

This rule was filed as NMPS Rule 370.

**TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES**  
**CHAPTER 12 WATER SERVICES**  
**PART 370 UNIFORM CLEAN WATER TESTING FEE ADJUSTMENT CLAUSE**

**17.12.370.1 ISSUING AGENCY:** New Mexico Public Service Commission [New Mexico Public Regulation Commission].  
[Recompiled 12/30/01]

**17.12.370.2 SCOPE:**  
[Recompiled 12/30/01]

**17.12.370.3 STATUTORY AUTHORITY:**  
[Recompiled 12/30/01]

**17.12.370.4 DURATION:**  
[Recompiled 12/30/01]

**17.12.370.5 EFFECTIVE DATE:**  
[Recompiled 12/30/01]

**17.12.370.6 OBJECTIVE:**  
[Recompiled 12/30/01]

**17.12.370.7 DEFINITIONS:**  
[Recompiled 12/30/01]

**17.12.370.8 [TABLE OF CONTENTS:]**  
A. Clean Water Testing Fee Adjustment Clause [17.12.370.9 NMAC]  
B. Inclusion in Billings [17.12.370.10 NMAC]  
C. Other Water Testing Fee Adjustment Clause Not Permitted [17.12.370.11 NMAC]  
D. Reporting Requirements [17.12.370.12 NMAC]  
[Recompiled 12/30/01]

**17.12.370.9 CLEAN WATER TESTING FEE ADJUSTMENT CLAUSE:**  
A. Any public water utility electing to incorporate a clean water testing adjustment clause in any rate schedule shall use the following language: Billings under this schedule may be increased by an amount equal to the customer's pro rata share of testing expenses incurred by the utility in the prior billing months. For purposes of this schedule, "testing expenses" means only the actual costs paid by the utility to others for sampling and testing required by federal or state law. For purposes of this schedule, "pro rata share" means the total amount of testing expenses incurred in the prior billing months divided by the total number of customers served by the utility in the billing month. A utility can spread these costs out and collect them from its customers over a three-month period, rather than in a single month. A utility can also choose to collect its actual costs from customers using a monthly charge that is adjusted once every three months to reflect changes in the utility's actual costs.  
B. The intent of this rule is to allow water utilities to collect the actual costs associated with clean water testing requirements imposed by federal or state law in a uniform manner for all water utilities under the jurisdiction of the Commission.  
[Recompiled 12/30/01]

**17.12.370.10 INCLUSION IN BILLINGS:** Should a water utility elect to collect these expenses through an adjustment clause, the amount to be collected shall be collected from every customer on a pro rata basis as defined in NMPS Rule 370.1 [17.12.370.9 NMAC]. The amount shall be added to the utility billings by a clean water testing surcharge and shall be so identified in a separate line item on the customer's bill.

[Recompiled 12/30/01]

**17.12.370.11 OTHER WATER TESTING FEE ADJUSTMENT CLAUSE NOT PERMITTED:** No testing fee adjustment clause inconsistent with that allowed by this Rule shall be used by any water utility in any rate schedule.

[Recompiled 12/30/01]

**17.12.370.12 REPORTING REQUIREMENTS:** A verified report showing actual amounts expended for sampling and testing and amounts collected through a clean water testing fee adjustment clause shall be attached to the utility's annual report. The utility shall be required to maintain all records, invoices, and other information necessary to verify actual expenses and collections.

[Recompiled 12/30/01]

**17.12.370.13 [HISTORY:** Codified by NMPSC Case No. 2451 Order on Rehearing dated October 5, 1992, unless otherwise noted.]

[Recompiled 12/30/01]

HISTORY OF 17.12.370 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives.

NMPSC Rule 370, Uniform Clean Water Testing Fee Adjustment Clause, 6/15/92.

History of Repealed Material: [RESERVED]