropriate fees as provided in the Schedule of Rates, Service Charges, or Rule 11 - Extension of Collecting Sewers, and other information required by these rules, must be received from each customer before service is provided to any unit. Said application must be filed in writing 24 hours in advance stating the street, house number, name of the applicant, name of the property owner, and the time, at which connection is to be made. The company shall have the right to refuse service for failure to comply with the rules herein, or if the customer owes a past due bill not in dispute for sewer service at any location within the company's service area. In any case where a sewer extension, or unusual construction or equipment expense is necessary to furnish the service, the company may require a contract for service specifying a reasonable period of time for the company to provide the service. If the customer is a tenant, the company shall notify the owner of the property that the owner may be responsible for payment of the sewer service bill.
- B. A prospective commercial or industrial customer shall, upon request of the company, present in writing to the company a list of devices which will discharge to the collecting sewers, the amount and specifications of any discharge, and the location of any buildings. The company will then advise the customer of the form and the character of the waste water collection facilities available. If a sewer extension as provided for in Rule 11 - Extension of Collecting Sewers will be necessary, or if the customer will be required to own, operate, and maintain a pretreatment facility, the customer will also be so advised.
- C. When sewer charges are based on water usage, the company reserves the right to refuse sewer service to any applicant unless said applicant agrees to install a water meter accessible by the company, so that there will be a basis for sewer charges. The company and customer may agree to an estimated water use amount, on an interim

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<p>basis for a period not to exceed six (6) months, to allow time to install suitable metering equipment.</p> <p>D. The company will determine or approve the location of the service connection. Service sewers will not be extended along public streets or roadways or through property of others in connecting with collecting sewers. If a service connection is requested at a point not already served by a collecting sewer of adequate capacity, the collecting sewer shall be extended in accordance with Rule 11 - Extension of Collecting Sewers, unless, in the company's judgement such a collecting sewer would serve no other purpose and a service sewer may be constructed to serve the customer's premises in a reasonable manner.</p> <p>E. A new service connection shall be authorized when all conditions of Paragraphs A, B, C, and D, above, are met.</p> <p>F. When a service sewer is to be connected to the collecting sewer, the plumber employed by the customer shall obtain the connecting accessories from the company. The plumber shall advise the company 24 hours in advance of when he expects to make the connection so a representative of the company can inspect the installation. The company must inspect any connection made by the customer prior to trench backfilling.</p> <p>G. No substantial addition to the water using equipment or appliances connected to the sewer system shall be made by commercial or industrial customers except upon written notice to and with the written consent of the company.</p> <p>H. Any change in the location of an existing service connection and/or service sewer requested by the customer shall be made at the customer's expense.</p> <p>* Indicates new rate or text + Indicates change</p>	

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Rule 5 INSIDE PIPING AND CUSTOMER SERVICE SEWER

- A. The customer is obligated to construct, repair, and maintain the service sewer from the collecting sewer to the building, and make the connection to the collecting sewer. The customer shall notify the company prior to cleaning or repairing the service sewer.
- B. Construction of the service sewer, and connection to the collecting sewer shall be subject to the inspection and approval of the company. No backfill shall be placed until the work has been inspected by the company. In the event the customer or the customer's agent shall damage a wye branch or saddle, or cause damage to the collecting sewer, then the customer shall be responsible for the cost to repair any such damage, including replacement of pipe or appurtenances as necessary.
- C. Plumbing specifications of all governmental agencies having jurisdiction, and the company's rules, in effect at the time of connection must be met. The company may deny service or may discontinue service where foundation drains, downspouts, or other sources of surface or storm water are permitted to enter the sewer system through either the inside piping or through the building sewer.
- D. A separate and independent service sewer shall generally be required for every building. Exceptions are:
- E. When one building stands at the rear of another building on an interior lot where a proper service sewer cannot be constructed through an adjoining easement. In that situation, the service sewer from the front building may be extended to the rear building and it will be considered as one service sewer.
- F. When two or more buildings are a part of a complex which cannot be subdivided.
- G. The service sewer shall be one of the following: ductile iron pipe, vitrified clay sewer pipe (VCP), or polyvinyl chloride pipe (PVC), ASTM specification or equal; or other

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Rules Governing Rendering of Sewer Service

suitable material approved by the company. Only those jointing materials and methods which are approved by the company may be used. Joints shall be tight and waterproof. Any part of the service sewer that is located within ten (10) feet of a water service pipe shall be constructed of ductile iron or PVC pressure pipe. The pipe shall be bedded according to the manufacturer's specifications, and on undisturbed earth or fill compacted to at least 95% proctor density. Fill may be non-organic soil or aggregate.

- H. The size and slope of the service sewer shall be subject to the approval of the company, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-eighth (1/8) inch per foot.
- I. Whenever possible the service sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall. The depth shall be sufficient to afford protection from frost. The service sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.
- J. Existing service sewers may be used in connection with new buildings only when they are found on examination and test to meet all requirements of the company.
- K. In any building in which a building drain is too low to permit the required slope of the service sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the service sewer. No water operated sewage ejector shall be used.
- L. All excavations required for the installation of a service sewer and connection to the collecting sewer shall be open trench work unless otherwise approved by the company. Pipe laying and backfill shall be performed in accordance with the latest published engineering specifications of the manufacturer of the materials used, and all applicable local plumbing codes.

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Rule 6 IMPROPER OR EXCESSIVE USE

- A. The following requirements for the use of sewer service provided by the company shall be observed. Violation of the requirements will result in the discontinuance of service to the customer or an additional charge where discharge limits are exceeded.
- B. The company may require a customer discharging non-domestic sewage to install a pretreatment facility, grease trap or other device on the premises, to prevent exceedence of discharge limits or other adverse impacts upon the company's system. The installation of any such device as well as its operation and maintenance shall be the responsibility of the customer, and subject to approval and inspection by the company.
- C. No customer shall discharge or cause to be discharged any storm water, surface water, ground water, swimming pool water, roof runoff, sub-surface drainage, or cooling water into the collecting sewers.
- D. The customer shall be required to take any action necessary to meet the following described waste water limits before the wastewater is discharged into the collection sewer:
- (1) Maximum temperature of 150 degrees Fahrenheit.
 - (2) Maximum strength of 400 parts per million Biological Oxygen Demand (B.O.D.).
 - (3) A maximum of 100 parts per million, by weight, any fat, oil or grease.
 - (4) A maximum of 25 parts per million, by weight, any soluble oils.

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Rule 7 DISCONTINUANCE OF SERVICE BY COMPANY

A The company reserves the right of discontinuance of service for any of the following reasons:

- (1) For failure to comply with these rules.
- (2) For nonpayment of the sewer utility bill (see Rule 9).
- (3) For resale of sewer service.
- (4) For an unauthorized service connection to the company's collecting sewer.

B For purposes of this rule, discontinuance of sewer service for non-payment of a sewer bill may be accomplished either by physical disconnection, or by discontinuance of water service by the customer's water utility at the request of the company. In such cases, customers will be notified by the terms of these rules, and not by those of any water utility.

C Discontinuance of service to a customer for violation of these Rules shall not prevent the company from pursuing any lawful remedy by action at law or otherwise for the collection of monies due from the customer.

D In the event of discontinuance of service by the company for any violation of these rules, then any monies due the company shall become immediately due and payable.

E The company reserves the right of discontinuance of service to a customer, or to refuse service to any applicant or for any unit to protect itself against fraud or abuse.

F At least thirty (30) days prior to discontinuance of service, the company will mail a written notice to the customer, and to the property owner if different than the customer,

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Rules Governing Rendering of Sewer Service

by certified mail, return receipt requested, with a copy of the notice sent to the Public Service Commission. Said notice shall state the nature of the violation, the amount of money owed if for a past due bill including the amount of any service charges owed, and that service may be discontinued at any time after the expiration of the notice period, provided satisfactory arrangements for continuance of the service have not been made by the customer. The thirty (30) day notice may be waived if there is any waste discharge which might be detrimental to the health and safety of the public, or cause damage to the sewer system. In the event of discontinuance of service without the thirty (30) day notice as above provided, the customer and the Public Service Commission shall be notified immediately with a statement of the reasons for such discontinuance of service. If service is provided to a multi-tenant building or complex, the company will make an effort to notify tenants by door hangars or other type of notice of the possibility of discontinuance of service.

- G Reconnection of any customer after discontinuance of service by authority of this rule will be made subject to payment of the cost of reconnection.
- H Where the owner of rental property is the customer and has been notified of the intent of disconnection, the tenants shall be given the opportunity in a reasonable and timely manner to pay delinquent bills in lieu of disconnection of service.
- I Termination of service at the customer's request may be accomplished at the expense of the customer, as provided in Rule 9 B.

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Rule 9 BILLS FOR SERVICE

- A The charges for sewer service shall be at the rates specified in this tariff, which is on file with the Missouri Public Service Commission and at the company's office. The point of assumption of sewer service shall be at the service connection. Service charges for connection or disconnection are set forth in the Schedule of Service Charges.
- B A customer who is or has been taking sewer service at one or more units connected to the collecting sewer shall be held liable for payment of any applicable charges for service furnished to such units from the date of connection until the date requested by the customer in writing for service to be terminated, or until service is discontinued by the company. If termination of service must be accomplished by physical disconnection, the customer shall notify the company of the date and time of the disconnect in writing at least five days prior to the disconnection. If termination is accomplished by discontinuance or termination of water service, such notice shall be on or before the date of the water turnoff. Service may not be terminated for one unit of a multi-unit building if the building is served by one service sewer, unless accomplished by discontinuance or termination of water service. The method used for termination of service shall be determined by the company.
- C Bills for sewer service will be mailed or delivered to the customer's last address as shown by the records of the company, but failure to receive the bill will not relieve the customer from the obligation to pay the same.
- D Payments shall be made at the office of the company or at a convenient location designated by the company, or by mailing to the company's office.
- E Separate bills shall be rendered for each location at which sewer service is provided, even though one entity may be the customer at such separate locations.
- F The company shall have the right to render bills monthly in advance. Bills shall be due twenty-one (21) days after rendition, and such due date shall be indicated on the bill.

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Rule 11 EXTENSION OF COLLECTING SEWERS

- A Collecting sewers will be extended within the company's certificated service area, at the applicant's cost, if service is requested by the applicant at a location where facilities do not exist (the "applicant" is sometimes referred to in this rule as the "original applicant"). The applicant shall enter into a contract with the company. The applicant may choose to have the company perform all work under the terms and conditions of Paragraph C, following, or have a private contractor perform the work under the terms and conditions of Paragraph D, following. For purposes of this rule, an extension could include, in addition to a collecting sewer, one or more pump station or treatment plant facilities, as necessary to provide the service.
- B The pipe used in making extensions shall be of a type and size which will be reasonably adequate for the area to be served. Such determination as to size and type of pipe shall be left solely to the judgment of the company. If the company desires a pipe size, lift station, treatment plant, or any other facility larger than reasonably required to provide service to the applicant, the additional cost due to larger size shall be borne by the company.
- C The company will extend collecting sewers for the applicant under the following terms and conditions:
- (1) Upon receipt of written application for service as provided in Rule 4, Applications for Service, the company will provide the applicant an itemized estimate of the cost of the proposed extension. Said estimate shall include the cost of all labor and materials required, including reconstruction of existing facilities if necessary, and the direct costs associated with supervision, engineering, permits, and bookkeeping. Applicable income tax cost calculated at the maximum rate will be added to this estimate.

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<p>(2) The applicant shall enter into a contract with the company for the installation of said extension and shall tender to the company a contribution-in-aid-of-construction equal to the amount determined in Paragraph C (1) above, plus any appropriate fees as provided in the Schedule of Rates or the Schedule of Service Charges.</p> <p>(3) If, as a result of reasonably unforeseen circumstances, the actual cost of the extension exceeds the estimated cost of the extension, the applicant shall pay the additional cost.</p> <p>D When the applicant elects to construct an extension, the company will connect said extension to its existing collecting sewers under the following terms and conditions:</p> <p>(1) Applicant shall enter into a contract with the company which provides that the applicant construct said collecting sewers and/or other facilities to meet the requirements of all governmental agencies and the company's rules. Plans for the extension shall be submitted to the company for approval prior to construction. Applicant's choice of construction contractor is subject to approval by the company. Applicant shall contribute said facilities to the company with a detailed accounting of the actual cost of construction, and contribute to the company the estimated reasonable cost of the company's inspection.</p> <p>(2) The company, or its representative, shall have the right to inspect and test the extension prior to connecting it to the existing collecting sewers and acceptance of ownership.</p> <p>(3) Connection of the extension to existing company collecting sewers shall be made by, or under direct supervision of, the company or its representative.</p> <p>(4) The company shall have the right to refuse ownership and responsibility for the sewer extension until applicant has met the contractual obligations as provided in Paragraph D (1).</p> <p>* Indicates new rate or text + Indicates change</p>

DATE OF ISSUE March 5, 2008
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address

Name of Utility: EMC of St. Charles County, LLC

Service Area: Certificated Areas in St. Charles County

Rules Governing Rendering of Sewer Service

E The cost to additional applicants connecting to the sewer contributed by the original applicant shall be as follows:

- (1) For a single-family residential applicant applying for service in a platted subdivision, the company shall divide the actual cost of the extension, including income tax impact if any, by the number of lots abutting said extension to determine the per lot extension cost. When counting lots, corner lots which abut existing sewers shall be excluded.
- (2) For a single-family residential applicant requesting service to areas that are not platted in subdivision lots, the applicant's cost shall be equal to the total cost of the extension times 100 feet divided by the total length of the extension in feet.
- (3) For an industrial, commercial, or multi-family residential applicant, the cost will be equal to the amount calculated for a single-family residence in E (1) above or E (2) above, as appropriate, multiplied by a water usage factor. The water usage factor shall be determined by dividing the average monthly usage in gallons by 7,000 gallons, but shall not be less than 1.

F Refunds of contributions shall be made to the original applicant as follows:

- (1) Should the actual cost of an extension constructed by the company under Paragraph C, or actual costs for inspection by the company under Paragraph D, above, be less than the estimated cost, the company shall refund the difference as soon as the actual cost has been ascertained.
- (2) During the first ten years after the extension is completed, the company will refund to the original applicant who paid for the extension monies collected from additional applicants in accordance with Paragraph E above.

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