

TITLE 12 – PUBLIC UTILITIES

Chapters:

- 01 Power Authority
- 02 Electric Service
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TITLE 12 – CHAPTER 01 – POWER AUTHORITY

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Editor's Note: Implementation of this chapter's provisions, as provided for in § 12 of Ex. Ord. 4-1981, was to be according to a schedule prepared by the power authority task force and carried forward, as supplemented, by the power authority board of directors.

12.0101 Intent.

The ASG desires that the business of generation, transmission, and distribution and sale of electric power within the territory of American Samoa be conducted in accordance with sound business and utility practices, that the rates and charges for that service be just reasonable and equitable to consumers and not unduly discriminatory, that service be reliable, that energy be conserved and facilities and resources efficiently used, and that the needs of the people of American Samoa for electric power be provided for in a timely fashion.

History: Rule 12-81 (Ex. Ord. 4-1981), eff 20 Aug 81, § 1.

12.0102 Authority.

The executive order embodied in Rule 12-81 and codified in this chapter is issued under the authority of Section 6 of Article IV of the Revised Constitution of American Samoa and 4.0303(a) A.S.C.A.

History: Rule 12-81 (Ex. Ord. 4-1981), eff 20 Aug 81, § 2.

12.0103 Establishment

There is established a governmental agency within the executive branch of the ASG known as the American Samoa power authority.

History: Rule 12-81 (Ex. Ord. 4-1981), eff 20 Aug 81, § 3.

12.0104 Powers.

The American Samoa power authority:

- (1) may make contracts, as authorized in this chapter;
- (2) may adopt, amend, and repeal bylaws;
- (3) may purchase or lease and hold personal property it considers necessary or convenient in the transaction of its business, and may dispose of personal property held by it;
- (4) has the power in the name of the ASG to purchase, lease, or sell real estate, and to accept title to that real estate in the name of the government, to accomplish the purposes of this chapter;
- (5) shall make all arrangements for the generation, purchase, transmission, distribution, and sale or other disposition of electric energy generated by facilities of the authority or purchased by the authority within the territory of American Samoa;
- (6) is delegated the Governor's authority to develop and publish tariffs and schedules of rates, charges, and services and other rules for providing electric energy in accordance with the Administrative Procedures Act, 4.1001 A.S.C.A., et seq.; these rates and charges carry into effect, as near as may be, the standards prescribed for ratemaking in PL 95-617, the Public Utility Regulatory Policies Act, effective 9 Nov 78, 16 USC 2611 et seq.;
- (7) may contract for the procurement of supplies, equipment, materials, personal services other than by employees, and construction with any public or private entity upon such terms and conditions as it finds necessary to the full and convenient exercise of its purposes and powers, subject to all applicable laws and rules; the authority shall receive and account for its inventory of materials, supplies and equipment; and
- (8) may do other things needful and necessary to the full and convenient exercise of the above

powers, including but not limited to the construction of facilities on property owned by the government.

History: Rule 12.81 (Ex. Ord. 4-1981), eff 20 Aug 81, § 4.

12.0105 Board of directors-Appointment-Meetings-Compensation.

- (a) The authority is governed by a board of 5 directors appointed by the Governor. At least 2 of the directors shall be experienced in the management of electric utilities, at least 1 shall have a financial background, and at least 1 shall have a legal background. No fewer than 2 directors shall be from outside American Samoa.
- (b) The first director appointed is appointed to a term expiring on 30 Jun 82. The second director is appointed to a term expiring on 30 Jun 83. The third director is appointed to a term expiring on 30 Jun 84. The fourth and fifth directors are appointed to terms expiring on 30 Jun 85. All subsequent appointments are for 4-year terms, or for the unexpired portion of any term. Incumbents may continue to serve after the expiration of a term until a successor is appointed. The Governor designates the chairman annually from among the membership of the board of directors, and the board selects its vice chairman.
- (c) The board of directors shall meet at least 4 times per year. Three directors, at least 1 of whom must have experience in the management of electric utilities and 1 of whom must be from outside of American Samoa, constitute a quorum.
- (d) Compensation is at a rate of \$5,000 per year for directors and \$6,000 per year for the chairman. Travel, lodging, and meal expenses will be provided for outside directors.

History: Rule 12-81 (Ex. Ord. 4.1981), eff 20 Aug 81, § 5.

12.0106 Board of directors-Powers and duties.

All powers vested in the authority are exercised by the board of directors. In carrying out this function, the board shall also:

- (1) elect at its first meeting a vice chairman, who shall preside at all meetings in the absence of the chairman, and other officers as it deems desirable from among its members, and elect

such officers annually thereafter at its first meeting in October;

- (2) appoint and prescribe the compensation for the executive director, who is the chief executive officer of the authority and exercises all executive functions, and the business and finance manager, operations manager, and plant managers, who perform duties assigned by the executive director, subject to all applicable laws and rules, this chapter, the bylaws of the authority, and directions of the board;
- (3) develop policies and programs for the administration, management and operation of the authority;
- (4) approve the annual budget of the authority;
- (5) review monthly the operating statement of the authority for the previous month, and such other financial reports as it deems necessary;
- (6) submit monthly operating statements to the governor not later than the twentieth working day after the end of the previous month, and such other financial statements as he directs from time to time; and
- (7) exercise all other powers not inconsistent with applicable laws and rules and this chapter which are reasonably necessary to the administration, management, and operation of the authority and the board.

History: Rule 12-81 (Ex. Ord. 4-1981), eff 20 Aug 81, § 6.

12.0107 Personnel.

All officers and employees of the authority other than the executive director, business and finance manager, operations manager, and plant managers are appointed and compensated in accordance with the requirements of the government employee laws of the ASG, 7.0101 A.S.C.A., et seq.

History: Rule 12-81 (Ex. Ord. 4-1951), eff 20 Aug 81, § 7.

12.0108 Transfer of existing utility-Property valuation-ASG capital contributions and loans.

- (a) At a date fixed by the board of directors, the ASG shall transfer to the authority the right to operate all items of property, including construction in progress, equipment and machinery used in connection with the then existing electric utility operation of the

government. Property jointly, used for electric utility and governmental nonutility functions shall be equitably allocated between the government and the authority, provided that the allocation assures the continuing efficient functioning of the electrical generation, transmission, and distribution functions of the government. In the event of dispute, the allocation is determined by the Governor.

- (b) The property accounts for the authority are valued for ratemaking purposes at the depreciated acquisition cost of the property as of the date of transfer, and shall be included in the rate base of the authority. Future capital contributions to the authority from the government shall be by separate authorization and appropriation.
- (c) Advances made for the operations of the authority from the general fund of the government shall be treated as loans and not as part of the permanent capital. Such loans shall be repaid to the government at rates of interest specified at the time the loans are made.

History: Rule 12-81 (Ex. Ord. 4-1981), eff 20 Aug 81, § 8.

12.0109 Accounting-Budget.

The authority shall assume responsibility for the accounting and financial management of the electric utility, and shall administer or contract with the government for the administration of all accounting systems, including general ledger, fixed assets, accounts receivable, accounts payable, payroll, and cash. It shall establish proper internal accounting controls and procedures, and it shall prepare an annual budget as a part of the Governor’s budget process.

History: Rule 12-81 (Ex. Ord. 4-1981), eff 20 Aug 81, § 9.

12.0110 Audit-Consultants-Annual report.

- (a) The authority shall employ a firm of independent certified public accountants with electric utility experience to examine and report upon the status of financial records and accounts, and may renew that employment annually. Copies of those reports shall be furnished to the Governor and the Legislature.
- (b) The authority may make intergovernmental or contractual arrangements for expert consultants to advise and consult with it on all matters related to the operations of the authority

including ratemaking, system design, planning, budgeting, and legal matters.

- (c) The authority shall provide an annual report for each fiscal year to the Governor, the Legislature, and the people of American Samoa, not later than 31 Dec.

History: Rule 12-8 1 (Ex. Ord. 4-1981), eff 20 Aug 81, § 10.

12.0111 Transition period.

All rates, charges, and classifications of the authority in effect during the transfer of property and facilities, and management thereof, to its control and jurisdiction are considered to properly adopted and continue in effect until duly changed.

History: Rule 12-81 (Ex. Ord. 4-1981), eff 20 Aug 81, § 11.

ETHICS POLICY AND REGULATIONS OF THE AMERICAN SAMOA POWER AUTHORITY

This Ethics Policy and Regulations of the American Samoa Power Authority, hereinafter referred to as “ASPA Ethics Policy”, shall apply to all employees, directors, officers and agents of ASPA. This policy includes full-time, part-time and contract employees, hereinafter referred to as “ASPA Employees”. The ASPA Ethics Policy establishes the responsibilities of all ASPA Employees, directors, officers and agents to exhibit ethical behavior and creates an ASPA Ethics Board to review requests for opinions and complaints.

This ASPA Ethics Policy incorporates by reference and includes all statutory and regulatory protections provided to employees under American Samoa law. This ASPA Ethics Policy shall not deprive any career service employee of the employee’s rights under the law; nor shall this ASPA Ethics Policy deprive any contractual employee of the employee’s rights under contract; nor shall this ASPA Ethics Policy deprive any at-will employee of the employee’s rights under the law.

Additionally, this ASPA Ethics Policy shall not be interpreted or construed to extend the rights specified to career service employees to contractual or at-will employees. This ASPA Ethics Policy shall not be interpreted or construed to extend the rights specified to contractual employees to career service or at-will employees.

All ASPA employees, directors, officers and agents are obligated to ethical behavior, to report possible breaches of ethics to ASPA authorities, and to provide

accurate and complete information when requested by the ASPA Ethics Board.

I. FAIR AND EQUAL TREATMENT

ASPA herein declares its adoption of a Fair and Equal Treatment Policy. The ASPA Fair and Equal Treatment Policy prohibits an ASPA employee, director, officer or agent from using his or her position with ASPA to gain favor, advantage, or other preferential treatment for himself or herself.

ASPA Employees, directors, officer or agents may not:

1. Seek contracts or employment through his/her ASPA position;
2. Use ASPA time, equipment, facilities, titles, personnel resources, or other public resources to promote personal non-ASPA activity;
3. Encourage, assist or participate in any activity to provide an advantage to or other preferential treatment to any business or person;
4. Engage, assist or participate in any activity to provide an advantage to or other preferential treatment to any business owned a Close Relative or to any person who is a close relative. Close relative is defined under Personal Relationships;
5. Engage or participate in a financial or business transaction with a subordinate;
6. Engage or participate in a business if such business is directly served by the employee, director, officer or agent in his or her capacity with ASPA;
7. Hire, promote, supervise, or otherwise participate in the employment of a close relative, unless the close relative is on a list of eligible ASPA employees.

II. CAMPAIGN ASSISTANCE AND POLITICAL ACTIVITIES

ASPA employees are prohibited from using or allowing others to use ASPA resources, such as time, positions or title, equipment, material, ASPA seal or facilities, for political campaign assistance or political activities. To do so is to give an unwarranted advantage to the candidate or political party benefiting from the activities at ASPA expense.

The prohibitions in this section of the ASPA Ethics Policy apply only to actions or activities:

- (1) on any ASPA premises;
- (2) during working hours or anytime the employees, director, officer, or agent is representing ASPA; or
- (3) the use of any ASPA property, equipment, supplies, or assets.

“Campaign Assistance” means any service or donation of time or anything of value to a candidate for any elected office or for a question, issue or referendum on a ballot, the recall of any elected officer or official or the activities of a political party or a campaign committee. Campaign Assistance includes, but is not limited to:

- (1) selling, purchasing or distributing campaign fundraiser tickets;
- (2) conducting political meetings;
- (3) distributing campaign literature or materials;
- (4) soliciting campaign contributions, support or assistance; or
- (5) producing campaign literature or materials.

“Political Activities” include, but are not limited to:

- (1) being a party or campaign committee member;
- (2) soliciting members;
- (3) performing duties; and
- (4) fund raising and campaigning.

An ASPA employee, director, officer or agent may not perform, undertake or participate in any Political Activities while at work. An ASPA employee, director, officer or agent may not ask, order, command, or force any other ASPA employee, director, officer, agent or any other person to perform, undertake or participate in any Political Activity while at work. An ASPA employee, director, officer or agent may not:

1. Coerce, demand, or threaten any ASPA employee, director, officer or agent to make contributions, give assistance to or participate in any Political Activity or to provide any Campaign Assistance;
2. Deny employment to or discharge, demote or punish any ASPA employee, director, officer or

agent who refuses to make contributions, to give assistance or to participate in any Political Activity or to provide any Campaign Assistance;

3. Promise employment benefits to any ASPA employee, director, officer or agent who makes contributions, gives assistance to or participates in any Political Activity or to provide any Campaign Assistance;
4. Solicit or receive any political contribution from any ASPA employee, director, officer or agent any ASPA facility at any time;
5. Promise employment at ASPA to any individual or company if the individual or company makes contributions, gives assistance to or participates in any Political Activity or provides any Campaign Assistance;
6. Threaten, discharge, demote, punish, suspend, or make any negative personnel report concerning an ASPA employee, director, officer, or agent who reports a violation of any of the above prohibited activities or any other violation of ASPA Ethics Policy.

This ASPA Ethics Policy also incorporates by reference and shall include A.S.C.A § 7.0807 and any violation of section 7.0807 shall also be a violation of this ASPA Ethics Policy.

Any violation of section 7.0807 by any ASPA employee, director, officer, or agent who is a government employee or officer shall be reported by ASPA officials to the appropriate government official. Section 7.0807, Prohibited political acts-Penalty, provides:

- (a) It is unlawful for any employee of the government to:
 - (1) Use his official authority or influence as an officer or employee of the government for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - (2) Directly or indirectly suggest, advise, command, coerce, or attempt to coerce an officer or employee of the government to pay, lend, or contribute anything of value to any person, committee, organization, agency or party for political purposes;
 - (3) Use property belonging to the government to directly or indirectly benefit or support

any political candidate or political campaign.

- (b) Any officer or employee of the government who violates this section is subject to suspension or dismissal from his position with the government, and shall be fined as for a class A misdemeanor.
- (c) Employees of the government, including contract and career service employees, may actively participate in the management of political campaigns, their own included, if the participation is after the employees' normal working hours and off the premises of his place of employment, while on annual leave, or while on leave without pay, 7.1201, etc.

III. CONFLICTS OF INTEREST

A conflict of interest occurs when a reasonable person could conclude that the ASPA employee, director, officer or agent's personal business, or financial interests may interfere with the ASPA employee, director, officer or agent carrying out his/her work, employment, and duty of the public. This ASPA Ethics Policy is designed to prevent ASPA employees, directors, officers or agents who influence or make decisions for ASPA from being involved if the ASPA employee, director, officer or agent's personal business or financial interests are also involved.

Conflicts of interest occur now and then, especially for ASPA employees, directors, officers and agents who have discretionary authority. When there is a potential conflict of interest, the ASPA employee, director, officer or agent shall provide a full written disclosure of the conflict and remove himself or herself from participating in the matter that raised the conflict.

A. MANDATORY REPORTING OF AND REMOVAL FROM CONFLICT

An ASPA employee, director, officer or agent must immediately disclose any potential conflict of interest to the Management, to the Chairman of the ASPA Ethics Board, or to ASPA's legal counsel. The Chairman of the ASPA Ethics Board and the Executive Director will discuss methods to resolve the conflict such as removal of the ASPA employee, director, officer or agent from participating in any way in the decision making process and delegation of the issue to another qualified ASPA employee, director, officer or agent.

B. MANDATORY DISCLOSURE OF INTEREST

Financial disclosures are required from each ASPA employee, director or officer who is paid in excess of

\$30,000.00 a year. These disclosures shall be completed and filed by any qualifying individual entering ASPA service and shall be updated each year no later than June 30.

Only the following disclosure forms are open to the public:

- (1) the disclosure of a fact of outside employment; and
- (2) the disclosure of potential conflicts of interest statements.

All other disclosure forms are confidential.

ASG and ASPA rules define direct or indirect participation as a situation where an individual is “involved through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.”

A.S.C.A. §10.0292(e), ASPA Rules Article §8-107.

IV. GIFTS

An ASPA employee, director, officer or agent may not ask for nor accept a gift directly or indirectly from any individual, company or entity if: a reasonable person would think that the gift was made to:

- (1) influence the ASPA employee, director, officer or agent’s work at ASPA to the benefit of the individual, company or entity giving the gift; or
- (2) serve as a reward for any discretionary action taken by the ASPA employee, director, officer or agent to benefit the individual, company or entity giving the gift.

Generally, small gifts or tokens of appreciation are not considered to violate this ASPA Ethics Policy. Family fa’alavelave gifts are acceptable unless the gift violates any of the above conditions.

V. CONFIDENTIAL INFORMATION

An ASPA employee, director, officer or agent may not use any confidential information for any purpose outside the needs of their employment or duties at ASPA.

ASPA rules define confidential information as “any information which is available to an employee only because of the employee’s status as an employee of ASPA and is not a matter of public knowledge or available to the public or request.” ASPA Rules, Article §8-107(7).

It is a violation of this ASPA Ethics Policy for any ASPA employee, director, officer or agent to disclose or use confidential information for anyone’s benefit.

This rule also applies to disclosure or use of confidential information any time after an individual leaves ASPA employment.

VI. BUSINESS ACTIVITIES AND FINANCIAL INTEREST

1. An ASPA employee, director, officer or agent may not engage in any business activity or have any financial interest that is incompatible with the ASPA employee, director, officer or agent performing his or her duties or that may tend to impair or influence the judgment or work activities of the ASPA employee, director, officer or agent.
2. Any ASPA employee, director, officer or agent shall not participate in or take any discretionary action directly affecting a business or any other matter, if the ASPA employee, director, officer or agent:
 - (1) has a substantial financial interest in the matter; or
 - (2) is a member of or associated with a firm that renders service directly related to the matter.
3. An ASPA employee, director, officer or agent may not acquire a financial interest in a business directly involved in any discretionary action the ASPA employee, director, officer or agent will likely take in the future.
4. An ASPA employee, director, officer or agent may not have “an appearance of a conflict of interest”. An appearance of a conflict of interest occurs when the ASPA employee, director, officer or agent has a personal business or financial interest that, under certain circumstances, could result in a conflict of interest.

VII. PERSONAL RELATIONSHIPS

An ASPA employee, director, officer or agent may not participate in any decision making process if it would directly affect someone with whom the ASPA employee, director, officer or agent has a close personal relationship, such as a relative or close friend. “Close Relative” means an individual who:

- (1) is, either by blood, law or marriage, including half, step, foster and adoptive relations, a spouse, child, cousin, grandchild, grandparent, or sibling of an ASPA employee, director, officer or agent or their spouse; or

- (2) an individual who principally resides in the same residence as the ASPA employee, director, officer or agent.

VIII. NON-ASPA EMPLOYMENT

An ASPA employee, director, officer or agent, except contract employees, are not prohibited from undertaking outside employment as long as such employment does not create any real or appearance of a conflict of interest, does not adversely affect their work and responsibilities to ASPA, and so long as the employee does not act for on the behalf of anyone against the interest of ASPA.

IX. EMPLOYMENT FOLLOWING TERMINATION OF EMPLOYMENT WITH ASPA

An ASPA employee, director, officer or agent may not disclose confidential information obtained while working for ASPA under circumstances or for any purpose unless compelled to do so by law.

An ASPA employee, director, officer or agent may not receive payment from a private interest for one year after the termination of employment with ASPA where (1) such employment by a private interest involves ASPA projects in which the employee participated or was given access to Confidential Information while at ASPA; or where (2) such employment by a private interest includes appearing on behalf of or assisting the private interest before any ASPA agency on a matter in which the employee was directly involved or which was under consideration by the ASPA employee, director, officer or agent during the course and scope of employment at ASPA. The ASPA employee, director, officer or agent may receive payment only if the employee was not involved in the matter.

“Confidential Information” is defined above in this ASPA Ethics Policy. “Appear” means to have any oral or written communication with the ASPA agency. “Assist” means aiding another to produce the work product that goes before the ASPA agency; however, to assist does not require the individual to personally “Appear” before the ASPA agency.

The purpose of the restrictions is to prevent the disclosure of confidential information and limit the influence of former ASPA employees, directors, officer or agents when such individual takes any action that may result in a personal benefit to the former ASPA employee, director, officer or agent following termination of employment with ASPA.

X. PENALTIES AND DISCIPLINARY ACTIONS FOR VIOLATIONS

Any ASPA employee, director, officer or agent violating this ASPA Ethics Policy may be subject to reprimand, probation, demotion, suspension, or

discharge, depending on the seriousness of the violation. Any such action against a career service employee shall comply with the requirements of American Samoa laws and regulations governing career service employees. Any such action against a contract employee shall comply with the provisions of the contract and American Samoa laws and regulations governing contract employees. Any such action against an at-will employee shall comply with the provisions of American Samoa laws and regulations governing at-will employees.

In addition, any contract that was entered into as a result of any violation of this ASPA Ethics Policy may be voided by ASPA. Any benefit provided by the ASPA employee, director, officer or agent may be recovered from the ASPA employee, director, officer or agent that violated this ASPA Ethics Policy. Any compensation, gift, or benefit received in violation of this ASPA Ethics Policy may be recovered from the violator.

XI. WHISTLE-BLOWER POLICY

Any ASPA employee, director, officer or agent or member of the public who submits an ethics or improper activity complaint shall not be retaliated against. Any ASPA employee, director, officer or agent who is found retaliating against any individual or company that has made a complaint shall be subject to reprimand, suspension, demotion, or termination. No ASPA employee, director, officer or agent shall restrict or censure another individual or company for speaking to a member of the ASPA Ethics Board, an ASPA Member of the Board of Directors or ASPA Management regarding potential ethics or improper activities issues or complaints. Any action against an ASPA employee, director, officer or agent for a violation of this provision shall be governed by the Penalties and Disciplinary Actions for Violations provision of this ASPA Ethics Policy.

XII. THE ASPA ETHICS BOARD

The ASPA Ethics Board shall be constituted to hear and to make decision on any potential ethics violations. The Ethics Board shall consist of a minimum of five members consisting of the Chairman of the ASPA Board of Directors and two other members of the Board of Directors appointed by the Chairman to hear a request for an ethics determination or case; the Executive Director; and a member from the Community appointed by the Chairman of the Board. If there is a conflict of interest with any member of the ASPA Ethics Board, the Chairman of the ASPA Board of Directors shall appoint replacement members.

History: Rule 02-2004, May 12, 2005

[End of Title 12 – Chapter 1]

TITLE 12 – CHAPTER 02 – ELECTRIC SERVICE

Sections:

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- 12.0201 Service generally-Rate review.
- 12.0202 Bill payment-Late penalty.
- 12.0203 Termination of Service – Termination of Electric Facilities – Reconnection.
- 12.0204 Connections.
- 12.0205 Tampering with meters and conductors-Breaking seals.
- 12.0206 Alterations and additions to electrical equipment installations.
- 12.0207 Liability limits of utility – Single and Three-phase circuit protection.
- 12.0208 Phasing failure and protection.
- 12.0209 Resale of energy.
- 12.0210 Power purchasing agreement
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- 12.0214 Current specifications-Three-phase availability-Equipment-purchase warning.
- 12.0215 Application for service – Changes in Service
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- 12.0217 Deposits.
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12.0200 Definitions

- (a) “Delivery point,” as used in this chapter, is defined as the point where the Utility’s service drop wires attach to the customer’s structure.
- (b) “Due date,” as used in this chapter, is defined as the stated due date on a Utility bill for payment by a customer of a utility bill. A utility bill shall be considered delinquent if not paid on or before the due date.
- (c) “Fuel,” as used in this chapter, is defined as a liquid or liquefiable petroleum product or other consumable substance that is used to generate heat or power, including, but not limited, to fuel oil and lube oil.
- (d) “Fuel Surcharge Multiplier (“FSM”),” as used in this chapter, is defined as a constant factor of 0.08032.
- (e) “Infrastructure,” as used in this chapter, is defined as equipment necessary to provide electric power to the people of American Samoa, including, but not limited to, power poles, towers, underground and overhead electric, telephone and communication lines, wires or cables, pad and pole mounted transformers, guy wires, anchors, switches, vaults, junction boxes, and conduits.
- (f) “Maximum Allowable Price (“MAP”),” as used in this chapter, is defined as the weighted average allowable price per gallon of fuel oil as determined by the ASG Office of Petroleum Managements (“OPM”).
- (g) “Terminate electric facilities” or “Termination of electric facilities,” as used in this chapter, is defined as the complete removal by the Utility of the Utility’s kilowatt hour meter, metering equipment and facilities, and any and all electric distribution facilities from the premises of the customer.
- (h) “Billing demand,” as used in this chapter, is defined as Maximum Demand.
- (i) “Maximum demand,” as used in this chapter, is defined as the average kilowatt delivered during the 15-minute period in which the consumption of energy is greatest during the month for which the determination is made. A customer’s maximum demand shall ordinarily be determined by a recording demand meter. In the absence of such demand meter, or if the meter fails to register, the Utility shall estimate maximum demand from the best information available to the Utility.
- (j) “Terminate service” or “Termination of service,” as used in this chapter, is defined as the

disconnection of electric service by means of the Utility’s removal of its kilowatt hour meter from the customer’s premises, but does not rise to the level of termination of electric facilities.

- (k) “Utility,” as used in this chapter, is defined as the American Samoa Power Authority.
- (l) “Working hours,” as used in this chapter, is defined as the hours the Utility’s customer service centers are open to the public.

History: Rule 2-2015; eff. 20 June 2015 (Ex. Ord. 4-1981).

12.0201 Service generally – Rate review.

- (a) The Utility is mandated by A.S.C.A. § 15.0102(7) to provide for generation and distribution of electric energy.
- (b) It is the desire of the utility to render adequate electric services at rates that are as economical as possible. The Utility provides overhead facilities only as far as the delivery point. The meter loop, including the meter socket, must be installed by the owner of the property or the customer. The wiring, to be done by the owner of the property or customer, shall be coordinated with the Utility. The enactment of this chapter does not create any specific rights to products or services. All products or services mentioned or listed in this chapter are provided by the Utility at the Utility’s sole discretion.
- (c) Service will be provided in the order in which applications are received. For this reason and in the interest of good business principles, the rules set out in this chapter have been adopted.
- (d) Any per-gallon discount received by the Utility for its purchase of fuel shall be retained by the Utility.
- (e) The rules set out in this chapter are not intended as construction guides for any purpose except:
 - (1) to locate the delivery point where proper connection to the distribution system is possible
 - (2) to locate the meter where it can be read conveniently during normal working hours; and
 - (3) to provide code clearance for service wires
- (f) Electrical service will be provided and billed according to the rate schedule codified in section

12.0230 of this chapter, as applicable to the customer based on the established classes.

History: Rule 4-80, eff 1 Apr 80, Intro (modified 12 Jun 80 after further hearing); repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0202 Bill payment-Late penalty.

- (a) Payment shall be due on the Utility’s issuance of an invoice or utility bill and shall be delinquent if not paid on or before the due date specified on the invoice or utility bill. The due date of each account shall fall on a regular working day or Saturday, however, a customer’s failure to receive a bill shall not excuse a late payment.
- (b) For rate classes B through F, rates as listed on the bill are net, the gross being 5% higher. If the customer does not pay the utility bill on or before the due date, the gross rate shall apply and service may be terminated after proper termination notice to the customer.

History: Rule 4-80, eff 1 Apr 80, Payment of Bills; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0203 Termination of service – Termination of electric facilities - Reconnection.

- (a) If a bill becomes delinquent, the Utility shall, at its sole discretion, terminate utility service or terminate facilities after proper notice has been provided to the customer as provided by law in A.S.C.A. § 15.0202. Default on any amount owed to the Utility shall be construed as a default on all services and shall entitle the Utility to terminate service or terminate facilities for any or all utility services. The Utility shall have the option to demand the full amount of both delinquent and current bills be paid in full. If any account is delinquent, utility services to all locations may be terminated. If the Utility has terminated service, the Utility will not reconnect service until the customer has paid all arrears and applicable reconnection fees.
- (b) If a field call is made by Utility personnel to reconnect service because of termination of service, a reconnection fee shall apply for all field calls during normal working hours. If a field call is made after normal working hours, an additional fee shall apply.
- (c) If the Utility has terminated service, it shall not be reconnected until the delinquent bill, all fees and charges for services, and all fee and charges for reconnection, connection, and other field

trips have been paid in full. If reconnection occurs after the end of six months, then, the reconnection shall be treated as a new service connection. ASPA may require the customer to obtain a DPW Building Branch Certificate prior to reconnection.

- (d) If the Utility has terminated electric facilities, a reconnection shall be treated as a new service connection after all old and/or delinquent bill, fees and charges have been paid in full.

History: Rule 4-80, eff 1 Apr 80. Non-payment of thus: and Rule 4-86, eff 22 Dec 86. § 1; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0204 Connections.

All final connections, whether permanent or temporary, between the Utility’s lines and the customer’s wiring will be made by the Utility, and the Utility shall not permit or tolerate unauthorized connections.

History: Rule 4-80, eff 1 Apr 80, Final Connections; revised by Rule 2-2015, eff 20 June 15(Ex. Ord. 4-1981).

12.0205 Tampering with meters and conductors-Breaking seals.

- (a) Tampering with the meter, tampering with conductors carrying un-metered current, or breaking the Utility’s seal without the Utility’s express written authorization is prohibited and will not be tolerated.
- (b) Where electricity has been diverted by breaking the Utility’s meter seals or by bypassing the meter or by any other means, the Utility, at its sole discretion shall immediately terminate service or terminate electric facilities. Before service is reconnected, the customer shall pay for diverted usage, estimated by the Utility from the best available data and evidence, and shall pay a tampering fee and a reconnection service fee. In the event of recurring instances of the diversion of electricity, tampering, or other wrongdoing, the Utility reserves the right to refuse service to anyone.

History: Rule 4-80, eff 1 Apr 80. Meter Tampering and Seal; and Rule: 4-86, eff 22 Dec 86, § 2; revised by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0206 Alterations and additions to electrical equipment installations.

When a customer contracts with the Utility to connect a customer’s installation to the Utility’s electric

system, arrangements are made by the utility for meters, transformers, and other equipment to supply the installation as it is at the time of contract. It is required that the customer notify the Utility of any material change in equipment which is connected to the wiring system. Any and all material changes may delay installation.

History: Rule 4-30, eff 1 Apr 80. Alterations and Additions; revised by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0207 Liability limits of utility – Single and three-phase circuits.

- (a) The utility will endeavor to furnish continuous service but does not guarantee uninterrupted service. The Utility is not liable for any damage, except in cases of gross negligence or negligent workmanship by the Utility, that the customer may sustain by reason of the failure or the partial failure of the power, or the failure or the reversal of phases, or variation in service characteristics, whether caused by accident, repairs, acts of God, or other causes; nor is the Utility liable for damage that may be incurred by the use of any service wiring, connections, instruments, service or electrical appliances installed by or for the customer; nor is the Utility liable for damage that may be incurred due to the presence of the Utility’s property on the customer’s premises.
- (b) The customer is solely responsible for protection of appliances, equipment, and electric facilities on the customer side of the delivery point against disturbances (including but not limited to power surges and sags) on the electric system. The Utility strongly urges its customers to use surge protection devices to protect its appliances and equipment against disturbances.
- (c) In the event the customer requires three-phase service, the installation and maintenance of adequate starters with circuit breakers and protection devices to protect against single-phase conditions and phase reversal is advisable, and their installation and maintenance is the responsibility of the customer.
- (d) In the event a customer experiences property damage allegedly caused by the failure or partial failure of power, by failure or reversal of phases, or by variation in service characteristics, the Utility shall, upon formal written request by the customer made not more than five (5) days business days from the date of the incident, initiate an investigation to determine if the

property damage was the result of the Utility’s gross negligence or negligent workmanship. Within thirty (30) days of the completion of the Utility’s investigation, the Utility will notify the claimant in writing of its findings and the progress of the resolution of the claim (the “Notice”). Within thirty (30) days of the customer’s receipt of the Notice, the Utility shall inform the customer in writing of its final decision. In the event that the Utility finds the damage was due to the Utility’s gross negligence or negligent workmanship, the Utility shall refund the current value of the damaged item(s). In the even the Utility finds the damaged property was not due to the Utility’s gross negligence or negligent workmanship, the claim will be denied.

- (e) Upon denial of a claim, the claimant may elect, at no cost to the Utility, to have the damaged property examined by an independent electrician. Upon written report by the independent electrician, the Utility will reexamine and reevaluate its initial decision. The Utility will consider the independent electrician’s findings when reexamining its initial decision, but is not bound by the electrician’s findings.
- (f) In no event shall the Utility be liable for consequent damage, punitive damages, or interest prior to or after the Utility’s final decision.
- (g) It is the intention of the Utility that, in accordance with A.S.C.A. § 43.1203(b)(4), this section provides a remedy for the types of claims established herein.

History: Rule 4-80, eff 1 Apr 80, Interruption and Liability; revised by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0208 Phasing failure and protection.

Delivery of single-phase power to a 3-phase motor is possible at any time on any system. Most of the load on the Utility’s system is single-phase; therefore, the Utility’s system is protected by single-phase cutout fuses and reclosers. For customers to properly protect three-phase motors from overload, the Utility suggests that customers use motor starters that have three thermal elements. Customers may enhance this protection by installing electronic motor saver devices.

History: Rule 4-80, eff 1 Apr 80, Single Phasing; revised by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0209 Resale of energy.

It shall be unlawful for the customer to resell any of the electric energy received from the Utility; nor shall a customer be permitted to connect his service with that of any other customer or in any way supply any other person or premises with electricity through the customer’s service, except as approved by the Utility.

History: Rule 4-80, eff 1 Apr 80, Resale of Electric Energy; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0210 Power purchasing agreements.

The Utility may, at its sole discretion, choose to negotiate and enter into one or more power purchasing agreements with one or more customers classified under rate classes C, D, E, and F, which shall govern the customer’s applicable rates, charges, standby capacity, fees, and other related services of the Utility. Power purchasing agreements shall be bilateral agreements between the Utility and the customer and shall not exceed seven (7) years in duration. Power purchasing agreements shall not be binding on the Utility until implemented in accordance with the Administrative Procedures Act, A.S.C.A. §§ 4.1001 et. Seq. Power purchasing agreements shall not be renewed or extended unless re-implemented in accordance with A.S.C.A. §§ 4.1001 et. Seq.

History: Rule 4-80 eff 1 Apr 80, Primary Delivery Point; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0211 Trouble calls.

The utility is responsible for maintaining electric service only up to the delivery point. The consumer should, therefore, determine that the trouble is not the building wiring or equipment before requesting trouble call service from the Utility. The Utility’s telephone operators and customer service agents are neither engineers nor electricians and therefore it is not reasonable for customers to rely upon any electrical advice given over the telephone.

History: Rule 4-80, eff 1 Apr 80, Trouble Calls; revised by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0212 Meter calibration.

Upon request, the Utility will test a customer’s meter, free of charge, for correct calibration once every 365 days. A fee shall be applied for each subsequent test occurring within the 365 day period. Any meter

shown by test to have an average error of more than 2.0% will result in an adjustment of the billing for the last billing period. Adjustments shall be based upon the best available data and evidence of the Utility.

History: Rule 4-80, eff 1 Apr 80. Meter Calibration; and Rule 4-86, eff 22 Dec 86, § 3; revised by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0213 Public information and requests.

The public shall be afforded a reasonable opportunity to inspect the Utility’s rules, final orders, decisions, and opinions at the utilities administrative/operations office during regular working hours.

History: Rule 4-80, eff 1 Apr 80. Public Information and Requests; revised by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0214 Current specifications-Three-phase availability-Equipment-purchase warning.

(a) Power is normally delivered at a system frequency of 60 hertz and is available at the following voltages:

(1) Single phase service voltages:

- (A) 120 Volt, Two Wire, Grounded Neutral;
- (B) 120/240 Volt, Three Wire, Grounded Neutral; or
- (C) 120/208 Volt, Three Wire, Grounded Neutral.

(2) Three phase service voltages:

- (A) 120/208 Volt, Wye, four wire, Grounded Neutral;
- (B) 120/240 Volt Delta, Four-Wire, Grounded Neutral;
- (C) 240/480 Volt, Delta, Three Wire, Grounded Neutral;
- (D) 240/480 Volt, Delta, Four Wire, Grounded Neutral; or
- (E) 277/480 Volt, Wye, Four Wire, Grounded Neutral.

(b) Availability of three-phase service is limited. It should not be assumed that three-phase power will be available unless a contract has been signed for such service, which contract may require the owner to make a repayment to cover construction costs.

(c) It is recommended that the customer buy no electrical equipment until an application for service

has been made and the available delivery voltage has been agreed upon and verified.

History: Rule 4-80, eff 1 Apr 80, Voltage; repealed and replaced by Rule 2-2015, eff 20 June (Ex. Ord. 4-1981).

12.0215 Application for service – Changes in service.

(a) Customers or prospective customers should inform the Utility in writing as early as possible of contemplated installations in order to allow the Utility to plan details to provide service. This is particularly true with respect to persons desiring service beyond the existing electric distribution lines of the Utility; written applications for such service should be made before wiring installations have begun.

(b) Consumers must make written applications for electric service and execute the Utility’s standard form(s) when the Utility determines it to be necessary. Customers shall pay the necessary deposits and connection charges. No application is complete until all payments have been made and the Utility’s standard form(s) have been executed.

(c) In the case of rented or leased property, for all customer classes, the landlord or owner of said property must co-sign for the tenant or renter on the initial application or transfer of an account. Cosigners shall be held financially responsible for payment of any past due utility bills of the tenant. This applies to all rate classes. Utility service will be disconnected and not be restored until payments or a payment plan is made to resolve past due utility accounts.

(d) The Chief Executive Officer and the Chief Operations Officer, in consultation with Engineering and Customer Service division managers, are empowered to authorize connections and/or furnish electricity in emergency circumstances. No promise, agreement, or representation of any employee or agent of the Utility, with reference to furnishing electricity, shall be binding on the Utility unless it is authorized by the Chief Executive Officer or the Chief Operations Officer.

History: Rule 4-80, eff 1 Apr 80, Written Application; revised and amended by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0216 Easement requirement.

To accomplish the Utility’s duties and purposes codified in A.S.C.A. § 15.0102, including the design, installation, operation, and maintenance of American Samoa’s electric utility infrastructure, it is essential

that the Utility obtain the right to install and maintain equipment necessary to provide electric power to the people of American Samoa, including but not limited to, power poles, towers, underground and overhead electric, telephone and communication lines, wires or cables, pad and pole mounted transformers, guy wires, anchors, switches, vaults, junction boxes, and conduits. The customer shall execute, or have the property owner execute, the Utility’s standard form easement at no cost to the Utility. The Utility or its duly authorized agents shall at all reasonable times have the right to enter and remain on the customer’s premises for any purpose properly connected with the service, connection, or termination of water or electric service to any customer.

The area of the Utility’s easement shall be equal to the minimum required clearance or setback prescribed by the most current version of the National Electric Safety Code (“NESC”) for that particular item of equipment or Infrastructure.

Damaging Infrastructure within the easement, or encroachment upon the Utility’s easement or interference with the Utility’s right-of-way granted by this chapter, including, but not limited to, erecting buildings, structures, or improvements upon the Utility’s easement and right of way is prohibited. If the landowner damages or causes damage to the Infrastructure within the easement, or constructs or causes the construction of buildings, structures, or improvements upon or within the Utility’s easement in violation of this chapter, the landowner shall reimburse the Utility for any and all expenses associated with or arising from replacing the Utility’s Infrastructure, relocating the Utility’s Infrastructure, or removing the building, structure, or improvement, whichever the Utility deems to be in its best interest. Infrastructure replacement or relocation costs shall include, but are not limited to those specified in section 12.0231 of this chapter. The costs required to remove the landowner’s building, structure, or improvement shall be borne by the landowner.

History: Rule 4-80, eff 1 Apr 80, Easement; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0217 Deposits.

(a) For classes A, B, C, and E, a deposit shall be required. The amount required for a deposit shall be as specified in section 12.0231 of this chapter, and may be increased on a per-customer basis as necessary to protect the interests of the Utility.

(b) All existing deposits shall be reviewed at the discretion of the Utility. Deposits may be refunded if upon review the Utility determines that the customer’s credit standing is satisfactory. Additional deposits may be required if the Utility determines that the customer’s credit standing is not satisfactory.

History: Rule 4-80, eff 1 Apr 80, Installation Charge for New Service; and 4-86, eff 22 Dec 86, § 4; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0218 Power line extension fees.

A fee shall apply to cover the Utility’s costs and expenses incurred in extending any and all high-voltage distribution lines for the electrical servicing of a particular building, residence, or subdivision. This fee is levied to cover expenditures to supply any and all electrical requirements for annexations and building sites not previously served. The power line extension fee will also be levied when an existing high-voltage line is not adequate to supply the requirements of new construction or development.

The Utility shall not be required to construct any distribution extension under this or other applicable policies if such extension is, in the reasonable judgment of the Utility, economically infeasible or impractical. Service may, however, be provided to customers on terms which require payment of any amount sufficient to justify the Utility’s investment in facilities.

History: Rule 4-80, eff 1 Apr 80, Deposits; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0219 Delivery point.

(a) With the exception of the meter, the Utility shall have no responsibility to own, construct, operate, repair, or maintain any facilities, appliances, or equipment beyond the delivery point. The delivery point must be in clear view of a power pole. The delivery point must be approved by the Utility before building wiring is installed.

History: Rule 4-30, eff 1 Apr 80, Power Line Extension Fees; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0220 Delivery point – Designation – Anchorage for connections

(a) Prior to connection, the customer shall ascertain from the Utility to what point on the customer’s structure the Utility’s service drop wires will be attached. Upon inquiry by the customer, the Utility will designate a location for the service

drop wires and the point of attachment to the building. The Utility will assume no responsibility to change the location of its service drop wires if an improper location is chosen without consultation with the Utility or if the designated location is not utilized.

- (b) The point selected for the attachment of the service drop wires must be such as to make it unnecessary to install more than one set of wire attachments on the customer's structure. Service drop wires shall not interfere with windows, doors, awnings, or other parts of the buildings or be readily accessible to persons at windows and doors or other accessible areas.
- (c) Safe and adequate anchorage structures for the Utility's service connections are required of the customer, and in no case will be the Utility be responsible for damage to any of the customer's buildings or structures to which service wires are attached or have been attached.
- (d) Where service wires are to be installed on buildings with stucco, hollow tile, stone brick veneer, plaster, stone coated or sheet iron exteriors, or where there is not surface available that is suitable for the attachment of service knobs having a screw fastening, the customer shall install suitable anchorage bolts or spool racks.
- (e) Where the load to be served is sufficiently large to require the use of overhead service conductors on No. 3 AWG and larger, 5/8-inch galvanized bolts, one for each wire, are required. Where the service conductors are smaller than No. 3 AWG, the bolts may be smaller than 5/8 inch but in no case smaller than 3/8 inch in diameter. The bolts are to be spaced to conform to the rack supplied by the Utility and should extend through the wall and be anchored on the inside surface to a substantial washer not less than 1/8 inch thick and two inches square. The threaded portions of the bolts are to project at [least] 2 inches beyond the outer surface of the building wall. Racks will be supplied by the Utility.

History: Rule 4-80, eff 1 Apr 80, Delivery Point; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0221 Separate conductors with single drop

Where no accessible common meter location is available for buildings such as duplex houses, apartment buildings, etc., separate sets of service entrance conductors brought out to a common point

on the building wall, to be connected to a single service drop, are necessary.

History: Rule 4-80, eff 1 Apr 80, Service; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0222 Meter locations.

- (a) For business normally open during normal business hours, meters may be located inside. All others meters shall be outside. The meter must be located not less than five feet nor more than seven feet above ground or floor level from which the meter is to be read. The meter cannot be located on locked porches or in any area that is not readily accessible by the Utility. The Meter must be accessible to the Utility and there must be adequate clearance around the meter.
- (b) Meters not installed in locations where the meter readers or service men may inadvertently damage flower beds or shrubbery, or where it will be necessary for them to climb over fences or other obstructions to read or service the meters, or in locations where they will extend unguarded into alleys or driveways, or where they will cause inconvenience either to the customer or the Utility's representatives.

History: Rule 4-80, eff 1 Apr 80, Service Entrance Conductors; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0223 Number of services and meters.

The utility will connect only one set of service conductors to a building for each set of service rendered except where special permission is obtained. Any building which is to have more than one set of service conductors must have a service wiring plan approved by the Utility. If the building is occupied by one customer, only one meter for each class of service rendered will be installed. If occupied by several customers, each one shall become a customer of the Utility and a meter for this respective class of service will be installed.

History: Rule 4-80, eff 1 Apr 80. Location of Meter; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0224 Grounding equipment.

The customer shall be required to install ground wires in accordance with the requirements and specifications of the most current version of the National Electrical Code (NEC). This section shall be a necessary requirement for all service entrance installations.

History: Rule 4-80, eff 1 Apr 80. Number of Services and Meters; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0225 Inspecting before energization

All wiring in all buildings must be inspected before initial energization. All major additions to the wiring must be inspected. The Utility will not provide service to any building which has not been inspected by the ASG and for which a certificate of inspection has been issued. The Utility assumes no responsibility for the condition of any wiring beyond the delivery point.

History: Rule 4-30, eff 1 Apr 80, Grounding; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0226 Noncompliance with rules.

The utility reserves the right to refuse service to any customer who does not comply with the rules set out in this chapter or with the most current version of the NESC and/or NEC.

History: Rule 4-80, eff 1 Apr 80, Procedure; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0227 Temporary services.

- (a) When temporary service is desired, the prospective customer must make arrangements directly with the Utility well in advance of the requested service date. Temporary installations requiring special service, meter, or other work, such as for construction purposes, exhibits of short duration, etc., are made at the expense of the customer. In all such cases, an advance payment sufficient to cover the estimated construction expense will be required.
- (b) Service entrances, meters, and other wiring on temporary installations are installed in the same manner as for permanent installations, whether indoor or outdoor. When no building is available for the installation of service conductors and service equipment, it will be necessary to consult the Utility for recommendations as to suitable support for service drop wires, the meter, and weatherproof housing for the service equipment. Service entrance wiring and equipment will be supplied and installed by the customer just as for permanent installations and in the location designated by the Utility.

History: Rule 4-50, eff 1 Apr 80. Inspection; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0228 Termination of service – Termination of electric facilities.

- (a) Once service is established, the customer shall be responsible for the payment for the power which is registered on the meter assigned to the customer until such service order terminated by the customer in writing and such service is finally terminated by the Utility. All outstanding bills, fees and charges must be settled upon termination of service or termination of electric facilities.
- (b) When notice for termination of service or termination of electric facilities is ordered on Saturday or Sunday, service will not be termination until the next working day and the meter reading at the time of termination shall determine the final bill.

History: Rule 4-80, eff 1 Apr 80, Unsatisfactory Contractor Installation; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0229 Variable fuel surcharge.

A variable fuel surcharge shall apply to all classes of customers as those classes are set forth in section 12.0230 of this chapter. At a minimum, the variable fuel surcharge shall recover all fuel expenses incurred by the Utility in producing the total kilowatt hours the Utility produces per month. The variable fuel surcharge is calculated by multiplying the Fuel Surcharge Multiplier by the Maximum Allowable Price.

History: Rule 4-80, eff 1 Apr 80. Temporary Services; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0230 Rate Schedule

(a) Class A. Residential Service.

CLASS A
RESIDENTIAL SERVICE

APPLICABILITY:

Applicable to domestic customers for residential use, the major use of which is for lighting and household appliances for the personal comfort of those residing therein; provided however, that if the demand is over 25 kw, the customer may be billed under rate class entitled “Large General Service,” at the sole option of the Utility.

TYPE OF SERVICE:

Sixty cycle, single phase at utility’s standard voltage.

RATE & CHARGES:

The rate and charges applicable to the customer in Class A are as follows:

Monthly customer service charge

- (a) Base Energy Rate, and
- (b) Variable Fuel Surcharge

Monthly Customer Service Charge

\$4.00 per month until June 30, 2010;
\$6.00 per month from July 1, 2010 and thereafter.

Base Energy Rate

\$0.0954 per kWh per month for all kWhs used.

Variable Fuel Surcharge

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

DELIVERY POINT:

The above rates are based upon the supply of service to the entire premises through a single meter at single phase voltage. Separate supply for the same customer at other points of consumption or meters or at a different voltage shall be separately metered and billed.

PAYMENT:

The current bill is due in full on the date specified in the bill.

SERVICE CONDITIONS:

- (a) The rated capacity of single-phase motors shall not be in excess of 10hp.
- (b) Service under this class is limited to customers whose load requirements can be met by transformers having a capacity not to exceed 25kW.
- (c) Service is subject to the rules of the Utility.

(b) Class B. Small General Service

**CLASS B
SMALL GENERAL SERVICE**

APPLICABILITY:

Applicable to nonresidential customers and 3-phase customers; provided, however that if the demand is over 25 kW, the customer may be billed under the rate class Large General Service, at the sole option of the Utility.

TYPE OF SERVICE:

Sixty cycle, single-phase and/or three-phase, where available at the Utility's standard voltage.

RATES & CHARGES:

The rate and charges applicable to the customer in Class A are as follows:

Monthly customer service charge

- (a) Base Energy Rate, and
- (b) Variable Fuel Surcharge

Monthly Customer Service Charge

- (a) Single-phase service: \$5.00 per month
- (b) Three-phase service: \$10.00 per month

Base Energy Rate

\$0.1045 per kWh per month for all kWhs used.

Variable Fuel Surcharge

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

DELIVERY POINT:

The above rates are based upon the supply of service to the entire premises through a single or three phase voltage. Separate supply for the same customer at other points of consumption or meters or at a different voltage shall be separately metered and billed.

PAYMENT:

Above rates are met, the gross bill being 5% higher. In the event the current bill is not paid by the due date specified in the bill, the gross rate shall apply.

SERVICE CONDITIONS:

- (a) The rated capacity single-phase motors shall not be in excess of 10hp.
- (b) Service under this class is limited to customers whose load requirements can be met by transformers having a capacity not to exceed 25kW.
- (c) Service is subject to the rules of Utility.

(c) Class C. Large General Service

**CLASS C
LARGE GENERAL SERVICE**

APPLICABILITY:

Applicable to customers and 3-phase lines and Class A and Class B customers exceeding demand of 25 kW.

TYPE OF SERVICE:

Sixty cycle, single-phase or three-phase, at the Utility's standard voltage.

SECONDARY METERED SERVICE RATES & CHARGES:

The rates and charges applicable to the customer in Class C are as follows:

- (a) Monthly customer service charge
- (b) Base Energy Rate
- (c) Demand Charge
- (d) Variable Fuel Surcharge

(e) Power Factor Charge

Monthly Customer Service Charge

\$25.00 per month

Base Energy Rate

\$0.0876 per kWh per month for all kWhs used.

Demand Charge

\$5.00 per kW per month of billing demand. Billing demand is defined as highest of:

- (a) 25 Kilowatts (kW), or
- (b) Maximum demand (kW).

Variable Fuel Surcharge

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

Power Factor Charge:

When the electricity delivered to the customer has an average monthly power factor of less than 0.95, the Utility may, at its sole discretion, install reactive kVArh meters and increase the demand charge by a power factor charge as set forth in section 12.0234 of this chapter.

MAXIMUM DEMAND:

“Maximum demand” is the average kilowatt delivery during the 15-minute period in which the consumption of energy is greatest during the month for which the determination is made. The maximum demand shall normally be determined by a recording demand meter. In the absence of such demand meter, or if the meter fails to register, the maximum demand shall be estimated from the best information available.

DELIVERY POINT:

The above rates are based upon the supply of service to the entire premises of the customer through a single delivery and metering point at three phase voltage, 60 cycles at the Utility’s standard voltage. Separate supply for the same customer at other points of consumption or meters or at a different voltage shall be separately metered and billed.

PAYMENT:

Above rates are met, the gross bill being 5% higher. In the event the current bill is not paid by the due date specified in the bill, the gross rate shall apply.

SERVICE CONDITION:

Service is subject to the rules of Utility.

(d) Class D. Industrial Service

CLASS D
INDUSTRIAL SERVICE

APPLICABILITY:

Applicable to customers using 3-phase lines and who have demand greater than 1000 kW per month.

TYPE OF SERVICE:

Sixty cycle, three-phase, at the Utility’s standard voltage.

PRIMARY METERED SERVICE RATES & CHARGES:

The primary metered services rates and charges applicable to customers in Class D are as follows:

- (a) Monthly customer service charge
- (b) Base Energy Rate
- (c) Demand Charge
- (d) Variable Fuel Surcharge, and
- (e) Power Factor Charge

Monthly Customer Service Charge

\$25.00 per month

Base Energy Rate

Same as the secondary metered service base energy rate less a reduction of 3.5%.

Demand Charge

Same as the secondary metered service base energy rate less a reduction of 3.5%.

Variable Fuel Surcharge

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

Power Factor Charge:

When the electricity delivered to the customer has an average monthly power factor of less than 0.95, the Utility may, at its sole discretion, install reactive kVArh meters and increase the demand charge by a power factor charge as set forth in section 12.0234 of this chapter.

SECONDARY METERED SERVICE RATES & CHARGES:

The secondary metered services rates and charges applicable to customers in Class D are as follows:

- (a) Monthly customer service charge
- (b) Base Energy Rate
- (c) Demand Charge
- (d) Variable Fuel Surcharge, and
- (e) Power Factor Charge

Monthly Customer Service Charge

\$25.00 per month

Base Energy Rate

First 1,000,000 kWh per month: \$0.0700 per kWh for all kWhs used (“Tier 1”).

Over 1,000,000 kWh per month: \$0.0650 per kWh for all kWhs used (“Tier 2”).

Demand Charge

8.25 per kW per month of billing demand

Billing demand is defined as maximum demand (kW)

Variable Fuel Surcharge

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

Power Factor Charge:

When the electricity delivered to the customer has an average monthly power factor of less than 0.95, the Utility may, at its sole discretion, install reactive kVArh meters and increase the demand charge by a power factor charge as set forth in section 12.0234 of this chapter.

DELIVERY POINT:

The above rates are based upon the supply of service to the entire premises of the customer through a single delivery and metering point at three phase voltage, 60 cycles at the Utility’s standard voltage. Separate supply for the same customer at other points of consumption or meters or at a different voltage shall be separately metered and billed.

PAYMENT:

Above rates are met, the gross bill being 5% higher. In the event the current bill is not paid by the due date specified in the bill, the gross rate shall apply.

SERVICE CONDITIONS:

Service is subject to the rules of Utility

(e) Class E. Standby Service – Large General Service

CLASS E STANDBY
SERVICE
LARGE GENERAL SERVICE

APPLICABILITY:

Applicable to standby or breakdown service for non-residential customers using three-phase lines, who have a demand greater than 100kW per month, and where all or part of the customer’s electrical requirements on the customer’s premises are supplied by a source of generation other than the Utility’s. This section is not meant to apply to Class C customers with backup or reserve generators who periodically disengage from the Utility’s system to test or perform routine maintenance on their backup power source.

TYPE OF SERVICE:

Sixty cycle, single-phase or three-phase, at the Utility’s standard voltage.

RATES & CHARGES:

The rates and charges applicable to the customer in Class E are as follows:

- (a) Monthly customer service charge
- (b) Standby Charge or Demand Charge
- (c) Base Energy Rate
- (d) Variable Fuel Surcharge
- (e) Power Factor Charge

Monthly Customer Service Charge

\$25.00 per month

Standby Charge

\$5.00 per kW per month

Standby capacity is based on the customer’s highest maximum demand recorded by the Utility. Standby capacity is subject to the Utility’s review and may be increased or decreased at the sole discretion of the Utility based on changes in the customer’s maximum demand. The customer may request to enter into a power sales agreement with the Utility in order to reserve standby capacity.

Base Energy Rate

\$0.0876 per kWh per month for all kWhs used.

Demand Charge

\$5.00 per kW per month of billing demand. Billing demand is defined as maximum demand (kW).

Variable Fuel Surcharge

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

Power Factor Charge:

When the electricity delivered to the customer has an average monthly power factor of less than 0.95, the Utility may, at its sole discretion, install reactive kVArh meters and increase the demand charge by a power factor charge as set forth in section 12.0234 of this chapter.

MAXIMUM DEMAND:

“Maximum demand” is the average kilowatt delivery during the 15-minute period in which the consumption of energy is greatest during the month for which the determination is made. The maximum demand shall normally be determined by a recording demand meter. In the absence of such demand meter, or if the meter fails to register, the maximum demand shall be estimated from the best information available.

DELIVERY POINT:

The above rates are based upon the supply of service to the entire premises of the customer through a single delivery and metering point at three phase voltage, 60 cycles at the Utility's standard voltage. Separate supply for the same customer at other points of consumption or meters or at a different voltage shall be separately metered and billed.

PAYMENT:

Above rates are met, the gross bill being 5% higher. In the event the current bill is not paid by the due date specified in the bill, the gross rate shall apply.

SERVICE CONDITIONS:

Service is subject to the rules of Utility.

(f) Class F. Standby Service – Industrial Service

CLASS F STANDBY
SERVICE INDUSTRIAL
SERVICE

APPLICABILITY:

Applicable to standby or breakdown service for non-residential customers using three-phase lines, who have a demand greater than 1000 kW per month, and where all or a part of the customer's electrical requirements on the customer's premises are supplied by a source of generation other than the Utility's.

PRIMARY METERED SERVICE RATES & CHARGES:

The primary metered service rates and charges applicable to the customer in class F are as follows:

- (a) Monthly Customer Service Charge,
- (b) Standby Charge,
- (c) Base Energy Rate,
- (d) Demand Charge,
- (e) Variable Fuel Surcharge, and
- (f) Power Factor Charge

Monthly Customer Service Charge

\$25.00 per month

Standby Charge

\$8.25 per kW per month

Standby capacity is based on the customer's highest maximum demand recorded by the Utility. Standby capacity is subject to the Utility's review and may be increased or decreased at the sole discretion of the Utility based on changes in the customer's maximum demand. The customer may request to enter into a power sales agreement with the Utility in order to reserve standby capacity.

Base Energy Rate

Same as the secondary metered service base energy rate less a reduction of 3.5%.

Variable Fuel Surcharge

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

Demand Charge

Same as the secondary metered service demand charge less a reduction of 3.5%.

Power Factor Charge:

When the electricity delivered to the customer has an average monthly power factor of less than 0.95, the Utility may, at its sole discretion, install reactive kVArh meters and increase the demand charge by a power factor charge as set forth in section 12.0234 of this chapter.

SECONDARY METERED SERVICE RATES & CHARGES:

The secondary metered service rates and charges applicable to the customer in class F are as follows:

- (a) Monthly Customer Service Charge,
- (b) Standby Charge,
- (c) Base Energy Rate,
- (d) Demand Charge,
- (e) Variable Fuel Surcharge, and
- (f) Power Factor Charge

Monthly Customer Service Charge

\$25.00 per month.

Standby Charge:

\$8.25 per kW per month.

Standby capacity is based on the customer's highest maximum demand recorded by the Utility. Standby capacity is subject to the Utility's review and may be increased or decreased at the sole discretion of the Utility based on changes in the customer's maximum demand. The customer may request to enter into a power sales agreement with the Utility in order to reserve standby capacity.

Base Energy Rate:

First 1,000,000 kWh month: \$0.0700 per kWh for all kWhs used ("Tier 1").

Over 1,000,000 kWh per month: \$0.0650 per kWh for all kWhs used ("Tier 2").

Demand Charge:

\$8.25 per kW of billing demand.

Billing demand is define maximum demand (kW).

Variable Fuel Surcharge:

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

Power Factor Charge:

When electricity delivered to the customer has an average monthly power factor of less than 0.95, the Utility may, at its sole discretion, install reactive kVARh meters and increase the demand charge by a factor charge as set forth in section 12.0234 of this chapter.

MAXIMUM DEMAND:

“Maximum demand” is the average kilowatt delivery during the 15-minute period in which the consumption of energy is greatest during the month for which the determination is made. The maximum demand shall normally be determined by a recording demand meter. In the absence of such demand meter, or if the meter fails to register, the maximum demand shall be estimated from the best information available.

DELIVERY POINT:

The above rates are based upon the supply of service to the entire premises of the customer through a single delivery and metering point at three phase voltage, 60 cycles at the Utility’s standard voltage. Separate supply for the same customer at other points of consumption or meters or at a different voltage shall be separately metered and billed.

PAYMENT:

Above rates are met, the gross bill being 5% higher. In the event the current bill is not paid by the due date specified in the bill, the gross rate shall apply.

SERVICE CONDITIONS:

Service is subject to the rules of Utility.

(g) Class G. Unmetered Small General Service.

CLASS G

UNMETERED SMALL GENERAL SERVICE

APPLICABILITY:

Applicable to the equipment, fixtures, appliances or facilities of customers using single-phase lines with a demand of less than 1 kW per month, that are connected to the Utility's system, including, but not limited to, small usage equipment, appliances, or facilities, repeaters, power supplies, neon lights, and illuminated signs.

TYPE OF SERVICE:

Sixty cycle, single phase, at the Utility's standard voltage.

RATES & CHARGES:

The rates and charges applicable to the customer in class G are as follows:

- (a) Monthly Customer Service Charge,
- (b) Base Energy Rate, and
- (c) Variable Fuel Surcharge.

Monthly Customer Service Charge:

\$5.00 per month.

Base Energy Rate:

\$0.1045 per kWh per month for all kWhs used.

The total number of kWhs used is determined solely by the Utility based on the Utility's standard formula for determining kWh usage:

$$\text{kWh usage} =$$

$$\frac{\text{Volt.} \times \text{current} \times 24 \text{ hours} \times \text{monthly base energy rate}}{\text{x \# of days per billing cycle}} \times 1000$$

Variable Fuel Surcharge:

A variable fuel surcharge as set forth in section 12.0229 of this chapter shall apply.

SINGLE POINT DELIVERY:

The above rates are based upon the supply of service to the entire premises through a single meter at single phase voltage. Separate supply for the same customer at other points of consumption or meters or at a different voltage shall be separately metered and billed.

PAYMENT:

The current bill is due on the due date specified in the bill.

SERVICE CONDITIONS:

Service is subject to the rules of the Utility.

(h) Class H. Outdoor Lighting

CLASS H

OUTDOOR LIGHTING

APPLICABILITY:

Applicable to outdoor lighting connected directly to the Utility's system, typically referred to as street lighting.

RATES & CHARGES:

The rates and charges applicable to the customer with lighting in class H are as follows:

(a) Monthly Rates.

Monthly Rates:Type	Monthly Rate	Description
NSTL	\$35.00	Illuminated Sign
Streetlight 70S	\$7.50	70W Sodium Vapor Light
Streetlight 100	\$10.50	100 Watts Light
Streetlight 170M	\$18.50	170W Mercury Vapor Light

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Streetlight 250	\$27.00	250 Watts Light
Streetlight 400	\$43.00	400 Watts Light

History: Schedule A. eff 1 Jan 75; continued as result of Rule 4-80. eff 1 Apr 80 (modified 12 Jun 80 after further hearing); and Rule 17-83. eff 6 Sept 83. (part); and Rule 4-86. eff .2 Dec 86. § 5, and Rule 1-87. eff 4 Mar 87. § 1; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0231 Schedule A-Residential service.

All fees for products or services described in this section must be prearranged with the Utility and prepaid by the customer. The listing of a fee within section does not guarantee availability of the associated service.

<i>Service</i>	<i>Applicable Customer Class</i>	<i>Amount</i>
Deposit	A	\$ 75.00
Deposit	B	\$ 500.00
Deposit	C & E	\$ 1000.00
Single phase electric installation / new connection	A	Conventional meter: \$150.00 initial fee + excess. The Utility subsidizes the first \$1200.00 and the customer is required to pay excess costs over \$1200.00. Prepayment meter: \$300.00 initial fee + excess. The Utility subsidizes the first \$1200.00 and the customer is required to pay excess costs over \$1200.00
Single phase electric installation / new connection	B, C, D, E, & F	\$300.00 initial fee + all excess costs. The Utility provides no subsidy.
3-phase electric installation / new connection	B, C, D, E, & F	\$600.00 initial fee + all excess costs. The Utility provides no subsidy.
Single phase temporary Electric service	A	\$150.00 + all excess costs. The Utility provides no subsidy. Customer is required to pay meter relocation fee + all excess costs at time of relocation and installation of permanent meter.
Meter Replacement	All	\$150.00, plus actual costs in excess
Meter Relocation	All	\$50.00 + all excess costs. The Utility provides no subsidy
Temporary Switch for Single Phase	All	\$250.00 + all excess costs
Temporary switch for Three phase	All	\$450.00 + all excess costs
Floodlight rental	All	\$120.00 installation cost plus \$20 per day for usage two (2) floodlights.
Pole rental for banner hanging	All	\$150.00 per week for each banner

Streetlight installation/new connection; power pole already in place	All	\$150.00
Streetlight installation/new connection; power pole required	All	\$300.00 + all excess costs
Illegal Connection or Tampering	A	\$500.00 for first offense, and \$1,000.00 for each following offense
Illegal Connection or Tampering	B, C, D, E, & F	\$1,000.00 for first offense; \$1,500.00 for each following offense
Tampering Reconnection Fee	All	\$100.00 plus estimated kWh usage based on average consumption within customer class
Unmetered usage	ALL	Estimated kWh usage based on average consumption within customer class
Energy audit/meter calibration - single phase	A	Free once per year, \$25.00 per meter thereafter
Energy audit/meter calibration - single phase	B	Free once per year, \$50.00 per meter thereafter
Energy audit/meter calibration – 3 - phase	B, C, D, E, & F	Free once per year, \$100.00 per meter thereafter
Electric repairs	All	Actual cost to the Utility
Meter reconnection fee	All	\$25.00, if reconnection fee is paid before 12:00pm on a working day, if after 12:00pm on working day or after hours reconnection is requested then the fee is \$25.00 plus actual costs
Reconnection to power pole or main line - single phase	All	\$50.00 if past due accounts are brought current within one year of disconnection; otherwise, same as electric installation/new connection
Reconnection to power pole or main line - 3-phase	All	\$100.00
Reconnection after termination of electric facilities	A, B, C, D, & E	Actual costs
Reconnection after termination of electric facilities	F	\$100.00 x highest maximum demand capacity recorded by the Utility; and All costs to reconnect to the Utility's system
Returned/bounced check	All	\$30.00
Damage to ASPA facilities or property	All	Actual costs to the Utility for materials, labor, overtime, equipment, rentals, line tucks, backhoes, etc.
Utility's loss of income due to accident/damage	All	Total costs of energy lost, assessed on loss of load at time of incident until power is restored, and including actual costs of material, equipment and labor used in restoration of power.
Power line extensions	All	Actual costs to the Utility for materials, labor,

		overtime, equipment, rentals, line trucks, backhoes, etc.
Specialized personnel services	All	\$35.00 per hour per technician
Prepayment meter to conventional meter conversion	All	\$50.00 plus special deposit
Conventional meter to prepayment meter conversion	All	\$75.00 no deposit for prepayment conversion
Relocation of electric facilities	All	Actual cost, as determined by the Utility
After hours fee	All	\$50.00, in addition to other applicable fees
After-hours vending for prepayment meters	All	\$2.00 per account per vend
Account transfer	All	\$5.00
Utility service upgrade	All	Actual cost
Electric Pause Fee Reconnection	All	\$50.00 for meter installation if service line, meter socket are intact and safe for re-energizing. Building Branch inspection will be required. Considered a new installation if service line and meter socket not intact.

History: Schedule A. eff 1 Jan 75; continued as result of Rule 4-80. eff 1 Apr 80 (modified 12 Jun 80 after further hearing); and Rule 17-83. eff 6 Sept 83. (part); and Rule 4-86. eff .2 Dec 86. § 5, and Rule 1-87. eff 4 Mar 87. § 1; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0232 Research and development fund for renewable energy projects.

- (a) To reduce its dependence on fossil fuels for energy production, the Utility shall establish a research and development fund for renewable energy projects. All revenues collected pursuant to this section shall be deposited in a separate account of the Utility and used exclusively in connection with renewable and/or alternate energy projects of the Utility. An annual accounting of these funds shall be made by the Utility to the Governor and the Legislature on or before the first of October of each year.
- (b) The Utility shall assess, in addition to the rates, charges and fees authorized under sections 12.0230 and 12.0231 of this chapter, an additional base energy rate of \$0.002 per kWh to classes A, B, C, D, E, F, and G to finance the Utility's research and development fund for renewable energy projects unless a specific power purchasing agreement is in effect between customer and the Utility.

History: Rule 4-80, eff 1 Apr 80. Schedule B: and Rule 17-83. eff 6 Sep 83. (part): and Rule 4-86, eff 22 Dec 86. 6: and Rule 1-87. eff 4 Mar 87. § 2; repealed and

replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0233 Operating, metering and protective relaying for cogenerators and small power producers.

- (a) Introduction. This section sets forth the minimum requirements for safe and effective operation of customer-owned generation facilities that interface, or have the potential to interfere, in any way with the Utility's electric system. Under normal operating conditions, the Utility controls the only source of supply to a given line and therefore has the responsibility to install equipment which is adequate, under expected circumstances, to detect faulted equipment and de-energize it. Electric generators owned and/or operated by customers of the Utility, that are capable of being connected to the Utility's system or of backfeeding onto the Utility's system through customer circuits, must have adequate protective devices installed.
- (b) Customer Generation. The Utility will permit customers to operate generating equipment in parallel with the Utility's electric system when this can be done without adversely affecting the general public or the Utility's system, equipment, or personnel. Certain protective devices (relays, circuit breakers, etc.) must be installed at any location where a customer has the capability of operating generation equipment in parallel with the Utility's system. The purpose of these devices is to promptly disconnect the customer's generating equipment from the Utility's system whenever faults or abnormal operations occur. The Utility will not be liable for, nor assume any responsibility for protection of the customer's generator(s) or any other portion of the customer's electrical equipment. The customer is fully responsible for protecting his/her equipment in such a manner that faults, outages, surges, and/or other disturbances on the Utility's system do not cause damage to the customer's equipment. The customer may elect to run generation in parallel with the Utility's system or as a separate system with the capability of non-parallel load transfer between the two independent systems. Connection to the Utility's system requires the generation of 60 Hz alternating current.
- (c) Separate Systems. A separate system is defined as a system in which there is no possibility of connecting the customer's generating equipment to or in parallel with the Utility's system. To protect against the possibility of backfeeding onto the Utility's system, the customer shall furnish and install a load break disconnection safety switch on the customer's side of the metering. If the

customer's generation unit is capable of isolated operation from the Utility's system, the customer shall furnish and install two such switches. The disconnect switch or switches shall be located adjacent to the Utility's meters and shall be of the visible break type in metal enclosure which can be secured in an open position by the Utility's padlock. The Utility shall have the right to lock such switch or switches open, whenever, in the sole judgment of the Utility, it is necessary to maintain safe electrical operating conditions, or a system emergency or abnormal condition exists. This switching agreement shall allow the transfer of load between the two systems in an open transition or non-parallel mode. For customers having separate systems the Utility will require verification that the load transfer switching arrangement meets the non-parallel requirements. This verification will be accomplished by approval of drawings by the Utility and/or field inspection of the load transfer switchgear. The Utility will not be responsible for approving the customer's generating equipment and assumes no responsibility for its design or operation. Unless customer generation specifically meets separate system criteria (i.e., cannot backfeed onto Utility system) or an approved non-parallel load transfer switching arrangement is installed, the generation source will be considered capable of backfeeding and will be required to meet the protection specifications for parallel operation.

(d) Parallel Systems. Parallel systems are defined as systems in which the customer's generation can be connected to a bus that is common to the Utility's system and wherein a direct transfer of power between the two systems is possible. Customers are required to provide sufficient relaying to detect phase and ground faults in the customer's equipment. This relaying shall coordinate with the Utility's relays.

(1) Design Requirements.

- (A) The customer's installation shall meet or exceed all applicable construction and safety codes.
- (B) The customer shall furnish and install a load break disconnect safety switch which shall be of the visible break type in a metal enclosure which can be secured in an open position by the Utility's padlock. The Utility shall have the right to lock such switch or switches open whenever, in the sole judgment of the Utility, it is necessary to maintain safe electrical operating conditions, or a

system emergency or abnormal conditions exists.

- (C) The customer shall furnish voltage regulation equipment sufficient to maintain voltage within normal Utility operating limits.
- (D) The Utility reserves the right to require and approve drawing and schematics of the customers interconnecting equipment and the right to conduct field inspection to verify compliance with the approved design.
- (E) The customer shall furnish instrumentation and metering in accordance with these rules and the Utility's operating practices and procedures.
- (F) For customers with the generation facilities that can maintain output when disconnected from the Utility's system, generator breakers or system interface breakers must be equipped with the following appropriately sized and coordinated protection devices:
 - (1) Individual phase over current trip devices for three-phase fault protection;
 - (2) Sensitive ground detection relaying for single-phase-to-ground fault protection (particular attention must be paid to the method of grounding customer generators and Utility transformers (if included in circuit) to be certain that the appropriate relays are installed to detect and clear all Utility and customer ground faults);
 - (3) Under voltage trip devices necessary to protect the Utility's system for low generator output voltage;
 - (4) Underfrequency relays to detect when the customer's generator is supplying the Utility's system in excess of the generator's capacity;
 - (5) Overvoltage and/or over frequency relays to protect the Utility's other customers from overvoltage; and
 - (6) Synchronizing equipment to ensure a smooth connection to the Utility's

system (synchronizing automatically through check relays is preferred over manual synchronization).

(G) Customers with generation facilities that cannot maintain output when disconnected from the Utility system are required to equip generator breakers or interface breakers with the following protective devices:

- (1) Individual phase overcurrent protection for three-phase and phase-to-phase fault protection;
- (2) Ground fault protection relays for phase-to-ground fault protection; and
- (3) Underfrequency, over frequency, undervoltage, and overvoltage relays to protect the Utility's system if the induction generator separates from the Utility's power source at a point between the customer's main breaker and the Utility's substation. Induction generators could become self-excited from the Utility's line capacitors or customer's capacitors, causing excessively high or low voltage and subsequent damage to customer equipment (note: for small induction generators generating less than 50kW, the relays in subsection (d)(1)(G)(1) above are not required due to the fact that generators of this size would not normally supply sustained overcurrent).

(2) Operating Requirements.

- (A) The customer must maintain the service voltage within the normal limits of the Utility. If high or low voltage complaints or flicker complaints result from operating the customer's generator, the Utility shall disconnect the customer's generating equipment until the problem is resolved.
- (B) The customer's generator must not be reconnected in parallel with the Utility's system after a protection device trip due to Utility line trouble until the Utility has corrected the problem and energized the Utility's line to the customer's main breaker. During the period of Utility line

trouble, the customer may operate the generator isolated from the Utility.

- (C) The customer must notify the Utility before operating any generating of a significant size (as established by the Utility) in parallel. This notification shall be made before each connection and disconnection.
- (D) The customer shall be required to discontinue parallel operation during maintenance or repair to Utility facilities.
- (E) The customer shall be fully liable and responsible for damage caused to other customers or the Utility as a result of malfunction of the customer's generator or controls.
- (F) The customer shall indemnify and hold harmless the Utility for any and all damage caused to third parties as a result of the customer's negligence and/or malfunction of the customer's generator(s), controls.
- (G) The customer shall be required to contact the Utility before reconnecting the generator to the Utility's system on occasion when it has been disconnected by the protective relays due to abnormal conditions.
- (H) All protective devices used by the customer and required by the Utility shall be tested by qualified Utility personnel at frequent intervals specified by the Utility. A fee for such testing shall apply.

(3) Utility Considerations for Parallel Operation.

- (A) The operation of the customer's generation in parallel with the Utility makes backfeeding a distinct possibility. Protective devices incorporated onto the customer's equipment cannot be relied upon to prevent backfeed during faults on the Utility line connected to the customer. Backfeeding will also occur whenever the customer's generation exceeds the load.
- (B) Utility Design Requirements.
 - (1) The Utility shall, at its sole discretion, have the ability and right to disconnect the customer's

generation at the customer/Utility interface whenever necessary.

- (2) Transformers feeding customer systems with parallel generation should be identified with a special tag attached to the transfer or pole. This will notify field crews of the possibility of backfeed.
- (3) All maps or diagrams used by the system operator to direct switching operation should have sources of parallel generation identified.
- (4) At the discretion of the Utility, a supervisory control and monitoring system may be incorporated for those customers with large generators.
- (5) The Utility's distribution feeders automatically reclose following a line trip-out. To prevent damage to the customer's generating equipment, some form of reclose blocking or sync-check must be provided to block both automatic and manual reclosing until the customer's generating unit has separated from the line. This equipment shall be provided at the customer's sole expense.
- (6) The connection of interfacing transformers between the customer and Utility, if required, should be given considerable attention. The relaying requirements and system operating characteristics can be greatly affected by the connection.
- (7) The preferred transformer connection, from a Utility relaying standpoint, is for the interface transformer to be connected delta on the generator side and grounded wire on the Utility side. An overcurrent relay connected to a current transformer in the high voltage neutral will provide sensitive ground relaying for line-to-ground faults on the Utility system. Delta connected windings on the customers side may be objectionable because it leaves the customer's system ungrounded.

(C) Utility Operation Procedures.

- (1) To maintain safe working conditions, strict adherence to these rules and the Utility's safety rules shall be required. Utility manuals for line crews must include safe working procedures applicable to parallel generation operation.

- (2) The Utility may exercise direct control over customer generation that is of sufficient magnitude to affect Utility generation and/or voltage regulation.

- (3) The Utility shall have discretionary control over all of a customer's parallel generation — no matter what the size — during outages, equipment maintenance and emergencies.

History: Rule 4-80. eff 1 Apr 80, Schedule LPI; and Rule 17-83. eff 6 Sep 83. (part); and Rule 1-87.4 Mar 87. § 3; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0234 Power factor charge.

At the Utility's sole discretion, kVArh metering will be installed on the service of any new customer whose demand is expected to exceed 25 kilowatts and upon the service of any existing customer whose demand has exceeded 25 kilowatts for three consecutive months. When such power factor metering is installed on a customer's service, the total billed demand charge for any month's electric service shall be increased, according to the following formula:

$$\text{Billed Demand} = \frac{\text{Measured kW demand} \times \text{Allowable P.F.}}{\text{Average P.F.}}$$

[The ratio of Allowable PF over Average PF multiplied by the Measured (Max) kW Demand] Allowable P.F. 95%

Average power factor to be computed (to the nearest whole percent) from the ration of lagging kilovolt-ampere-hours to kilowatt-hours consumed during the month as follows:

$$\text{Average P.F.} = \frac{\text{Customer kWh}}{\sqrt{[(\text{Customer kWh})^2 + (\text{Customer kVArh})^2]}}$$

Before installing kVArh metering on an existing customer's service, the Utility will measure the customer's power factor and notify the customer of the result of the measurement. The customer shall

then be allowed 60 days to enter into a mutually agreed upon power factor correction program. The program shall be based on the Utility's dollar estimate of the annual potential penalty. The customer shall agree to install power factor corrective devices on customer's system equivalent to the annual dollar value of the Utility's estimate of the power factor penalty. This program shall continue in effect until the customer's power factor reaches 95% or better for six (6) consecutive months, or one (1) year maximum time has elapsed. The power factor clause shall then become effective on the customer billing. During the time this agreement is in effect, the Utility shall not impose any other power factor penalty on the customer. If the above agreement is not implemented, kVArh metering shall be installed and the customer shall be billed in accordance with the above provisions.

History: Rule 4-86, eff 22 Dec 86, § 7; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0235 Violations

- (a) The Utility reserves the right to refuse service to any customer that does not comply with the rules set forth in this chapter.
- (b) If any person or entity responsible for complying with the provisions of this chapter violates any such provision, the Utility shall notify that person or entity in writing of said violation(s) and order that person or entity to correct the said violation(s). The Utility shall be entitled to assess fees and charges at its discretion, pursuant to this chapter.
- (c) Notices of violations shall be served in person, posted upon the premises in a prominent place, or via first class mail to the account holder.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0237 Authority to adjust rates.

The Board of Directors of the American Samoa Power Authority may, by formal resolution adopted in accordance with its bylaws, adjust (reduce or increase) one or more rates, charges, and/or fees codified in sections 12.0230 and

12.0231, provided that such adjustment or adjustments do not exceed publicly filed rates, charges, and/or fees adopted under A.S.C.A. 515.0102 and the Administrative Procedure Act, A.S.C.A. 4.1001 et. seq. The Board, at a minimum,

shall review the rate in the first quarter of each calendar year.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0238 Severability.

If any section, subsection, sentence, clause, phrase, provision, or application of this chapter for any reason is held invalid, such invalidity shall not effect the validity and/or application of the remainder of this chapter as a whole or any part thereof other than the part so held invalid.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0239 Effective date.

This chapter and all the provisions contained herein shall take effect upon compliance with Administrative Procedures Act, A.S.C.A. and A.S.C.A. 4.1020(b).

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

[End of Title 12 – Chapter 2]

TITLE 12 – CHAPTER 03 –
WATER/WASTEWATER

Sections:

- 12.0300 Definitions.
- 12.0301 Service generally.
- 12.0302 Customer accounts.
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- 12.0304 Septic systems.
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- 12.0310 Limits of liability.
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- 12.0335 Severability.
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Editor's Note: All Sections of Chapter 3, Title 12 as provided for in Rule 11-81, eff 1 Aug 81, has been repealed and amended in its entirety to the current Sections as provided for in Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

I. GENERAL PROVISIONS

12.0300 Definitions

(a) "Approved backflow prevention assembly," as used in this chapter, is defined as a reduced pressure backflow assembly (RPBA), a reduced pressure detector assembly (RPDA), a double check valve assembly (DCBA or DCVA), or a pressure vacuum breaker that is approved by the

Utility. Approved backflow prevention assemblies are required by the Utility for the protection of the public water system. Approved backflow prevention assemblies are found in the current approved backflow prevention assemblies list developed by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research or such other entity acceptable to the Utility.

- (b) "Backflow," as used in this chapter, is defined as a reverse flow that causes used water, non-potable water, or other substances from any source to flow into the Utility's service line and/or customer's water supply. For purposes of this chapter, backflow also refers to and includes "back siphonage," which is backflow due to a reduction in system pressure in the Utility's water system.
- (c) "Cross-connection," as used in this chapter, is defined as any actual or potential unprotected physical connection or structural arrangement between the Utility's service line and that of any other source or system, whether private water system, other water or chemical supply system, disposal system, process waters, or other system through which it is possible to introduce into any part of the potable system any used water (such as water used on the customer's premises, by the customer for any reason, or which has been located at any time within the customer's piping), industrial fluids, gas, or substance other than the intended potable water with which the potable system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary devices, through which or because of which backflow can or may occur, are also considered to be cross-connections.
- (d) "Customer(s)," as used in this chapter, is defined as any person, entity, government agency, church, or individual, whether residential, commercial, or industrial, to whom or which the Utility has provided, or continues to provide, water or wastewater service or a connection thereto.
- (e) "Customer point of discharge demarcation," as used in this chapter, is defined as the specific point on the customer's service line which is ten feet from the Utility's wastewater main line. Customers are responsible for the service line from the premises to the customer point of discharge demarcation.

- (f) "Delivery point," as used in this chapter, is defined as the farthest point to which the Utility will extend water service, which point, unless otherwise specified or consented to by the Utility, shall be the Utility's water meter.
- (g) "Discharge point," as used in this chapter, is defined as the point at which the wastewater leaves the customer's control and enters the Utility's wastewater system, which shall be the Customer Point of Discharge Demarcation.
- (h) "Industrial customer(s)," as used in this chapter, is defined as an industrial customer, as set forth in A.S.A.C. 12.0230(d) and (f).
- (i) "Infrastructure," as used in this chapter, is defined as equipment and facilities necessary to provide water and wastewater service to the people to American Samoa, including, but not limited, to water service system pipes, fittings, conduits, sewer service system pipes, main lines and laterals.
- (j) "Large general service customer," as used in this chapter, is defined as a large general service customer, as set forth in A.S.A.C. 12.0230(c) and (e).
- (k) "Multi dwelling unit," as used in this chapter, is defined as a structure or a property which has two or more units occupied by different tenants with one water meter.
- (l) "Pumping Surcharge Coefficient," as used in this chapter, is defined as a constant factor of 0.20.
- (m) "Pumping Surcharge Multiplier," as used in this chapter, is defined as a constant factor of 5.
- (n) "Residential," as used in this chapter, is defined as an individual or family occupying a residential dwelling unit or single family home and has no significant producing or processing activity of a commercial or industrial nature, and includes all customers in Class A as defined in section 12.0230(a) ASAC.
- (o) "Septic system," as used in this chapter, is defined as any watertight receptacle which receives discharge of domestic sewage that is designed and/or constructed so as to retain solids, digest organic matter through a period of detention, and discharge liquids into a subsurface disposal field or one or more seepage pits.
- (p) "Sewage," as used in this chapter, is defined as water-carried human waste from residences, building, industrial establishments, or other places, together with such ground water infiltration and surface water as may be present.
- (q) "Small general service customer," as used in this chapter, is defined as a small general service customer as set forth in A.S.A.C. 12.0230(b).
- (r) "Terminate facilities" or "termination of facilities," as used in this chapter, is defined as the complete removal of the Utility's meter, metering equipment and facilities, and any and all Utility facilities from the premises of the customer.
- (s) "Terminate service" or "termination of service," as used in this chapter, is defined as the disconnection of service by means of removal of a meter, but does not mean termination of electrical facilities.
- (t) "Utility," as used in this chapter, is defined as the American Samoa Power Authority.
- (u) "Variable Fuel Surcharge," as used in this chapter, is defined as the Variable Fuel Surcharge as defined and calculated by section A.S.C.A. 12.0229.
- (v) "Wastewater," as used in this chapter, is defined as sanitary waste or used water from any building or structure, including but not limited to, sewage, shower, and wash water, and any associated solids or combinations of these, whether treated or untreated, together with such water as is present.
- (w) "Wastewater service," as used in this chapter, is defined as wastewater services provided by the Utility and services performed by the Utility in connection with providing wastewater facilities to customers.
- (x) "Water service," as used in this chapter, is defined as potable water provided by the Utility and services performed by the Utility in connection with providing water to customers.
- (y) "Water service connection," as used in this chapter, is defined as the pipes, valves and other facilities through which the Utility conducts water from its distribution mains to and through the customer's delivery point.
- (z) "Watershed," as used in this chapter, is defined as an area in which the Utility finds that

groundwater and/or surface water must be regulated and protected for its best utilization, conservation, and protection in order to prevent threat of exhaustion, depletion, contamination, waste, pollution, or deterioration by salt encroachment.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981)

12.0301 Service generally.

- (a) The Utility shall have charge of and shall administer the collection, production, storage, distribution, and sale of potable water. The Utility will endeavor to deliver a continuous supply of safe, potable water and to avoid any shortage or interruption in the delivery, so long as water rights or capacity are sufficient for delivery to be made in a safe and reliable manner, delivery is economically reasonable or otherwise practicable, and delivery is consistent with the requirements of applicable rules and regulations, all as determined by the Utility.
- (b) The Utility shall also take charge of and administer the collection of wastewater. The Utility will endeavor to ensure a safe and sanitary collection of wastewater via the Utility's wastewater system.
- (c) The rules and regulations herein govern the construction, modification, replacement, and operation of potable water and wastewater systems within the Territory. Its provisions shall be liberally construed for the accomplishment of these purposes.
- (d) Nothing in this chapter shall be construed as relieving a customer, owner, or possessor of premises from the obligation of complying with any other laws, regulations, orders, or requirements which may be applicable. The enactment of this chapter does not create any specific rights to products or services. All products or services mentioned or listed in this chapter are provided by the Utility at the Utility's sole discretion.
- (e) The Utility provides service and facilities only as far as the delivery point or from the discharge point. All water services shall be metered.

History: Rule 11-81, eff 1 Aug 81, Art. I § 1; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0302 Customer Accounts

All customers of the Utility with a water service connection to the Utility's water system, shall also have a wastewater connection and all customers shall be responsible for paying all corresponding rates and fees as described and set forth in this chapter.

History: Rule 11-81, eff 1 Aug 81, Art. I § 2; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0303 Service connections and installation.

- (a) Wherever the Utility is capable of connecting a customer to the wastewater system, such connection is mandatory in order to protect the groundwater supply. Wastewater service shall be provided up to the customer point of discharge demarcation. The Utility shall install a wastewater service connection of such size and at such location as the applicant requests, provided that the Utility finds that such request is reasonable under the circumstances and complies with applicable building laws, codes, and permits. The Utility shall not connect or allow connection of storm water or any similar water runoff into the wastewater system. The Utility shall have no responsibility to own, construct, operate, repair, or maintain any facilities or equipment on the customer's side of the customer point of discharge demarcation. Only duly authorized employees or agents of the Utility shall be permitted to install a wastewater service connection from the customer's premises to the Utility's wastewater system.
- (b) The Utility shall install a water service connection of such size and at such location as the applicant requests, provided that the Utility finds that such request is reasonable under the circumstances and complies with applicable building laws, codes, and permits. Water service shall be provided to the delivery point. The Utility shall have no responsibility to own, construct, operate, repair, or maintain any facilities, appliances, or equipment beyond the delivery point. Only duly authorized employees or agents of the Utility shall be permitted to install a water service connection.
- (c) All connections for water service, permanent and temporary, between the Utility's piping and the meter shall be made by the Utility. All connections to the wastewater system, permanent and temporary, between the Utility's wastewater system and the customer point of discharge demarcation shall be made by the Utility. The Utility will not permit or tolerate unauthorized connections.
- (d) Customers must make written applications for water and wastewater service and execute the Utility's standard form(s) when the Utility determines it to be necessary. Customers shall

also pay the necessary deposits and connection fees. No application is complete until all payments have been made and the Utility's standard form(s) have been executed.

- (e) In the case of rented or leased property, for all customer classes, the landlord or owner of said property must co-sign for the tenant or renter on the initial application or transfer of an account. Cosigners shall be held financially responsible for payment of any past due utility bills of the tenant. This applies to all rate classes. Utility service will be disconnected and not be restored until payments or a payment plan is made to resolve past due utility accounts.
- (f) No promise, agreement, or representation of any employee or agent of the Utility, with reference to furnishing a connection, shall be binding upon the Utility unless it is authorized by the Chief Executive Officer and Chief Operations Officer.

History: Rule 11-81, eff 1 Aug 81, Art. 1 § 3; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0304 Septic systems.

- (a) Septic systems shall be installed only when the Utility determines it to be impossible or impracticable to be connected to the Utility's wastewater system. Upon installation and commissioning, septic systems installed by the Utility become the property of and are the responsibility of the customer. The Utility shall solely be responsible for determining whether a septic system can feasibly be installed, taking into account necessary setback requirements, surface slope, soil characteristics, and other factors. New or replacement septic systems shall meet all the requirements for new septic systems.
- (b) The septic tank shall be large enough for the discharge of wastewater based upon the number of residents or occupants of the structure. It shall be watertight and constructed of solid, durable materials not subject to excessive corrosion or decay. It shall be designed to produce a clarified effluent and provide adequate space for sludge and scum accumulation. It shall be manufactured to meet all necessary environmental standards and shall be structurally designed to withstand all anticipated earth or other loads.
- (c) Septic systems shall not be installed if installation could contaminate a source of drinking water. Upon installation of a septic system, the customer must perform necessary

maintenance in order to assure proper operation of the system, including but not limited to periodic pumping, inspecting, cleaning, and replacing components.

History: Rule 11-31, eff 1 Aug 81, Art. 2 § 1; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0305 Backflow prevention required

- (a) As a prerequisite to receiving water service, all residential customers shall install, at the customer's expense, a Utility approved dual check backflow prevention device on the discharge side of the new water meter within the meter box. All small general service and large general service customers shall install Utility-approved backflow prevention assemblies on all water supply lines from the Utility.
- (b) Only approved backflow prevention assemblies shall be installed. All approved backflow prevention assemblies or protection against backflow installed or paid for by the customer shall be maintained in good working condition by the customer. Such devices must be tested and approved for service by a certified backflow assembly tester at the time of installation. All backflow prevention assemblies must be tested and approved for service on an annual basis by a certified backflow assembly tester. The Utility reserves, at the expense of the customer, the right to unlimited access to backflow prevention assembly installations if they are replaced or repaired. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the Utility.
- (c) In special circumstances or when the customer is engaged in the handling of especially dangerous or corrosive liquids, or industrial or process waters, the Utility may require the customer to eliminate certain plumbing or piping connections as an additional precaution to prevent backflow, back-siphonage, or cross connections. In making required plumbing connections the customer shall comply entirely with the latest edition of the Universal Plumbing Code and relevant local building codes.
- (d) All fire hydrant usage shall require a backflow prevention assembly.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0306 Valves required.

- (a) As a protection for the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by the customer, at the customer's expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.
- (b) The customer shall install a suitable control valve, as close to the meter location as practicable, the operation of which will control the entire water supply from the service.
- (c) Two or more services supplying water from different street mains to the same building structure or premises, through which an inter-street main flow may occur, shall have a Utility-approved backflow prevention assembly installed on each water service. The Utility requires a backflow prevention assembly for all families with village and Utility water systems, for all commercial service installations, and for residential service customers that violate Utility rules.
- (d) Where reduced or increased pressure is desired, the customer shall be responsible for installing and maintaining all necessary pressure regulator valves, booster pumps, and relief valves. In all such cases, the equipment shall be installed at the customer's expense and on the customer's side of the delivery point, in such a manner as not to endanger the water system. At the sole determination of the Utility, customers with a booster pump shall, at the customer's expense, install an approved backflow prevention assembly or an air gap system.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0307 Easement requirement.

- (a) To accomplish the Utility's duties and purposes codified in A.S.C.A 15.0102, including the production, distribution, and sale of potable water and wastewater disposal, it is essential that the Utility obtain the right to install and maintain facilities necessary to provide water and wastewater service to the people of American Samoa, including, but not limited, to water service system pipes, fittings, conduits, sewer service system pipes, main lines and laterals. The customer shall execute, or have the property owner execute, the Utility's standard form easement at no cost to the Utility. The Utility or

its duly authorized agents shall at all reasonable times have the right to enter and remain on the customer's premises for any purpose properly connected with the service, connection, or termination of water or wastewater to any customer.

- (b) The area of the Utility's easement shall be equal to the minimum required clearance or setback as determined by the Utility for that particular piece of equipment or infrastructure. Damaging Infrastructure within the easement, or encroachment upon the Utility's easement or interference with the Utility's right-of-way granted by this chapter, including, but not limited to, erecting buildings, structures, or improvements upon the Utility's easement and right of way is prohibited. If the landowner damages or causes damage to Infrastructure within the easement, or constructs or causes the construction of buildings, structures, or improvements upon or within the Utility's easement in violation of this chapter, the landowner shall reimburse the Utility for any and all expenses associated with or arising from replacing the Utility's Infrastructure, relocating the Utility's Infrastructure, or removing the building, structure, or improvement, whichever the Utility deems to be in its best interest. Infrastructure replacement or relocation costs shall include, but are not limited to those specified in section 12.0317 of this chapter. Any costs required to remove the landowner's building, structure, or improvement shall be borne by the landowner.
- (c) The customer shall not bury or cause to be buried, either permanently or temporarily, the water meter or other above-ground Utility infrastructure. Customers shall pay an access fee as set forth in this chapter to uncover buried or inaccessible meters or other Utility infrastructure.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0308 Voluntary discontinuance of service.

- (a) A customer may not voluntarily discontinue wastewater service. A customer may have his or her water service discontinued by notifying the Utility at least thirty (30) days in advance of the desired date of discontinuance. The customer will be required to pay all water charges until the date of such discontinuance. If the customer fails to provide notice as required by this section, the

customer will be required to pay for water service for thirty (30) days after the Utility has learned that the customer has vacated the premises or otherwise has discontinued service.

- (b) The Utility will not disconnect customers from the wastewater system, except for extreme emergency situations.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0309 Temporary service.

Temporary water service and/or wastewater service may be obtained by making arrangement for such service with the Utility. Rates, charges, and fees for water furnished through a temporary service connection will be in accordance with this chapter, including but not limited to sections 12.0315 through 12.0317.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0310 Limits of liability.

(a) The Utility will endeavor to provide potable water and an outlet for wastewater removal on a continuous and uninterrupted basis. The Utility will not be liable, except in cases of gross negligence or negligent workmanship by the Utility, for any damages the customer may sustain by reason of the failure to provide said service.

(b) The Utility shall not be liable for interruption, shortage, or insufficiency of water or wastewater service, or for any loss or damage occasioned thereby, if caused by service malfunctions, accident, act of God, fire strikes, riots, war, or any other cause not within the Utility's control. The Utility, whenever it finds it necessary or convenient for the purpose of making repairs or improvements to its system shall have the right temporarily to suspend delivery of water to customers or discharge of wastewater from customers and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be implemented as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the customers. The Utility will attempt to provide, when practicable and as time permits, notice to customers who may be affected by anticipated service interruptions.

(c) The Utility shall not be held responsible for loss or damage due to lack of water or lack of water

pressure. All connections, pumps, tanks, chlorinators, or filters, between the Utility's meter and the customer's water outlets shall be the sole responsibility of the customer both as to original installation as to maintenance and upkeep. All connections, piping, and/or other appurtenances installed at any point between the discharge point and the customer's wastewater outlets shall be the sole responsibility of the customer as to original installation and as to maintenance and upkeep.

(d) The Utility shall not be responsible for any loss or damage caused by the improper installation of such water or wastewater equipment, or the negligence of proper care, or wrongful act of the customer or the customer's tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, using, operating, or interfering with such equipment. The Utility shall not be responsible for damage to property caused by spigots, faucets, valves, and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

(e) Nothing in this chapter shall be construed as a contract on the part of the Utility to furnish its water or wastewater services for any definite period of time or as a public Utility in respect to any water or wastewater services furnished outside the Utility.

History: Rule 11-31, eff 1 Aug 81, Art. 2 § 2; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0311 Repairs.

Any customers experiencing lack of water or wastewater service should first inspect their own facilities to determine whether the lack of service is on the customer's side of the delivery point or the customer point of discharge demarcation. The Utility shall have no responsibility to own, construct, operate, repair, or maintain any facilities, appliances, or equipment on the customer's side of the delivery point for water service or, for wastewater service, the customer point of discharge demarcation.

History: Rule 11-31, eff 1 Aug 81, Art. 2 § 2; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0312 Meters.

(a) All water service shall be metered. The installation of the meter shall be made at the sole

determination of the Utility, with a Utility preference that it shall be installed at or near the curb or property line. Meters shall be the property of the Utility. No rent or other charge shall be paid by the Utility for a meter or other water facilities, including any housing or connection apparatus, which may be located on a customer's premises.

- (b) All meters will be sealed by the Utility at the time of installation and no seal shall be altered or broken except by one of its authorized employees or agents.
- (c) Meters relocated by request of the customer or for the convenience of the customer will be relocated at the customer's expense. The customer shall prepay such expense pursuant to the Utility's estimate of the total cost.
- (d) The meter and the meter box or housing will be repaired and maintained by the Utility at its expense, but the Utility is not responsible for the cost of installation. Upon receipt of a request from a customer, the Utility will test a customer's meter, free of charge, for correct calibration once every 365 day period. Any meter shown by test to have an average error of more than five percent (5.0%) will result in an adjustment of the billing for the last billing period. Adjustments shall be based upon the best available data and evidence of the Utility.
- (e) Where a meter cannot be read without undue difficulty because of an obstruction, the customer will be notified and requested to correct the condition. The Utility has the right to discontinue the service if the condition is not corrected. Where service is terminated, the Utility will charge a reconnection fee as set forth in this chapter before restoring service.

History: Rule 11-31, eff 1 Aug 81, Art. 2 § 2; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0313 Delivery point.

- (a) With the exception of the meter, the Utility shall have no responsibility to own, construct, operate, repair, or maintain any water facilities, appliances, or equipment beyond the delivery point. The delivery point must be approved by the Utility before building plumbing and wiring is installed.
- (b) The Utility will provide only one water delivery point per building. the building provides for

multiple occupancy, the one service per building must supply all meters for all tenants in the building. Should the landlord or building owner desire multiple meters for each tenant, the meters shall be grouped or united at one central point.

History: Rule 11-31, eff 1 Aug 81, Art. 2 § 2; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0314 Delivery point — Designation — Anchorage for connections.

- (a) Prior to connection, the customer shall ascertain from the Utility to what point on the customer's structure the water service connection will be attached. Upon inquiry by the customer, the Utility will designate a location for the water service connection and the point of attachment to the building. The Utility will assume no responsibility to change the location of its water service connection if an improper location is chosen without consultation with the Utility or if the designated location is not utilized.
- (b) Water service connections shall not interfere with windows, doors, awnings, or other parts of the buildings or be readily accessible to persons at windows and doors or other accessible areas.
- (c) Safe and adequate structures for the water service connections are required of the customer, and in no case will the Utility be responsible for damage to any of the customer's buildings or structures to which water service connections are attached or have been attached.
- (d) Where water service connections are to be connected to building with stucco, hollow tile, brick veneer, plaster, stone coated or sheet iron exteriors, or where there is no surface available that is suitable for the attachment of water service connections, the customer shall ensure that the wall is adequately prepared for the connection.

History: Rule 11-31, eff 1 Aug 81, Art. 2 § 2; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0315 Rate schedule.

(a) Residential Service.

APPLICABILITY:

Residential service rates shall be applicable to domestic customers for residential use, where the majority of use is for the personal use and comfort of those residing at the location, and shall include

customers in Class A as defined in section A.S.C.A. 12.02306).

RATES AND CHARGES:

The rates and charges applicable to the customer in class A are as follows:

- (a) Monthly Customer Service Charge,
- (b) Base Water Rate,
- (c) Variable Pumping Surcharge, and
- (d) Groundwater Contamination and Protection Charge.
- (e) Groundwater Contamination and Protection Volume Charge for Multi-dwelling.

Monthly Customer Service Charge:

\$14.62 per month. effective and current until September 30, 2017:

\$14.91 per month from October 1, 2017 and until September 30: 2018:

\$15.21 per month from October 1. 2018 and continuing thereafter.

Base Water Rate:

<u>Effective until September 30 2017</u>	
Zero to 10 000 gallons	\$2.81
10,001 to 20,000 lons	\$3.31
20,001 to 30,000 lions	\$3.81
30,001 gallons and above	\$4.31
<u>Effective October 1 2017 to September 30 2018</u>	
Zero to 10,000 gallons	\$2.87
10,001 to 20,000 gallons	\$3.37
20,001 to 30,000 gallons	\$3.87
30,001 gallons and above	\$4.37
<u>Effective October 1 2018 and continuing thereafter</u>	
Zero to 10,000 gallons	\$2.92
10,001 to 20,000 gallons	\$3.42
20,001 to 30,000 gallons	\$3.92
30,001 lons and above	\$4.42

Variable Pumping Surcharge:

A variable pumping surcharge as set forth in section 12.0316 of this chapter shall apply.

Groundwater Contamination and Protection Charge:

\$16.25 per month until May 13, 2015;

\$17.06 per month. from May 14. 2015 and until September 30, 2016:

\$20.05 per month, from October 1, 2016 and until September 30, 2017:

\$23.56 per month. from October 1. 2017 and until September 30.2018:

\$24.97 per. month, from October 1, 2018 and continuing thereafter.

Groundwater Contamination and Protection Volume Charge for Multi-dwelling Units with One Water Meter:

\$1.85 per one thousand gallons from May 14, 2015 and continuing thereafter.

DELIVERY POINT:

The above rates are based upon the supply of water service through an individual meter. Separate supply for the same customer at other points of consumption or meters shall be separately metered and billed.

PAYMENT:

The bill is due monthly on the date specified on the bill.

(b) Small General Service and Large General Service.

APPLICABILITY:

These rates shall be applicable to small and large general service customers, and shall include customers in Classes B, C, and E as set forth in A.S.A.C. 12.0230(b), (c), and (e).

RATES AND CHARGES:

The rates and charges are as follows:

- (a) Monthly Customer Service Charge,
- (b) Base Water Rate,
- (c) Variable Pumping Surcharge,
- (d) Groundwater Contamination and Protection Charge, and
- (e) Groundwater Contamination and Protection Volume Charge.

Monthly Customer Service Charge:

\$14.62 per month. effective until September 30, 2017:

\$14.91 per month from October 1.2017 and until September 30.2018;

\$15.21 per month from October 1, 2018 and continuing thereafter.

Base Water Rate:

\$3.03 per one thousand gallons. effective until September 30.2017:

\$3.09 per one thousand gallons, from October 1.2017 to September 30. 2018:

\$3.15 per one thousand gallons. from October 1, 2018 and continuing thereafter.

Variable Pumping Surcharge:

A variable pumping surcharge as set forth in section 12.0316 of this chapter shall apply.

Groundwater Contamination and Protection Charge:

\$16.25 per month until May_ 13 2015

\$17.06 per month. from May 14, 2015 and until September 30.2016:

\$20.05 per month. from October 1, 2016 and until September 30, 2017:

\$23.56 per month, from October 1, 2017 and until September 30.2018;

\$24.97 per month. from October 1.2018 and continuing thereafter.

Groundwater Contamination and Protection Volume Charge:

\$1.85 per thousand gallons, until May 13, 2015;

\$1.94 per thousand gallons. from May 14. 2015 to September 30, 2016;

\$2.28 per thousand gallons. from October 1.2016 to September 30.2017:

\$2.68 per thousand gallons, from October 1. 2017 to September 30.2018:

\$2.84 per thousand gallons, from October 1 | 2018 and continuing thereafter.

DELIVERY POINT:

The above rates are based upon the supply of water service through an individual meter. Separate supply for the same customer at other points of consumption or meters shall be separately metered and billed.

PAYMENT:

The bill is due monthly on the date specified on the bill.

(c) Industrial Service.

APPLICABILITY:

These rates shall be applicable to industrial service customers, and shall include customers in Classes D and F as set forth in A.S.A.C. 12.0230(d) and (f).

RATES AND CHARGES:

The rates and charges are as follows:

- (a) Monthly Customer Service Charge
- (b) Base Water Rate, and
- (c) Variable Pumping Surcharge.
- (d) Groundwater Contamination and Protection Charge, and

- (e) Groundwater Contamination and Protection Volume Charge on facility use.

Facility use is defined as the difference between lavatory/internal use and outfall discharge.

Monthly Customer Service Charge:

\$14.62 per month. effective and current until September 30, 2017;

\$14.91 per month from October 1. 2017 and until September 30, 2018:

\$15.21 per month from October 1, 2018 and continuing thereafter.

Base Water Rate:

\$3.03 per thousand gallons. effective and current until September 30, 2017;

\$3.09 per thousand gallons, from October 1, 2017 to September 30. 2018:

\$3.15 per thousand gallons from October 1, 2018 and continuing thereafter.

Variable Pumping Surcharge:

A variable pumping surcharge as set forth in section 12.0316 of this chapter shall apply.

Groundwater Contamination and Protection Charge:

\$16.25 per month until May 13, 2015

\$17.06 per month. from May 14, 2015 and until September 30, 2016:

\$20.05 per month, from October 1, 2016 and until September 30.2017:

\$23.56 per month, from October 1.2017 and until September 30, 2018:

\$24.97 per month, from October 1. 2018 and continuing thereafter.

Groundwater Contamination and Protection Volume Charge on facility use:

\$1.85 per thousand gallons, until May 13.2015:

\$1.94 per thousand gallons, from May 14, 2015 to September 30, 2016:

\$2.28 per thousand gallons, from October 1, 2016 to September 30, 2017:

\$2.68 per thousand gallons, from October 1 2017 to September 30, 2018:

\$2.84 per thousand gallons, from October 1, 2018 and continuing thereafter.

DELIVERY POINT:

The above rates are based upon the supply of water service through an individual meter. Separate supply for the same customer at other points of consumption or meters shall be separately metered and billed.

PAYMENT:

The bill is due monthly on the date specified on the bill.

(d) Fire Protection.

APPLICABILITY:

These rates are only applicable to water use via a fire hydrant by the American Samoa Fire Protection Services Department or the American Samoa Police department.

RATES AND CHARGES:

The rates and charges applicable to the Fire Protection Service customer are as follows:

- (a) Monthly Customer Service Charge,
- (b) Base Water Rate, and
- (c) Variable Pumping Surcharge.

Monthly Customer Service Charge:

\$14.62 per month, effective until September 30, 2017:

\$14.91 per month from October 1, 2017 and until September 30, 2018:

\$15.21 per month from October 1, 2018 and continuing thereafter.

Base Water Rate:

Effective until September 30 2017	
Zero to 10 000 gallons	\$2.81
10,001 to 20,000 lons	\$3.31
20,001 to 30,000 lions	\$3.81
30,001 gallons and above	\$4.31
Effective October 1 2017 to September 30 2018	
Zero to 10,000 gallons	\$2.87
10,001 to 20,000 gallons	\$3.37
20,001 to 30,000 gallons	\$3.87
30,001 gallons and above	\$4.37
Effective October 1 2018 and continuing thereafter	
Zero to 10,000 gallons	\$2.92
10,001 to 20,000 gallons	\$3.42
20,001 to 30,000 gallons	\$3.92
30,001 lons and above	\$4.42

Variable Pumping Surcharge:

A variable pumping surcharge as set forth in section 12.0316 of this chapter shall apply.

History: Rule 11-31, eff 1 Aug 81, Art. 2 § 2; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0316 Variable pumping surcharge.

A variable pumping surcharge shall apply to all classes of customers as those classes are set forth in section 12.0315 of this chapter. At a minimum, the variable pumping surcharge shall recover all fuel expenses incurred by the Utility in pumping water each month. The variable pumping surcharge is the monthly fuel surcharge multiplied by the pumping surcharge multiplier, less the pumping surcharge coefficient. The final number is applied to each one thousand (1,000) gallons of water a customer uses.

History: Rule 11-31, eff 1 Aug 81, Art. 2 § 2; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0317 Fee Schedule.

All fees for products or services described in this section must be prearranged with the Utility and prepaid by the customer. The listing of a fee within this section does not guarantee availability of the associated service.

SERVICE	APPLICABLE CUSTOMER CLASS	AMOUNT
New Water Meter Installations	A	All New Water Meter Installations shall require an ASPA Certified Backflow Prevention device and Inspection Fee of \$50.00
New Water Meter Installations	B, C, & D	All New Water Meter Installations shall require an ASPA Certified Backflow Prevention device and Inspection Fee of \$75.00.
Water Meter Installation, 5/8" 3/4"	A	\$150.00 up to 100' from water main, actual costs per linear foot thereafter.
Water Meter Installation, 5/8"and 3/4"	B, C, & D	\$250.00 up to 100' from main, actual costs per linear foot thereafter.
Water Meter Installation, 2"	ALL	\$1000.00 up to 100' from main, actual costs per linear foot thereafter.
Water Meter Installation, over 2"	ALL	\$1500.00 up to 100' from main, plus actual costs
Water Meter Replacement 5/8" and 3/4" Meter	ALL	\$50.00 plus actual costs
Water Meter Replacement. 2"	ALL	Actual costs
Water Meter Replacement Over 2"	ALL	\$250.00 plus actual costs

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Temporary Water Connection	A	\$300.00 plus usage and actual costs in excess of that amount
Temporary Water Connection	B, C, & D	\$500.00 plus usage and actual costs in excess of that amount
Leak Assessment (customer's side of the delivery point)	ALL	No charge for 1st assessment during the calendar year and \$50.00 thereafter.
Meter Relocation/Raising	ALL	Actual costs
Fire Hydrant Usage (requires meter and backflow assembly)	ALL	\$300.00 plus volume in accordance with customer class
Damage to ASPA Infrastructure	ALL	Actual costs. And submit report to AG office.
Infrastructure Replacement or Relocation	ALL	Actual costs
Reconnection Fee — Non Payment	ALL	\$25.00 if reconnection fee is paid before 12:00pm on a working day, if after 12:00pm on working day or after hours reconnection is requested then the fee is \$25.00 plus actual costs
Reconnection Fee following termination of facilities	ALL	See applicable meter installation costs or Pause Fee costs depending on field assessment
After-hours Fee	ALL	\$50.00 in addition to other applicable fees
Meter Calibration	A	Free once per year, \$25.00 per meter thereafter
Meter Calibration	B, C, & D	Free once per year, \$50.00 per meter thereafter
Cross Connection Penalty	A	\$1,500.00 plus actual recovery cost for first offense; \$2,000.00 plus actual recovery cost for each following offense; requires Utility Certified Backflow Prevention Assembly; and Utility
Cross Connection Penalty	B, C, & D	\$2,500.00 plus actual recovery cost for first offense; \$3,000.0 plus actual recovery cost for each following offense; requires Utility Certified Backflow Prevention Assembly; and Utility

Illegal Connection or Tampering Penalty	A	\$500.00 plus actual recovery cost for first offense; \$1000.00 plus actual recovery cost for each following offense and the Utility refer to ASG - AG's office.
Illegal Connection or Tampering Penalty	B, C, & D	\$1000.00 plus actual recovery cost for first offense; \$1500.00 plus actual recovery cost for each following offense and the Utility refer to ASG — AG's office.
Tampering Reconnection Fee	All	\$200.00
Un-metered Usage	All	\$500.00 plus estimated usage in accordance with customer class
Access Fee (uncover meter)	All	\$50.00 plus actual costs
Water Pause Fee Reconnection	All	\$50.00 for meter installation if service line. meter box is still active and in place. Considered new installation if no line in place.
Uncover and Raising Sewer Manhole	All	Actual Cost
Sewer Connection	All	\$75.00 plus actual costs
Sewer Snake Rental	All	\$50.00 per day
Pump Septic Tank	All	1st Load per year — No Cost during regular working hours (8 AM to 4 PM); And a \$125.00 fee thereafter. After hour 1st load \$60 plus More than 1 Service per year is \$125.00 per load during regular working hours; and an additional 60 for after hours
Pump Marine Vessel Wastewater	All	\$200.00 per Load
Installation of New Septic Tank	A	\$75.00 for those qualifying for the applicable grant program; otherwise, unavailable
Grease Trap Disposal	All	1st Load per year — No Cost during regular working hours (8 AM to 4 PM); And a \$125.00 fee thereafter. After hour 1st load \$60 plus

		More than 1 Service per year is \$125.00 per load during regular working hours; and an additional \$60 for after hours
Wastewater Disposal at Wastewater Treatment Plant (Tipping Fee)	All \$20.00 per load	Wastewater Disposal at Wastewater Treatment Plant (Tipping Fee)
Utility Service Upgrade	All	Actual costs
CCTV Inspection	All	Actual Cost

History: Rule 11-81, eff 1 Aug 81. Art. 2 § g; and Rule 10-33, eff 3 Aug 83, § 1. repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0318 Bill and payment.

The bill is due monthly on the date specified on the bill and shall be delinquent if not paid on or before the due date specified in the invoice or utility bill. The due date for each account shall be established to fall on a regular working day or Saturday, and failure to receive a bill shall not excuse a late payment. If the customer does not pay the utility bill on or before the due date, additional rates and fees may be charged and service may be terminated after proper termination notice to the customer.

History: Rule 11-81, eff 11 Aug 81. Art. 2 § 1 0(A. B); repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0319 Termination and reconnection.

- (a) If a bill becomes delinquent, the Utility shall, at its sole discretion, terminate Utility service or terminate facilities after proper notice has been provided to the customer as provided by law in A.S.A.C. 15.0202. Default on any amount owed to the Utility service shall be construed as default on all services and shall entitle the Utility to terminate service or terminate facilities for utility services. The Utility shall have the option to demand that the full amount of both delinquent and current bills be paid in full. If a customer receives service at more than one location, and a bill at one location is delinquent, utility services to all locations may be terminated. If the Utility has terminated service, the Utility will not reconnect service until the customer has paid all arrears and an additional reconnection.
- (b) If a customer is in arrears for one hundred eighty (180) or more days, the Utility will, at its sole

discretion, terminate and remove water facilities serving said customer.

- (c) Following termination of water facilities, the Utility will not reconnect service until the customer has paid the actual cost of reinstalling all equipment necessary to reconnect service, the actual cost of connecting or reconnecting service, all arrears, and an additional reconnection fee as set forth in section 12.0317 of this chapter. Further, for any customer whose service has been disconnected, the Utility may, at its discretion, require an additional deposit or payment in advance of service. If a field call is made after normal business hours by Utility personnel in order to reconnect service because of a prior termination of service, the customer will pay an additional after-hours fee as set forth in section 12.0317 of this chapter.

History: Rule 11-81, eff 1 Aug 81. Art. 2 § 10(C); repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981)

12.0320 Multiple units.

- (a) Multi-dwelling units. Multi-dwelling units shall be supplied and metered via one meter, unless the owner of the building requests individual meters for each unit. Multiple meters shall be installed at the customer's expense.
- (b) Multiple Units. Separate dwellings, houses, buildings, living, or business quarters on the same premises, under a single control or management, may be served at the option of the owner and with the Utility's permission, by either of the following methods:
 - (1) Separate service connections and individual meters to each or any unit; provided that the water pipeline system from each service connection is independent of the others and is not interconnected; or,
 - (2) Single service connection to the entire premises, on which only one service charge shall be applied. The responsibility for payment of all fees and charges for water furnished to combined units supplied through a single service connection shall be borne by the applicant.
- (c) Water Service Delivery Point for Multiple Users. The Utility will provide only one delivery point per building. Where the building provides for multiple occupancy, the one service per building must supply all meters for all tenants in the

building. The meters shall be grouped or ganged at one central point.

- (d) **Wastewater Service Discharge Point for Multiple Users.** The Utility will provide only one discharge point per building. Where the building provides for multiple occupancy, the one service per building must be capable of handling the discharge for all tenants in the building. No other connection to the existing service will be allowed without the approval of the Utility.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 10(D); repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981)

12.0321 Marine vessels.

The Port Administration maintains jurisdiction and is responsible for providing water to ships through meters that are provided to the Port Administration at the wharves. Utility water meters should be calibrated once a year and high hazard backflow prevention systems will require yearly inspection, the cost of which will be paid by the customer. The Port Administration will be billed regularly by the Utility for water passing through these meters. All water which is transferred to marine vessels must be isolated from backflow or back siphonage into the Utility's water distribution system with the use of an approved high-hazard backflow prevention assembly as described in section 12.0305 of this chapter.

Wastewater from marine vessels shall not be disposed into the wastewater system, with the sole exception of United States Federal Government-owned vessels. Such vessels must first enter into a written agreement with the Utility which shall require, among other things, proof of financial indemnity in the event that the waste is contaminated. In the event that the Utility enters into an agreement for such disposal, wastewater from marine vessels should be disposed of at the Utulei Treatment Plant for monitoring of its content.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 11; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0322 Fire hydrants.

- (a) If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the Utility. The Utility shall not issue a permit for nor allow the temporary use of a fire hydrant for more than thirty (30) days. The user shall pay a fee for use of the fire hydrant as set forth in section 12.0317 of this chapter. It is specifically prohibited to operate the valve of any fire hydrant

other than by the use of spanner wrench designed for this purpose. The hydrant valve shall not be used for throttling or regulating the flow rate. Fire hydrants shall be opened, closed, and operated in strict conformity with instructions of Utility personnel.

- (b) Special rates apply to fire hydrants when used exclusively for fire-protection purposes by the American Samoa Fire Protection Services or the American Samoa Police Department. These rates are set forth in section 12.0315 of this chapter.
- (c) All water which is transferred from a fire hydrant into another tank or temporary storage container must be isolated from backflow or back siphonage into the Utility's water distribution system with the use of an approved backflow prevention assembly or an approved air-gap, as described in section 12.0305 of this chapter.
- (d) No person or persons, other than those designated and authorized by the department of public safety, or by the Utility, shall open any fire hydrant, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this rule will result in a report to proper law enforcement officials.
- (e) When a fire hydrant has been installed in the location specified by the proper authority, the Utility has fulfilled its obligation. Cost of such installation, maintenance, and upkeep shall be borne by applicant or fire authorities. If a property owner or other party desires a change in the size, type, or location of the hydrant, he shall bear all costs of such charges, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.
- (f) Any damage to a fire hydrant, and the consequent resulting loss or damage to property, or any injury to persons arising from or out of the damage to fire hydrants, shall be paid for by the person or legal entity responsible for the damage.
- (g) The customer shall, at the customer's own expense, test periodically and maintain in good and, safe working condition all private hydrants under his control and not under the jurisdiction of the Utility.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 12; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0323 Prohibited Acts.

- (a) Cross-connection; Backflow; Back-siphonage. Unprotected cross-connections between the public water supply and any unapproved source of water

are prohibited. The Utility will terminate service to any customer failing to cooperate in the elimination or control of cross-connections, backflow, or back-siphonage.

- (b) Ground wire attachments. All individuals or business organizations are forbidden to attach any ground wires to any plumbing which is or may be connected to a service connection or main belonging to the Utility; the Utility will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.
- (c) Installation of unapproved equipment. No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical, or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention assembly.
- (d) Tampering. Tampering with the meter, water connection, wastewater connection, or other Utility infrastructure is prohibited.

Unauthorized connections. All final connections, permanent or temporary, between the Utility's and the customer's lines will be made by the Utility, and the Utility will not permit or tolerate unauthorized connections.

- (f) Unlawful wastewater discharge. It shall be unlawful for any person or entity to discharge or allow the discharge of any wastewater onto or under the surface of the ground or into the waters of this Territory, except through a lawfully permitted wastewater system. It shall also be unlawful for a person or entity to discharge specific substances into the Utility's wastewater system, including, but not limited to the following:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater system process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving of waters of the wastewater system, including but not limited to cyanides in excess of 2 mg/l;

- (3) Any waters or wastes having a pH higher than 10.5 or lower than 5.5 or having any other corrosive property capable of causing damage or hazard to Utility structures, equipment, and personnel;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the wastewater system, or other interference with the proper operation of the wastewater system;
- (5) All waters or wastes containing strong acid and pickling waste unless neutralized prior to discharging into the wastewater system;
- (6) Any liquid or vapor with an extremely high temperature;
- (7) Any water or waste containing fats, wax, grease, or oils which may solidify or become viscous at average temperature;
- (8) Any solids which have not been properly shredded;
- (9) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or other substances in such high quantities as to be problematic;
- (10) Any waters or wastes containing phenols or other taste producing or odor producing substances;
- (11) Any water or wastes containing nonhuman animal feces or that have been used in commercial cleaning or processing of animals, including but not limited to water which has come into contact with pigs or piggeries;
- (12) Any storm water or surface runoff; and
- (13) Any and all other substances which the Utility shall deem objectionable and harmful to the wastewater system.

History: Rule 11-81. eff 1 Aug 81, Art. 2 § 13; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0324 Damage to Utility property.

The customer shall be liable for any damage to a meter or other equipment or property owned by the Utility which is caused by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees including the breaking or destruction of locks by the customer or others on or near a meter and any damage to a meter that may result from hot water

or steam from a boiler or heater on the customer's premises. The Utility shall be reimbursed by the customer for any such damage promptly upon presentation of a bill and prior to reconnection of service.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 14; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0325 Excessive or large demands; waste.

- (a) The Utility may refuse to furnish water and may discontinue service to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demands by one customer are or may be detrimental or injurious to the service furnished to other customers. The Utility may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.
- (b) Where water is wastefully or negligently used on a customer's premises, significantly affecting the general service, the Utility may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice of the waste.
- (c) When a large quantity of water is desired for filling a pool or for other purposes, arrangements must be made with the Utility prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the Utility facilities and if other customers are not inconvenienced.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 15; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0326 Maintenance.

- (a) The customer shall, at the customer's own risk and expense, furnish, install, and keep in good and safe condition all equipment utilizing water via the Utility's water and wastewater systems.
- (b) The customer has sole control of the amount of water drawn from the Utility's mains through the meter and is responsible for maintenance and repairs to pipes and fixtures beyond the meter. No allowance will be made for loss of water due to faulty fixtures or broken or damaged water pipes beyond the meter.
- (c) The owner of any premises on which or on account of which check valves or other protective devices are installed, shall inspect these devices for water tightness and reliability

at least every three months. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 16; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0327 Unsafe and nonconforming apparatus.

- (a) The Utility may refuse to furnish water or wastewater service and may discontinue said service to any premises where apparatus, appliances, or equipment using water is dangerous, unsafe, or not in conformity with laws or regulations. All customer-installed pressure boosting installations shall be located on the customer's side of the water meter. The Utility neither assumes responsibility for operation or maintenance of such booster pumps nor guarantees flow or pressure resulting therefrom. The Utility does not assume liability for inspecting apparatus on the customer's property.
- (b) The service of water to any premises may be immediately discontinued by the Utility if any defect is found in approved backflow prevention assemblies, check valve installations, or other protective devices or it is found that dangerous, unprotected cross-connections exist. The Utility may, periodically or as otherwise may be necessary, inspect and test such equipment for water tightness, defects, or any other reason, and may inspect for cross-connections. Service will not be restored until such defects are corrected.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 17; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0328 Inability to provide satisfactory service.

If, in the opinion of the Utility, it is doubtful that satisfactory water or wastewater service may be provided due to any reason including but not limited to the location or elevation of the customer's premises, then the Utility may either:

- (a) Require the customer fill out or sign necessary paperwork;
- (b) For water service, elect not to provide water, but instead to release the customer to pursue other alternatives for obtaining potable water, such as obtaining well, spring, or trucked water; or
- (c) For wastewater service, elect to require installation of a septic system.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 19; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0329 Land use restrictions.

Whenever applications for any land use activity within the watersheds serving the Utility, whether permitted or not by territorial agencies, are submitted to the Utility for its review, the Utility shall investigate the effects the proposed use may have on water and wastewater resources. The Utility may recommend disapproval, within thirty (30) days, if it finds, for any reason that the proposed activity could affect water resources and may be a detriment to the water resources used or expected to be used for domestic water. If the Utility recommends disapproval, it shall inform the applicant of those facts and reasons upon which the disapproval is based.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 19; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0330 Rules for elevated lots.

Lots that are located above the elevation for which the Utility provides service may be eligible for service at the Utility's sole discretion and subject to such requirements and constraints as the Utility deems necessary.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 20; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0331 Wells.

Private well drilling is specifically prohibited due to the potential for serious detrimental effects to the ground water supply. Only the Utility may drill a new well and authorize the use of any existing well.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 21; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0332 Violations.

- (a) The Utility reserves the right to refuse water or wastewater service to any customer that does not comply with the rules set forth in this chapter.
- (b) If any person or entity responsible for complying with the provision of this chapter violates any such provision, the Utility shall notify that person or entity in writing of said violation(s) and order that person or entity to correct the said violation(s). The Utility shall be entitled to assess fees and charges at its discretion, pursuant to this chapter.
- (c) Notices of violations shall be served in person, posted upon the premises in a prominent place, or via first class mail to the account holder.

History: Rule 11-81 eff 1 Aug 81 Art. 2 § 22(A-H); repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0333 Noncompliance charge.

Any person or entity who fails to comply with the terms and provisions of this chapter may be subject to a noncompliance charge. The Utility shall have the right to issue a noncompliance charge of not less than twenty-five dollars (\$25.00) per customer account, nor more than one thousand dollars (\$1,000.00), based upon the severity and repetition, if any, of the violation.

History: Rule 11-81, eff 1 Aug 81, Art. 2 § 22(1); repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0334 Authority to adjust rates.

The Board of Directors of the American Samoa Power Authority may, by formal resolution adopted in accordance with its bylaws, adjust (reduce or increase) one or more rates, charges, and/or fees codified in sections 12.0315 through 12.0317, provided that such adjustment or adjustments do not exceed publicly filed rates, charges, and/or fees adopted under A.S.C.A. :15.0102 and the Administrative Procedure Act, A.S.C.A. 4.1001 et. seq. The Board, at a minimum, shall review the rate in the first quarter of each calendar year.

History: Rule 11-51, eff 1 Aug 81, Art. 2 § 23; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0335 Severability.

If any section, subsection, sentence, clause, phrase, provision, or application of this chapter for any reason is held invalid, such invalidity shall not affect the validity and/or application of the remainder of this chapter as a whole or any part thereof other than the part so held invalid.

History: Rule 11-51, eff 1 Aug 81, Art. 2 § 24; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0336 Effective date.

This chapter and all the provisions contained herein shall take effect upon compliance with Administrative Procedures Act, A.S.C.A. and A.S.C.A. 4.1020(b).

History: Rule 11-51, eff 1 Aug 81, Art. 2 § 25; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

[End of Title 12 – Chapter 3]

TITLE 12 – CHAPTER 04 – SOLID WASTE

Section

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12.0415	Disposal facility fees (Tipping Fees).
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12.0417	Authority to adjust rates.
12.0418	Damage to utility property.
12.0419	Severability.
12.0420	Effective date.

Editor's Note: All Sections of Chapter 4, Title 12 as provided for in Rule 2-2004 has been repealed and amended in its entirety to the current Sections as provided for in Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0400 Definitions.

- (a) "Bin" or "Bins," as used in this chapter, is defined as a receptacle capable of containing between two (2) and six (6) cubic yards of solid waste and designed for mechanical handling by a front end loader or rover tuck, and which is typically used for village collection or general service customers.
- (b) "Bulky waste," as used in this chapter is defined as large items of refuse such as appliances, furniture, discarded vehicles, and other oversized wastes which would not fit into a container or bin for collection.
- (c) "General service," as used in this chapter, is defined as any business, individual proprietorship, partnership, corporation, association, joint venture, government agency, or other project which carries on activity of a nonresidential nature, whether for profit or not for profit and includes customers in classes B

through D as those are set forth in A.S.A.C. 12.02300) through (d).

- (d) "Container," as used in this chapter, is defined as a polyurethane, plastic, and/or metal receptacle capable of containing between twenty (20) and sixty-four (64) gallons of solid waste, of the type typically used by residential customers.
- (e) "Disposal facility" or "disposal facilities," as used in this chapter, is defined as any location where any final treatment, utilization, processing, or deposition of solid waste occurs.
- (f) "Government," as used in this chapter, is defined as the American Samoa Government.
- (g) "High Elevation Customers," as used in this chapter, is defined as a residential service customer who lives in a high elevation area not being serviced by SW route collections due to no access roads.
- (h) "Industrial service customer," as used in this chapter, is defined as an industrial service customer, as set forth in A.S.A.C. 12.0230(d) or (f).
- (i) "Large general service customer," as used in this chapter, is defined as a large general service customer, as set forth in A.S.A.C. 12.0230(c) or (e).
- (j) "Multi-tenant unit," as used in this chapter, is defined as a structure which has two or more electric meters physically attached to the structure occupied by different tenants.
- (k) "No Human Occupancy," as used in this chapter, is defined as a situation where humans are rarely present at a location. This is specifically intended to apply to sites where power is required yet only receive infrequent, periodic visits by humans, such as radio towers or other un-manned sites. This applies to general service customers that have vacant or unoccupied units. with an active electric meter, can temporarily be assessed this rate until unit is occupied.
- (l) "Owner," as used in this chapter, is defined as the occupant of a structure; provided, however, that if said structure is rented to any occupant, then the term "owner" means the person to whom the rent is payable.
- (m) "Residential," as used in this chapter, is defined as anything of or relating to an individual or family occupying a residential dwelling unit or

single family home or church as an exception to the "Residential" customer class.

- (n) "Residential customer," as used in this chapter, is defined as a residential service customer, as set forth in A.S.A.C. 12.0230(a).
- (o) "Small general service customer," as used in this chapter, is defined as a small general service customer, as set forth in A.S.A.C. 12.0230(b).
- (p) "Solid waste," as used in this chapter, is defined as all waste in a solid or semi- solid state generated by residential, commercial, institutional, and industrial sources including infectious waste, but excluding hazardous waste.
- (q) "Utility," as used in this chapter, is defined as the American Samoa Power Authority.

History: Rule 02-2004, May 12, 2005; repealed and replaced by Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0401 Service generally.

- (a) The Utility shall take charge and shall administer the collection and disposal of solid waste. The rules and regulations herein govern the handling, storage, collection, transportation, treatment, utilization, processing, and final disposition of all solid waste within the Territory. The provisions of this chapter shall be liberally construed for the accomplishment of these purposes.
- (b) Nothing in this chapter shall be construed as relieving an owner or possessor of premises from the obligation of complying with any other laws, regulations, orders, or requirements which may be applicable. The enactment of this chapter does not create any specific rights to products or services. All products or services mentioned or listed in this chapter are provided by the Utility at the Utility's sole discretion.
- (c) The Utility shall develop a schedule establishing the designated collection day or days for each type of service on a geographic basis. Said schedule may be amended from time to time at the Utility's discretion. The Utility shall collect all properly prepared solid waste receptacles on a designated collection day. Customers requesting collection service on a non-designated collection day shall be charged a fee in accordance with the fee schedule set forth in this chapter.

- (d) The Utility shall not collect or accept solid waste on each of the following holidays: New Year's Day, Good Friday, Thanksgiving Day, and Christmas Day. During weeks where one of these holidays occurs, solid waste collection for the days on and following the holiday will occur one day later. Exceptions to the standard holiday observation schedule may occur at the Utility's discretion.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0402 Customer accounts.

All customers of the Utility with an active electric meter shall also have a solid waste account and shall be responsible for paying all corresponding fees as described and set forth in this chapter. In the case of rented or leased property, for all customer classes, the landlord or owner of said property must co-sign for the tenant or renter on the initial application or transfer of an account. Cosigners shall be held financially responsible for payment of any past due utility bills of the tenant. This applies to all rate classes. Utility service will be disconnected and not be restored until payments or a payment plan is made to resolve past due utility accounts.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0403 Persons responsible.

- (a) All residents shall be responsible for complying with the provisions of this chapter with respect to the storage and collection of solid waste on the premises at which they reside.
- (b) All owners and persons or entities in possession of common areas of multi- family residential premises shall be responsible for complying with the provisions of this chapter with respect to the storage and collection of solid waste generated on such premises, and this duty shall extend to each manager, agent, and employee of such persons.
- (c) All owners and persons or entities in possession or control of non-residential premises shall be responsible for complying with the provisions of this chapter with respect to the storage and collection of non-residential solid waste on the premises they possess, and this duty shall extend to each manager, agent, and employee of such persons.
- (d) On all premises, it shall be a violation of this chapter to perform any act which would cause

the premises to fail to comply with the requirements of this chapter, whether or not the person or entity charged is the owner, resides on the premises, is in possession of the premises, or is the agent or employee of a person owning, residing on, or in possession of the premises.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0404 Violations.

- (a) The Utility reserves the right to refuse service to any customer that does not comply with the rules set forth in this chapter.
- (b) If any person or entity responsible for complying with the provisions of this chapter violates any such provision, the Utility shall notify that person or entity in of said violation(s) and order that person or entity to correct the said violation(s). The Utility shall be entitled to assess fees charges, pursuant to this chapter.
- (c) Notices of violations shall be served in person, posted upon the premises in a prominent place, or via first class mail to the account holder.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0405 Proper receptacles required on all premises.

Solid waste shall not be placed alongside a road, right of way, or roadway unless it is contained in a proper receptacle. On all premises where solid waste is generated, regardless of the nature of activity carried out, the owner or possessor of said premises shall use proper receptacles for the storage of all solid waste. Receptacles shall be leak proof, waterproof, fly-tight, and shall be covered at all times except when waste is being deposited or removed. The receptacles must be sufficient in size and quantity to hold the aforementioned waste. Bins and containers are proper receptacles for solid waste. Nondurable receptacles, including but not limited to crates, cardboard boxes, or bags, are not proper receptacles for solid waste.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0406 Solid waste bins.

- (a) Bins shall be at all times the property of the Utility. The Utility reserves the right to remove or relocate bins as it deems necessary. Owners requesting a long-term or temporary solid waste bin or the relocation of an existing solid waste bin must:

- (1) Place a request with customer service and pay the site assessment fee set forth in this chapter;
- (2) Work with the Utility in order to assure that the bin site and size are feasible and warranted, taking into account the number of prospective users, health and safety concerns, and requirements of the Utility; and
- (3) Upon the Utility's approval of the site and bin size, the owner shall pay the bin placement fee set forth in this chapter prior to placement or relocation of the bin.

- (b) Owners must provide and maintain the bin site to allow safe, reasonable, and easy collection access for Utility vehicles. If the Utility is unable to properly and safely collect solid waste from a bin, the Utility will cease collection until the owner corrects the problem. The site owner must maintain the bin. The maximum weight of a filled bin shall be 6,500 pounds.
- (c) Owners seeking bin repair or replacement shall place a request with customer service and shall pay the associated fee as set forth in this chapter.
- (d) Owners with a temporary solid waste bin for thirty (30) days or more shall pay the general service rate collection fee as described in section 12.0413(a) of this chapter for each month that the bin is located on the site. Temporary bins shall be collected on designated collection days only, unless other arrangements have been made for collection service on a non- designated collection day pursuant to section 12.0401(c) of this chapter.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0407 Solid waste containers.

- (a) Solid waste containers shall be maintained by the owner. The containers shall not have defects which would affect the Utility's mechanical handling, including, but not limited to, jagged edges and greasy sides. The interior surface of the container shall be smooth with no projections and the top diameter shall be equal to or larger than the bottom diameter. The container shall have a capacity of at least twenty (20) gallons but not more than sixty-four (64) gallons. The maximum weight of a filled container to be collected by mechanical handling shall be no more than one hundred thirty (130) pounds. The

maximum weight of a filled container to be collected by mechanical handling shall be no more than one hundred (100) pounds.

- (b) Solid waste containers may be rented from the Utility on a rent to own basis. Customers seeking to rent solid waste containers shall pay a rent to own fee in accordance with the fee schedule set forth in section 12.0414 of this chapter for twelve consecutive months. Upon the conclusion of twelve consecutive rent to own payments, the container shall become the property of the owner. Customer shall take full responsibility of the container and will continue to pay full amount due. Customers with rented solid waste containers must maintain the containers in good working condition at all times. In the event that a Customer fails to continue making rent to own payments, the Utility reserves the right to remove such container.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0408 Proper storage of solid waste.

- (a) Customers must properly store and prepare solid waste for collection. Solid waste must be maintained and stored in a neat, clean, odor-free, and sanitary condition. Solid waste shall be contained in a manner to prevent the solid waste from escaping its receptacle. The owner shall maintain a clean solid waste storage area, replace tom bags, tipped solid waste containers, and be vigilant in combating the effects of natural conditions, vandalism, or animals.
- (b) Solid waste such as paper products, ashes, powders, dust, sawdust, broken glass products, or other materials likely to escape or cause injury shall be securely enclosed within the container. Solid waste shall not contain liquids. Paint containers may be collected only if they are less than one third full; the paint must be solidified (such as through evaporation or the addition of cat litter, peat moss, or soil) and placed in the container with the paint container lid tightly sealed.
- (c) Non-residential premises shall meet all the aforementioned requirements as well as being accessible to any necessary public health and fire inspection personnel.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0409 Solid waste handling for specific waste types.

- (a) Bulky waste shall be stored and transported in such a manner to prevent a nuisance or safety hazard. Bulky waste shall be taken directly to a disposal facility by the customer.
- (b) Scrap metal in any form shall not be disposed of on the roadside. Scrap metal shall be taken directly to a Utility approved disposal facility by the customer.
- (c) Piggery waste or any animal waste originating from pigs shall not be disposed of via the Utility's solid waste collection service and shall not be accepted at the Utility's disposal facility.

Violations on the handling of wastes described above are subject to fees and charges in accordance with this chapter.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0410 Proper location of solid waste receptacles.

Solid waste shall be properly prepared and placed for collection before 5 a.m. on the designated collection day.

- (a) Containers shall be properly placed at the curb on the designated collection day in a manner to maximize automated collection efficiency. Containers shall not be placed into marked bike lanes. The container shall be placed in a location that allows three (3) feet between the container and any other obstacles, including but not limited to Utility poles, trees, vehicles, or other obstacles. Containers shall not be placed for collection beneath tree branches, wires, or overhangs lower than fifteen (15) feet. On a case by case basis, the Utility may specify exact collection locations for containers.
- (b) Bins shall be safely and easily accessible on designated collection days. Bins blocked by vehicles, delivery trucks, locked in premises, or blocked by any other object will not be emptied. If the Utility cannot access the bin for collection, the owner must wait until the next designated collection day or make other arrangements for collection service on a non-designated collection day pursuant to sections 12.0401 (c) and 12.0414 of this chapter.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0411 Collection rates generally.

All Utility customers with an active electric meter shall be charged a solid waste collection rate. Locations with multiple meters and multiple tenants must still pay the applicable solid waste collection rate per meter. The rate shall be based upon customer class and collection type as described further in this chapter.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0412 Collection rates for residential customers.

(a) All residential class customers, as set forth in A.S.A.C. 12.0230(a), shall pay the following flat rates:

\$8.64 per month until May 13, 2015:

\$11.40 per month, from May 14, 2015 to September 30, 2016;

\$11.98 per month, from October 1, 2016 to September 30, 2017;

\$12.57 per month, from October 1, 2017 and continuing thereafter.

(b) All residential class customers in multi-tenant units and/or with multiple meters, such as apartments, and high elevation customers shall pay the following flat rates:

\$4.37 per month until May 13, 2015:

\$4.59 per month, from May 14, 2015 to September 30, 2016:

\$4.68 per month, from October 1, 2016 to September 30, 2017:

\$4.91 per month, from October 1, 2017 and continuing thereafter.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0413 Collection rates for general service customers.

(a) All small general service customers, as set forth in A.S.A.C. 12.0230(b), shall pay the following flat rates:

\$63.89 per month until May 13, 2015:

\$57.50 per month, from May 14, 2015 to September 30, 2016:

\$51.75 per month, from October 12 2016 to September 30, 2017:

\$52.79 per month, from October 1, 2017 and continuing thereafter.

Self-generating electric small general service customers shall also pay the small general service rate listed above.

(b) All large general service and industrial customers, including customers in Classes C through F as set forth in A.S.A.C. 12.0230(c)-(f), shall pay the following flat rates:

\$372.68 per month until May 13, 2015;

\$391.31 per month, from May 14, 2015 to September 30, 2016:

\$399.14 per month, from October 1, 2016 to September 30, 2017:

\$419.10 per month, from October 1, 2017 and continuing thereafter.

Self-generating electric customers in Classes C through F shall also pay the large general service rates listed above.

(c) All general service customers in Class B and C with Multi-tenant units and No Human Occupancy meters as set forth in A.S.A.C. 12.0230(b) and (c) shall pay the following flat rates:

\$31.95 per month until May 13, 2015:

\$33.55 per month from May 14, 2015 to September 30, 2016:

\$34.22 per month from October 1, 2016 to September 30, 2017:

\$35.93 per month from October 1, 2017 and continuing thereafter.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0414 Fee schedule.

All fees for products or services described in this section must be prearranged with the Utility and prepaid by the customer.

Service	Applicable Customer Class	Amount
64 Gallon Wheeled containers (purchase)	A	\$80.00 or actual cost, whichever is more
64 Gallon Wheeled Container (rent to own)	A	\$9.00 each, per month for 12 months or actual costs with finance fee, whichever is more

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		(maximum of three per account)
Bin Placement Site Assessment	B, C, D, E, & F	\$30.00 per bin
Bin Placement	B, C, D, E, & F	\$100.00 per bin
Bin Replacement, 2 - 3 cu yd (irreparable)	B, C, D, E, & F	Actual cost to the Utility, including, but not limited to, bin cost
Bin Replacement, 2 - 3 cu yd (reparable)	B, C, D, E, & F	\$250.00 per bin
Bin Replacement, 4 - 6 cu yd arable	B, C, D, E, & F	Actual cost to the Utility, including, but not limited to, bin cost
Bin Replacement, 4 - 6 cu yd (reparable)	B, C, D, E, & F	\$350.00 per bin
Temporarily Bin Use (2 to 6 cu yd)	All	\$150.00 per two (2) week period
Collection Services on a Non-designated Collection Day	All	\$300.00 per bin / \$100.00 per container
Disposal Facility Fees	A	No Charge
Disposal Facility Fees	B, C, & E	See Section 12.0415 of this chapter
Disposal Facility Fees	D & F	See Section 12.0415 of this chapter
Waste Oil Disposal Fee	B, C, D, E, & F	\$0.25 per gallon
Damage to ASPA Assets	All	Actual costs – included all applicable cost
Non-compliance charge	All	\$ 25.00 - \$ 1,000, at the Utility's Discretion

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0415 Disposal facility fees (Tipping Fees).

- (a) Residential customers shall not be required to pay disposal facility fees.
- (b) For general service customers, disposal facility fees are separate from and in addition to any other solid waste rates and fees. Payment of general service solid waste collection rates will not waive the requirement to pay a disposal facility fee upon the customer's delivery or deposition of solid waste at the disposal facilities.
- (c) General Service customers in Classes B, C, and E seeking to dispose solid waste and/or bulky wastes at the disposal facility shall pay the Utility's disposal facility fee based upon the volume of solid waste to be disposed. Weight will supersede volume as a basis of determining fees and shall be the controlling method of determining disposal facility fees. Volume shall thereafter only be used

when the scale is not functioning. The disposal facility fees based upon weight and volume shall be as follows:

- (1) When calculated by weight:
 - \$0.140/pound, per month until May 13, 2015:
 - \$0.147/pound. from May 14, 2015 to September 30, 2016:
 - \$0.151/pound. from October 1, 2016 to September 30, 2017:
 - \$0.156/ pound, from October 12, 2017 and continuing thereafter.
- (2) When calculated by volume:
 - \$18.52/cubic yard, per month until May 13, 2015:
 - \$19.45/cubic yard. from May 14, 2015 to September 30, 2016:
 - \$20.03/cubic yard, from October 1, 2016 to September 30, 2017;
 - \$20.63/cubic yard, from October 1, 2017 and continuing thereafter.

- (d) Industrial service customers in Classes D and F shall be required to pay based upon volume of solid waste and/or bulky wastes to be disposed; weight will supersede volume as a basis of determining fees and shall be the controlling method of determining disposal facility fees. Volume shall thereafter only be used when the scale is not functioning. The fees based upon weight and volume shall be as follows:

- (1) When calculated by weight:
 - \$0.040/pound. per month until May 13, 2015:
 - \$0.042/pound, from May 14, 2015 to September 30, 2016:
 - \$0.043/pound, from October 1, 2016 to September 30, 2017:
 - \$0.045/pound. from October 1, 2017 and continuing thereafter.
- (2) When calculated by volume:
 - \$5.39/cubic yard, per month until May 13, 2015:

\$5.66/cubic yard, from May 14, 2015 to September 30, 2016:

\$5.83/cubic yard from October 1, 2016 to September 30, 2017; and

\$6.00/cubic yard, from October 1, 2017 and continuing thereafter.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0416 Noncompliance charge.

Any person or entity who fails to comply with the terms and provisions of this chapter may be subject to a noncompliance charge. The Utility shall have the right to issue a noncompliance charge of not less than twenty-five dollars (\$25.00) per customer account, nor more than one thousand dollars (\$1,000.00), based upon the severity and repetition, if any, of the violation.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0417 Authority to adjust rates.

The Board of Directors of the American Samoa Power Authority may, by formal resolution adopted in accordance with its bylaws, adjust (reduce or increase) one or more rates, charges, and/or fees codified in sections 12.0412 through 12.0415, provided that such adjustment or adjustments do not exceed publicly filed rates, charges, and/or fees adopted under A.S.C.A. 515.0102 and the Administrative Procedure Act, A.S.C.A. 4.1001 et. seq. The Board, at a minimum, shall review the rate in the first quarter of each calendar year.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0418 Damage to utility property.

Customers shall be liable for any and all damage to the Utility's assets, including, but not limited to, equipment, facilities and/or property, that is caused by an act of the customer or his tenants, agents, employees, contractors, licensees, or permittees including the breaking and/or destruction of the Utility's assets. The Utility shall be fully reimbursed by the customer for such damage promptly upon presentation of a bill and prior to replacement of Utility assets.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0419 Severability.

If any section, subsection, sentence, clause, phrase, provisions, or application of this chapter is, for any reason, held to be invalid, such invalidity shall not effect the validity and/or application of the remainder of this chapter as a whole or any part thereof other than the part so held invalid.

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

12.0420 Effective date.

This chapter and all the provisions contained herein shall take effect upon compliance with Administrative Procedures Act, A.S.C.A. 4.1009(a)-(b) and A.S.C.A. 4.1020(b).

History: Rule 2-2015, eff 20 June 15 (Ex. Ord. 4-1981).

[End of Title 12 – Chapter 4]

TITLE 12 – CHAPTER 05 – EMERGENCY ENERGY CONSERVATION PLAN

Sections:

- 12.0501 Authority
- 12.0502 Adoption of American Samoa Emergency Energy Conservation Plan
- Annex A – Emergency Energy Conservation Plan
- Appendix I – Fuel Consumption by Type
- Appendix II – Emergency Energy Conservation Task Force

12.0501 Authority

The executive order codified in this section and 12.0502 is issued under the authority of Section 6 of Article IV of the Revised Constitution of American Samoa and 15.0501 ASCA.

History: Rule 2-82 (Ex. Ord. 3-82), eff 2 Jul 82, § 1.

12.0502 Adoption of American Samoa Emergency Energy Conservation Plan

The American Samoa Emergency Energy Conservation Plan, attached hereto as Annex “A”, is approved, adopted and incorporated by reference herein.

History: Rule 2-82 (Ex. Ord. 3-82), eff 2 Jul 82, § 2.

ANNEX A – EMERGENCY ENERGY CONSERVATION PLAN

I. BACKGROUND

- A. American Samoa is an island Territory totally dependent upon imported fuel - “imported” meaning transported via tanker from the mainland United States -for its development, economic well-being and the welfare of its people. Marlex Petroleum, Inc. (Marlex), the prime fuel supplier for the Territory, schedules tanker movements based on information received weekly from the local Marlex manager who, however, has no control over scheduling of replenishment tankers.
- B. Since the OPEC oil embargo of 1974, the conservation of energy has been a priority goal of government and private interests. While there has been no repetition of that disruption, serious impairment of the supply of fossil fuels, upon which American Samoa is almost entirely dependent, remains a distinct possibility. Because of this, the Governor is granted Emergency Energy Management powers by Title 15, American Samoa Code Annotated (ASCA). This Title states that the Governor,

“after proclaiming that an emergency exists which threatens to disrupt the social order, or imperil the health and safety of the people of American Samoa may, by rule or executive order:

- (1) control, restrict, and regulate by rationing, freezing, use of quotas, allocations, prohibitions of shipments, price fixing, allocation, or other means the use, sale or distribution of fuel, petroleum products, or other sources of energy;
- (2) prescribe and direct activities in connection with but not limited to use, conservation, salvage and prevention of waste of fuel or other sources of energy;
- (3) take such other action as may be necessary for the management of energy resources during any emergency declared by the Governor.”

- C. Section 212, Title II of Public Law 96-102, the “Emergency Energy Conservation Act of 1979,” requires the submission of an emergency energy conservation plan by each State or territory not later than 45 days after the President has published an energy conservation target for that State and, further, encourages submission of a plan in advance of the declaration of an emergency and publication of an energy conservation target by the President. He may establish such a target for anyone or more energy source(s).
- D. The Director of the TEO will be responsible for the implementation of this Plan. He will establish procedures for monitoring of the Actions required under each Phase and for maintaining the necessary flow of information from suppliers to insure compliance. Additionally he is authorized to request, and shall be provided, such information as may be required to determine “normal” fuel and energy consumption levels as the basis for the various Phases of this Plan.
- E. This Plan has been prepared in response to the above-cited ASCA Title and Federal Statute.

II. THE PLAN – GENERAL

- A. Concept
 - 1. The basic concept of the Plan is to establish targets (percentages) of fuel usage and/or demand, require the suppliers/major users

(Marlex, Union, ASPA, Canneries, etc.) to meet these targets and advise the TEO of the methods used and the results. Basic fuel supply and usage information is in Appendix I. In summary, at normal usage rates and with the Marlex fuel farm and all other facilities filled to capacity, there is a:

- a. 61 days supply of diesel fuel;
 - b. 63 days supply of jet fuel;
 - c. 79 days supply of unleaded motor gasoline;
 - d. 142 days supply of regular (leaded) gasoline;
 - e. 548 days supply of aviation gasoline. The greatest demand for fuel is for diesel fuel, followed by jet fuel, motor gasoline, aviation gasoline and others;
2. The Plan is divided into Phases of increasing stringency. When invoking the Plan the Governor may start with whichever Phase is deemed most suitable to the existing emergency. It is not required that Phases be followed in sequential order, or that complete Phases be implemented, because the various Phases may address shortages of different fuel stocks. Whenever any Phase, or part thereof, is implemented, all government-operated air conditioners, except those required for patient well-being at LBJ hospital and to safeguard equipment which is required to be operated within specified temperature/humidity parameters, shall be turned off.
- B. Energy Emergencies
1. An energy emergency can be deemed to exist when:
 - a. A disruption in the tanker schedule occurs;
 - b. The President of the United States declares that a major disruption has occurred or is about to occur;
 - c. A state of national emergency or war is declared;
 - d. A man-made or natural disaster occurs, i.e. tank explosion, flood, hurricane.
 2. In the event of a disruption in the tanker schedule, the Governor may invoke this plan, in whole or in part. The severity and duration of the supply disruption will be the primary factors determining the implementation of the Plan.
 - a. The local Manager of the Prime Supplier shall immediately advise the Director, TEO whenever there is a disruption in the tanker schedule. This advice will include the reason for disruption, such as a strike, mechanical failure, etc. and will include an estimate of the fuels remaining in days, at normal usage rates and the expected arrival date of the next tanker. This advice will be by telephone, with a confirming memorandum following.
 - b. Upon receipt of the above information, the Director of the TEO shall immediately notify the Governor with a recommendation regarding implementation of this Plan.
 3. In the event the President declares that a disruption has occurred or is anticipated, he may direct the Governor to meet certain mandatory fuel savings targets which will be determined by the President at that time. Upon receipt of such declaration the Governor shall invoke this Plan.
 4. In the event a state of national emergency or war is declared, the Governor may invoke the Plan in advance of any direction by the Secretary of the Interior, the President or Congress.
 5. In the event of a natural or man-made disaster, e.g. hurricane, fire, explosion, etc., the managers or other designated, responsible personnel in the organizations of the suppliers (Marlex, Union Oil) and the major users (ASPA, Star Kist, Van Camp) shall provide the Director, TEO with whatever applicable information he may require in order to advise the Governor regarding the implementation of this Plan. The Commissioner of Public Safety, as the Disaster Assistance State Coordinating Officer, shall provide such Damage Assessment information as pertains to fuel receiving/distribution capabilities as is

available to assist in determining the need for Plan implementation.

6. The Commissioner of Public Safety is responsible for enforcing the limitations imposed by this Plan, as requested by the Director of the TEO.

C. Definitions.

For purposes of this Plan, the following definitions apply:

1. Transient vessels are those vessels which are not registered and/or based in American Samoa, e.g., FORUM-Line vessels; Queen Salamasina.
2. Normal daily usage rate is a statistical average not adjusted for seasonal variations.

III. THE PLAN – PHASE I

- A. In this Phase, public announcement of a disruption or impending reduction in supply is made by using all available media – TV, radio, OPI bulletin, newspaper, FAA communications, etc. – and voluntary reduction in consumption is requested.

B. Actions and Responsibilities

Actions	Responsible Office/Agency
1. Reduce electricity generated to a level which will require only 90% of normal fuel consumption. Advise Governor, TEO of method to be used, e.g., power rationing, etc. so public announcements can be made.	Exec. Dir., ASPA.
2. Reduce fuel sales to fishing fleet by 10%. Suspend sales to transient vessels.	Marlex; Union Oil; Canneries
3. Reduce U.S. airlines and military flight schedules by 10%.	SPIA: MAC; other U.S. airlines.
4. Reduce fuel sales to foreign airlines and military services by 10%.	Marlex.
5. Reduce motor gasoline deliveries to retail and ASG service stations by 10%.	Marlex; Union Oil.
6. Prescribe odd-even gasoline sales days for motor gasoline.	Governor; Marlex; Union Oil.
7. Reduce gasoline coupon issue by 10%, except for emergency vehicles.	Dir., PWD.
8. Advise public, airlines, canneries, shipping	Governor’s Press Secretary through all

companies, etc. of reductions and methods.	available media; Port Admin; Dir., TEO.
9. Monitor all above; advise Governor with recommendation(s).	Dir., TEO.

IV. THE PLAN – PHASE 2

- A. In this Phase a 10% reduction in energy and fuel usage will be required:

B. Actions and Responsibilities

Actions	Responsible Office/Agency
1. Reduce electricity generated to a level which will require only 90% of normal fuel consumption. Advise Governor, TEO of method to be used, e.g., power rationing, etc. so public announcements can be made.	Exec. Dir., ASPA.
2. Reduce fuel sales to fishing fleet by 10%. Suspend sales to transient vessels.	Marlex; Union Oil; Canneries
3. Reduce U.S. airlines and military flight schedules by 10%.	SPIA: MAC; other U.S. airlines.
4. Reduce fuel sales to foreign airlines and military services by 10%.	Marlex.
5. Reduce motor gasoline deliveries to retail and ASG service stations by 10%.	Marlex; Union Oil.
6. Prescribe odd-even gasoline sales days for motor gasoline.	Governor; Marlex; Union Oil.
7. Reduce gasoline coupon issue by 10%, except for emergency vehicles.	Dir., PWD.
8. Advise public, airlines, canneries, shipping companies, etc. of reductions and methods.	Governor’s Press Secretary through all available media; Port Admin; Dir., TEO.
9. Monitor all above; advise Governor with recommendation(s).	Dir., TEO.

V. THE PLAN – PHASE 3

- A. This Phase requires an additional 10% (based on normal daily rates) reduction, in energy and fuel usage. If Phase 2 has not been invoked, a 20% reduction is required.

B. Actions and Responsibilities

Actions	Responsible Office/Agency
1. Reduce electricity generated to a level which will require only 80% of normal fuel consumption. Advise Governor, TEO of method to be used, e.g., power rationing, etc.	Exec. Dir., ASPA.

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2. Reduce amount of fuel sold to fishing vessels to 80% of normal.	Marlex; Union Oil; canneries.
3. Reduce U.S. airline and military flights to 80% of normal.	SPIA; MAC; other U.S. airlines.
4. Reduce fuel sales to foreign airlines and military services to 80% of normal.	Marlex.
5. Reduce motor gasoline deliveries to retail and ASG service stations to 80% of normal.	Marlex; Union Oil.
6. In addition to odd-even sale days, limit sales of motor gasoline to Monday through Saturday, with a 5 gallon minimum sale.	Marlex; Union Oil; service station operators.
7. Reduce gasoline coupon issue to 80% of normal, except for emergency vehicles.	Dir., PWD.
8. Advise public, canneries, airlines, shipping lines, etc. of reductions.	Governor's Press Secretary through all available media; Port Admin.; Dir., TEO.
9. Monitor all above and advise Governor with recommendation(s).	Dir, TEO.

VI. THE PLAN – PHASE 4

A. This Phase requires a further reduction of 20% of normal energy and fuel usage, or, if Phases 2 and/or 3 have not been previously invoked, a 40% reduction in usage. Because the canneries are of such importance to the economic health of the Territory, the total of the 40% reduction may require a greater cut in some sectors to maintain an acceptable level of cannery operation. This level will be determined by the Emergency Energy Conservation Task Force.

B. Actions and Responsibilities

Actions	Responsible Office/Agency
1. Reduce electricity generated to a level which will require only 60% of normal fuel consumption, but insure that the canneries get a least 60% of normal supply. Advise Gov., TEO how.	Exec. Director, ASPA.
2. Reduce amount of fuel sold to fishing vessels to 60% of normal.	Marlex; Union Oil; Canneries.
3. Reduce U.S. airline and military flights to 60% of normal.	SPIA; MAC; other U.S. airlines.
4. Suspend fuel sales to foreign airlines and military services.	Marlex.
5. Reduce motor gasoline deliveries to retail service stations and ASG to 60% of normal.	Marlex; Union Oil.
6. Limit motor gasoline sales to M., T., Th., Fri. only, with 5 gallon minimum purchase.	Governor; Marlex; Union Oil.

7. Reduce gasoline coupon issue to 60% of normal, except emergency vehicles.	Dir., PWD.
8. Advise public, etc. of reductions.	Gov's. Press Secretary through all available media; Port Admin., TEO.
9. Monitor all above and advise Governor, with recommendation(s).	Dir., TEO.

VII. THE PLAN – PHASE 5

A. In this Phase maximum energy and fuel savings will be required.

B. Actions and Responsibilities

Actions	Responsible Office/Agency
1. Reduce electricity generation to minimum for public health and safety. Advise TEO.	Exec. Dir., ASPA.
2. Deliver/sell diesel fuel to ASPA, airport, LBJ hospital Communications, WVUV and PWD only.	Marlex; Union Oil.
3. Reduce sales of jet fuel to 40% of normal.	Marlex.
4. Reduce sales of motor fuel to Monday and Thursday only, except for Aiga buses and taxis. Designate specific hours and days for Aiga bus and taxi sales. Sales to private vehicle owners will be odd license numbers on Monday, even on Thursday. Advise TEO.	Marlex; Union Oil
5. Reduce motor gasoline and diesel issues to emergency vehicles only. Advise TEO.	Director, PWD.
6. Coordinate with ASP A and Emergency Energy Conservation Task Force to establish water hours to reduce electricity demand. Advise TEO.	Director, PWD.
7. Advise Governor, with recommendations regarding above actions.	Dir., TEO.
8. Publicize above measures.	Gov's. Press Secretary through all available media.

History: Rule 2-82 (Ex. Ord. 3-82), eff 2 Jul 82, § 2.

Appendix I – Fuel Consumption by Type
Thousands of gallons/day

Diesel Fuel

Total Storage Capacity	
Utulei Tank farm	6,174,000
ASPA	

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Satala	48,000
Tafuna	200,000
LBJ Hospital	8,500
Canneries	39,000
	6,469,500 gals.

Daily usage rate 105,610 gal/day = 61 days supply available

Reduced	10%	95,050	= 68 "
	20%	84,490	= 76 "
	40%	63,370	= 102 "

Starting with ½ of total storage capacity = 3,234,750 gals

Daily usage rate 105,610 gals/day = 31 days

Reduced	10%	95,050	= 34 "
	20%	84,490	= 38 "
	40%	63,370	= 51 "

Starting with ½ of Utulei tank farm only = 3,087,000 gals.

Daily usage rate 105,610 gals/day = 29 days

Reduced	10%	95,050	= 32 "
	20%	84,490	= 36 "
	40%	63,370	= 48 "

A planned increase of 4,746,000 gallons of storage capacity at the Utulei tank farm will, when completed, increase the "days supply available" by approximately 40%. Completion is anticipated within the next year.

Jet Fuel

Total Storage Capacity

Utulei Tank Farm	1,801,000 gals.
Airport	<u>110,000</u>
	1,911,000 gals.

Daily usage rate 30,000 gallons = 63 days supply available

Reduced	10%	27,000	= 71 "
	20%	24,000	= 79 "
	40%	18,000	= 106 "

Starting with ½ of total capacity = 955,500 gals.

Daily usage rate 30,000 gallons = 33 days

Reduced	10%	27,000	= 37 "
	20%	24,000	= 42 "
	40%	18,000	= 56 "

Starting with ½ of Utulei tank farm only = 900,500 gals.

Daily usage rate 30,000 gallons = 30 days

Reduced	10%	27,000	= 33 "
	20%	24,000	= 37 "
	40%	18,000	= 50 "

Motor Gasoline

Total Storage Capacity, Utulei Tank Farm

Unleaded 512,400 gals.

Airport	<u>411,600</u>
	924,000 gals.

Daily usage rate (unleaded) 6499 gals/day = 79 days supply available

Reduced	10%	5480	= 87 days supply available
	20%	5200	= 98 days supply available
	40%	3900	= 121 days supply available

Daily usage rate (regular) 2906 gals/day = 142 days supply available

Reduced	10%	2615	= 157 days supply available
	20%	2325	= 177 days supply available
	40%	1744	= 236 days supply available

With ½ of Utulei tank farm capacity, = 157 days supply available

Unleaded	256200 gals
Regular	205800

Daily usage rate (unleaded) 6499 gals/day = 39 days supply available

Reduced	10%	5850	= 43 days supply available
	20%	5200	= 49 days supply available
	40%	3900	= 65 days supply available

Daily usage rate (regular) 2906 gals/day = 71 days supply available

Reduced	10%	2615	= 79 days supply available
	20%	2325	= 89 days supply available
	40%	1744	= 118 days supply available

Combined (unleaded and regular) normal daily usage rate = 9405 gals/day

Aviation Gasoline

Storage Capacity

Utulei Tank Farm	100,800 gals.
Airport	<u>25,200</u>
	126,000 gals.

Daily usage rate 230 gals. = 548 days supply available

History: Rule 2-82 (Ex. Ord. 3-82), eff 2 Jul 82, § 2.

Appendix II – Emergency Energy Conservation Task Force

I. GENERAL

The American Samoa Emergency Energy Conservation Plan, of which this Appendix is a part, requires, in Phase I, that an Emergency Energy Conservation Task Force be convened. The primary

purpose of this Task Force is to advise the Governor regarding specific measures to be taken to conserve fuel in the event Phase V of the Plan is invoked. Phase V is the “extreme emergency” situation in which all fuel/ energy consuming activities other than those relating to public health and safety are to be severely curtailed. In addition, the Task Force may also make recommendations to the Governor regarding any Phase of the Plan.

II. MEMBERSHIP

The membership of the Task Force is:

Lieutenant Governor -Chairman
Director, Territorial Energy Office
Attorney General
Secretary of Samoan Affairs
Commissioner of Public Safety
Director, Department of Medical Services
Director, Department of Public Works
Director, Department of Port Administration
Director, Office of Public Information Executive
Director, American Samoa Power Authority
Member, Senate
Member, House of Representatives
Manager, Marlex Petroleum
Manager, Union Oil Company
Manager, Van Camp Seafood Co.
Manager, Starkist Samoa, Inc.
Chairman, Chamber of Commerce

Because it is expected that this Task Force will operate only in an emergency situation, attendance by the members at each meeting is required. If, for reasons of illness or being off-island, a member cannot attend he will designate an alternate to attend in his absence.

III. DUTIES AND RESPONSIBILITIES

The Task Force will convene initially at the call of the Governor and thereafter at the call of the Chairman. It shall:

- A. Determine the level and distribution of electric power to be generated to satisfy public health and safety requirements. Advise the Executive Director, ASPA;
- B. Determine and specify those vehicles which will be classified as emergency vehicles. Establish means of identification to permit issue of fuel. Advise Department/Agency heads concerned;
- C. Determine priorities for water use and water hours; advise Director, Department of Public Works.

- D. Examine all actions already implemented or planned under the Plan and recommend changes as the situation warrants.
- E. Perform such other services relating to the energy emergency as may be required by the Governor.

History: Rule 2-82 (Ex. Ord. 3-82), eff 2 Jul 82, § 2

[End Of Title 12 – Chapter 5]

TITLE 12 – CHAPTER 06 – REGULATIONS OF LOCAL TELECOMMUNICATIONS OPERATIONS

Sections:

- 12.0601 Purpose.
- 12.0602 Definitions.
- 12.0603 Duties of Telecommunications Carriers.
- 12.0604 Jurisdiction.
- 12.0605 Procedures.
- 12.0606 Judicial Review.
- 12.0607 Declaration of an Emergency.

12.0601 Purpose.

The purpose of this chapter is to provide for the regulations of local telecommunications operations in American Samoa in a manner which serves the public interest. The objectives of such regulations shall be:

- A. To promote the rapid development of efficient, modern, and advanced telecommunications facilities and technologies;
- B. To provide consumers access to high-quality telecommunications services at reasonable prices; and
- C. To facilitate competition in the telecommunications marketplace on reasonable terms and conditions.

Editor's Note – 11 Dec 21: The text for this Rule is found on the American Samoa Bar Association Website. No other source for this Rule was found but is included at face value and accorded weight by virtue of it being posted by an Officer of the Court.

12.0602 Definitions.

- A. “Telecommunications Regulatory Commissioner” or “Commissioner” means the Governor of American Samoa.
- B. “Telecommunications carrier” means any person engaged as a common carrier in providing telecommunications service for hire.
- C. “Local” means within the Territory of American Samoa.

Editor's Note – 11 Dec 21: The text for this Rule is found on the American Samoa Bar Association Website. No other source for this Rule was found but is included at face value and accorded weight by virtue of it being posted by an Officer of the Court.

12.0603 Duties of Telecommunications Carriers.

It shall be the duty of every telecommunications carrier providing local service in American Samoa:

- A. To provide such telecommunications service upon the reasonable request of any party;
- B. To establish interconnection with other telecommunications carriers, subject to the orders of the Commissioner;
- C. To establish charges, practices, classifications, terms, and conditions for telecommunications services which are just and reasonable;
- D. Not to make any unjust or unreasonable discrimination in charges, practices, classifications, terms, conditions, facilities, or services, directly or indirectly, by any means or device, nor to give any undue or unreasonable preference, advantage, or disadvantage to any person or class of persons;
- E. To publish its rates, terms, and conditions for telecommunications services, including interconnection, in the manner prescribed by the Commissioner; and
- F. To cooperate in the proceedings of the Commissioner and to comply with the orders of the Commissioner.

Editor's Note – 11 Dec 21: The text for this Rule is found on the American Samoa Bar Association Website. No other source for this Rule was found but is included at face value and accorded weight by virtue of it being posted by an Officer of the Court.

12.0604 Jurisdiction.

The Telecommunications Regulatory Commissioner shall have regulatory jurisdiction with respect to the local operations of telecommunications carriers in American Samoa. The Commissioner shall perform the functions of the “state commissioner” for American Samoa under the Federal Communications Act, 47 U.S.C. §153(41).

Editor's Note – 11 Dec 21: The text for this Rule is found on the American Samoa Bar Association Website. No other source for this Rule was found but is included at face value and accorded weight by virtue of it being posted by an Officer of the Court.

12.0605 Procedures.

- A. Pleadings. Pleadings before the Commissioner shall be informal. Proceedings may be initiated by application, petition, complaint, or other form of pleading as may be appropriate under the circumstances.
- B. Proceedings. Proceedings may be initiated by an initial pleading or by the Commissioner. When a proceeding has been initiated, the Commissioner shall give public notice of the proceeding and shall

proscribe the time within which responsive pleadings or comments may be filed.

- C. Presiding Officers. Where a proceeding involves contested matters, the Commissioner may appoint a Presiding Officer to conduct the proceeding. The Presiding Officer shall convene such meetings, hearings conferences or other sessions as the Presiding Officers deems appropriate. The Presiding Officer shall prescribe the schedule and form for the submission of evidence, briefs, and arguments.
- D. Settlement. The Presiding Officer shall encourage parties to negotiate and to resolve contested matters by mutual agreement. Concession and offers of compromise are inadmissible at any such meetings, hearings, conferences, or other sessions.
- E. Discovery. Any party may move the Presiding Officer for the production of other evidence in the possession of another party. Discovery shall be granted only upon a showing that material evidence is likely to be obtained. The Presiding Officer may place reasonable limits on any discovery.
- F. Recommended Decision. The Presiding Officer shall make a recommended decision to the Commissioner. In the recommended decision the Presiding Officer shall provide an opportunity for the submission of objections to the recommended decision. Any objection not submitted in accordance with the recommended decision shall be waived.
- G. Final Decision. The final decision shall be made by the Commissioner. The Commissioner may accept the recommended decision, accept the recommended decision with modifications, or reject the recommended decision. An order by the Commissioner remanding a proceeding to the Presiding Officer for further action shall not be a final decision.

Editor's Note – 11 Dec 21: The text for this Rule is found on the American Samoa Bar Association Website. No other source for this Rule was found but is included at face value and accorded weight by virtue of it being posted by an Officer of the Court.

12.0606 Judicial Review.

Any party to a proceeding before the Commissioner which is aggrieved by a final decision of the Commissioner may petition for review of such decision by the High Court of American Samoa pursuant to A.S.C.A 4.1040 through 4.1044, except where preempted by federal law.

Editor's Note – 11 Dec 21: The text for this Rule is found on the American Samoa Bar Association

Website. No other source for this Rule was found but is included at face value and accorded weight by virtue of it being posted by an Officer of the Court.

12.0607 Declaration of an Emergency.

- A. Pursuant to A.S.C.A. 4.1010, if an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 20 days notice and states in writing its reasons for that finding it may proceed without prior notice or hearing.
- B. The Telecommunications Regulatory Commissioner finds that fact exist which justifies adoption of the foregoing regulation upon fewer than 20 days notice, to wit:
 1. The foregoing rules are rules of procedure and do not effect substantive rights.
 2. The Telecommunications Act of 1934, as amended in 1996, requires incumbent local communications carriers to allow for interconnection of telecommunications services with communications carriers entering the market. Pursuant to federal law, the Telecommunications Regulatory Commissioner is required to accept or reject such interconnection agreements.
 3. The Commissioner has received a request for an interconnection agreement which is presently under consideration. Because of certain time constraints imposed by federal law as regards the consideration of the interconnection agreement, insufficient time exists to give notice as provided by A.S.C.A. 4.1010.
 4. Based on the foregoing findings the Commissioner finds that imminent peril to the public health, safety, and welfare requires adoption of the foregoing rule immediately upon filing the same as provided in A.S.C.A. 4.1008 upon fewer than 20 days notice. According to law the foregoing rule will be effective for a period of 120 days from the effective date.

Editor's Note – 11 Dec 21: The text for this Rule is found on the American Samoa Bar Association Website. No other source for this Rule was found but is included at face value and accorded weight by virtue of it being posted by an Officer of the Court.

END OF TITLE 12 – PUBLIC UTILITIES