

RESOLUTION ADOPTING POLICY AND PROCEDURES
FOR FEBRUARY 2021 FREEZE EVENT LEAK ADJUSTMENT CREDITS

WHEREAS, Fort Bend County Municipal Utility District No. 23 (the "District") has been duly created and organized to, among other things, provide water, sewer, and drainage facilities and services, within its boundaries;

WHEREAS, from February 14, 2021 through February 21, 2021, a freeze event ("Freeze Event") occurring across the State of Texas caused widespread power outages throughout the State and due to the Freeze Event, piping within or serving the structures of District customers were susceptible to freezing and bursting causing water leaks beyond the reasonable control of the District's customers;

WHEREAS, the District's Board of Directors (the "Board") wishes to establish a written policy and procedure as set forth in this Resolution Adopting Policy and Procedures for February 2021 Freeze Event Leak Adjustment Credits (the "Resolution") for the consistent evaluation and treatment of requests for credits to water bills from District customers who have lost water due to damages caused by the Freeze Event.

NOW, THEREFORE, the Board, resolves as follows:

1. Any customer of the District may request an adjustment to a water bill showing excessive use due to a loss of water attributable to a rupture or leakage of the customer's water lines, including visible leaks, including, but not limited to, faucet and hose leaks, in each case, due to the Freeze Event (a "Freeze Event Leak Adjustment Credit") for the billing cycle(s) containing the days included in the Freeze Event, (the "Applicable Billing Cycle(s)").

2. In order to apply for a Freeze Event Leak Adjustment Credit, the customer must file a written application with the District by May 1, 2021. A customer may only apply for one Freeze Event Leak Adjustment Credit per account. Such application shall contain at least the following information, as well as any other information the District may require:

- (a) The name of the applicant, the address or description of the property or premises furnished with water, and information about the Applicable Billing Cycle(s) sought to be adjusted (a copy of the bill or the account number and billing period(s) will suffice);
- (b) A statement of the date on which rupture or leakage due to the Freeze Event in the applicant's water line was discovered, the date on which it was repaired, and a statement that the water lost from the leak was not used in any manner by anyone;

- (c) A statement regarding whether any new or additional pool or spa were placed in use on the applicant's premises during the Applicable Billing Cycle(s);
- (d) Documentation evidencing the exact nature and date of repairs to the applicant's water line or related appurtenances, such as an invoice from a plumber and/or a receipt documenting parts and supplies purchased with a statement that customer self-repaired;
- (e) A statement that the applicant is personally familiar with all of the matters or facts stated in the application, that they are made on his or her personal knowledge, and that they are each true and correct; and
- (f) A certification by the applicant that the application contains no false statements.

3. Applications for the Freeze Event Leak Adjustment Credit shall be made on the form attached to this Resolution, as may be amended by the District.

4. Upon receipt of a properly completed application for a Freeze Event Leak Adjustment Credit, the Board shall review the application.

- (a) If the Board grants a Freeze Event Leak Adjustment Credit, the applicant's bill shall be adjusted by applying a credit for all water consumption in excess of the applicant's average water usage, excluding the City of Missouri City's groundwater reduction plan fees, and sewer fees, which reduction shall be calculated as follows:
 - i. The District shall use the applicant's water usage and sewer usage for the January 2021 billing cycle (or the billing cycle immediately preceding the billing cycle including the Freeze Event) (the "Average Usage"). For any customer whose account was created after January 1, 2021, the District shall use its discretion in determining the average water usage for the applicable account.
 - ii. The Average Usage will be deducted from the total water consumption and total sewer consumption shown on the bill or invoice for the Applicable Billing Cycle(s) submitted for adjustment. The resulting figure is the "Excess Usage."
 - iii. The Excess Usage will be considered consumption beyond the Average Usage, and if the Freeze Event Leak Adjustment Credit is granted, the applicant will not be required to pay for the Excess

Usage, excluding the City of Missouri City's groundwater reduction plan fees.

- iv. The regular rate for users in the applicant's rate classification pursuant to the District's current Rate Order will be applied to the Average Usage, and this amount plus the City of Missouri City's groundwater reduction plan fees for the Average Usage plus the Excess Usage will be the amount the applicant must pay for water usage during the Applicable Billing Cycle(s) covered by Freeze Event, in addition to any other amounts due pursuant to the District's current Rate Order.

5. If the applicant has already paid the bill for which a Freeze Event Leak Adjustment Credit is authorized, any excess amount actually paid by the applicant shall be applied as a credit to the applicant's account. Requests for a refund will be considered on a case-by-case basis. If an applicant discontinues water service before subsequent charges have depleted the Freeze Event Leak Adjustment Credit, no refund to the applicant shall be made.

6. A determination by the District's Board of Directors regarding whether to grant a Freeze Event Leak Adjustment Credit and the amount of any such Freeze Event Leak Adjustment Credit in accordance with this Resolution shall be final.

7. The Board reserves the right to amend or repeal this Resolution at its sole discretion at any time without notice.

8. This Resolution is effective as of the date passed and approved by the Board, and shall apply to all persons requesting a Freeze Event Leak Adjustment Credit from the District on or after this date.

Passed and approved this 9th day of March, 2021.

/s/William Thomas
President, Board of Directors

ATTEST:

/s/Ellen Hughes
Secretary, Board of Directors

(SEAL)



**Fort Bend County Municipal Utility District No. 23
Freeze Event Leak Adjustment Request Application**

Account No. _____ Service Address _____

Daytime Phone No. _____ E-Mail Address _____

Fort Bend County Municipal Utility District No. 23 (the "District") has adopted a Resolution Adopting Policy and Procedures for February 2021 Freeze Event Leak Adjustment Credits (the "Resolution") under which the District will consider permitting a credit because of loss of water due to rupture or other damage causing a leak in a customer's water line(s) due to the winter storm and freeze event of February 2021 (the "Freeze Event"). Credit may be given for water usage and sewer usage in excess of the customer's average usage, as determined by the District pursuant to the Resolution (the "Freeze Event Leak Adjustment Credit"). The Freeze Event Leak Adjustment Credit is limited to the billing cycle(s) containing the days included in the Freeze Event (the "Applicable Billing Cycle(s)") and must be requested by May 1, 2021. Customers may apply for no more than one (1) Freeze Event Leak Adjustment Credit per account.

I, _____ (Give full legal name and/or business identity), am the responsible party for the account at the above service address. I am asking the District to reduce the water and sewer bills for this account, to the extent allowed by the District's policy as set forth in the Resolution because of a leak beginning on (date) _____ and repaired on (date) _____ due to the Freeze Event. The water lost from this leak was not used by anyone. During this period, the following pool and/or spa were installed at the service address (State "NONE" if none were added):
_____.

**IN ORDER TO PROCESS YOUR APPLICATION QUICKLY AND EFFICIENTLY, PLEASE
READ THE FOLLOWING CAREFULLY AND GIVE A CLEAR DESCRIPTION OF THE REPAIRS.**

Type of leak on customer's side of the meter:
_____.

Description of repair:
_____.

Attach the bill or bills (or include account and billing period information) for which an adjustment is being sought and documentation of the repair. Acceptable documents include the plumber's statement or bill or a receipt for parts and statement of self-repair. Businesses with in-house maintenance may submit a statement signed by an employee who witnessed the repair. In all cases, the District retains the right to make field verifications before approving a Freeze Leak Adjustment Credit. You will be notified by mail or e-mail (if provided) generally within 90 days whether your request is approved or denied.

I am familiar with all of the facts stated in this application and affirm that they are true and correct. I certify that this application and attached documents contain no false statements.

Print Name: _____ Date: _____

Signature of person requesting a leak adjustment: _____

Complete the form and return to: info@mdswater.com.