

(b) At least 8 calendar days prior to disconnection, the utility shall give written disconnect notice upon a form which must be in the tariff of the utility filed with the public service commission and which conforms to the requirements of sub. (9) unless excepted elsewhere.

(c) When a customer, either directly or through the public service commission, disputes a disconnection notice the utility shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(d) If a disputed issue cannot be resolved pursuant to s. PSC 113.134 (1), the utility shall inform the customer of the right to contact the public service commission.

(2) Utility service may be disconnected for any of the following reasons, provided that if the commission declares a winter emergency to be in effect, there must be reasonable grounds to believe that such disconnection will not, under the circumstances, endanger human health or life:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement. (See PSC 113.133).

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with deposit or guarantee arrangements as specified in s. PSC 113.131.

(d) Diversion of service around the meter.

(e) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The six-month period begins with the date of the last meter reading.

(f) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(3) A public utility may disconnect utility service without notice where a dangerous condition exists for as long as the condition exists.

(4) Service may be denied to any customer for failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 167.16, Stats.; or if the customer proposes to use a device that is not so designed that interference with communication and signal services is reasonably minimized.

(5) A utility is not required to furnish service under conditions requiring operation in parallel with generating equipment connected to the customer's system if such operation is hazardous or may interfere with its own operations or service to other customers or with service furnished by others. The utility may specify requirements as to connection and operation as a condition of rendering service under such circumstances.

(6) Utility service may not be disconnected or refused for any of the following reasons:

(a) Nonpayment of a delinquent account over 6 months old where collection efforts have not been made within that period of time unless the

passage of additional time results from other provisions herein or from good faith negotiations or arrangements made with the customer.

(b) Delinquency in payment for service by a previous occupant of the premises to be served other than a member of the same household residing at the same premises.

(c) Failure to pay for merchandise or charges for non-utility service billed by the utility.

(d) Failure to pay for a different type or class of utility service.

(e) Failure to pay the account of another customer as guarantor thereof.

(f) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates.

(g) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any faulty metering.

(h) Failure to pay an estimated bill other than a bill rendered pursuant to an approved bimonthly meter reading plan, unless the customer upon request refuses to permit the reading of the meter during normal business hours.

(7) A utility shall not disconnect any residential service without notifying the county department of health and social services at least 5 calendar days prior to the scheduled disconnection, if the customer or responsible person has made a written request for this procedure to the utility. The customer shall be apprised of this right upon application for service.

(8) Notwithstanding any other provision of this section, a utility may not disconnect service to a residential customer if disconnection will aggravate an existing medical emergency of the customer, a member of his family or other permanent resident of the premises where service is rendered and if the customer conforms to the procedures described in par. (a) below.

(a) A utility shall postpone the disconnection of service for 21 days to enable the customer to arrange for payment, if the customer produces a licensed Wisconsin physician's statement or notice from a public health or social services official which identifies the medical emergency and specifies the period of time during which disconnection will aggravate the circumstances. The postponement may be extended once by renewal of the certificate or notice. No further extension of time shall be granted except upon a showing by the customer of the existence of extraordinary circumstances and further that he has exercised due diligence in meeting the emergency as evidenced in part by close and continuous communication with the utility.

(b) During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. However, no action to disconnect that service will be undertaken until expiration of the period of continued service.

(c) If there is a dispute concerning an alleged existing medical emergency, either party shall have the right to an informal review by the publisher, February, 1985, No. 350

lic service commission staff. Pending a decision after informal review, residential utility service shall be continued provided that the resident has submitted a statement or notice as set forth in par. (a) of this subsection.

(9) (a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least 8 calendar days prior to the first date of the proposed disconnection. Notice shall be sent to the account name and address, and to the address where service is provided, if different. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice must be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) The utility shall make a reasonable effort to have a personal or telephone contact with the customer prior to disconnection.

(c) Disconnection notice shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different.

2. A statement of the reason(s) for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account under deferred agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the customer which are considered to constitute default.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he disputes the notice of delinquent account, if he wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other extenuating circumstances.

4. A statement that residential utility service will be continued for up to 21 days during serious illness if the account holder submits a statement or notice pursuant to sub. (8).

5. A statement that the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection or the amount of any disagreement remains in dispute after the customer has pursued the available remedies with the utility.

(10) (a) Service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel which are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objection to the disconnection as provided under s. PSC 113.134, and proper service personnel are readily available to restore service 24 hours per day.

(b) If a residential service which has been disconnected has not been restored to service within 24 hours after the time of the disconnection, the utility shall inform the local law enforcement department of the bill-

ing name and the service address and that threat to health and life might exist to persons occupying the premises.

(11) Notwithstanding any other provision of this chapter, utility service may not be refused because of a delinquent account if the customer or applicant provides as a condition of future service a deposit or guarantee as governed by s. PSC 113.131, or a voucher agreement.

History: Emerg. cr. eff. 1-21-75; cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1) (a) and (6) (a), Register, December, 1975, No. 240, eff. 1-1-76; emerg. am. (2) (a), eff. 1-19-76; emerg. am. (2), eff. 12-6-77; am. (2) (intro.), Register, March, 1979, No. 279, eff. 4-1-79; emerg. cr. (11), eff. 12-17-81; cr. (2) (e), Register, September, 1982, No. 321, eff. 10-1-82; cr. (11), Register, September, 1983, No. 333, eff. 10-1-83; cr. (2) (f), Register, February, 1985, No. 350, eff. 3-1-85.

PSC 113.1323 Cold weather disconnections. This section applies to disconnections of utility service to residential dwelling units occurring during the period November 15 to April 15 in any year for customers residing south of United States Highway 10 and during the period November 1 to April 15 in any year for all other customers. A municipality divided by United States Highway 10 is considered to be wholly located north of the line.

(1) **NOTICE.** Prior to disconnection of service, a utility representative shall attempt to meet personally with a responsible, adult member of the customer's household to discover any circumstances which deserve special attention, such as medical problems or disabilities.

If the utility is unable to establish such personal contact, it shall contact the customer by return-receipt-requested mail. The utility shall maintain a record of all customer contacts and attempted contacts. Prior to any planned disconnection of service, the utility shall notify the local department of social services.

(2) **TELEPHONE AVAILABILITY.** A utility shall provide its emergency after-hours telephone number to all customers scheduled for utility service disconnection.

(3) **SOCIAL SERVICE AGENCIES.** A utility shall inform local law enforcement and social service agencies of the name and address of a customer whose service has been disconnected and that a threat to health or life might exist at the customer's premises. The utility shall immediately notify the same agencies if service is reconnected.

(4) **FINANCIAL ASSISTANCE INFORMATION.** Not less than five days prior to disconnection, a utility shall advise a customer to contact the county department of social services and other organizations that may provide financial or shelter assistance.

(5) **CUSTOMER RIGHTS INFORMATION.** Prior to disconnection, a utility shall inform the customer of his or her right to a deferred payment agreement, budget billing, and fuel assistance.

(6) **COLD WEATHER DISCONNECTION PROHIBITED.** A utility may not disconnect customer service unless there are reasonable grounds to believe that the disconnection will not, under the circumstances, endanger human health or life during the period of disconnection.

(7) **NO DISCONNECTION ON CERTAIN DAYS.** A utility may not disconnect service on a Friday, Saturday, Sunday, holiday or on a day when utility Register, February, 1985, No. 350

personnel are not readily available to the customer 24 hours per day to negotiate restoration of service.

(8) **THIRD PARTY CONTACTS.** If the customer has previously requested that a specific third party be notified before disconnection, the utility shall contact that third party prior to disconnecting service.

(9) **MANAGEMENT-LEVEL EMPLOYEE.** Service may not be disconnected without the prior written approval of an appropriate management-level utility employee.

(10) **FOLLOW-UP VISIT.** (a) By the end of the work day following the day of disconnection, the utility shall make an in-person visit to check on the customer's well-being and to ensure there is no danger to human health or life. The utility shall again inform the customer of his or her right to a deferred payment or budget billing agreement and of the existence of social service agencies that may provide financial or shelter assistance.

(b) The utility may request that the visit be made by a representative of a city health department, local health and social service agency, local law enforcement agency, or similar authority but ultimate responsibility for the visit shall remain with the utility.

(c) The utility shall make a written record of the visit.

History: Emerg. cr. eff. 11-7-84; cr. Register, December, 1984, No. 348, eff. 1-1-85.

PSC 113.1324 Reconnection of service. (1) Prior to October 15 of each year, or at a date designated by the commission, a utility shall attempt by letter, telephone, or personal visit to contact all residential customers whose service remains disconnected for nonpayment and inform them of available payment options such as budget billing, or deferred payment agreement. If a letter or telephone call does not result in a response from an adult member of the customer's household, a personal visit shall be made. A record shall be kept of all contacts and attempts.

(2) On October 25 of each year, or at a date designated by the commission, a utility shall inform local law enforcement and county social service agencies of the name and address of each customer in an occupied dwelling where service remains disconnected. Upon request of the county department of social services, a utility shall also notify other designated agencies.

(3) On dates designated by the commission, a utility shall file periodic reports to the commission listing the number of occupied dwellings where service remains disconnected.

(4) A utility shall cooperate with law enforcement and social service agencies in negotiating restoration of service. Local law enforcement and social service agencies may use the commission's dispute resolution process on behalf of a customer whose service has been disconnected.

History: Emerg. cr. eff. 11-7-84; cr. Register, December, 1984, No. 348, eff. 1-1-85.

PSC 113.133 Deferred payment agreement. The utility is required to offer deferred payment agreements only to residential accounts.

(1) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable

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amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.

(2) For purposes of determining reasonableness under these rules the parties shall consider the:

- (a) Size of the delinquent account.
- (b) Customer's ability to pay.
- (c) Customer's payment history.
- (d) Time that the debt has been outstanding.
- (e) Reasons why debt has been outstanding.

(f) Any other relevant factors concerning the circumstances of the customer.

(3) A deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least 2 typesizes larger than any other used thereon, that "IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. YOU HAVE THE RIGHT TO MAKE A COUNTER OFFER AND, IF IT IS REJECTED, YOU HAVE THE RIGHT TO APPEAL THIS PROPOSED AGREEMENT TO THE PUBLIC SERVICE COMMISSION OF WISCONSIN, DURING WHICH TIME THE UTILITY MAY NOT DISCONNECT YOUR SERVICE. THIS DOES NOT RELIEVE YOU FROM THE OBLIGATION TO PAY BILLS THAT ARE INCURRED AFTER COMMENCEMENT OF DISPUTE PROCEDURES. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT."

(4) A deferred payment agreement shall not include a finance charge.

(5) If an applicant for utility service has not fulfilled terms of a deferred payment agreement, the utility shall have the right to disconnect pursuant to disconnection of service rules (PSC 113.132) and under such circumstances it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

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