

"Daily allotment charge" means a daily allocation charge equal to 100 percent of the value of the quantity of water specified in the water use agreement which the System water user is authorized to continuously withdraw without interruption each 24-hour period (see N.J.A.C. 7:11-2.7).

"Overdraft service" means the average daily supply of water from the Raritan Basin System during any calendar month, to the extent and from time to time available, in excess of aggregate uninterruptible service, for certain, seasonal, non-emergent, interim, interruptible, non-guaranteed users.

"Overdraft service rate" means the rate for overdraft service.

"Peaking factor" means the percentage equivalent of that volume of overdraft service available from the Raritan Basin System during any calendar month in excess of uninterruptible service, which a System water user may divert without charge.

"Point of diversion" means the location where the user's withdrawal facilities diverts the contractual water supply from the Raritan Basin System.

"Production factor" means the inverse ratio between any allocation for a depletive water diversion above the confluence of the Millstone and Raritan Rivers and its equivalent in sustained supply at the confluence at the Millstone and Raritan Rivers as follows: production factor = safe yield at the confluence/yield at the point of diversion (see N.J.A.C. 7:11-2.9).

"Retroactive debt service payment" means a payment in addition to the daily allotment charge which shall apply to all new or additional uninterruptible water supply contracts in order to proportionately reimburse pre-existing System water users for certain debt service payments previously made by them (see N.J.A.C. 7:11-2.13(c) and (d)).

"Short-term service" means the supply of Raritan Basin System water for certain interim or short-term uses, such as growing agricultural or horticultural products, meeting extraordinary requirements in consumer demand for potable or industrial water as a result of transfers arising from a declaration of drought by the Department, meeting non-seasonal extraordinary requirements in consumer demand for potable or industrial water or emergent maintenance or temporary failure of a critical component of a System water user's infrastructure provided on a non-guaranteed or interruptible basis.

"Standby service" means the supply of Raritan Basin System water for certain occasional uses, such as fire protection or other emergencies, natural or otherwise.

"System water user" (also referred to as "contractual water customer," "purchaser" and/or "user") means a party under legal contract with the Authority for a supply of raw water from the Raritan Basin System.

"Uninterruptible service" means the supply of water from the Raritan Basin System which a System water user is authorized continuously to withdraw, without interruption, for potable or industrial water supply purposes pursuant to contract.

New Rule, R.1997 d.230, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5130(a), 29 N.J.R. 2551(b).

Former section recodified to N.J.A.C. 7:11-2.3.

Amended by R.2001 d.208, effective June 18, 2001 (operative July 1, 2001).

See: 32 N.J.R. 4424(a), 33 N.J.R. 2098(a).

In "Production factor", inserted "as follows: production factor = safe yield at the confluence/yield at the point of diversion".

Amended by R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

In "Daily allotment charge", amended the N.J.A.C. reference; rewrote "Production factor" and "Raritan Basin System".

Amended by R.2003 d.410, effective October 20, 2003.

See: 35 N.J.R. 2004(a), 35 N.J.R. 4876(a).

Deleted "Raritan Basin System".

Amended by R.2004 d.234, effective June 21, 2004 (operative July 1, 2004).

See: 35 N.J.R. 5472(a), 36 N.J.R. 3073(a).

Added "Annual overdraft rate", "Overdraft service"; "Overdraft service rate", "Peaking charge" and "Uninterruptible service"; rewrote "Short-term service".

Amended by R.2006 d.231, effective June 19, 2006 (operative July 1, 2006).

See: 37 N.J.R. 4719(a), 38 N.J.R. 2688(a).

In definition "Retroactive debt service payment", updated N.J.A.C. reference.

### 7:11-2.3 General rate schedule for operations and maintenance

(a) The general rate schedule for operations and maintenance per million gallons listed at (b) below is based on estimated annual operations and maintenance expenses consisting of all current costs, obligations, and expenses of, or arising in connection with, the operation, maintenance, and administration of the System, and minor additions or improvements thereof or thereto, or the performance of any water purchase contract, including, but not limited to, all of the following:

1. All routine repairs and ordinary replacements and reconstruction of the System; all wages, salaries and other personnel costs, including costs of pension, retirement, health and other employee benefit programs; all fuel, utilities, supplies and equipment; and all supervisory, engineering, accounting, auditing, legal and financial advisory services;
2. All taxes and payments in lieu of taxes;
3. All costs of insurance for the System, including any form of self insurance (or self insurance reserves) maintained by the Authority and payment of all claims not covered by the Authority's insurance;
4. All fees and expenses incurred in connection with any Credit Facility, Reserve Account Credit Facility, the issuance of any bonds or the issuance of any other in-

debtedness of the Authority, and all fees and expenses of counsel, fiduciaries and others in connection with any such Credit Facility, Reserve Account Credit Facility, bonds or other indebtedness of the Authority to the extent not required to be paid out of the proceeds of such bonds or other indebtedness;

5. All amounts required to be deposited into the Rebate Fund, at the time and in the manner set forth in any investment rebate instructions or otherwise in accordance with the Internal Revenue Code;

6. All amounts required to be paid into any reserve fund established for operation and maintenance expenses;

7. Allowance for depreciation with respect to equipment and property having a depreciable life of greater than three years but less than 10 years; and

8. Any other current costs, expenses, or obligations required to be paid by the Authority under the provision of any agreement or instrument relating to bonds, other indebtedness of the Authority, or by law. The current sales base of 182.339 million gallons per day has been used in setting the rate listed in (b) below.

(b) General rate schedule for operations and maintenance:

<u>Period</u>	<u>Allocation</u>	<u>Rate/Million Gallons</u>
(State fiscal year unless otherwise indicated)		
State fiscal year 2017	Million Gallons per Day (MGD)	\$171.00

Amended by R.1986 d.187, effective May 19, 1986 (operative July 1, 1986).

See: 18 N.J.R. 17(a), 18 N.J.R. 1100(a).

Sales base changed from \$150.916 to \$151.931 and million gallons rate changed from \$81.80 to \$94.64.

Amended by R.1988 d.265, effective June 6, 1988.

See: 20 N.J.R. 144(a), 20 N.J.R. 1286(a).

Sales base changed from "151.931" to "157.312".

Amended by R.1989 d.310, effective June 5, 1989 (operative July 1, 1989).

See: 21 N.J.R. 103(a), 21 N.J.R. 1527(a).

Operations and maintenance costs defined at new (a)1 through 8 and million gallon rate increased from \$94.64 to \$102.78 at (b).

Amended by R.1990 d.294, effective June 4, 1990 (operative July 1, 1990).

See: 21 N.J.R. 3836(a), 22 N.J.R. 1755(a).

Fiscal Year 1991 rate adjustments.

Amended by R.1991 d.270, effective May 20, 1991 (operative July 1, 1991).

See: 23 N.J.R. 3676(a), 23 N.J.R. 1662(c).

Deleted (b)1 and 2. Changed the General Rate Schedule from "\$96.45" to "\$109.21" per million gallons in (b).

Amended by R.1992 d.238, effective June 1, 1992 (operative July 1, 1992).

See: 23 N.J.R. 3686(d), 24 N.J.R. 2053(a).

Fiscal Year 1993 rate adjustments.

Amended by R.1993 d.240, effective June 7, 1993 (operative July 1, 1993).

See: 24 N.J.R. 4472(a), 25 N.J.R. 2267(b).

Fiscal Year 1994 rate adjustments.

Amended by R.1994 d.306, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5742(a), 26 N.J.R. 2595(a).

Amended by R.1995 d.291, effective June 5, 1995.

See: 26 N.J.R. 4907(a), 27 N.J.R. 2205(a).

Fiscal Year 1996 rate adjustments.

Amended by R.1996 d.256, effective June 3, 1996 (operative July 1, 1996).

See: 27 N.J.R. 4954(a), 28 N.J.R. 2905(a).

In (a)8 decreased the sales base and in (b) decreased the rate.

Recodified from 7:11-2.2 and amended by R.1997 d.230, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5130(a), 29 N.J.R. 2551(b).

In (a)8, substituted "150.242 million gallons" for "150.452 million gallons"; and in (b), changed the Rate/Million Gallons from "\$85.91" to "\$76.67". Former section recodified to N.J.A.C. 7:11-2.4.

Amended by R.1998 d.270, effective June 1, 1998 (operative July 1, 1998).

See: 29 N.J.R. 5151(a), 30 N.J.R. 1988(a).

In (a)8, changed 150.242 million gallons per day to 149.875 million gallons per day; and in (b), changed Rate/Million Gallons from \$76.67 to \$82.65.

Amended by R.1999 d.180, effective June 7, 1999 (operative July 1, 1999).

See: 30 N.J.R. 4309(a), 31 N.J.R. 1484(a).

In (b), decreased rate.

Amended by R.2000 d.238, effective June 5, 2000 (operative July 1, 2000).

See: 31 N.J.R. 4199(a), 32 N.J.R. 2077(a).

In (a)8, substituted a reference to 151.875 million gallons for 149.875 million gallons; rewrote (b).

Amended by R.2001 d.208, effective June 18, 2001 (operative July 1, 2001).

See: 32 N.J.R. 4424(a), 33 N.J.R. 2098(a).

In (b), increased rate.

Amended by R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

In (a)8, substituted "151.914" for "151.875" preceding "million gallons per day"; in (b), increased the operations and maintenance rate.

Amended by R.2003 d.245, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 164(a), 35 N.J.R. 2650(a).

In (a)8, increased the current sales base; in (b), increased the operations and maintenance rate.

Amended by R.2004 d.234, effective June 21, 2004 (operative July 1, 2004).

See: 35 N.J.R. 5472(a), 36 N.J.R. 3073(a).

In (a)8, substituted "179.49" for "152.131"; in (b), increased the operations and maintenance rate.

Administrative correction.

See: 36 N.J.R. 5443(a).

Amended by R.2005 d.194, effective June 20, 2005 (operative July 1, 2005).

See: 36 N.J.R. 5615(a), 37 N.J.R. 2248(a).

In (a)8, substituted "179.404" for "179.219"; in (b), updated the operations and maintenance rate.

Amended by R.2006 d.231, effective June 19, 2006 (operative July 1, 2006).

See: 37 N.J.R. 4719(a), 38 N.J.R. 2688(a).

Substituted "179.932" for "179.409" in (a)8; and "\$133.13" for "\$111.80" in (b).

Amended by R.2007 d.192, effective June 18, 2007.

See: 38 N.J.R. 5222(a), 39 N.J.R. 2343(a).

In (a)8, substituted "179.978" for "179.932"; and in (b), substituted "\$138.71" for "\$133.13".

Amended by R.2008 d.210, effective July 21, 2008.

See: 39 N.J.R. 5154(a), 40 N.J.R. 4316(c).

In (a)8, substituted "182.170" for "179.978"; and in the table in (b), substituted, "\$142.34" for "\$138.71".

Amended by R.2009 d.196, effective June 15, 2009 (operative July 1, 2009).

See: 40 N.J.R. 6891(a), 41 N.J.R. 2466(b).

In (a)8, substituted "182.154" for "182.170"; and in the table in (b), substituted, "\$142.39" for "\$142.34".

Amended by R.2010 d.127, effective June 21, 2010 (operative July 1, 2010).

See: 41 N.J.R. 4592(a), 42 N.J.R. 1181(a).

In (a)8, substituted "182.073" for "182.154"; and in the second column of the table in (b), substituted "\$142.55" for "\$142.39". Amended by R.2011 d.177, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3018(b), 43 N.J.R. 1420(a).

In (a)8, substituted "182.023" for "182.073"; and in the table in (b), substituted "\$145.66" for "\$142.55".

Amended by R.2012 d.128, effective July 2, 2012.

See: 44 N.J.R. 14(a), 44 N.J.R. 1879(b).

In (a)8, substituted "182.207" for "182.023"; and in the table in (b), substituted "\$145.84" for "\$145.66".

Amended by R.2013 d.089, effective July 1, 2013.

See: 44 N.J.R. 3036(a), 45 N.J.R. 1649(a).

In the introductory paragraph of (a), inserted a comma following "obligations" and "maintenance"; in (a)8, inserted a comma following "expenses" and the second occurrence of "Authority", and substituted "182.281" for "182.207"; and in the table in (b), substituted "\$152.00" for "\$145.84".

Amended by R.2014 d.124, effective August 4, 2014.

See: 46 N.J.R. 474(a), 46 N.J.R. 1743(b).

In (a)8, substituted "182.271" for "182.281"; and in (b), rewrote the table.

Amended by R.2015 d.103, effective June 15, 2015 (operative July 1, 2015).

See: 47 N.J.R. 248(a), 47 N.J.R. 1316(b).

In (a)8, substituted "182.339" for "182.271"; and in (b), substituted "State fiscal year 2016" for "8/4/2014 to 6/30/2015" and "\$171.00" for "\$167.00".

Amended by R.2016 d.070, effective June 20, 2016 (operative July 1, 2016).

See: 48 N.J.R. 17(a), 48 N.J.R. 1064(a).

In the table in (b), substituted "2017" for "2016".

#### 7:11-2.4 Debt service assessments

(a) The debt service assessment rate per million gallons shall be based on the amounts and schedules of payments required to repay the New Jersey Environmental Infrastructure Financing Program for loans issued to the Authority for the Delaware and Raritan Canal Capital Program.

(b) The following debt service assessment rate for the New Jersey Environmental Infrastructure Financing Program loans, based on a sales base of 182.339 million gallons per day, will be applied to all customers.

<u>Period</u>	<u>Allocation</u>	<u>Rate/Million Gallons</u>
(State fiscal year unless otherwise indicated)		
State fiscal year	Million Gallons	\$25.00
2017	per Day (MGD)	

Amended by R.1985 d.402, effective August 5, 1985 (operative October 1, 1985).

See: 17 N.J.R. 11(a), 17 N.J.R. 1879(a).

Sales base for debt service assessment rate changed from "149,986" to "149,986"; (c) added.

Amended by R.1986 d.187, effective May 19, 1986 (operative July 1, 1986).

See: 18 N.J.R. 17(a), 18 N.J.R. 1100(a).

Substantially amended.

Amended by R.1988 d.265, effective June 6, 1988.

See: 20 N.J.R. 144(a), 20 N.J.R. 1286(a).

Substantially amended.

Amended by R.1989 d.310, effective June 5, 1989 (operative July 1, 1989).

See: 21 N.J.R. 103(a), 21 N.J.R. 1527(a).

1969 Water Conservation Bonds, rate assessment base dropped from 152.587 (MGD) to 151.768 (MGD) and rate per million gallons increased from \$13.83 to \$13.92; 1981 Water Supply Bond sales base dropped from 153.745 to 152.926 and rate per million gallons increased from \$33.15 to \$33.22; new (d) added Debt Service Assessment rate for 1988 Water System Revenue Bonds.

Amended by R.1990 d.294, effective June 4, 1990 (operative July 1, 1990).

See: 21 N.J.R. 3836(a), 22 N.J.R. 1755(a).

Fiscal Year 1991 rate adjustments.

Amended by R.1991 d.270, effective May 20, 1991 (operative July 1, 1991).

See: 23 N.J.R. 3676(a), 23 N.J.R. 1662(c).

Change in time period from "7/1/90" to "7/1/91" in (b)1. Change in sales base from "152.292" to "152.226"; change in time period from "7/1/90" to "7/1/91"; change in Rate/Million Gallon from "\$33.28" to "\$33.23" in (c). Change in sales base from "152.292" to "152.226"; change in time periods from "7/1/90" to "7/1/91" and "6/30/94" to "6/30/95"; change in Rate/Million Gallon from "\$44.97" to "\$44.99", "\$55.04" to "\$55.07" and "\$56.88" to "\$56.91" in (d).

Amended by R.1992 d.238, effective June 1, 1992 (operative July 1, 1992).

See: 23 N.J.R. 3686(d), 24 N.J.R. 2053(a).

Fiscal Year 1993 rate adjustment.

Amended by R.1993 d.240, effective June 7, 1993 (operative July 1, 1993).

See: 24 N.J.R. 4472(a), 25 N.J.R. 2267(b).

Fiscal Year 1994 rate adjustments.

Amended by R.1994 d.306, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5742(a), 26 N.J.R. 2595(a).

Amended by R.1995 d.291, effective June 5, 1995.

See: 26 N.J.R. 4907(a), 27 N.J.R. 2205(a).

Fiscal year 1996 rate adjustments.

Amended by R.1996 d.256, effective June 3, 1996 (operative July 1, 1996).

See: 27 N.J.R. 4954(a), 28 N.J.R. 2905(a).

In (b) and (c) decreased the sales base and increased the rate, and in (d) increased the rate.

Recodified from 7:11-2.3 and amended by R.1997 d.230, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5130(a), 29 N.J.R. 2551(b).

In (b), substituted "149.747 million gallons" for "149.957 million gallons"; in (b)1, in the table, changed the period beginning date from "7/1/96" to "7/1/97"; in (c) substituted "150.172 million gallons" for "150.382 million gallons", changed the period beginning date from "7/1/96" to "7/1/97", and changed the Rate/Million Gallons from "\$33.61" to "\$33.73"; and in (d), changed the periods from "7/1/96 to 6/30/97" and "7/1/97 to 6/30/99" to "7/1/97 to 6/30/98", and "7/1/98 to 6/30/99", changed the Rates/Million gallons from "\$57.57" and "\$57.39" to "\$57.47" and "\$57.49", and added rates for the periods "7/1/99 to 6/30/2000", and "7/1/2000 to 6/30/2001". Former section recodified to N.J.A.C. 7:11-2.5.

Amended by R.1998 d.270, effective June 1, 1998 (operative July 1, 1998).

See: 29 N.J.R. 5151(a), 30 N.J.R. 1988(a).

In (b), changed 149.747 million gallons per day to 149.380 million gallons per day in the introductory paragraph, changed Period beginning date from "7/1/97" to "7/1/98" and changed Rate/Million Gallons from \$14.07 to \$14.12 in 1; in (c), changed 150.172 million gallons per day to 149.805 million gallons per day, changed Period beginning date from "7/1/97" to "7/1/98" and changed Rate/Million Gallons from \$33.73 to \$27.78; and in (d), changed Period date ranges and Rate/Million Gallons.

Amended by R.1999 d.180, effective June 7, 1999 (operative July 1, 1999).

See: 30 N.J.R. 4309(a), 31 N.J.R. 1484(a).

In (b), changed period; in (c), changed period and increased rate; and in (d), changed periods and decreased rates.

Amended by R.2000 d.238, effective June 5, 2000 (operative July 1, 2000).

See: 31 N.J.R. 4199(a), 32 N.J.R. 2077(a).

In (b) and (c), changed period and decreased rate; in (d), changed periods and decreased rates.

Amended by R.2001 d.208, effective June 18, 2001 (operative July 1, 2001).

See: 32 N.J.R. 4424(a), 33 N.J.R. 2098(a).

In (b), changed period; in (c), changed period and decreased rate; in (d), deleted period, allocation and rate for 7/1/2000 to 6/30/2001 and added period, allocation and rate for 7/1/2004 to 6/30/2005.

Amended by R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

Rewrote the section.

Amended by R.2003 d.245, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 164(a), 35 N.J.R. 2650(a).

Rewrote (b) and (c).

Amended by R.2004 d.234, effective June 21, 2004 (operative July 1, 2004).

See: 35 N.J.R. 4372(a), 36 N.J.R. 3073(a).

In (b) and (c), substituted "179.149" for "152.131" and amended the tables.

Amended by R.2005 d.194, effective June 20, 2005 (operative July 1, 2005).

See: 36 N.J.R. 5615(a), 37 N.J.R. 2248(a).

Rewrote (b) and (c).

Amended by R.2006 d.231, effective June 19, 2006 (operative July 1, 2006).

See: 37 N.J.R. 4719(a), 38 N.J.R. 2688(a).

In (b), substituted "179.874" for "179.334", "(a)" for "(b)" preceding "above", "2006" for "2005", "2007" for "2006" and "\$19.55" for "\$28.24"; and in (c), substituted "179.874" for "179.334" and updated table.

Amended by R.2007 d.192, effective June 18, 2007.

See: 38 N.J.R. 5222(a), 39 N.J.R. 2343(a).

Reserved (b); and rewrote (c).

Amended by R.2008 d.210, effective July 21, 2008.

See: 39 N.J.R. 5154(a), 40 N.J.R. 4316(c).

Rewrote (a); deleted former (b); recodified (c) as (b); in the introductory paragraph of (b), substituted "182.112" for "172.920"; and in the table in (b), deleted entries for "7/1/2007 to 6/30/2008", "7/1/2009 to 6/30/2010" and "7/1/2010 to 6/30/2011", and in the entry for "7/1/2008 to 6/30/2009", substituted "\$40.66" for "\$41.16".

Amended by R.2009 d.196, effective June 15, 2009 (operative July 1, 2009).

See: 40 N.J.R. 6891(a), 41 N.J.R. 2466(b).

In the introductory paragraph of (b), substituted "182.079" for "182.112"; and in the table in (b), substituted "7/1/2009 to 6/30/2010" for "7/1/2008 to 6/30/2009" and "\$40.61" for "\$40.66".

Amended by R.2010 d.127, effective June 21, 2010 (operative July 1, 2010).

See: 41 N.J.R. 4592(a), 42 N.J.R. 1181(a).

In the introductory paragraph of (b), substituted "182.073" for "182.079"; in the first column of the table in (b), substituted "7/1/2010" for "7/1/2009" and "6/30/2011" for "6/30/2010"; and in the third column of the table in (b), substituted "\$40.45" for "\$40.61".

Amended by R.2011 d.177, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3018(b), 43 N.J.R. 1420(a).

In the introductory paragraph of (b), substituted "182.023" for "182.073"; and in the table in (b), substituted "7/1/2011 to 6/30/2012" for "7/1/2010 to 6/30/2011" and "\$40.34" for "\$40.45".

Amended by R.2012 d.128, effective July 2, 2012.

See: 44 N.J.R. 14(a), 44 N.J.R. 1879(b).

In the introductory paragraph of (b), substituted "182.207" for "182.023"; and rewrote the table in (b).

Amended by R.2013 d.089, effective July 1, 2013.

See: 44 N.J.R. 3036(a), 45 N.J.R. 1649(a).

Rewrote (a); in the introductory paragraph of (b), substituted "New Jersey Environmental Infrastructure Financing Program loans" for "1998 Water System Revenue Refunding Bonds" and "182.281" for "182.207"; and in the table in (b), substituted "2013" for "2012", "2014" for "2013", and "\$25.00" for "\$40.16".

Amended by R.2014 d.124, effective August 4, 2014.

See: 46 N.J.R. 474(a), 46 N.J.R. 1743(b).

In (b), substituted "182.271" for "182.281", and rewrote the table.

Amended by R.2015 d.103, effective June 15, 2015 (operative July 1, 2015).

See: 47 N.J.R. 248(a), 47 N.J.R. 1316(b).

In (b), substituted "182.339" for "182.271" and "2016" for "2015".

Amended by R.2016 d.070, effective June 20, 2016 (operative July 1, 2016).

See: 48 N.J.R. 17(a), 48 N.J.R. 1064(a).

In the table in (b), substituted "2017" for "2016".

## 7:11-2.5 Capital Fund Component

(a) The Capital Fund Component is to provide for current funding of major annual maintenance and repairs of the existing facilities at a total amount of \$1,500,000 to \$2,000,000 per year. The total annual amount funded by the Capital Fund Component may be adjusted periodically for inflation; however, all capital projects beyond this amount and any enhancements or additions to the System shall be financed through the issuance of long-term debt.

(b) The Capital Fund Component rate per million gallons listed at (c) below is based on estimated annual capital expenses to properly maintain, rehabilitate or replace the facilities.

### (c) Capital Fund Assessment

<u>Period</u>	<u>Allocation</u>	<u>Rate/Million Gallons</u>
(State fiscal year unless otherwise indicated)		
State fiscal year 2017	Million Gallons per Day (MGD)	\$33.00

New Rule, R.1994 d.306, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5742(a), 26 N.J.R. 2595(a).

Amended by R.1995 d.291, effective June 5, 1995.

See: 26 N.J.R. 4907(a), 27 N.J.R. 2205(a).

Fiscal year 1996 rate adjustments.

Recodified from 7:11-2.4 and amended by R.1997 d.230, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5130(a), 29 N.J.R. 2551(b).

In (c), deleted the rate for the period "7/1/95 to 6/30/96", changed the period "7/1/96 to 6/30/98" to "7/1/97 to 6/30/98", and changed the Rate/Million Gallons from "\$20.00" to "\$29.22". Former section recodified to N.J.A.C. 7:11-2.6.

Amended by R.1998 d.270, effective June 1, 1998 (operative July 1, 1998).

See: 29 N.J.R. 5151(a), 30 N.J.R. 1988(a).

In (c), deleted "7/1/97 to 6/30/98" Period; and in "7/1/98" Period, changed Rate/Million Gallons from \$25.00 to \$28.98.

Amended by R.1999 d.180, effective June 7, 1999 (operative July 1, 1999).

See: 30 N.J.R. 4309(a), 31 N.J.R. 1484(a).

In (c), changed period and increased rate.

Amended by R.2000 d.238, effective June 5, 2000 (operative July 1, 2000).

See: 31 N.J.R. 4199(a), 32 N.J.R. 2077(a).

In (c), changed period and increased rate.

Amended by R.2001 d.208, effective June 18, 2001 (operative July 1, 2001).

See: 32 N.J.R. 4424(a), 33 N.J.R. 2098(a).

In (c), changed period and decreased rate.

Amended by R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

In (c), amended period and increased rate.

Amended by R.2003 d.245, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 164(a), 35 N.J.R. 2650(a).

In (c), and amended period and decreased rate.

Amended by R.2004 d.234, effective June 21, 2004 (operative July 1, 2004).

See: 35 N.J.R. 5472(a), 36 N.J.R. 3073(a).

In (c), amended the period and increased the rate.

Amended by R.2005 d.194, effective June 20, 2005 (operative July 1, 2005).

See: 36 N.J.R. 5615(a), 37 N.J.R. 2248(a).

In (c), amended the period and increased the rate.

Amended by R.2006 d.231, effective June 19, 2006 (operative July 1, 2006).

See: 37 N.J.R. 4719(a), 38 N.J.R. 2688(a).

In (c), substituted "2006" for "2005", "2007" for "2006" and "\$21.00" for "\$20.45".

Amended by R.2007 d.192, effective June 18, 2007.

See: 38 N.J.R. 5222(a), 39 N.J.R. 2343(a).

In (c), substituted "2007" for "2006", "2008" for "2007" and "\$33.00" for "\$21.00".

Amended by R.2008 d.210, effective July 21, 2008.

See: 39 N.J.R. 5154(a), 40 N.J.R. 4316(c).

In the first column of the table in (c), substituted "7/1/2008" for "7/1/2007" and "6/30/2009" for "6/30/2008".

Amended by R.2009 d.196, effective June 15, 2009 (operative July 1, 2009).

See: 40 N.J.R. 6891(a), 41 N.J.R. 2466(b).

In the first column of the table in (c), substituted "7/1/2009 to 6/30/2010" for "7/1/2008 to 6/30/2009".

Amended by R.2010 d.127, effective June 21, 2010 (operative July 1, 2010).

See: 41 N.J.R. 4592(a), 42 N.J.R. 1181(a).

In the first column of the table in (c), substituted "7/1/2010" for "7/1/2009" and "6/30/2011" for "6/30/2010".

Amended by R.2011 d.177, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3018(b), 43 N.J.R. 1420(a).

In the table in (c), substituted "7/1/2011 to 6/30/2012" for "7/1/2010 to 6/30/2011" and "\$30.00" for "\$33.00".

Amended by R.2012 d.128, effective July 2, 2012.

See: 44 N.J.R. 14(a), 44 N.J.R. 1879(b).

Rewrote the table in (c).

Amended by R.2013 d.089, effective July 1, 2013.

See: 44 N.J.R. 3036(a), 45 N.J.R. 1649(a).

In the table in (c), substituted "2013" for "2012" and "2014" for "2013".

Amended by R.2014 d.124, effective August 4, 2014.

See: 46 N.J.R. 474(a), 46 N.J.R. 1743(b).

In (c), rewrote the table.

Amended by R.2015 d.103, effective June 15, 2015 (operative July 1, 2015).

See: 47 N.J.R. 248(a), 47 N.J.R. 1316(b).

In (c), substituted "2016" for "2015" and "\$33.00" for "\$30.00".

Amended by R.2016 d.070, effective June 20, 2016 (operative July 1, 2016).

See: 48 N.J.R. 17(a), 48 N.J.R. 1064(a).

In the table in (c), substituted "2017" for "2016".

## 7:11-2.6 Source Water Protection Fund Component

(a) The Source Water Protection Fund Component Rate per million gallons listed at (b) below is based on the annual source water protection expenses agreed upon by Authority customers to acquire and otherwise protect parcels critical to the preservation of system water quality and quantity.

### (b) Source Water Protection Fund Assessment

<u>Period</u>	<u>Allocation</u>	<u>Rate/Million Gallons</u>
(State fiscal year unless otherwise indicated)		
State fiscal year	Million Gallons	\$24.00
2017	per Day (MGD)	

New Rule, R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

Former N.J.A.C. 7:11-2.6, Daily allotment charge, recodified to N.J.A.C. 7:11-2.7.

Amended by R.2003 d.245, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 164(a), 35 N.J.R. 2650(a).

In (b), amended period and increased rate.

Amended by R.2005 d.194, effective June 20, 2005 (operative July 1, 2005).

See: 36 N.J.R. 5615(a), 37 N.J.R. 2248(a).

In (b), amended the period and increased the rate.

Amended by R.2006 d.231, effective June 19, 2006 (operative July 1, 2006).

See: 37 N.J.R. 4719(a), 38 N.J.R. 2688(a).

In (b), substituted "2006" for "2005" and "2007" for "2006".

Amended by R.2007 d.192, effective June 18, 2007.

See: 38 N.J.R. 5222(a), 39 N.J.R. 2343(a).

In (b), substituted "2007" for "2006", "2008" for "2007" and "\$15.00" for "\$13.00".

Amended by R.2008 d.210, effective July 21, 2008.

See: 39 N.J.R. 5154(a), 40 N.J.R. 4316(c).

In the first column of the table in (b), substituted "7/1/2008" for "7/1/2007" and "6/30/2009" for "6/30/2008".

Amended by R.2009 d.196, effective June 15, 2009 (operative July 1, 2009).

See: 40 N.J.R. 6891(a), 41 N.J.R. 2466(b).

In the first column of the table in (b), substituted "7/1/2009 to 6/30/2010" for "7/1/2008 to 6/30/2009".

Amended by R.2010 d.127, effective June 21, 2010 (operative July 1, 2010).

See: 41 N.J.R. 4592(a), 42 N.J.R. 1181(a).

In the first column of the table in (b), substituted "7/1/2010" for "7/1/2009" and "6/30/2011" for "6/30/2010".

Amended by R.2011 d.177, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3018(b), 43 N.J.R. 1420(a).

In the table in (b), substituted "7/1/2011 to 6/30/2012" for "7/1/2010 to 6/30/2011".

Amended by R.2012 d.128, effective July 2, 2012.

See: 44 N.J.R. 14(a), 44 N.J.R. 1879(b).

Rewrote the table in (b).

Amended by R.2013 d.089, effective July 1, 2013.

See: 44 N.J.R. 3036(a), 45 N.J.R. 1649(a).

In the table in (b), substituted "2013" for "2012", "2014" for "2013", and "\$24.00" for "\$15.00".

Amended by R.2014 d.124, effective August 4, 2014.

See: 46 N.J.R. 474(a), 46 N.J.R. 1743(b).

In (b), rewrote the table.

Amended by R.2015 d.103, effective June 15, 2015 (operative July 1, 2015).

See: 47 N.J.R. 248(a), 47 N.J.R. 1316(b).

In (b), substituted "2016" for "2015".

Amended by R.2016 d.070, effective June 20, 2016 (operative July 1, 2016).

See: 48 N.J.R. 17(a), 48 N.J.R. 1064(a).

In the table in (b), substituted "2017" for "2016".

## 7:11-2.7 Daily allotment charge

(a) Effective on the date of commencement of charges as specified in N.J.A.C. 7:11-2.15 the user shall pay a daily allotment charge amounting to 100 percent of the value of the

quantity specified in the agreement for 24-hour withdrawal at the rates specified in this schedule, as it may be amended from time to time.

1. The total charge shall include the general rate schedule for operations and maintenance described in N.J.A.C. 7:11-2.3, the applicable Debt Service Assessment as described in N.J.A.C. 7:11-2.4, the Capital Fund Component as described in N.J.A.C. 7:11-2.5, and the Source Water Protection Fund Component as described in N.J.A.C. 7:11-2.6.

2. The Rate for water diverted, withdrawn or allocated from the Raritan River Basin as supported by Spruce Run/Round Valley Reservoirs water release shall be modified by the appropriate production factor as specified in N.J.A.C. 7:11-2.9.

Amended by R.1989 d.310, effective June 5, 1989 (operative July 1, 1989).

See: 21 N.J.R. 103(a), 21 N.J.R. 1527(a).

Deleted reference to rates "prevailing in the agreement . . ." and referenced the Schedule, added "for Operations and Maintenance" after General Rate Schedule.

Recodified from 7:11-2.4 and amended by R.1994 d.306, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5742(a), 26 N.J.R. 2595(a).

Recodified from 7:11-2.5 and amended by R.1997 d.230, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5130(a), 29 N.J.R. 2551(b).

Changed N.J.A.C. references throughout the section. Former section recodified to N.J.A.C. 7:11-2.7.

Recodified from N.J.A.C. 7:11-2.6 and amended by R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

In (a), amended the N.J.A.C. reference in the introductory paragraph, deleted "and" preceding "the Capital Fund Component" and inserted ", and the Source Water Protection Fund Component as described in N.J.A.C. 7:11-2.6" following "N.J.A.C. 7:11-2.5" in 1, and substituted "The Rate for water" for "Water" and amended the N.J.A.C. reference in 2. Former N.J.A.C. 7:11-2.7, Equivalent sustained supply: Spruce Run/Round Valley Reservoirs System, recodified to N.J.A.C. 7:11-2.8.

#### **7:11-2.8 Equivalent sustained supply: Raritan Basin System**

(a) In operating the Raritan Basin System to augment natural stream flow during a period of low runoff, optimum dependable supply is attained at the confluence of the Millstone River where the combined flow from the tributaries to the Raritan River above that point becomes effective.

(b) Each application for the diversion, withdrawal or allocation of water from the Raritan Basin System with the exception of applications for diversions from the Delaware and Raritan Canal is, therefore, to be evaluated, and differentiation in rates, charges and assessments shall be made on the basis of quantities of water to be supplied, distance between the facility and point of diversion, the cost in making such water available, the place where the water is to be used, and the character of such use.

Amended by R.1985 d.402, effective August 5, 1985 (operative October 1, 1985).

See: 17 N.J.R. 11(a), 17 N.J.R. 1879(a).

"differentiation" substituted for "differentiation".

Amended by R.1989 d.310, effective June 5, 1989 (operative July 1, 1989).

See: 21 N.J.R. 103(a), 21 N.J.R. 1527(a).

Reorganized text into subsections (a) and (b).

Recodified from 7:11-2.5 by R.1994 d.306, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5742(a), 26 N.J.R. 2595(a).

Recodified from 7:11-2.6 by R.1997 d.230, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5130(a), 29 N.J.R. 2551(b).

Former section recodified to N.J.A.C. 7:11-2.8.

Recodified from N.J.A.C. 7:11-2.7 by R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

Former N.J.A.C. 7:11-2.8, Production factor, recodified to N.J.A.C. 7:11-2.9.

Amended by R.2003 d.410, effective October 20, 2003.

See: 35 N.J.R. 2004(a), 35 N.J.R. 4876(a).

In (b), inserted "System with the exception of applications for diversions from the Delaware and Raritan Canal" following "Raritan Basin".

#### **7:11-2.9 Production factor**

(a) For any depletive diversion at any location above the confluence of the Millstone and Raritan Rivers, the inverse ratio between the allocation and its equivalent in sustained supply at the confluence is expressed as the Production Factor for that allocation as follows:  $\text{Production Factor} = \text{Safe yield at the confluence/yield at the point of diversion}$ .

(b) For any depletive diversion at or below the confluence of the Raritan and Millstone Rivers, the Production Factor shall be considered to be unity (1.0).

(c) The total daily allotment charge set forth in N.J.A.C. 7:11-2.7 shall be multiplied by the production factor for a given allocation.

Recodified from 7:11-2.6 by R.1994 d.306, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5742(a), 26 N.J.R. 2595(a).

Recodified from 7:11-2.7 and amended by R.1997 d.230, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5130(a), 29 N.J.R. 2551(b).

In (c), changed N.J.A.C. reference. Former section recodified to N.J.A.C. 7:11-2.9.

Amended by R.2001 d.208, effective June 18, 2001 (operative July 1, 2001).

See: 32 N.J.R. 4424(a), 33 N.J.R. 2098(a).

In (a), added "as follows:  $\text{Production Factor} = \text{Safe yield at the confluence/yield at the point of diversion}$ ."

Recodified from N.J.A.C. 7:11-2.8 and amended by R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

In (a), substituted "the" for "any upstream" following "the inverse ratio between"; in (c), amended the N.J.A.C. reference. Former N.J.A.C. 7:11-2.9, Annual Demand Charge, recodified to N.J.A.C. 7:11-2.10.

#### **7:11-2.10 Annual Demand Charge**

The Annual Demand Charge for a given allocation shall be computed by multiplying the daily allotment charge by 365. Payment shall be made in equal monthly statements as billed.

Recodified from 7:11-2.7 by R.1994 d.306, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5742(a), 26 N.J.R. 2595(a).

Recodified from 7:11-2.8 by R.1997 d.230, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5130(a), 29 N.J.R. 2551(b).

Former section recodified to N.J.A.C. 7:11-2.10.



Recodified from N.J.A.C. 7:11-2.9 by R.2002 d.177, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4213(a), 34 N.J.R. 1902(b).

Former N.J.A.C. 7:11-2.10, Standby service, recodified to N.J.A.C. 7:11-2.11.

#### **7:11-2.11 Standby service**

(a) "Standby service" means the supply of water from the System, to the extent from time to time available, in excess of aggregate uninterruptible service, for certain occasional uses,

such as fire protection or other emergencies, natural or otherwise, which a System water user is authorized to withdraw pursuant to a contract. Such user shall pay a monthly standby charge instead of a demand charge, but shall in all other respects comply with the rules for the use of water from the Raritan Basin System.

(b) The New Jersey Water Supply Authority reserves the right to revoke such standby service classification at any time on 30 days written notice to the user.

administration of the Manasquan Reservoir System, and minor additions or improvements thereof or thereto.

(b) The operations and maintenance expense component of all rates is based upon the point of delivery being located at the Authority's Manasquan River intake facility, and any purchaser taking delivery of Manasquan Reservoir System water at a different point of delivery will be assessed an additional charge to cover additional operations and maintenance expense associated with establishment of and making delivery at such point of delivery. Such charges may include, but are not limited to, in the case of any purchaser establishing a point of delivery on the transmission line between the Manasquan River intake facility and the reservoir, an additional charge to cover the cost of pumping water to the reservoir to replace water delivered from the reservoir to such purchaser.

(c) Operations and maintenance expense component:

<u>Effective Date</u>	<u>Rate/Million Gallons (based upon a 19.443 mg per day sales base)</u>
July 1, 2016	\$432.87

Amended by R.1991 d.271, effective May 20, 1991 (operative July 1, 1991).

See: 23 N.J.R. 3678(a), 23 N.J.R. 1664(a).

Added "Effective Date" and "Rate/Million Gallons"; changed "July 1, 1990" to "July 1, 1991"; changed "(based upon a 14.905 mg per day sales base) \$345.09" to "(based upon a 16.097 mg per day sales base) \$314.75" in (c).

Amended by R.1992 d.237, effective June 1, 1992 (operative July 1, 1992).

See: 23 N.J.R. 3688(a), 24 N.J.R. 2056(a).

Fiscal Year 1993 rate adjustment.

Amended by R.1993 d.241, effective June 7, 1993.

See: 24 N.J.R. 4474(a), 25 N.J.R. 2269(a).

Fiscal Year 1994 rate adjustment.

Administrative Correction.

See: 25 N.J.R. 5956(a).

Amended by R.1994 d.307, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5744(a), 26 N.J.R. 2598(a).

Amended by R.1995 d.292, effective June 5, 1995.

See: 26 N.J.R. 4910(a), 27 N.J.R. 2207(a).

Fiscal Year 1996 rate adjustments.

Amended by R.1996 d.257, effective June 3, 1996 (operative July 1, 1996).

See: 27 N.J.R. 4955(a), 28 N.J.R. 2906(a).

In (c) decreased the rate.

Amended by R.1997 d.229, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5133(a), 29 N.J.R. 2553(a).

In (c), changed "July 1, 1996" to "July 1, 1997", and "\$316.58" to "\$284.09".

Amended by R.1998 d.271, effective June 1, 1998 (operative July 1, 1998).

See: 29 N.J.R. 5153(a), 30 N.J.R. 1989(a).

In (c), changed effective date from 1997 to 1998 and the Rate/Million Gallons from \$284.09 to \$263.56.

Administrative correction.

See: 30 N.J.R. 2476(a).

Amended by R.1999 d.181, effective June 7, 1999 (operative July 1, 1999).

See: 30 N.J.R. 4311(a), 31 N.J.R. 1485(a).

In (c), changed effective date and decreased rate.

Amended by R.2000 d.239, effective June 5, 2000 (operative July 1, 2000).

See: 31 N.J.R. 4201(a), 32 N.J.R. 2078(a).

In (c), changed effective date and increased rate.

Amended by R.2001 d.209, effective June 18, 2001 (operative July 1, 2001).

See: 32 N.J.R. 4426(a), 33 N.J.R. 2099(a).

In (c), changed effective date and increased Rate/Million Gallons.

Amended by R.2002 d.178, effective June 3, 2002.

See: 33 N.J.R. 4217(a), 34 N.J.R. 1905(a) (operative July 1, 2002).

Rewrote (c).

Amended by R.2003 d.246, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 167(a), 35 N.J.R. 2653(a).

Rewrote (c).

Amended by R.2004 d.235, effective June 21, 2004 (operative July 1, 2004).

See: 35 N.J.R. 5475(a), 36 N.J.R. 3075(a).

In (c), amended the effective date and increased the rate.

Amended by R.2005 d.195, effective January 20, 2005 (operative July 1, 2005).

See: 36 N.J.R. 5617(a), 37 N.J.R. 2250(a).

In (c), amended the effective date and changed the rate.

Amended by R.2006 d.232, effective June 19, 2006 (operative July 1, 2006).

See: 37 N.J.R. 4721(a), 38 N.J.R. 2690(a).

Substituted "2006" for "2005" in (c).

Amended by R.2007 d.193, effective June 18, 2007.

See: 38 N.J.R. 5224(a), 39 N.J.R. 2344(a).

In (c), substituted "2007" for "2006", "20.560" for "19.032" and "\$302.52" for "\$295.41".

Amended by R.2008 d.211, effective July 21, 2008.

See: 39 N.J.R. 5156(a), 40 N.J.R. 4318(a).

In the first column of the table in (c), substituted "2008" for "2007".

Amended by R.2009 d.197, effective June 15, 2009 (operative July 1, 2009).

See: 40 N.J.R. 6894(a), 41 N.J.R. 2468(a).

In (b), substituted "operations" for "operation" twice; and in the table in (c), substituted "July 1, 2009" for "July 1, 2008" and "\$396.79" for "\$302.52".

Amended by R.2010 d.126, effective June 21, 2010 (operative July 1, 2010).

See: 41 N.J.R. 4595(a), 42 N.J.R. 1182(a).

In the first column of the table in (c), substituted "2010" for "2009".

Amended by R.2011 d.178, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3021(a), 43 N.J.R. 1422(a).

In the table in (c), substituted "2011" for "2010" and "\$347.39" for "\$396.79".

Amended by R.2012 d.129, effective July 2, 2012.

See: 44 N.J.R. 16(a), 44 N.J.R. 1880(a).

In the table in (c), substituted "2012" for "2011" and "\$345.95" for "347.39".

Amended by R.2013 d.090, effective July 1, 2013.

See: 44 N.J.R. 3038(a), 45 N.J.R. 1650(a).

In the table in (c), substituted "2013" for "2012" and "\$356.61" for "\$345.95".

Amended by R.2015 d.104, effective June 15, 2015 (operative July 1, 2015).

See: 47 N.J.R. 250(a), 47 N.J.R. 1318(a).

In (c), substituted "20.158" for "20.560", "2015" for "2013", and "\$386.00" for "\$356.61".

Amended by R.2016 d.071, effective June 20, 2016 (operative July 1, 2016).

See: 48 N.J.R. 19(a), 48 N.J.R. 1065(a).

In (c), substituted "19.443" for "20.158", "2016" for "2015", and "\$432.87" for "\$386.00".

#### 7:11-4.4 Debt service cost component

(a) The debt service costs component is based upon the amount to be included for debt service costs with respect to each annual payment period or portion thereof, and will be that amount accruing in the bond year (starting on August 1 of each calendar year and ending on the next following July 31) or corresponding portion thereof, commencing during the fiscal year (starting on July 1 of each calendar year and



ending on the next following June 30) within which such annual payment period or portion thereof falls. The debt service costs include the aggregate amounts payable during the specified period for:

1. Interest accruing during such period on the bonds, but not including any interest accruing on the State loan bonds which is to be deferred and added to principal, until payment in respect of such deferred interest is to commence;

2. That portion of each required principal payment or mandatory redemption or sinking fund payment on the Authority bonds (together, "principal installment") which would accrue during such period;

3. Such additional amounts as are required to provide a debt service coverage in accordance with the following schedule:

<u>Twelve Month Period</u>	<u>Coverage Percent of</u>
<u>Beginning on</u>	<u>Gross Debt Service</u>
2/1/91-1/31/92	105 percent
2/1/92-1/31/93	110 percent
2/1/93-1/31/94	115 percent
2/1/94-1/31/95 and thereafter	120 percent

4. Any amounts payable into any debt service reserve fund established for any Authority bonds.

(b) The following debt service rates based on a sales base of 15.008 million gallons per day, apply to all initial water purchase contract customers, and all delayed water purchase contract customers, who fully satisfied their contractual delayed water purchase surcharge obligations at the commencement of their contract terms:

<u>Period</u>	<u>Rate/Million Gallons</u> <u>(Coverage 120 percent)</u>
7/1/2016 to 6/30/2017	\$636.61

(c) A delayed water purchase surcharge will be assessed to all water purchasers who entered into a water purchase contract for an uninterruptible service commencing subsequent to the system operation date (delayed water purchase contract). This includes a purchaser under an initial water purchase contract, which provides for an increase in the amount of uninterruptible service effective subsequent to the system operation date.

1. The following debt service rate based on a sales base of 4.435 million gallons per day, applies to the delayed water purchase contracts commencing July 1, 2001, October 1, 2002, and January 1, 2005, in lieu of the debt service rate set forth in (b) above.

<u>Period</u>	<u>Rate/Million Gallons</u> <u>(Coverage 120 percent)</u>
7/1/2016 to 6/30/2017	\$770.07

(d) In place of the imposition upon any delayed water purchaser of delayed water purchaser surcharges with respect to

any one or more items, a delayed water purchaser may, at the time of entry into a delayed water purchase contract, make a single lump sum payment in respect of such items in a manner to be agreed upon between the Authority and the delayed water purchaser.

Amended by R.1991 d.271, effective May 20, 1991 (operative July 1, 1991).

See: 23 N.J.R. 3678(a), 23 N.J.R. 1664(a).

Substantial revision of (b) with the following changes: "14.905" to "16.095"; "will be applied" to "apply"; "persons" to "water purchasers"; "enter" to "entered"; "commences" to "commenced"; "begins" to "began". Added "July 1, 1990"; "Period" and "Rate/Million Gallons". Time frame under "Period" was changed from "2/1/91" to "7/1/91". All debt service rates were revised. Changed "persons" to "water purchasers" in (c).

Amended by R.1992 d.237, effective June 1, 1992 (operative July 1, 1992).

See: 23 N.J.R. 3688(a), 24 N.J.R. 2056(a).

Fiscal Year 1993 rate adjustment.

Amended by R.1993 d.241, effective June 7, 1993.

See: 24 N.J.R. 4474(a), 25 N.J.R. 2269(a).

Fiscal Year 1994 rate adjustment.

Administrative Correction.

See: 25 N.J.R. 5956(a).

Amended by R.1994 d.307, effective June 20, 1994 (operative July 1, 1994).

See: 25 N.J.R. 5744(a), 26 N.J.R. 2598(a).

Amended by R.1995 d.292, effective June 5, 1995.

See: 26 N.J.R. 4910(a), 27 N.J.R. 2207(a).

Fiscal Year 1996 rate adjustments.

Amended by R.1996 d.257, effective June 3, 1996 (operative July 1, 1996).

See: 27 N.J.R. 4955(a), 28 N.J.R. 2906(a).

In (b) decreased the rate.

Amended by R.1997 d.229, effective June 2, 1997 (operative July 1, 1997).

See: 28 N.J.R. 5133(a), 29 N.J.R. 2553(a).

In (b), changed "7/1/96 to 6/30/97" to "7/1/97 to 6/30/98", and "\$748.57" to "\$654.83".

Amended by R.1998 d.271, effective June 1, 1998 (operative July 1, 1998).

See: 29 N.J.R. 5153(a), 30 N.J.R. 1989(a).

In (a)3, rewrote the schedule; and in (b), changed the Period from "7/1/97 to 6/30/98" to "7/1/98 to 6/30/99" and the Rate/Million Gallons from \$654.83 to \$569.36.

Administrative correction.

See: 30 N.J.R. 2476(a).

Amended by R.1999 d.181, effective June 7, 1999 (operative July 1, 1999).

See: 30 N.J.R. 4311(a), 31 N.J.R. 1485(a).

In (b), changed period and increased rate.

Amended by R.2000 d.239, effective June 5, 2000 (operative July 1, 2000).

See: 31 N.J.R. 4201(a), 32 N.J.R. 2078(a).

In (b), changed period and increased rate.

Amended by R.2001 d.209, effective June 18, 2001 (operative July 1, 2001).

See: 32 N.J.R. 4426(a), 33 N.J.R. 2099(a).

In (b), changed effective date and increased Rate/Million Gallons.

Amended by R.2002 d.178, effective June 3, 2002 (operative July 1, 2002).

See: 33 N.J.R. 4217(a), 34 N.J.R. 1905(a).

Rewrote (b) and (c).

Amended by R.2003 d.246, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 167(a), 35 N.J.R. 2653(a).

Rewrote (b) and (c).

Amended by R.2004 d.235, effective June 21, 2004 (operative July 1, 2004).

See: 35 N.J.R. 5475(a), 36 N.J.R. 3075(a).

In (b), amended the period and increased the rate; in (c), amended the periods throughout.

Amended by R.2005 d.195, effective June 20, 2005 (operative July 1, 2005).

See: 36 N.J.R. 5617(a), 37 N.J.R. 2250(a).

Rewrote (b) and (c).

Amended by R.2006 d.232, effective June 19, 2006 (operative July 1, 2006).

See: 37 N.J.R. 4721(a), 38 N.J.R. 2690(a).

In (b), substituted "2006" for "2005", "2007" for "2006" and "\$522.86" for "\$584.60"; in (c)1, substituted "4.435" for "2.935", deleted "and" preceding "October", inserted "; and January 1, 2005", substituted "2006" for "2005", "2007" for "2006" and "\$763.61" for "\$853.85".

Amended by R.2007 d.193, effective June 18, 2007.

See: 38 N.J.R. 5224(a), 39 N.J.R. 2344(a).

Rewrote (b); and in (c)1, substituted "debt service" for "Debt Service", "2007" for "06", "2008" for "07" and "\$764.44" for "\$763.61".

Amended by R.2008 d.211, effective July 21, 2008.

See: 39 N.J.R. 5156(a), 40 N.J.R. 4318(a).

Rewrote the table in (b); in the introductory paragraph of (c)1, inserted a comma following "October 1"; and rewrote the table in (c)1.

Amended by R.2009 d.197, effective June 15, 2009 (operative July 1, 2009).

See: 40 N.J.R. 6894(a), 41 N.J.R. 2468(a).

In (a)4, substituted "Authority" for "authority"; in the introductory paragraph of (b), substituted a colon for a period at the end; in the table in (b), substituted "7/1/2009 to 6/30/2010" for "7/1/2008 to 6/30/2009" and "\$568.26" for "\$566.59"; and in the table in (c)1, substituted "7/1/2009 to 6/30/2010" for "7/1/2008 to 6/30/2009" and "\$763.24" for "\$762.28".

Amended by R.2010 d.126, effective June 21, 2010 (operative July 1, 2010).

See: 41 N.J.R. 4595(a), 42 N.J.R. 1182(a).

In the first column of the tables in (b) and (c)1, substituted "7/1/2010" for "7/1/2009" and "6/30/2011" for "6/30/2010"; in the second column of the table in (b), substituted "\$568.69" for "\$568.26"; and the second column of the table in (c), substituted "\$756.19" for "\$763.24".

Amended by R.2011 d.178, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3021(a), 43 N.J.R. 1422(a).

In the tables in (b) and (c)1, substituted "7/1/2011 to 6/30/2012" for "7/1/2010 to 6/30/2011"; in the table in (b), substituted "\$618.09" for "\$568.69"; and in the table in (c)1, substituted "\$770.90" for "\$756.19".

Amended by R.2012 d.129, effective July 2, 2012.

See: 44 N.J.R. 16(a), 44 N.J.R. 1880(a).

Rewrote the table in (b) and (c)1.

Amended by R.2013 d. 090, effective July 1, 2013.

See: 44 N.J.R. 3038(a), 45 N.J.R. 1650(a).

In the tables in (b) and (c)1, substituted for "2013" for "2012" and "2014" for "2013"; in the table in (b), substituted "\$619.87" for "\$619.53"; and in the table in (c)1, substituted "\$772.46" for "\$772.12".

Amended by R.2014 d.123, effective August 4, 2014.

See: 46 N.J.R. 477(a), 46 N.J.R. 1745(a).

In the introductory paragraph of (b), substituted "debt service" for "Debt Service"; and in the table in (b) and in (c)1, substituted "2015" for "2014".

Amended by R.2015 d.104, effective June 15, 2015 (operative July 1, 2015).

See: 47 N.J.R. 250(a), 47 N.J.R. 1318(a).

In (b), substituted "15.723" for "16.125", "2015" for "2013", "2016" for "2015", and "\$636.61" for "\$619.87"; and in (c)1, substituted "2015" for "2013", "2016" for "2015", and "\$770.07" for "\$772.46".

Amended by R.2016 d.071, effective June 20, 2016 (operative July 1, 2016).

See: 48 N.J.R. 19(a), 48 N.J.R. 1065(a).

In (b), substituted "15.008" for "15.723"; and in (b) and (c)1, substituted "2016" for "2015" and "2017" for "2016".

#### 7:11-4.5 Source water protection fund component

(a) The source water protection fund component rate per million gallons listed at (b) below is established to protect

water quality and quantity in the Manasquan Water Supply System.

(b) The source water protection fund component is as follows:

<u>Period</u>	<u>Rate/Million Gallons</u>
7/1/2016 to 6/30/2017	\$10.00

New Rule, R.2003 d.246, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 167(a), 35 N.J.R. 2653(a).

Former N.J.A.C. 7:11-4.5, Payments, recodified to N.J.A.C. 7:11-4.6. Amended by R.2004 d.235, effective June 21, 2004 (operative July 1, 2004).

See: 35 N.J.R. 5475(a), 36 N.J.R. 3075(a).

In (b), amended the period.

Amended by R.2005 d.195, effective June 20, 2005 (operative July 1, 2005).

See: 36 N.J.R. 5617(a), 37 N.J.R. 2250(a).

In (b), amended the period.

Amended by R.2006 d.232, effective June 19, 2006 (operative July 1, 2006).

See: 37 N.J.R. 4721(a), 38 N.J.R. 2690(a).

In (b), substituted "2006" for "2005" and "2007" for "2006".

Amended by R.2007 d.193, effective June 18, 2007.

See: 38 N.J.R. 5224(a), 39 N.J.R. 2344(a).

In (b), substituted "2007" for "2006" and "2008" for "2007".

Amended by R.2008 d.211, effective July 21, 2008.

See: 39 N.J.R. 5156(a), 40 N.J.R. 4318(a).

In the first column of the table in (b), substituted "7/1/2008" for "7/1/2007" and "6/30/2009" for "6/30/2008".

Amended by R.2009 d.197, effective June 15, 2009 (operative July 1, 2009).

See: 40 N.J.R. 6894(a), 41 N.J.R. 2468(a).

In the introductory paragraph of (b), substituted "component" for "assessment"; and in the first column of the table in (b), substituted "7/1/2009 to 6/30/2010" for "7/1/2008 to 6/30/2009".

Amended by R.2010 d.126, effective June 21, 2010 (operative July 1, 2010).

See: 41 N.J.R. 4595(a), 42 N.J.R. 1182(a).

In the first column of the table in (b), substituted "7/1/2010" for "7/1/2009" and "6/30/2011" for "6/30/2010".

Amended by R.2011 d.178, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3021(a), 43 N.J.R. 1422(a).

In the table in (b), substituted "7/1/2011 to 6/30/2012" for "7/1/2010 to 6/30/2011".

Amended by R.2012 d.129, effective July 2, 2012.

See: 44 N.J.R. 16(a), 44 N.J.R. 1880(a).

Rewrote the table in (b).

Amended by R.2013 d. 090, effective July 1, 2013.

See: 44 N.J.R. 3038(a), 45 N.J.R. 1650(a).

In the table in (b), substituted "2013" for "2012" and "2014" for "2012".

Amended by R.2014 d.123, effective August 4, 2014.

See: 46 N.J.R. 477(a), 46 N.J.R. 1745(a).

In the table in (b), substituted "2015" for "2014".

Amended by R.2015 d.104, effective June 15, 2015 (operative July 1, 2015).

See: 47 N.J.R. 250(a), 47 N.J.R. 1318(a).

In (b), substituted "2015" for "2013", "2016" for "2015", and "\$10.00" for "\$15.00".

Amended by R.2016 d.071, effective June 20, 2016 (operative July 1, 2016).

See: 48 N.J.R. 19(a), 48 N.J.R. 1065(a).

In (b), substituted "2016" for "2015" and "2017" for "2016".

### 7:11-4.6 New Jersey Environmental Infrastructure Financing Program debt component

(a) The New Jersey Environmental Infrastructure Financing Program debt component rate per million gallons listed at (b) below is established to fund debt service costs with respect to each annual payment period or portion thereof, and will be that amount accruing in the bond year (starting on August 1 of each calendar year and ending on the next following July 31) or corresponding portion thereof, commencing during the fiscal year (starting on July 1 of each calendar year and ending on the next following June 30) within which such annual payment period or portion thereof falls. The debt service costs include the aggregate amounts payable during the specified period for interest accruing during such period on the bonds and that portion of each required principal payment, which would accrue during such period.

(b) The New Jersey Environmental Infrastructure Financing Program debt component is as follows:

<u>Period</u>	<u>Rate/Million Gallons</u>
7/1/2016 to 6/30/2017	\$25.10

New Rule, R.2011 d.178, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3021(a), 43 N.J.R. 1422(a).

Former N.J.A.C. 7:11-4.6, Payments, recodified to N.J.A.C. 7:11-4.7.

Amended by R.2012 d.129, effective July 2, 2012.

See: 44 N.J.R. 16(a), 44 N.J.R. 1880(a).

Rewrote the table in (b).

Amended by R.2013 d.090, effective July 1, 2013.

See: 44 N.J.R. 3038(a), 45 N.J.R. 1650(a).

In the table in (b), substituted "2013" for "2012", "2014" for "2013", and "\$24.42" for "\$35.42".

Amended by R.2014 d.123, effective August 4, 2014.

See: 46 N.J.R. 477(a), 46 N.J.R. 1745(a).

In the table in (b), substituted "2015" for "2014".

Amended by R.2015 d.104, effective June 15, 2015 (operative July 1, 2015).

See: 47 N.J.R. 250(a), 47 N.J.R. 1318(a).

In (b), substituted "2015" for "2013", "2016" for "2015", and "\$24.79" for "\$24.42".

Amended by R.2016 d.071, effective June 20, 2016 (operative July 1, 2016).

See: 48 N.J.R. 19(a), 48 N.J.R. 1065(a).

In (b), substituted "2016" for "2015", "2017" for "2016", and "\$25.10" for "\$24.79".

### 7:11-4.7 Payments

(a) The annual payment consists of the aggregate amount projected by the Authority to be payable to the Authority by the purchaser during each annual payment period for uninterruptible service. This is derived by multiplying the applicable rates and charges in the rate schedule in effect for the relevant annual payment period by the number of gallons available to purchaser on an annual uninterruptible service basis (subject to the provisions of the water purchase contract) and subject to adjustment to reflect:

1. Any delayed water purchaser surcharges applicable to the purchaser;

2. Any credits to allocate benefits of any delayed water purchaser surcharges to the purchaser; and

3. Other charges, credits or adjustments provided for in the water purchase contracts.

(b) The annual payment period shall commence on July 1 and end on the next ensuing June 30.

(c) The purchaser shall make quarterly water payments for uninterruptible service not later than the 10th day of January, April, July and October in each year for uninterruptible service with respect to the calendar quarter ending on the last day of the immediately preceding month. The amount of the quarterly water payments shall be derived by dividing the amount of the purchaser's annual payment or adjusted annual payment for any fiscal year by four or in such other or different required quarterly payments of which the Authority gives notice to the purchaser pursuant to the water purchase contract.

(d) The Authority will notify the purchaser not later than 30 days prior to the beginning of each annual payment period of the amount of the purchaser's annual payment for uninterruptible service and, if the Authority determines that the quarterly water payments under the water purchase contracts should be made on a basis other than in equal installments, in order to permit the Authority to meet its obligations as they become due, it will, concurrently with such notice, provide the purchaser with a schedule of the amounts of each of the quarterly water payments to be made by the purchaser.

Recodified from N.J.A.C. 7:11-4.5 by R.2003 d.246, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 167(a), 35 N.J.R. 2653(a).

Former N.J.A.C. 7:11-4.6, Uninterruptible service, recodified to N.J.A.C. 7:11-4.7.

Recodified from N.J.A.C. 7:11-4.6 by R.2011 d.178, effective June 20, 2011 (operative July 1, 2011).

See: 42 N.J.R. 3021(a), 43 N.J.R. 1422(a).

Former N.J.A.C. 7:11-4.7, Uninterruptible service, recodified to N.J.A.C. 7:11-4.8.

### 7:11-4.8 Uninterruptible service

(a) The rates, charges and debt service assessments per mg of water set forth in the rate schedule for uninterruptible service under initial water purchase contracts for the fiscal year are based upon:

1. The projected annual requirements for the fiscal year, after deducting therefrom projected net revenues in connection with the ownership or operation of the Manasquan Reservoir System from sources other than payment for uninterruptible service except to the extent that such other revenues are to be applied to obligations not included in such projected annual requirements. Such other obligations include payments, credits or rebates to purchasers for:

i. Delayed water purchase surcharges collected;

ii. Compensation for any amounts charged to system water purchasers in prior fiscal years by reason of default in payment of any obligation under any water purchase contract which obligation is subsequently collected by the Authority; and

iii. Distribution of the proceeds of surplus water sold.

(b) The rate is obtained by dividing the adjusted projected annual requirements set forth in (a)1 above by the number of mg per day of Manasquan Reservoir System water which are required by the terms of all water supply contracts for uninterruptible service during the fiscal year, multiplied by 365.

(c) The Authority may exclude for any period, for purposes of the computation in (a) and (b) above, the uninterruptible service provided in any water purchase contract if an event of default has occurred. This will not affect the Authority's right to enforce the provisions of the water purchase contract against the defaulting party; however, any payment

received from a defaulting water purveyor for such uninterruptible service with respect to such period shall be rebated or credited to the non-defaulting purchasers.

(d) The purchaser will not be required to make payment to the extent that the Authority does not make water available under the terms of the contract for uninterruptible service.

Recodified from N.J.A.C. 7:11-4.6 by R.2003 d.246, effective June 16, 2003 (operative July 1, 2003).

See: 35 N.J.R. 167(a), 35 N.J.R. 2653(a).

Former N.J.A.C. 7:11-4.7, Short term service, recodified to N.J.A.C. 7:11-4.8.

**7:11-5.2 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

“Authority” means the New Jersey Water Supply Authority established pursuant to N.J.S.A. 58:1B-1 et seq.

“Force Majeure” means acts of God, strikes, lockouts or other industrial disturbances, orders of the Government of the United States or the State or any agency or instrumentality thereof or of any civil or military authority, acts of terrorism, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, explosions, breakage or accidents to machinery, pipelines, dams or canals, partial or entire failure of water supply, arrests, civil disturbances, acts of any public enemy, and any other causes not reasonably within the control of the party claiming inability to timely comply with its obligations.

“Manasquan Reservoir System” means the water supply system constructed by the Authority in Monmouth County, the major components of which are a 770-acre, four-billion gallon reservoir facility in Howell Township, a raw water intake facility and reservoir pump station located adjacent to the Manasquan River in Wall Township, and an approximate 5.25-mile transmission pipeline connecting the reservoir and the intake facility, together with all component plants, structures and other real or personal property, and additions and improvements thereto.

“Point of delivery” means the location where the Manasquan Reservoir System’s delivery equipment interconnects with the purchaser’s interconnection system.

“Purchaser” means the party who contracts with the Authority to purchase water from the Manasquan Reservoir System.

“Purchaser interconnection system” means the building, structures, piping, valves, meters and other control apparatus and equipment, to the extent located on properties or facilities owned by the Authority, to be installed by or on behalf of, and owned by, the purchaser to connect purchaser’s water supply system with the Manasquan Reservoir System.

“Short-term service” means the supply of Manasquan Reservoir System water for certain interim interruptible, non-guaranteed or short-term uses, such as growing agricultural or horticultural products, meeting extraordinary requirements in consumer demand for potable or industrial water as a result of transfers arising from a declaration of drought by the Department or Monmouth County, meeting non-seasonal extraordinary requirements in consumer demand for potable or industrial water or emergent maintenance or temporary failure of a critical component of a system water user’s infrastructure, provided on a non-guaranteed or interruptible basis.

“Standby service” means the supply of Manasquan Reservoir System water for certain occasional uses, such as fire protection or other emergencies, natural or otherwise.

“Uninterruptible service” means the supply of Manasquan Reservoir System water which the purchaser is authorized to continuously withdraw without interruption, for public water supply purposes.

Amended by R.2009 d.114, effective April 6, 2009.

See: 40 N.J.R. 5903(a), 41 N.J.R. 1403(a).

In definition “Manasquan Reservoir System”, substituted “770-acre” for “740 acre” and “an approximate 5.25-mile” for “a five mile”, and inserted “reservoir” preceding “pump station”; and rewrote definition “Short-term service”.

**7:11-5.3 Water purchase contract**

(a) Water shall be withdrawn from the Manasquan Reservoir System only in accordance with the terms of this subchapter and a formal water purchase contract between the Authority and the purchaser.

(b) The water purchase contract shall be executed by the purchaser within 60 days after transmittal by the Authority; otherwise, the application for water withdrawal shall be null and void.

**7:11-5.4 Rates, charges and debt service assessments**

(a) The rates, charges and debt service assessments to be applied to water supplied from the Manasquan Reservoir System shall be the most current schedule of rates, charges and debt service assessments.

(b) The Authority reserves the right from time to time to adopt adjustments to the rate schedule in accordance with applicable laws and rules, including the public notice and hearing requirements and other requirements set forth in the rate schedule. If as a result of any such adjustments the annual payment for uninterruptible service is adjusted by the Authority subsequent to the notice given as provided in the rate schedule, the Authority shall notify the purchaser of the adjustment and of any revised schedule of quarterly water payments required to reflect such adjustment.

(c) The Operation and Maintenance Expense component of all rates shall be based upon point of delivery being located at the Authority’s Manasquan River intake facility and any purchaser taking delivery of Manasquan Reservoir System water at a different point of delivery will be assessed an additional charge to cover additional operation and maintenance expense associated with establishment of and making delivery at such point of delivery. Such additional charges may include, but not be limited to, in the case of any purchaser establishing a point of delivery on the transmission line between the Manasquan River intake facility and the reservoir, an additional charge to cover the cost of pumping water to the reservoir to replace water delivered from the reservoir to such purchaser.

**7:11-5.5 Payments**

(a) The purchaser shall pay the Authority for all raw water taken from the Manasquan Reservoir System in accordance with the most current rate schedule.

(b) The purchaser shall make quarterly water payments for uninterruptible service not later than the 10th day of January, April, July and October in each year with respect to the calendar quarter ending on the last day of the immediately preceding month.

(c) Except as provided in (d) below, payments for uninterruptible service made with respect to all quarters of the same fiscal year shall be equal whether or not:

1. The purchaser elected to utilize the optional water use schedule as defined in the water purchase contract; or
2. The purchaser actually withdraws the full amount of water available pursuant to uninterruptible service.

(d) The purchaser is not required to make payment to the extent that the Authority does not make water available under such uninterruptible service (whether by reason of rationing or otherwise) except for an event of default by the purchaser. In all other cases, purchaser's obligations under the terms of the water purchase contract are absolute and unconditional, and shall not, except as expressly provided for under the terms of the water purchase contract, be affected by fluctuations in consumptive use by purchaser's customers or by any failure by the Authority to perform its obligations under the water purchase contract or be subject to any other defense or to any reduction, whether by offset, counterclaim or otherwise except for any reductions or credits provided for in the water purchase contract or in the most current rate schedule or this subchapter.

(e) The Authority shall notify the purchaser not later than 30 days prior to the beginning of each annual payment period as defined in the rate schedule or the water purchase contract of the amount of the purchaser's annual payment for uninterruptible service and, if the Authority determines that the quarterly water payments under the water purchase contract should be made on a basis other than in equal installments, in order to permit the Authority to meet its obligations as they become due, it shall, concurrently with such notice, provide the purchaser with a schedule of the amounts of each of the quarterly water payments to be made by the purchaser.

(f) Payment for water provided to purchaser pursuant to either short-term service or standby service as defined in N.J.A.C. 7:11-5.2 or the water purchase contract, as well as for any other charges payable by reason of excessive withdrawals, shall be made within 30 days following receipt of the Authority's invoice therefore and shall be based upon Manasquan Reservoir System water actually consumed, or in the case of standby service, the demand charge referred to in the rate schedule.

(g) Payments shall be made as billed, at such place as the Authority may designate.

(h) All amounts not paid when due shall be subject to a late payment charge at two percent above the prime rate of the bank holding short-term deposits of the Authority, prevailing on the due date, but not to exceed 18 percent per annum, from the date when due until paid.

(i) Unless otherwise provided in the water purchase contract, any payment, notice, communication, request, reply or advice to be provided or permitted to be given, made or accepted by the Authority or purchaser to each other shall be given or be served either by depositing the same in the United States mail postpaid and registered or certified and addressed to the party to be notified, with return receipt requested, or by delivering the same to an officer of such party, or by prepaid telegram when appropriate, addressed to the party to be notified.

1. Notice deposited in the mail in the manner described in paragraph (i) above shall be conclusively deemed to be effective, from and after the expiration of three days after it is so deposited.

2. Notice given in any other manner shall be effective only if and when received by the party to be notified.

Amended by R.2009 d.114, effective April 6, 2009.

See: 40 N.J.R. 5903(a), 41 N.J.R. 1403(a).

In (h), substituted "bank holding short-term deposits of the Authority" for "First Fidelity Bank, N.A.".

**7:11-5.6 Sale of excess water**

(a) The purchaser may notify the Authority that for a period of not less than 60 days nor more than one year (surplus period) specified amounts of water available to it under the uninterruptible service provided for in the water purchase contract (surplus water) will be surplus to the needs of the purchaser, which notice shall be given not less than 30 days nor more than 90 days prior to commencement of the surplus period.

(b) Following receipt of such notice, the Authority shall notify each other purchaser of the availability for purchase of the surplus water (and any surplus water under any other water purchase contract) on the same basis as provided for short-term service in the most current rate schedule.

(c) To the extent that the Authority shall receive purchase requests from purchasers for surplus water (which are in addition to and not in substitution for purchases of water on a short-term service or standby service basis under existing water purchase contracts), it will use its best commercially reasonable efforts to provide such surplus water (on a pro rated basis if other surplus water is also available) to such purchasers.