

**PSC 165.041 Meter reading interval.** As nearly as practicable meters shall be read at intervals to correspond to customer billing periods.

**History:** Cr. Register, October, 1968, No. 154, eff. 11-1-68.

**PSC 165.042 Billing recording equipment.** Where mechanical and/or electronic means are used for recording information that will affect a customer's bill for local and/or toll service, such equipment shall be inspected when assigned and periodically on a sampling basis to see that it is functioning properly and accurately. The utilities shall keep records of malfunctions. The retention period for such records shall be 2 years.

**History:** Cr. Register, October, 1968, No. 154, eff. 11-1-68.

**PSC 165.043 Information available to customers.** (1) There shall be kept on file in every business office of the utility where customer payments are received copies of the rate schedules applicable in such locality. Copies of these rules and such rules of the utility as are applicable shall be kept on file in every general and local office of the utility. Reasonable notice shall be given customers as to where the foregoing information is available to them.

(2) Each telephone utility, for every exchange in which it serves, shall provide in the respective telephone directories a telephone listing for repair service by which the utility can be notified at no charge during a 24-hour day of any utility service deficiency or emergency which may exist.

(3) Where a second language is common in a particular area served by the utility and so identified by the commission, all rules pertaining to billing and credit shall be available upon customer request, for distribution in English and that second language in every business office of the utility in that area accessible to the public and where customer payments are received.

**History:** Cr. Register, November, 1975, No. 239, eff. 12-1-75.

**PSC 165.05 Customer billing.** (1) Bills to customers shall be rendered regularly and shall contain a clear listing of charges. Utilities shall comply with reasonable customer requests for an itemized statement of charges.

(2) In the event the customer's service is interrupted otherwise than by the negligence or willful act of the customer and it remains out of order for a substantial period of time after being reported or found to be out of order, appropriate adjustments or refunds shall be made to the customer. The refund to the customer shall be the pro rata part of the month's charge for the period of days that the portion of the service and facilities are rendered useless or inoperative. The refund may be accomplished by a credit on a subsequent bill for telephone service.

**History:** Cr. Register, October, 1968, No. 154, eff. 11-1-68; r. (2), renum. (3) to be (2), Register, November, 1975, No. 239, eff. 12-1-75.

**PSC 165.051 Deposits.** (1) **NEW RESIDENTIAL SERVICE.** A utility shall not require a cash deposit or other guarantee as a condition of new service unless a customer:

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(a) Has an outstanding account balance with any Wisconsin telephone utility which accrued within the last 6 years, and at the time of the request for service remains outstanding and not in dispute, or

(b) Is attempting to receive service with intent not to pay for the same. Such intent may be inferred from all the circumstances surrounding the application, or

(c) Will clearly be unable to pay for service rendered at the time such payment is due.

(2) **EXISTING RESIDENTIAL SERVICE.** A utility shall not require a cash deposit or other guarantee as a condition of continued service unless either or both of the following circumstances apply.

(a) The service of the customer has been disconnected by the utility once within the last 12-month period for nonpayment of a delinquent service account not currently in dispute.

(b) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section of the code.

(3) **BUSINESS SERVICE.** (a) If the credit of an applicant for service has not been established satisfactorily to the utility, he may be required to provide a deposit or guarantee.

(b) The deposit shall be refunded after 24 consecutive months if the customer's credit standing is satisfactory to the utility.

(4) **CONDITIONS OF DEPOSIT.** The maximum deposit for a new account shall not exceed the bill for one month's exchange service plus estimated toll charges for 2 months. Deposits for existing accounts shall not exceed the bill for one month's exchange service plus the highest actual toll charges for 2 consecutive months within the preceding 12-month review period.

(5) **INTEREST ON DEPOSITS.** Deposits shall bear simple interest of at least the legal rate, payable from the date of deposit to the date of refund or application to a final account, whichever is earlier.

(6) **REVIEW OF PAYMENT RECORD.** The utility shall review the payment record of each residential utility customer with a deposit on file at 12-month intervals. The utility shall not require or continue to require a cash deposit unless a deposit is required under the provisions of Wis. Adm. Code section PSC 165.051 (2).

(7) **REFUND OF DEPOSIT.** Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the utility 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) **FAILURE TO PAY.** Service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service.

(10) **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 for 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 5 days' written notice.

(c) The guarantor shall receive copies of all disconnect notices sent to the customer whose account he has guaranteed if the guarantor requests such notice. The notice option shall be a part of the guarantee contract.

(11) **DEFERRED PAYMENT AGREEMENT.** 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 that utility under a deferred payment agreement as defined in Wis. Adm. Code section PSC 165.0525 for the outstanding account.

(12) **EXPLANATION OF REQUIREMENT.** A utility shall not require any customer to pay a deposit or guarantee in lieu of deposit without explaining, in writing if requested, why that deposit is required.

**History:** Cr. Register, October, 1968, No. 154, eff. 11-1-68; r. and recr. Register, November, 1975, No. 239, eff. 12-1-75.

**PSC 165.052 Disconnection and refusal of service.** (1) **GENERAL RULES.** (a) A telephone utility service bill for purposes of these rules concerning disconnection and refusal of service is considered a delinquent account one day after issuance.

(b) At least 5 calendar days prior to any disconnection, the utility shall give written notice upon an approved form which conforms to the requirements of section PSC 165.052(6) 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 section PSC 165.0525(1), the utility shall inform the customer of the right to contact the public service commission.

(2) **REASONS FOR DISCONNECTION.** Utility service may be disconnected or refused for any of the following reasons:

(a) Failure to comply with the terms of a deferred payment agreement or failure to pay a delinquent account, provided the total amount owed for service used exceeds one month's local service charges.

(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 nonstandard 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 section 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 section PSC 165.0525, and proper service personnel are readily available to restore service 24 hours per day.

**History:** Cr. Register, October, 1968, No. 154, eff. 11-1-68; r. and recr. November, 1975, No. 239, eff. 12-1-75.

**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.
- (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 uses 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 165.052) and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(6) Any payment 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, November, 1975, No. 239, eff. 12-1-75.

**PSC 165.053 Customer complaints.** (1) Each telephone utility shall make a full and prompt investigation of all types of complaints made by its customers, either directly to it or through the commission. A record shall be kept of all pertinent facts related to the complaint.

(2) If the use of service interferes unreasonably with the necessary service of other customers a customer may be required to take service in sufficient quantity or of a different class or grade.

**History:** Cr. Register, October, 1968, No. 154, eff. 11-1-68.

**PSC 165.0535 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.

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(d) Provide the opportunity for the customer to make reasonable payment arrangements or enter into a deferred payment agreement when applicable in order to settle the dispute.

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