

(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 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 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 par. (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 sub. (7).

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 s. 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: Emerg. cr. eff. 1-21-76; r. Register, January, 1976, No. 229, eff. 2-1-76; am. (1) (a) and (b) (a), Register, December, 1976, No. 240, eff. 1-1-76; emerg. cr. (10), eff. 12-17-81.

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 (s. 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: Emerg. cr. eff. 1-21-75; r. Register, January, 1975, No. 229, off. 2-1-75.

PSC 185.39 Dispute procedures. (1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or 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 or refusal of service 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. By telephone or written notice the public service commission staff may request the utility to investigate the dispute.

(b) There must be at least 5 days between the date the commission staff telephones or 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 telephones or mails written notice of terms of settlement after informal review. If written

confirmation of the staff telephone notice is requested and mailed, the 5 day period begins from the date of that mailing.

(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 formal hearing on the dispute, the customer shall be required to pay 50% of the bill or deposit in dispute to the utility or post bond for that amount on or before date of hearing. Such payment or bond may be waived by the commission for good cause shown. Failure to pay the specified amount before hearing will constitute waiver by the customer.

(c) Such a hearing shall conform to the procedures described in ss. 196.27 to 196.34, 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 or refused 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 obligation of paying charges which are not in dispute.

History: Emerg. cr. eff. 1-21-75; r. Register, January, 1975, No. 229, eff. 2-1-75; am. (1), (3) (b) and (4), Register, December, 1975, No. 240, eff. 1-1-76; emerg. am. (2) (a) and (b) and (3) (intro.) eff. 12-17-81; am. (2) (a) and (b) and (3) (intro.), Register, July, 1982, No. 319, eff. 8-1-82.

Part 4. Records

PSC 185.41 Employes authorized to enter customers' premises. The utility shall keep a record of its employes authorized pursuant to s. 196.171, 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. (1) Each utility shall notify the commissioner as soon as possible of any un-

Register, July, 1982, No. 319

usual 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 ch. PSC 104).

Note: See also s. PSC 185.88, interruptions of service.

(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 s. PSC 185.19 for record retention period).

Next page is numbered 389