

PWSA Supplemental Service Conditions

Definitions

All capitalized terms used in these Supplemental Service Conditions and not defined herein shall have the meanings assigned to them in the applicable PWSA Tariff (Tariff Water - PA. P.U.C. No. 1 and/or Tariff Wastewater - PA. P.U.C. No. 1) - unless the context clearly requires otherwise.

Section A - Service Stipulations

1. Billing and Payment, Liens

- a. Unpaid water and/or wastewater charges are a lien on the property.
- b. In addition to termination of water and/or wastewater service, the Authority may sue the Owner in court for nonpayment and lien the Property.
- c. Any account with past due charges may be sent a reminder notice, which shall contain notification that unpaid water and/or wastewater charges are a lien against the Property.
- d. Removal of those portions of abandoned or unused Water Service Lines and/or Laterals owned by the property Owner are the responsibility of the property Owner. Absent the written agreement of the Authority to the contrary, should the Authority remove an Owner's unused Water Service Lines and/or Laterals, the cost of their removal shall be a lien upon the property.
- e. The Authority will not require payment by the Owner of an outstanding residential account for which the Owner was not legally responsible, but the Authority may lien a property where a delinquent balance accumulated.
- f. The Authority may lien a property where a delinquent balance accumulated, independent of providing service to a Tenant or other Non-Owner Occupants.

2. Termination of Service

- a. The Authority will notify Tenants and Occupants who are Customers of termination of their status as Customers in writing by first class mail. Provided, however, that where a Customer requests the termination of his Customer status, service to his or her vacant Dwelling Unit may be thereafter shut off without prior notice.
- b. Once a municipal lien is filed pursuant to 53 P.S. § 7101, et seq. the responsibility for paying water/sewer charges shall remain with the property where service was provided until the delivery of a completed Application for Final Bill.
 - i. Customers selling property served by the Authority should request a final bill 7 to 10 days prior to the scheduled closing date.

Section B - Collection Expenses and Fees

1. Servicing charges

- a. The following servicing charges, expenses, and fees are adopted and approved as reasonable and recoverable whether or not enforcement proceedings have been initiated. These fees and charges will be payable by the delinquent Customer and added to the delinquency claim, and must be paid in full before the discharge and satisfaction of any delinquent claim.

<u>Expense Description</u>	<u>Amount</u>
Out-of-pocket expenses, including but not limited to the expense of title searches, investigators, and process servers	Actual Cost
Postage expense	Actual Cost
Servicing expense related to collection of delinquent claims, which shall accrue on the first day of the month for the entire month or partial month. Gross collections, for the purpose of calculation, shall include the face amount of the delinquency, together with interest and lien costs for each delinquent claim collected. Lien costs are charges for the filing, satisfaction, revival, amendment, and transfer of delinquent claims. Gross collections do not include any record costs, attorney fees, or out-of-pocket expenses related to the collection of delinquent claims.	13.5% of Gross Collections

- b. Liability for expenses authorized by this section shall be retroactive to the date of each delinquent invoice.

2. Enforcement expenses.

- a. In any enforcement proceeding, the following shall constitute reasonable expenses, necessary for the initiation and prosecution of legal proceedings:

<u>Expense</u>	<u>Amount</u>
Title search	Actual Cost, not to exceed \$250.00
Each bring-down or update of title search in connection with entry of judgment, issuance of execution, listing for sale, or other action	\$50.00
Out-of-pocket expenses including but not limited to postage, non-Sheriff's service of process, investigation of whereabouts of interested parties	Actual Cost

3. Flat rate fees, enforcement matters.

- a. The following schedule of attorney fees is adopted and approved as reasonable fees for all matters described, which fees shall be awarded to the Authority, its agents, counsel, or assigns in each action initiated for the collection of delinquent accounts. The property Owner's obligation to pay the full amount of the flat fee for each phase of each action shall accrue on the initiation of any aspect of each phase. The full amount of each flat fee for each prior phase of the proceeding shall carry over and be due on a cumulative basis, together with the flat fee for each subsequent phase initiated.

Activity	Flat Fee
Preparation and filing of claim	\$150
Preparation and service of writ of <i>scire facias</i> or complaint in <i>assumpsit</i> , sheriff's direction for service, notice pursuant to Pa. R. Civ. P. 237.1, and preparation and filing of <i>praecipe</i> to settle and discontinue the action	\$450
Where there are federal judgments, federal mortgages, or other federal interests of record, notice, service, and presentation of appropriate motions	\$200
Preparation, filing, monitoring, and conclusion of amicable <i>scire facias</i> or consent judgment, including negotiation, preparation, and filing of pleading, acceptance of service, installment payment, and/or forbearance agreement and satisfaction	\$400
Entry of judgment, including preparation and filing of <i>praecipe</i> to enter judgment, notices of judgment, affidavit of non-military status, and <i>praecipe</i> to satisfy judgment	\$225
All documents necessary for execution of judgment, including preparation of <i>praecipe</i> for writ of execution, Sheriff's documents, preparation and service of notices of Sheriff's sale, garnishments, personal property sales, staying writ of execution, and attendance at one' Sheriff's sale.	\$700
Each continuance of Sheriff's sale at the request of the defendant	\$100
Judicial sales pursuant to 53 Pa. S.A. § 7281, including preparation and service of documents, court appearances, attendance at	\$700

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sale and proposed schedule of distribution of proceeds of sale	
Preparation of installment payment agreement	\$150
Preparation, filing, and presentation of motions, other than alternative service motions, including but not limited to motions to reassess damages, motions to amend caption, motions to continue the Sheriff's sale or other execution	\$200

4. Hourly rate fees, enforcement matters.

- a. The following schedule of attorney fees is adopted and approved as reasonable fees for all matters described, which fees shall be awarded to the Authority, its agents, counsel, or assigns in each contested matter, and in all other matters not addressed in section B.3 above, undertaken in connection with the collection of delinquent accounts. Hourly rate matters include, but are not limited to, any matters where any defense, objection, motion, petition, or appearance is entered at any phase of any proceeding by or on behalf of any defendant or other interested party.

Person	Hourly Fee
Senior attorney (practicing law for 10 years or more)	\$185
Junior attorney (practicing law for fewer than 10 years)	\$160
Paralegals	\$100
Law clerks	\$65

- b. All time shall be recorded and charged in units of 0.1 of an hour.
- c. In no event shall the Authority's right to charge and collect reasonable attorney fees pursuant to sections B.3 and B.4 be impaired by the fact that any delinquent claim may also include an attorney commission of 5 percent for delinquent claims filed prior to December 19, 1990. Any attorney fees assessed and collected under this or any prior regulations or resolutions shall be in addition to any 5 percent commission previously included in any delinquent claim or judgment.