

(c) Failure to comply with deposit or guarantee arrangements as specified in s. PSC 165.051.

(d) Where subsequent credit information indicates that the initial application for service was falsified to the extent that a deposit or guarantee would be required or service refused under the applicable sections of these rules.

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

(4) PROHIBITIONS AGAINST DISCONNECTION. 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 directory advertising 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 inaccurate metering.

(5) NOTIFICATION OF HEALTH AND SOCIAL SERVICES DEPARTMENT. 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 informed of this right upon application for service. The utility shall provide its customers with notice of this right in all telephone directories.

(6) NOTICE OF DISCONNECTION OF SERVICE. (a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least 5 calendar days prior to the proposed disconnection. Service must be disconnected within 15 days of the date of the notice is mailed unless the customer and the utility agree to extend this time period. If the 15-day period lapses due to the customer's pursuance of the dispute procedures herein described, the utility shall provide further 5-day written notice 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) Notice of disconnection for nonpayment shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and billing address of the customer.
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.
3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office if he disputes the notice of delinquent account, if he wishes to negotiate reasonable payment arrangements or 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 the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection remains in dispute after the customer has pursued the remedies available with the utility.
5. 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.

(7) **DISCONNECTION PROHIBITED ON CERTAIN DAYS.** 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 165.0525, and proper service personnel are readily available to restore service 24 hours per day.

(8) 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 165.051, or a voucher agreement.

History: Cr. Register, October, 1968, No. 164, eff. 11-1-68; r. and recr. November, 1975, No. 239, eff. 12-1-75; emerg. cr. (8), eff. 12-17-81; cr. (8), Register, September, 1983, No. 333, eff. 10-1-83.

PSC 165.0525 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.

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- (c) Customer's payment history.
- (d) Time that the debt has been outstanding.
- (e) Reasons why debt has been outstanding.

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