

Sec. 47-74. Adjustment of bill as result of defect in customer's line.

(a) Any residential, commercial, multifamily or outdoor customer of the city may request a correction of any water bill showing excessive usage due to a loss of water through an excusable defect in the customer's water line for a period not to exceed three consecutive months. In order to apply for the correction the customer must file a sworn written application with the utility official within six months of the repair of the excusable defect. Customers may apply for no more than two such adjustments in any 12-month period for any one account. Such application shall contain the following matters and such other information as the utility official may require:

(1) The name of the applicant, the address or description of the property or premises furnished water, the bill which is sought to be corrected, the date of the bill and the period of water usage covered thereby.

(2) A statement of the date on which the excusable defect in the applicant's water line was discovered and the date on which it was repaired; and a statement that water was lost through the city water meter serving such property and that such water was not used in any manner by anyone.

(3) A written acknowledgment that the applicant makes the statements shown on the application and swears to their veracity for the purpose of inducing the city to grant a reduction in the amount of the water bill for which a correction is requested.

(4) The application must show whether or not there has been any additional water consuming devices placed in use on the applicant's premises during the period covered by such bill.

(5) Documentation shall be submitted detailing the exact nature and date of repairs to the applicant's water line.

(6) A statement that the applicant is personally familiar with all of the matters of facts stated in the application and sworn to therein, that they are made on his personal knowledge and that they are each true and correct.

(7) The customer shall execute a statement setting forth an understanding that the application is a government record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code and shall state that the applicant certifies that the application contains no false statements.

As used in this section the term 'excusable defect' shall mean a rupture or leakage of the customer's water lines as may be caused by freezing weather, settlement, corrosion, wear or accident. The term does not apply to defective or out-of-repair faucets."

(b) Applications under this section shall be made on forms prescribed by the director of public works and engineering.

(c) Upon receipt of a properly completed application, the utility official shall review such application, and if he approves the same as being in compliance with this section, the applicant's bill shall be corrected by applying to the amount of water consumption shown thereon in excess of the applicant's average water usage, a rate of charge equal to one-half of the normal rate of such water usage by a customer in the applicant's classification, which reduction in rate shall be accomplished in the following manner:

(1) The applicant's average usage shall be determined as set out in section 47-61(b) of this Code. If the applicant has not been a customer for a sufficient length of time to make such determination, the department shall hold the adjustment for a sufficient period of time to calculate the average water usage."

(2) From the total water consumption shown on the bill submitted for correction, the average usage will be deducted. The resulting figure will hereafter be referred to as "excess usage."

(3) The excess usage will be considered consumption beyond the average usage, and one-half of the regular rate for consumption beyond the average usage (for customers in the applicants' rate classification) will be applied to the excess usage and this will determine the amount the applicant must pay for the excess usage.

(4) The regular rate for customers in the applicant's rate classification will be applied to the average usage and this amount will be added to the amount due for the excess usage and the total of those two amounts will be the amount that the applicant must pay for water usage during the period covered by the corrected bill.

(5) Provided, however, for multifamily residential customers that have established umbrella accounts, "average usage" and "excessive usage" under this section shall be determined with reference to each customer meter rather than the entire account as billed by the department.

(d) If the applicant has already paid the bill for which an adjustment is authorized under this section and the adjustment is no more than six times the applicant's average bill, the department shall credit the applicant's account the amount of the adjustment to be applied to the charges thereafter accruing. However, if the adjustment is more than six times the customer's average bill and the customer requests a refund, or the applicant can show extreme economic hardship to the utility official, the department shall refund the amount of the adjustment. The utility official shall determine whether extreme economic hardship exists. If an applicant discontinues water service before subsequent charges have depleted the credit, the department shall refund to the applicant at the time of discontinuance the remaining credit balance minus any overdue debt the applicant owes the city.

(e) A determination by the utility official of the amount of a correction to be made in an applicant's water bill in accordance with the provisions of this section shall be final.

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