Rules and Regulations for the Water Division

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Section I. Purpose

It is the intent of the Knoxville Utilities Board (“KUB”) that these Rules and Regulations promote the following principles:

1. Assure the safe and efficient use, administration, operation, expansion, extension, and preservation of KUB’s water system.
2. Assure its customers’ compliance with these Rules and Regulations, Rate Schedules for water service adopted by the Board and Service Procedures established by KUB to implement these Rules and Regulations.
3. Promote fair, reasonable, and uniform treatment of customers in each of the rate classes of KUB’s Water Division.
4. Protect our environment through the professional management of our system and maintain public confidence in KUB’s water system.
5. Encourage economic development by promoting extensions of the KUB water system.
6. Simplify, clarify, and modernize the policies governing the operation of KUB’s Water Division.
7. Assure that the KUB water system operating practices are as uniform as appropriate.
8. Promote the continued evolution and development of KUB’s water system operating guidelines and practices.

Section II. Scope

These Rules and Regulations apply to the application, implementation, and operation of KUB’s water system and the provision of water service, and have been adopted pursuant to authority granted the Board by Section 1106(G) of the City Charter.

1. Conflict. In addition to these Rules and Regulations, the following documents, listed in order of precedence, are hereby made a part of all contracts and are enforceable through all contracts, actual and implied, for customers and users receiving water service from KUB and apply to all water services received by customers, whether the service is based upon contract, agreement, signed application or otherwise:

   i) the Water Division Rate Schedules;
   ii) these Rules and Regulations as may be amended from time to time; and
   iii) the Service Procedures.

In the event of a conflict between the documents listed above, the order of precedence shall govern.
2. Severability. If any clause, sentence, paragraph, section or part of these Rules and Regulations, any applicable Water Division Rate Schedule, or any provision of the Service Procedures shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these Rules and Regulations or the applicable Water Division Rate Schedule, or the Service Procedures.

3. Authority. Subject to the limitations set forth in the Charter, these Rules and Regulations, applicable Rate Schedules and any other official Board action or resolution, the President and CEO, and his/her designees, has all rights, powers, duties and authorities to implement, and enforce these Rules and Regulations. The President and CEO, and his/her designees, has all rights, powers, duties, and authorities to establish and enforce Service Procedures and other such policies and programs necessary to implement these Rules and Regulations.

4. Rules and Regulations Oversight Committee. The Rules and Regulations Oversight Committee shall consist of the Chief Operating Officer (COO), and other members of KUB management, as so designated by the President and CEO. The COO shall chair the Committee. The Rules and Regulations Oversight Committee will provide oversight of the implementation, enforcement and administration of the Rules and Regulations. The Rules and Regulations Oversight Committee is responsible for recommending changes to the Rules and Regulations to the President and CEO. Any substantive amendments or changes to these Rules and Regulations are subject to the approval of the President and CEO and adoption by the Board in accordance with the Board’s procedures.

5. Access to Premises. The customer, user, and if a different person, owner of premises to which water service is provided shall, by its receipt and acceptance of water service, grant to KUB permission to access the premises at all times, including immediate access, if determined to be necessary by KUB in the event of an emergency, for the purpose of:

   i. Reading meters;
   ii. Installing, testing, inspecting, repairing, operating, maintaining, removing, and replacing any KUB water system component;
   iii. Clearing hazards away from KUB’s water system;
   iv. Inspecting and operating the customer’s, user’s, and if a different person, owner’s water facilities;
   v. Inspecting the premises; and
   vi. Providing notifications

in order to determine that KUB’s Rules and Regulations and/or Service Procedures implementing the Rules and Regulations, and the regulations and requirements of the applicable Tennessee state regulatory authority, are being complied with and to ensure compliance with applicable federal, state, and local law(s) and regulation(s).
6. **Responsibility for KUB’s Property.** The customer, user, and if a different person, owner shall provide a space for and exercise proper care to protect any KUB property located on the premises; and in the event of loss or damage to KUB’s property, arising from the negligence to care for said property, the cost of necessary repairs or replacements shall be paid by the negligent party.

No person shall perform excavation without a valid TN811 locate request ticket. The Tennessee Underground Utility Damage Prevention Act specifies the requirements for safe digging or other work near utilities.

7. **Responsibility for Compliance with Rules and Regulations.** Every customer, user, and if a different person, owner shall comply with these Rules and Regulations, Rate Schedules of the Water Division adopted by the Board, and Service Procedures established by KUB to implement these Rules and Regulations.

8. **Promotion of Technology.** KUB may establish and maintain processes consistent with these Rules and Regulations that promote and utilize new technologies for the operation of its water system which improve system reliability, increase operational flexibility and/or lower costs of operation. Examples include, but are not limited to, automated remote metering, estimated metering, etc.

9. **Health and Safety.** All Rules and Regulations and Service Procedures affecting health and safety, including (without limitation) all provisions relating to inspection, general safety precautions for utilization, operation and maintenance of KUB’s water system, and rules governing installations, are for the guidance and benefit of customers, users, and if a different person, owners, and KUB shall not be responsible for the health and safety thereof, or for any loss, damage, or injury resulting from any violation thereof, but KUB reserves the right, in its discretion, to refuse to furnish water service, or to discontinue furnishing water service, where the customer, user, and if a different person, owner fails to comply therewith.

10. **Interpretation.** It is the intent of KUB that these Rules and Regulations be liberally interpreted.

**Section III. Definitions**

For the purpose of these Rules and Regulations, and unless the context specifically indicates otherwise, the following terms shall have the meaning ascribed:

Wherever the context shall require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine.
Board shall mean the KUB Board of Commissioners, as appointed from time to time by the Mayor and City Council of the City of Knoxville, Tennessee.

Chief Executive Officer or President and CEO shall mean the President and Chief Executive Officer of the Knoxville Utilities Board.

Chief Operating Officer or COO shall mean the Chief Operating Officer of the Knoxville Utilities Board. The COO, subject to the supervision of the CEO, shall administer, implement, and enforce the provisions of these Rules and Regulations.

City shall mean the City of Knoxville, Tennessee.

Commercial and industrial use shall mean all uses with the exception of domestic use as defined in these Rules and Regulations.

Connection shall mean the point at which the water service line connects with the KUB water system. For metered water service, the point of connection shall be where the outlet pipe leaves the outlet side of the meter box. For unmetered water service, the point of connection shall be at the control valve of the water service main.

Contribution in Aid of Construction (CIAC) shall mean a payment required of the customer for the extension of KUB’s water system.

Cross connection shall mean any actual or potential physical connection between KUB’s water system and an unapproved water supply or other potential source of contamination.

Customer shall mean any person who receives water service from KUB under either an express or implied contract requiring such person to pay KUB for such service. The term shall also include illicit users of water service from KUB.

Domestic use of the water system shall be defined and limited to single-family, multifamily, apartment or other dwelling unit or dwelling unit equivalent connecting to KUB’s water system and used for residential purposes only.

Dwelling unit shall mean any structure occupied by one or more persons of a single family for residential purposes. Apartment buildings and other structures occupied by more than one family shall be considered multiple dwelling units.

Fee is any amount levied that is: (1) infrequent in nature, and/or (2) generally not consumption based, and/or (3) set at the discretion of management of KUB as authorized by the Board, but does not include a rate.
*Knoxville Utilities Board*, or *KUB*, shall mean the *Knoxville Utilities Board* of the City of Knoxville, Tennessee, or, as the context requires, the management of *KUB*, its contractors or agents.

*Person* shall mean any individual, partnership, firm, company, association, society, corporation, limited liability company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, or assigns. This definition includes all federal, state and local governmental entities and shall also include illicit *users* of *water service* from *KUB*.

*Point of Delivery*, unless otherwise designated by *KUB*, shall be where the outlet pipe leaves the outlet side of the meter box. For unmetered *water service*, the *point of delivery*, unless otherwise designated by *KUB*, shall be at the control valve of the *water service main*.

*Premises* shall mean any structure, group of structures, or property, whether occupied or unoccupied, operated as a single business, enterprise, or *dwelling unit*, but shall not include more than one *dwelling unit*.

*Private fire line* shall mean a *water service line* to be used exclusively to access *water* flow for private fire protection purposes.

*Private water system* is any *water system* owned and maintained by the *customer*, whose operation is regulated by entities other than *KUB* including but not limited to the applicable Tennessee state regulatory authority. The *water* use of a *private water system* shall be master metered by *KUB* at a central location.

*Rate* is any quantitative value used to determine an amount levied on a *customer* directly related to the provision and/or consumption of *water* typically associated with utility usage, as set forth in a *Water Division Rate Schedule* adopted by the *Board*.

*Rules and Regulations* means the rules and regulations adopted by the *Board* governing the operation and use of *KUB’s water system*.

*Service Procedures* means those governing procedures set forth in a document or document(s) adopted by the *President and CEO* implementing the *Rules and Regulations* for the *KUB water system* and outlining the guidelines necessary to oversee the daily operation of *KUB’s water system*.

*Standards and specifications* shall mean a set of processes or procedures regarding certain aspects of the *KUB water system*, which may be in effect from time to time, but may not be included in the *Service Procedures*. 7
User shall mean any premise having a connection to the KUB water system or having access thereto. The term shall include illicit users of water service from KUB.

Water and/or water service means water made available for consumption by KUB for its customers, users, and if a different person, owner for domestic, commercial and/or industrial use by delivering or distributing water via the KUB water system.

Water Division or division shall mean the part of the KUB system having charge of the physical operation and financial oversight of KUB's water system.

Water main shall mean the principal or major pipes in the water system conveying water to water service lines for distribution. A water main consists of a water distribution main and a water service main.

Water distribution main shall mean the water main that is ordinarily located in and extends longitudinally along a public street, road, similar public right of way or easement. The water distribution main shall be owned and maintained by KUB.

Water service main shall mean the portion of the water main, which leads from the water distribution main to the point of delivery. The water service main shall exclude the meter, meter box, control valve, and meter connections. The water service main shall be owned and maintained by KUB.

Water service line shall mean the pipe, which extends from the point of delivery to the customer's, user's, or if a different person, owner's premises. The water service line shall exclude the meter, meter box, control valve, and meter connections. The water service line shall be owned and maintained by the individual property owner.

Water system shall mean all facilities for distributing and receiving water, including but not limited to water distribution mains, water service mains, meters, meter boxes, meter connections, and control valves.

Section IV. Initiation of Water Service

1. Residential use. A formal request for either original or additional water service must be made to KUB by the customer and be duly approved by KUB before connection to the KUB water system is made. The request shall be in the prescribed form according to the Service Procedures. The receipt by KUB of a prospective customer's request for water service shall not obligate KUB to render water service. KUB may, at its sole discretion, require the customer to provide security, assurance, or guaranty prior to KUB rendering water service.
2. Commercial and industrial use. A formal request for either original or additional water service must be made to KUB and be duly approved before connection is made. The request shall be in the prescribed form according to the Service Procedures. The receipt by KUB of a prospective customer’s request for water service shall not obligate KUB to render the water service. KUB may, at its sole discretion, require the customer to provide security, assurance, or guaranty prior to KUB rendering water service.

3. Intergovernmental agreements. At KUB’s sole discretion, KUB may enter into agreements with municipalities, utility districts, and unincorporated areas for the distribution of water service. Any such agreement must comply with all applicable federal, state and local laws, ordinances, regulations and KUB’s Rules and Regulations. There shall be no liability on the part of KUB to the requestor for refusal of such service.

4. Private water systems. At KUB’s sole discretion, KUB may allow the connection of private water systems to the KUB water system. Any person owning or controlling premises either within or without the current KUB water system area of service desiring to install a private water system and to connect to the KUB water system must comply with all applicable federal, state and local laws, ordinances, regulations and KUB’s Rules and Regulations and Service Procedures. KUB may enter into an agreement with said persons at KUB’s sole discretion. There shall be no liability on the part of KUB to the requestor for refusal of such service.

Section V. Connections to KUB Water System

1. Water system extensions or relocations. Water system extensions or relocations will be located in a right-of-way or dedicated easement acceptable to KUB. Unless approved by KUB, the right-of-way must be adjacent to a road that is suitably maintained so as to permit KUB to have direct access to the KUB water system. Should the right-of-way be adjacent to a private road, rights of ingress and egress shall be granted to KUB, and a dedicated easement shall be provided to KUB without cost before any water main is installed. If additional easements are required, the customer shall bear KUB’s costs of obtaining said easements.

KUB may offer temporary water service in accordance with its Rate Schedules and/or Service Procedures.

2. Point of delivery

   A. The point of delivery for metered water service, unless otherwise designated by KUB, shall be the point where the outlet pipe leaves the outlet side of the meter box. In the event the meter and meter box are located inside the customer’s, user’s, and if a different person, owner’s property line, KUB shall be granted access, without cost to KUB, to that
portion of the water service main inside the property line, in accordance with Section II.5. The point of delivery for unmetered water service, unless otherwise designated by KUB, shall be at the control valve of the water service main, which provides water service to the customer, user, and if a different person, owner.

B. All connections to the KUB water system are to be made in accordance with all applicable KUB standards and specifications. All water service line installations shall be made by the persons desiring a connection to the KUB water system, and in accordance with all applicable codes and ordinances.

C. The Plumbing Inspector for the City for connections within the City must inspect and approve the water service line and the connection before any meter is set by KUB. For connections outside the City within KUB’s service territory, the appropriate regulatory authority, if any, shall inspect the water service line and the connection before any meter is set by KUB.

D. The water service line and any other water piping or equipment beyond the point of delivery shall be owned and maintained by the individual property owner. Costs and expenses incidental to the installation, connection and inspection of water piping and equipment beyond the point of delivery shall be borne by the customer, excluding any costs incident to the meter, meter box, and meter connections.

E. The maintenance of the water service line, including repair and rehabilitation, shall be performed by a licensed contractor and be in accordance with all applicable codes and ordinances.

F. The water distribution main, water service main, meter, meter box, meter connections, and control valve shall be owned and maintained by KUB.

G. The location of KUB’s meter, meter box, water service main, or other equipment on the customer’s, user’s, and if a different person, owner’s property shall not change the location of the point of delivery.

H. As described elsewhere in this Section V(2), KUB shall own and maintain all water facilities up to the point of delivery, and the individual property owner shall own and maintain all water facilities and other piping and equipment beyond the point of delivery. However, under certain circumstances, as determined by KUB in its sole discretion (i.e. KUB designates control valve at the water service main as point of delivery for a metered water service), KUB may also own and maintain certain water facilities beyond the point of delivery, including but not limited to the meter, meter box, and meter connections.
I. **KUB** shall not be liable for any injury to *persons* or property on account of any defect or negligence in the installation, maintenance, or use of the *customer’s*, *user’s*, and if a different *person*, owner’s equipment beyond the point of delivery.

3. **Cross Connections.** No *cross connections* shall be permitted without the written authorization of **KUB**.

4. **Mains on Private Property.** **KUB** reserves the right to install *water main* in dedicated easements on private property for residential and business developments, including but not limited to condominium developments and commercial strip malls. In such instances, the *point of delivery* shall be the point where the *water main* crosses the dedicated easement, or where the outlet pipe extends from the meter within the easement.

5. **Restriction on Continuous Flow of Unmetered Service.** Except for fire-fighting use or testing, no *customer, user*, and if a different *person*, owner shall take any *water* through an unmetered service without the written authorization of **KUB**.

6. **Additional Volume or Pressure.** The *water service line*, *water service main*, and meter for each *customer, user*, and if a different *person*, owner have definite capacity and no major addition to *water* volume or pressure, as determined by **KUB** in its sole discretion, will be allowed except by consent of **KUB**. Failure to give written notice of major additions or changes in *water* volume or pressure, as determined by **KUB** in its sole discretion, and to obtain **KUB**’s written consent for same shall render said party liable for any damage to **KUB**’s *water system* caused by the additional or changed installation. In addition, in such instances, **KUB** shall not be liable for any damage to any *premises* caused by the additional or changed installation.

7. **Interconnection.** No interconnection of any kind shall be permitted between **KUB**’s *water system* and any other *water* supply from any other source, nor shall any other *water* supply from any other source be permitted to migrate into **KUB**’s *water system*, unless approved in writing by the **COO** or the **President and CEO**. Additionally, **KUB** will require technical information, including but not limited to manufacturer drawings and equipment layout, in regard to the interconnection. **KUB** reserves the right to alter or modify the requesting party’s plans to address safety concerns or **KUB**’s *water system* integrity.

8. **Unauthorized Use or Interference with Water Supply.** No *person(s)* shall turn on or turn off any of **KUB**’s valves, spigots, or fire hydrants, except when expressly authorized by **KUB**.
9. Limited Use of Private Fire Line. In the case of a private fire line, no water shall be used from such fire line or from any hydrant thereon, except for fire protection or when the line is being tested or inspected.

Section VI. Interruption of Water Service

KUB shall not be liable for any damage resulting from failure of any KUB water system component, or by fluctuations in water pressure, or by discontinuing the operation of any segment of its water system for repair, extensions or connections, or from the accidental failure of its water system from any cause whatsoever, or the termination of water service as the result of violations by any customer, user, and if a different person, owner, of any applicable federal, state and local laws and/or these Rules and Regulations or KUB’s Service Procedures, or damage resulting from KUB’s failure to terminate water service after notice of termination of water service by the customer. In cases of emergency, KUB shall have the right to restrict the use of its water system in any reasonable manner for the protection of KUB’s water system, customers, the public, and the environment.

Section VII. Restricted Use of Water

In the event of an emergency or other condition causing a shortage in the amount of water for KUB to meet the demands on its water system, KUB may, by a method deemed equitable by KUB, fix the amount of water to be made available for use by customers and/or may otherwise restrict the time and purpose of water use by customers. A method for the distribution of water under such circumstances may be set forth in the Service Procedures.

If such conditions become necessary, a customer may request a variance because of unusual circumstances including matters adversely affecting public health, safety, and welfare. If the customer fails to comply with such restriction, KUB may take such remedial action, as it deems appropriate under the circumstances including but not limited to temporarily disconnecting water service or charging additional amounts because of the excess use of water.

KUB also reserves the right to grant no further applications for water service until such time that the shortage of water for KUB to meet the demands on its water system has been alleviated.

Section VIII. Termination of Water Service; Refusal to Connect Water Service

KUB has the right to terminate or refuse water service based on outstanding debts owed to KUB related to the non-payment of utility bills, a dispute as to the ownership or right to occupancy of the premises requesting water service, a violation of these Rules and Regulations, a violation of Service Procedures, a violation of a customer contract, non-payment of a utility bill by the customer, non-usage of water service for a reasonable period of time, a violation of any other applicable rule, law, or ordinance, or
any other legitimate reason deemed in KUB’s best interests and the best interests of KUB’s water system.

Section IX. Rates for Water Service

Water service rates shall be set forth in the Water Division Rate Schedules as adopted by the KUB Board.

Section X. Billing for Water Service

The billing for water service shall be in accordance with the Rate Schedules of the Water Division as approved by the Board and this section of the Rules and Regulations.

1. Minimum charges. The minimum charge, if any, will be as stated in the Rate Schedules of the Water Division.

2. Estimated billing. KUB may periodically estimate a customer’s water consumption and submit to customer for payment such estimated service bill.

3. Billing adjustments. KUB may adjust customer billing for reasons including but not limited to the following: billing for over or under registration of meters, for the determination of water consumption by customers when meters have been inoperative, for an obviously incorrect meter reading, or for other recognized and proper adjustments as are determined by KUB.

Section XI. Authority to Levy Charges and Fees

Under the provisions of the City Charter and of the general laws of the State of Tennessee, KUB is authorized and empowered to fix, levy and collect fees, rents, tolls or other charges for the use of or in connection with the KUB water system. This authorization includes but is not limited to the establishment, levy and collection of a service charge, improvement charge or other charges deemed necessary. The CEO and/or his/her designee may establish Service Procedures addressing the establishment of charges and fees associated with water service.

Section XII. KUB Water System Extensions

1. General Extension Policy

A. The investment that KUB will make, if any, toward an extension of the KUB water system will be equitably determined by KUB on the basis of economic and/or technical feasibility. In making such determination, KUB shall consider the total capital cost, the anticipated revenues, the estimated expenses associated with the extension, such other economic factors as KUB may deem appropriate under the circumstances and the
availability of adequate capacity in the KUB water system. KUB may require the person to pay a CIAC.

B. Persons desiring water system extensions to and within new developments, including but not limited to land development projects and new subdivisions, shall be required to design and install all water mains and related facilities to support the new development. In addition, such persons shall be required to pay a tap fee toward the cost of connecting the water mains in the new development to the water system.

C. KUB may require the person to execute an extension agreement which requires and/or provides for assurances or other security or credit arrangements as may be required by KUB in its sole discretion, with respect to the extension, including, but not limited to, refundable construction advances, minimum demand or bill requirements, and such other forms of security, assurance, and/or guaranty, as KUB determines to be necessary or appropriate to protect the interest of KUB and its customers. KUB shall not be obligated to provide refunds unless specified in a contract. In no event shall a refund be in excess of the amount of the advance for or actual cost of construction.

D. KUB shall have the authority to extend its water system in a manner different from that set forth in the Rules and Regulations and charge a CIAC when any such extension is determined to be in the best interest of KUB, economic interest of the community, or to the benefit of the public health of the community.

E. The authority to make water system extensions is in KUB’s sole discretion even though all requirements have been met. Nothing contained herein shall be construed as requiring KUB to extend water service to any property. KUB water system extensions shall not be denied on the basis of race, sex, religion, color, age or national origin.

2. Construction of KUB Water System

A. KUB’s water system shall be constructed by KUB personnel or by a contractor acceptable to KUB.

B. The size, type and installation of water system components shall comply with KUB’s standards and specifications and must be approved by KUB.

C. Construction work on KUB’s water system shall at all times be subject to inspection by KUB to assure that the work conforms to KUB’s standards and specifications.
D. No approval or inspection by KUB hereunder shall relieve the customer, person or the contractor of the customer or person of any liability for work performed on the KUB water system.

E. Upon the completion of construction and subsequent inspection and approval by KUB, such construction shall become the property of KUB and thereafter become a part of KUB’s water system. The persons paying the cost of construction shall execute any written instrument requested by KUB to provide evidence of KUB's title. In consideration of such being transferred to KUB, KUB shall incorporate such as an integral part of KUB’s water system in accordance with these Rules and Regulations.

F. KUB may, at the request of a person, relocate or change existing KUB water system components. The person may be required to reimburse KUB for costs of such relocation or change including but not limited to appropriate overheads and associated costs for easement acquisitions. When a public right-of-way is changed for the benefit of private interests and KUB’s water system must be adjusted to accommodate said change, the cost of such adjustments shall be paid in advance on a non-refundable basis by the requesting parties.

3. Construction and Responsibility for Private Water Systems. KUB reserves the authority to allow and/or deny private water systems that either directly or indirectly draw water flow from the KUB water system. Any such private water system shall be approved by the applicable governing entities, including but not limited to the applicable Tennessee state regulatory authority. The owner of the private water system, such as the developer, the developer's legally authorized successor, property owner, etc., shall retain ownership of and be responsible for all operation and maintenance of the private water system. KUB shall retain ownership of and be responsible for the operation and maintenance of the master meter(s), which registers water usage by the private water system, and all applicable water facilities related to the operation of the master meter.

Section XIII. Prohibition of Water Resale

No person shall resell water from KUB’s water system without KUB’s express written permission or written authorization from the applicable Tennessee state regulatory authority.