

Lauren M. Burge  
412.566.2146  
lburge@eckertseamans.com

November 1, 2022

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Implementation of Chapter 32 of the Public Utility Code RE: Pittsburgh Water  
and Sewer Authority; Docket Nos. M-2018-2640802 and M-2018-2640803  
**COMPLIANCE TARIFF (Revised)**

Dear Secretary Chiavetta:

On behalf of The Pittsburgh Water and Sewer Authority (“PWSA”) and pursuant to the final Order entered August 25, 2022 in the above-captioned matter regarding PWSA’s Stage 2 Compliance Plan: Stormwater, enclosed for electronic filing please find PWSA’s Compliance Tariff (including Clean and Redline versions): Supplement No. 1 to Tariff Storm Water – Pa. P.U.C. No. 1. This Compliance Tariff adds line extension provisions pursuant to the June 9, 2022 Joint Petition for Settlement in this proceeding,<sup>1</sup> which was subsequently approved by the August 25, 2022 Order.

Please note that this filing replaces the Compliance Tariff originally filed on October 24, 2022. This filing corrects the supplement number to Supplement No. 1, and now includes issued and effective dates allowing Supplement No. 1 to be effective on one day’s notice.

Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Lauren M. Burge

---

<sup>1</sup> Joint Petition for Settlement at ¶ III.C.1; *see also* the July 19, 2022 Recommended Decision at 14-17.

Enclosure

cc: Hon. Eranda Vero w/enc. (via email only)  
Hon. Gail M. Chiodo w/enc. (via email only)  
Certificate of Service (via email only)

## **CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of PWSA's Revised Compliance Tariff (clean and redline) upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

### **Via Email Only**

Sharon Webb, Esq.  
Office of Small Business Advocate  
Forum Place Building  
555 Walnut Street, 1st Floor  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)

Christine Maloni Hoover, Esq.  
Erin L. Gannon, Esq.  
Lauren E. Guerra, Esq.  
Lauren Myers  
Office of Consumer Advocate  
555 Walnut St., 5<sup>th</sup> Fl., Forum Place  
Harrisburg, PA 17101-1923  
[choover@paoca.org](mailto:choover@paoca.org)  
[egannon@paoca.org](mailto:egannon@paoca.org)  
[lguerra@paoca.org](mailto:lguerra@paoca.org)  
[LMyers@paoca.org](mailto:LMyers@paoca.org)

Gina L. Miller, Esq.  
Bureau of Investigation & Enforcement  
Commonwealth Keystone Building  
400 North St., 2<sup>nd</sup> Floor West  
Harrisburg, PA 17120  
[ginmiller@pa.gov](mailto:ginmiller@pa.gov)

John W. Sweet, Esq.  
Elizabeth R. Marx, Esq.  
Ria M. Pereira, Esq.  
The Pennsylvania Utility Law Project  
118 Locust St.  
Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

Barbara R. Alexander  
83 Wedgewood Drive  
Winthrop, ME 04364  
[barbalexand@gmail.com](mailto:barbalexand@gmail.com)

Thomas J. Sniscak, Esq.  
Kevin J. McKeon, Esq.  
Whitney E. Snyder, Esq.  
Hawke McKeon & Sniscak, LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
[kjmckeon@hmslegal.com](mailto:kjmckeon@hmslegal.com)  
[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)

John F. Doherty, Esq.  
City of Pittsburgh Department of Law  
City-County Building, Suite 313  
414 Grant Street  
Pittsburgh, PA 15219  
[John.doherty@pittsburghpa.gov](mailto:John.doherty@pittsburghpa.gov)

Krysia Kubiak, City Solicitor, The City of  
Pittsburgh Department of Law  
City-County Building, Suite 313  
414 Grant Street  
Pittsburgh, PA 15219  
[krysia.kubiak@pittsburghpa.gov](mailto:krysia.kubiak@pittsburghpa.gov)

Harold J. Woods, Jr., P.E.  
Howard J. Woods, Jr. & Associates, L.L.C.  
49 Overhill Road  
East Brunswick, NJ 08816-4211  
[howard@howardwoods.com](mailto:howard@howardwoods.com)

Brian Kalcic  
Excel Consulting  
225 S. Meramec Ave., Suite 720T  
St. Louis, MO 63105  
[Excel.consulting@sbcglobal.net](mailto:Excel.consulting@sbcglobal.net)

/s/ *Lauren M. Burge*

Lauren M. Burge, Esq.

Dated: November 1, 2022

The Pittsburgh Water  
and Sewer Authority

Supplement No. 1  
Tariff Storm Water - Pa. P.U.C. No. 1  
First Revised Page No. 1  
Canceling Original Page No. 1

---

THE PITTSBURGH WATER AND SEWER AUTHORITY

RATES, RULES AND REGULATIONS GOVERNING  
THE PROVISION OF STORM WATER COLLECTION, CONVEYANCE,  
TREATMENT AND/OR DISPOSAL SERVICE  
TO THE PUBLIC IN THE TERRITORY DESCRIBED HEREIN

Issued: November 1, 2022      Effective: November 2, 2022

By: William J. Pickering, Chief Executive Officer  
1200 Penn Avenue, Pittsburgh, PA 15222  
Tel: 412-255-8800

NOTICE

This tariff makes changes in rules and regulations as approved  
by the Commission in its Final Order dated August 25, 2022 at  
Docket Nos. M-2018-2640802 and M-2018-2640803

---

Issued: November 1, 2022

Effective: November 2, 2022

The Pittsburgh Water  
and Sewer Authority

Supplement No. 1  
Tariff Storm Water - Pa. P.U.C. No. 1  
First Revised Page No. 2  
Canceling Original Page No. 2

---

LIST OF CHANGES

**TABLE OF CONTENTS (PAGE NO. 4)**

Revised to reflect the addition of Part III, Section G - Main Extensions, and revised page numbers for Sections H and I.

**PART II: DEFINITIONS (PAGE NOS. 19 AND 19A)**

Added definition of "Bona Fide Service Applicant" (for line extension purposes); moved text previously on Page No. 19 to Page No. 19A.

**PART III: RULES AND REGULATIONS, SECTION G - MAIN EXTENSIONS (PAGE NOS. 40, 40A, 40B, 40C)**

Added Section G - Main Extensions; moved Section H (Reserved) to Page No. 40B, and previous language of Section I to Page No. 40C.

---

PART II: Definitions .....	18	
PART III: RULES AND REGULATIONS .....	30	
Section A - Storm Water Service.....	30	
Section B - Construction and Maintenance of Facilities.....	33	
Section C - Discontinuance of Service.....	36	
Section D - Reserved.....	36	
Section E - Billing and Collection.....	37	
Section F - Reserved.....	40	
Section G - Main Extensions.....	40	(C)
Section H - Reserved.....	40B	(C)
Section I - Service Continuity.....	40C	(C)
Section J - Waivers.....	42	
Section K - Amendment of Commission Regulations.....	42	
Section L - Prohibited conduct.....	42	
PART IV: Compliance Statements .....	47	
Section A - Sales of real property and City Lien Verification Letters.....	47	
Section B - Applications for Evidence of Compliance Statement .....	47	
Section C - Sales of vacant, undeveloped property.....	47	

**(C) - Change**

---

thereof determined to be the most effective and practicable used to manage storm water runoff, control sediment, stabilize soil, reduce nonpoint source pollution and/or meet state water quality requirements. Refer to Pennsylvania Department of Environmental Protection's suggested guidelines for storm water quality as defined in the current edition of the Pennsylvania Stormwater Best Management Practices Manual.

7. Bona Fide Service Applicant: (For Line Extension Purposes) A person or entity applying for wastewater conveyance service or a storm water line extension to an existing or proposed structure served by PWSA as of December 21, 2017 for which a valid occupancy or building permit has been issued if the structure is either a primary residence of the applicant or a place of business. An applicant shall not be deemed a bona fide service applicant if: (C)
- a. Applicant is requesting wastewater conveyance service or storm water line extension to a building lot, subdivision or a secondary residence;
  - b. The request for service is part of a plan for the development of a residential dwelling or subdivision; or
  - c. The applicant is requesting special utility service.
8. Capital Lease Agreement: The agreement bearing that title between the City and the Authority on July 15, 1995, effective July 27, 1995, and includes any amendments thereto.
9. City: The City of Pittsburgh, Pennsylvania.
10. City Lien Verification Letter: A written letter from the City to a Person regarding any liens, claims, or taxes due the City from that Person.
11. Combination Sewer or Combined Sewer: Sewers designed and built to carry sanitary sewage and/or industrial waste combined with storm water.

**(C) - Change**

---

*[text on this page moved from prior page]*

(C)

12. Commercial or Commercial Property: Any property used, acquired or leased for purposes of carrying on a trade, business, profession, vocation, or any commercial, service, financial, or utility business or activity including, but not limited to, hotels, office buildings, gas service stations, laundries, commercial establishments, stores, malls, car washes, and parking lots.
13. Commission or PUC: The Pennsylvania Public Utility Commission.
14. Customer: Person or entity that is responsible for payment of storm water service charges. Customers are classified as either residential or non-residential. The property owner or, in the case of non-residential property, a Guaranteed Lessee are the Customer.
15. Customer Facilities: The portion of any collection and/or conveyance asset connected to the Authority's facilities from a property which is owned and maintained by one or more Customers or property owners.

**(C) - Change**



---

Section F - Reserved

Section G - Main Extensions

(C)

Bona Fide Service Applicant(s) and/or Non-Bona Fide Service Applicant(s) who desire to or are required to connect to the Authority's Wastewater conveyance system or Storm Water Collection System (a "Main Extension Applicant") must comply with the following conditions:

1. A Main Extension Applicant shall provide prior notice to the Authority. Notice shall be written and made on the application and permit forms contained in the Authority's Procedures Manual for Developers, which is located on the Authority's website. The appropriate forms can be completed and any applicable fees paid at the Authority's permit counter, First Floor, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222.
2. A Main Extension Applicant shall pay all applicable fees set forth in Part I, Section H at the time of payment and shall be payable at the time of application for connection or at a time to which the property owner and the Authority agree. 53 Pa.C.S. § 5607(d)(24).

The above-described fees shall be in addition to any charges assessed against the property in the construction of a sewer or water main by the Authority under 53 Pa.C.S. § 5607(d)(21), (22) as well as any other user charges imposed by the Authority. See 52 Pa.C.S. § 5607(d)(24).

3. The Authority may, in its exercise of its sole discretion, require that construction shall not commence until the Main Extension Applicant has posted appropriate financial security in accordance with 53 Pa.C.S. § 5607(d)(23), (30).
4. The Authority may, in its exercise of its sole discretion, limit the availability of Storm Water line extensions to instances in which the necessary facilities and capacity to accommodate the extension are available.

**(C) - Change**

- 
5. The Authority may, in its exercise of its sole discretion, require the Main Extension Applicant to reimburse the Authority for reasonable and necessary expenses the Authority incurs as a result of the extension. 53 Pa.C.S. § 5607(d)(30). (C)
6. Consistent with 53 Pa.C.S. § 5607(d)(30), where the Authority's system is to be extended at the expense of the owner of properties or where the Authority otherwise would construct customer facilities (other than water meter installation), a Main Extension Applicant shall have the right to construct the extension or install the customer facilities himself or through a subcontractor approved by the Authority, which approval shall not be unreasonably withheld. The Authority shall have the right, at its option, to perform the construction itself only if the Authority provides the extension or customer facilities at a lower cost and within the same timetable specified or proposed by the property owner or his approved subcontractor. Construction by the Main Extension Applicant shall be in accordance with an agreement for the extension of the Authority's system and plans and specifications approved by the Authority and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the Authority applicable to such construction. Construction shall be subject to inspection by an inspector authorized to approve similar construction and employed by the Authority during construction. When a main is to be extended at the expense of the Main Extension Application, the Main Extension Applicant may be required to deposit with the Authority, in advance of construction, the Authority's estimated reasonable and necessary cost of reviewing plans, construction inspections, administrative, legal and engineering services.
7. Upon completion of construction, the Main Extension Applicant shall dedicate and the Authority shall accept the extension of the Authority's system if dedication of facilities and the installation complies with the plans, specifications, and regulations of the Authority and the agreement. 53 Pa.C.S. § 5607(d)(30).

**(C) - Change**

- 
8. Where a Main Extension Applicant constructs or causes to be constructed at his expense any extension of a sewer or water system of an authority, the Authority shall provide for the reimbursement to the Main Extension Applicant when the owner of another property not in the development for which the extension was constructed connects a service line directly to the extension within ten years of the date of the dedication of the extension to the Authority in accordance with 53 Pa.C.S. § 5607(d) (31). (C)
9. The Authority may charge the cost of construction of a sewer or water main constructed by the Authority against the properties benefited, improved or accommodated by the construction in accordance with 53 Pa.C.S. § 5607(d) (21), (22).

Section H - Reserved

**(C) - Change**

---

*[text on this page moved from prior Page No. 40]*

**(C)**

## Section I - Service Continuity

1. Regularity of Service: The Authority may, at any time, interrupt service in case of accident or for the purpose of making connections, alterations, repairs or changes, or for other reasons. The Authority will, pursuant to Commission regulations at 52 Pa. Code § 67.1 and as circumstances permit, notify customers to be affected by service interruptions. The Authority reserves the right to restrict the use of service whenever the public welfare may require it.

2. Liability for Service Interruptions:

- a. Limitation of Damages: The Authority's liability to a Customer for any loss or damage from any excess or deficiency in the storm water service due to any cause other than willful misconduct or negligence by the Authority, its employees or agents shall be limited to an amount no more than the customer charge or minimum bill for the period in question. The Authority will undertake to use reasonable care and diligence in order to prevent and avoid interruptions in storm water service, but cannot and does not guarantee that such will not occur. The Authority shall not be considered in any manner an insurer of property or persons against loss or damage by storm water, or otherwise. The Authority shall not be liable in any action where the loss or damage involves an act of God, force majeure or does not involve a duty of the Authority.
- b. Responsibility for Customer Facilities: The Authority shall not be liable for any loss or damage caused by reason of any breaks, leaks, stoppages or other defects in property owner or customer-owned facilities including pipes, joints, fixtures or other installations except

**(C) - Change**

THE PITTSBURGH WATER AND SEWER AUTHORITY

RATES, RULES AND REGULATIONS GOVERNING  
THE PROVISION OF STORM WATER COLLECTION, CONVEYANCE,  
TREATMENT AND/OR DISPOSAL SERVICE  
TO THE PUBLIC IN THE TERRITORY DESCRIBED HEREIN

Issued: ~~December 30,~~  
~~2021~~ November 1, 2022

Effective: ~~January 22~~ November  
2, 2022

By: William J. Pickering, Chief Executive Officer  
1200 Penn Avenue, Pittsburgh, PA 15222  
Tel: 412-255-8800

NOTICE

This tariff makes changes in rules and regulations as approved  
by the Commission in its Final Order dated August 25, 2022 at  
Docket Nos. M-2018-2640802 and M-2018-2640803  
~~Filed in compliance with the Order of the Pennsylvania Public~~  
~~Utility Commission entered November 18, 2021~~  
~~at Docket No. R-2021-3024779.~~

{J2594427.4}

---

Issued: ~~December 30, 2021~~ November 1, 2022 Effective: ~~December~~  
~~30, 2021~~ November 2, 2022

The Pittsburgh Water  
and Sewer Authority

Supplement No. 1  
Tariff Storm Water - Pa. P.U.C. No. 1  
First Revised Page No. 2  
Canceling Original Page No. 2

~~The Pittsburgh Water~~ ~~Tariff Storm Water - Pa. P.U.C. No. 1~~  
~~And Sewer Authority~~ ~~Original Page No. 2~~

---

## LIST OF CHANGES

~~The Filing of the Initial Tariff.~~

### TABLE OF CONTENTS (PAGE NO. 4)

Revised to reflect the addition of Part III, Section G - Main Extensions, and revised page numbers for Sections H and I.

### PART II: DEFINITIONS (PAGE NOS. 19 AND 19A)

Added definition of "Bona Fide Service Applicant" (for line extension purposes); moved text previously on Page No. 19 to Page No. 19A.

### PART III: RULES AND REGULATIONS, SECTION G - MAIN EXTENSIONS (PAGE NOS. 40, 40A, 40B, 40C)

Added Section G - Main Extensions; moved Section H (Reserved) to Page No. 40B, and previous language of Section I to Page No. 40C.

---

PART II: Definitions .....	18	
PART III: RULES AND REGULATIONS .....	30	
Section A - Storm Water Service.....	30	
Section B - Construction and Maintenance of Facilities.....	33	
Section C - Discontinuance of Service.....	36	
Section D - Reserved.....	36	
Section E - Billing and Collection.....	37	
Section F - Reserved.....	40	
Section G - <del>Reserved</del> <u>Main Extensions</u> .....	40	<u>(C)</u>
Section H - Reserved.....	<del>40</del> <u>40B</u>	<u>(C)</u>
Section I - Service Continuity.....	<del>40</del> <u>40C</u>	<u>(C)</u>
Section J - Waivers.....	42	
Section K - Amendment of Commission Regulations.....	42	
Section L - Prohibited conduct.....	42	
PART IV: Compliance Statements .....	47	
Section A - Sales of real property and City Lien Verification Letters.....	47	
Section B - Applications for Evidence of Compliance Statement .....	47	
Section C - Sales of vacant, undeveloped property.....	47	

(C) - Change

---

---

thereof determined to be the most effective and practicable used to manage storm water runoff, control sediment, stabilize soil, reduce nonpoint source pollution and/or meet state water quality requirements. Refer to Pennsylvania Department of Environmental Protection's suggested guidelines for storm water quality as defined in the current edition of the Pennsylvania Stormwater Best Management Practices Manual.

7. Bona Fide Service Applicant: (For Line Extension Purposes) A person or entity applying for wastewater conveyance service or a storm water line extension to an existing or proposed structure served by PWSA as of December 21, 2017 for which a valid occupancy or building permit has been issued if the structure is either a primary residence of the applicant or a place of business. An applicant shall not be deemed a bona fide service applicant if: (C)
- a. Applicant is requesting wastewater conveyance service or storm water line extension to a building lot, subdivision or a secondary residence;
  - b. The request for service is part of a plan for the development of a residential dwelling or subdivision; or
  - c. The applicant is requesting special utility service.
8. ~~7.~~ Capital Lease Agreement: The agreement bearing that title between the City and the Authority on July 15, 1995, effective July 27, 1995, and includes any amendments thereto.
9. ~~8.~~ City: The City of Pittsburgh, Pennsylvania.
10. ~~9.~~ City Lien Verification Letter: A written letter from the City to a Person regarding any liens, claims, or taxes due the City from that Person.
11. ~~10.~~ Combination Sewer or Combined Sewer: Sewers designed and built to carry sanitary sewage and/or industrial waste combined with storm water.

(C) - Change



---

[text on this page moved from prior page]

(C)

12. ~~11.~~ Commercial or Commercial Property: Any property used, acquired or leased for purposes of carrying on a trade, business, profession, vocation, or any commercial, service, financial, or utility business or activity including, but not limited to, hotels, office buildings, gas service stations, laundries, commercial establishments, stores, malls, car washes, and parking lots.
13. ~~12.~~ Commission or PUC: The Pennsylvania Public Utility Commission.
14. ~~13.~~ Customer: Person or entity that is responsible for payment of storm water service charges. Customers are classified as either residential or non-residential. The property owner or, in the case of non-residential property, a Guaranteed Lessee are the Customer.
15. ~~14.~~ Customer Facilities: The portion of any collection and/or conveyance asset connected to the Authority's facilities from a property which is owned and maintained by one or more Customers or property owners.

(C) - Change

---

Section F - Reserved

Section G - ~~Reserved~~Main Extensions

(C)

Bona Fide Service Applicant(s) and/or Non-Bona Fide Service Applicant(s) who desire to or are required to connect to the Authority's Wastewater conveyance system or Storm Water Collection System (a "Main Extension Applicant") must comply with the following conditions:

~~Section H - Reserved~~

1. A Main Extension Applicant shall provide prior notice to the Authority. Notice shall be written and made on the application and permit forms contained in the Authority's Procedures Manual for Developers, which is located on the Authority's website. The appropriate forms can be completed and any applicable fees paid at the Authority's permit counter, First Floor, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222.
2. A Main Extension Applicant shall pay all applicable fees set forth in Part I, Section H at the time of payment and shall be payable at the time of application for connection or at a time to which the property owner and the Authority agree. 53 Pa.C.S. § 5607(d)(24).

The above-described fees shall be in addition to any charges assessed against the property in the construction of a sewer or water main by the Authority under 53 Pa.C.S. § 5607(d)(21), (22) as well as any other user charges imposed by the Authority. See 52 Pa.C.S. § 5607(d)(24).

3. The Authority may, in its exercise of its sole discretion, require that construction shall not commence until the Main Extension Applicant has posted appropriate financial security in accordance with 53 Pa.C.S. § 5607(d)(23), (30).
4. The Authority may, in its exercise of its sole discretion, limit the availability of Storm Water line extensions to instances in which the necessary facilities and capacity to accommodate the extension are available.

**(C) - Change**

5. The Authority may, in its exercise of its sole discretion, require the Main Extension Applicant to reimburse the Authority for reasonable and necessary expenses the Authority incurs as a result of the extension. 53 Pa.C.S. § 5607(d)(30). **(C)**
6. Consistent with 53 Pa.C.S. § 5607(d)(30), where the Authority's system is to be extended at the expense of the owner of properties or where the Authority otherwise would construct customer facilities (other than water meter installation), a Main Extension Applicant shall have the right to construct the extension or install the customer facilities himself or through a subcontractor approved by the Authority, which approval shall not be unreasonably withheld. The Authority shall have the right, at its option, to perform the construction itself only if the Authority provides the extension or customer facilities at a lower cost and within the same timetable specified or proposed by the property owner or his approved subcontractor. Construction by the Main Extension Applicant shall be in accordance with an agreement for the extension of the Authority's system and plans and specifications approved by the Authority and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the Authority applicable to such construction. Construction shall be subject to inspection by an inspector authorized to approve similar construction and employed by the Authority during construction. When a main is to be extended at the expense of the Main Extension Application, the Main Extension Applicant may be required to deposit with the Authority, in advance of construction, the Authority's estimated reasonable and necessary cost of reviewing plans, construction inspections, administrative, legal and engineering services.
7. Upon completion of construction, the Main Extension Applicant shall dedicate and the Authority shall accept the extension of the Authority's system if dedication of facilities and the installation complies with the plans, specifications, and regulations of the Authority and the agreement. 53 Pa.C.S. § 5607(d)(30).

**(C) - Change**

- 
- 
8.     Where a Main Extension Applicant constructs or causes to be constructed at his expense any extension of a sewer or water system of an authority, the Authority shall provide for the reimbursement to the Main Extension Applicant when the owner of another property not in the development for which the extension was constructed connects a service line directly to the extension within ten years of the date of the dedication of the extension to the Authority in accordance with 53 Pa.C.S. § 5607(d) (31).     (C)
9.     The Authority may charge the cost of construction of a sewer or water main constructed by the Authority against the properties benefited, improved or accommodated by the construction in accordance with 53 Pa.C.S. § 5607(d) (21), (22).

Section H - Reserved

(C) - Change

---

[text on this page moved from prior Page No. 40]

(C)

## Section I - Service Continuity

1. Regularity of Service: The Authority may, at any time, interrupt service in case of accident or for the purpose of making connections, alterations, repairs or changes, or for other reasons. The Authority will, pursuant to Commission regulations at 52 Pa. Code § 67.1 and as circumstances permit, notify customers to be affected by service interruptions. The Authority reserves the right to restrict the use of service whenever the public welfare may require it.

2. Liability for Service Interruptions:

- a. Limitation of Damages: The Authority's liability to a Customer for any loss or damage from any excess or deficiency in the storm water service due to any cause other than willful misconduct or negligence by the Authority, its employees or agents shall be limited to an amount no more than the customer charge or minimum bill for the period in question. The Authority will undertake to use reasonable care and diligence in order to prevent and avoid interruptions in storm water service, but cannot and does not guarantee that such will not occur. The Authority shall not be considered in any manner an insurer of property or persons against loss or damage by storm water, or otherwise. The Authority shall not be liable in any action where the loss or damage involves an act of God, force majeure or does not involve a duty of the Authority.
- b. Responsibility for Customer Facilities: The Authority shall not be liable for any loss or damage caused by reason of any breaks, leaks, stoppages or other defects in property owner or customer-owned facilities including pipes, joints, fixtures or other installations except

(C) - Change