

agree to a credit on the regular billing or unless subsection (8) applies. ✓

(8) **ACCRUED INTEREST.** Upon termination of service, the deposit, with accrued interest shall be credited to the final bill and the balance shall be returned promptly to the customer.

(9) **GUARANTEE.** A utility shall not require any customer to pay a deposit or establish a guarantee in lieu of deposit without explaining, in writing if requested, why that deposit is being required.

(10) **SERVICE REFUSAL.** Service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service. (Wis. Adm. Code section PSC 185.37) ✓

(11) **GUARANTEE TERMS AND CONDITIONS.** (a) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the utility, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be no longer than 2 years, but shall automatically terminate after the customer has closed his account with the utility, or at the guarantor's request upon 30 days' written notice to the utility.

(b) Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 8 days' written notice.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

(12) **DEFERRED PAYMENT.** In lieu of cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last 6 years with the same utility shall have the right to receive service from the utility under a deferred payment agreement as defined in Wis. Adm. Code section PSC 185.38 for the outstanding account.

(13) **APPLICABILITY.** The rules in subsections (11) and (12) of this section are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment. ✓

**History:** Cr. Register, May, 1972, No. 197, eff. 6-1-72; r. and recr. Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 185.37 Disconnection and refusal of service.** (1) (a) The due date of the bill for utility service shall not be less than 20 days after issuance. A bill for utility service is delinquent if unpaid after the due date.

**Note:** See December 17, 1974 order of the Public Service Commission in Docket No. 2-U-7720.

(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 Wis. Adm. Code section PSC 185.37 (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 Wis. Adm. Code section PSC 185.39 (1), the utility shall inform the customer of the right to contact the public service commission.

(2) Utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement (See Wis. Adm. Code section PSC 185.38.)

(b) Failure to comply with deposit or guarantee arrangements as specified in Wis. Adm. Code section PSC 185.36.

(c) Diversion of service around the meter.

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

(4) Service may be discontinued with a written 24-hour notice for nonpayment of a bill covering surreptitious use of water if so provided in the filed tariff of the utility.

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

(a) Nonpayment of a delinquent account over 6 months old 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 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.

(6) 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 appraised of this right upon application for service.

(7) Notwithstanding any other provision of this section, a utility may not disconnect service to a residential customer if disconnection will aggravate an existent 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 paragraph (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 service 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 existent medical emergency, either party shall have the right to an informal review by the Public 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 paragraph (a) of this subsection.

(8) (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 the 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 payment 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 Wis. Adm. Code section PSC 185.37 (7).v

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.

(9) (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 Wis. Adm. Code section PSC 185.39, 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 billing name and the service address and that a threat to health and life might exist to persons occupying the premises.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 185.38 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 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 sizes larger than any other used thereon, that "IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. 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 (Wis. Adm. Code section PSC 185.37) and under such circumstances, it shall not be

required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(6) Any payments made by a customer in compliance with a deferred payment agreement or otherwise shall first be considered made in payment of the previous account balance with any remainder credited to the current bill.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 185.39 Dispute procedures.** (1) Whenever the customer advises the utility's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the utility shall:

- (a) Investigate the dispute promptly and completely.
- (b) Advise the customer of the results of the investigation.
- (c) Attempt to resolve the dispute.
- (d) Provide the opportunity for the customer to enter into a deferred payment agreement when applicable in order to settle the dispute.

(2) After the customer has pursued the available remedies with the utility, he may request that the public service commission staff informally review the disputed issue and recommend terms of settlement.

(a) A request for informal review may be made in any reasonable manner such as by written notice or telephoned request directed to the public service commission.

(b) There must be at least 5 days between the date the Commission staff mails written notice of terms of settlement after informal review, and any subsequent disconnection.

(3) Any party to the dispute after informal review may make a written request for a formal review by the commission. Such request must be made within 5 days of the date the commission staff mails written notice of terms of settlement after informal review.

(a) Within 10 days from the time such a request is made, the commission shall decide on the basis of the information it has received from the staff whether to hold a hearing on the matter and shall inform both parties of its decision.

(b) If the commission decides to conduct a formal hearing on the matter, the customer shall be required to pay 50% of the amount in dispute to the utility or post bond for that amount on or before the date of hearing. Failure to pay this amount or post bond before hearing constitutes a waiver.

(c) Such a hearing shall conform to the procedures described in sections 196.27 to 196.34, Wis. Stats.

(d) Any such hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

(4) Utility service shall not be disconnected because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. In no way does this relieve the customer from the obligation of paying charges which are not disputed.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75.

## Part 4. Records

**PSC 185.41 Employees authorized to enter customers' premises.** The utility shall keep a record of its employees authorized pursuant to section 196.171, Wis. Stats., to enter customers' premises.

**History:** Cr. Register, May, 1972, No. 197, eff. 6-1-72.

**PSC 185.42 Customer complaints.** Each utility shall investigate and keep a record of complaints received by it from its customers in regard to safety, service, or rates, and the operation of its system. The record shall show the name and address of the complainant, the date and nature of the complaint, and its disposition and the date thereof.

**History:** Cr. Register, May, 1972, No. 197, eff. 6-1-72.

**PSC 185.43 Construction records.** Every water utility shall prepare, or cause to be prepared, and shall keep on file, permanent and adequate records in the form of maps or clearly descriptive tabular statements, or both, showing the size, kind, and location of all its underground main and service pipe lines and other construction, and definite locations of all valves and shutoff cocks. The records shall also show date of construction by year and month. The maps may be part of the continuing property records if they show the size, kind and location of the facilities and the date of construction by month and year.

**History:** Cr. Register, May, 1972, No. 197, eff. 6-1-72.

**PSC 185.44 Records and reports of service interruptions.** (See also Wis. Adm. Code section PSC 185.88, interruptions of service.) (1) Each utility shall notify the commission as soon as possible of any unusual occurrence which has caused or is expected to cause an interruption of service for one hour or longer to all of the customers or 500 (or more) customers, whichever number is the smaller. (This supplements but does not preempt the requirements of Wis. Adm. Code Chapter PSC 104.)

(2) Each utility shall maintain a record of interruptions showing for each the date and time it began, the duration, the cause, and the approximate number of customers affected.

**History:** Cr. Register, May, 1972, No. 197, eff. 6-1-72.

**PSC 185.45 Pumpage records.** A permanent record shall be kept of the amount of water pumped into the distribution system each day from each station. The daily pumpage shall be summarized by months and such daily records and monthly summaries kept on file.

**History:** Cr. Register, May, 1972, No. 197, eff. 6-1-72.

**PSC 185.46 Metering equipment records.** (1) A test record shall be made whenever a unit of metering equipment is tested but need not be retained after the equipment is again tested if a complete history record is maintained. The test record shall identify the unit and its location, date of test, reason for test, readings before and after test, a statement of "As Found" and "As Left" accuracies, a statement of test conditions sufficiently complete to permit checking the calculations employed, identification of the testing standard and the person making the test, and the results of the check or test of any associated remote register device. (See Wis. Adm. Code section PSC 185.19 for record retention period.)