

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-100, SUB 46
DOCKET NO. WR-100, SUB 6

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Year 2007 Drought Response -)
Water Conservation Measures)

ORDER REQUIRING CURTAILMENT OF
NONESSENTIAL WATER USAGE

BY THE COMMISSION: On September 13, 2007, Governor Mike Easley called on all public water systems and other water users throughout North Carolina to reduce their water use as much as practicable and to conserve water. At that time the Governor directed state agencies in all 100 counties to stop nonessential water use and asked all citizens to cut back their water consumption by 20%.

The drought has continued to worsen to the point that, as of October 16, 2007, all 100 counties have been declared to be under drought conditions (71 counties are in exceptional drought, 18 counties are in extreme drought, and 11 counties are in severe drought) by the North Carolina Drought Management Advisory Council.

On October 15, 2007, while addressing the North Carolina League of Municipalities, Governor Easley called on the state's municipal leaders to take the lead in directing citizens to stop using water for any purpose that is not essential to public health and safety so communities can save dwindling water supplies and avoid more stringent restrictions. The drought across much of the state is the worst in recorded history. With a winter forecast of drier than normal conditions, the Governor said that every citizen must save water in every way possible to avoid a water crisis that could lead to rationing.

Governor Easley stated that

Several communities have as little as three month's water supply remaining. If we do not get significant rain, some areas face the once unthinkable possibility of water rationing and potentially running out of water entirely. A bit of mud on the car or patches of brown on the lawn must be a badge of honor. It means you are doing the right thing for your community and our state.

Governor Easley asked top officials of the state's cities and towns to lead their communities in taking the following actions:

- Stop watering lawns and shrubbery at homes and businesses. Period.
- Do not wash down houses, driveways or sidewalks.
- Do not wash your car.
- Restaurants should ONLY serve water when patrons ask.

Many municipalities have recently initiated total bans on all outside watering. Prior to the Governor's October 15, 2007 Message, Charlotte-Mecklenburg Utilities banned outside watering on September 24th. After the Governor's Message, the City of Raleigh banned outside watering on October 16th and the Town of Cary banned outside watering on October 17th.

As indicated in its September 18, 2007 Memorandum to all Commission-certificated water and water resale companies, the North Carolina Utilities Commission supports the Governor's call for water conservation and curtailment of water usage for any purpose that is not essential to public health and safety.

Based upon the foregoing, the Commission is of the opinion that an Order should be issued requiring all citizens served by water and water resale companies regulated by the Commission to curtail water usage for any purpose that is not essential to public health and safety.

IT IS, THEREFORE, ORDERED as follows:

1. That a copy of this Order shall be mailed with sufficient postage or be hand delivered by all Commission-regulated water and water resale companies to all customers within five days following the date of this Order. Further, each water and water resale company shall submit to the Commission the attached Certificate of Service, properly signed and notarized, within seven days of completing such requirement.
2. That water use by the customers of all Commission-regulated water and water resale companies shall be restricted to essential household or business use only. Nonessential water use includes, but is not limited to, the following:
 - Watering lawns and shrubbery at homes and businesses.
 - Washing down houses, driveways, or sidewalks.
 - Washing cars.
 - Restaurants serving water to patrons who have not directly requested water.
3. That this restriction shall begin on November 1, 2007, and shall continue until revised by further order of the Commission.
4. That customers violating the provisions of this Order may have their water service discontinued only upon their water/water resale company seeking and receiving authorization from the Commission to do so. Upon a violation of the provisions of this Order, the water/water resale company shall immediately furnish to the Commission the name(s) and address(es) of the customer(s) and a written explanation of each alleged violation of this Order. The Commission will consider receipt of such information as a request for permission to terminate utility service, will consider the circumstances, and will authorize further action as then deemed appropriate.
5. That exceptions to this restriction (either by individual customers or by a Commission-regulated water/water resale utility) shall be reviewed by the Commission on an individual basis. Those desiring an exception shall send a written statement to the Commission outlining the reason(s) that they should be excluded from this restriction. However, due to the unprecedented drought conditions noted above, exceptions to allow for the watering of lawns and shrubbery will not be allowed.
6. That, if the customer notification requirement contained herein causes financial hardship to any Commission-regulated water or water resale company, said company may apply to the Commission for consideration of appropriate relief.

ISSUED BY ORDER OF THE COMMISSION.

This the 24th day of October, 2007.

NORTH CAROLINA UTILITIES COMMISSION

Gail L. Mount

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Gail L. Mount, Deputy Clerk

Commissioner James Y. Kerr, II, did not participate.