

## CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

### Subchapter B. CUSTOMER SERVICE AND PROTECTION.

#### §25.29. Disconnection of Service.

- (a) **Disconnection policy.** If an electric utility chooses to disconnect a customer, it must follow the procedures below, or modify them in ways that are more generous to the customer in terms of the cause for disconnection, the timing of the disconnection notice, and the period between notice and disconnection. Each electric utility is encouraged to develop specific policies for disconnection that treat its customers with dignity and respect its customers' or members' circumstances and payment history, and to implement those policies in ways that are consistent and non-discriminatory. Disconnection is an option allowed by the commission, not a requirement placed upon the utility by the commission.
- (b) **Disconnection with notice.** Electric utility service may be disconnected after proper notice for any of these reasons:
- (1) failure to pay a bill for electric utility service or make deferred payment arrangements by the date of disconnection;
  - (2) failure to comply with the terms of a deferred payment agreement;
  - (3) violation of the electric utility's rules on using service in a manner which interferes with the service of others or the operation of nonstandard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;
  - (4) failure to pay a deposit as required by §25.24 of this title (relating to Credit Requirements and Deposits); or
  - (5) failure of the guarantor to pay the amount guaranteed, when the electric utility has a written agreement, signed by the guarantor, that allows for disconnection of the guarantor's service.
- (c) **Disconnection without prior notice.** Electric utility service may be disconnected without prior notice for any of the following reasons:
- (1) where a known dangerous condition exists for as long as the condition exists. Where reasonable, given the nature of the hazardous condition, the electric utility shall post a notice of disconnection and the reason for the disconnection at the place of common entry or upon the front door of each affected residential unit as soon as possible after service has been disconnected;
  - (2) where service is connected without authority by a person who has not made application for service;
  - (3) where service was reconnected without authority after termination for nonpayment; or
  - (4) where there has been tampering with the electric utility company's equipment or evidence of theft of service.
- (d) **Disconnection prohibited.** Electric utility service may not be disconnected for any of the following reasons:
- (1) delinquency in payment for electric utility service by a previous occupant of the premises;
  - (2) failure to pay for merchandise, or charges for non-electric utility service, including but not limited to insurance policies or home security systems, provided by the electric utility;
  - (3) failure to pay for a different type or class of electric utility service unless charges for such service were included on that account's bill at the time service was initiated;
  - (4) failure to pay charges arising from an underbilling, except theft of service, more than six months prior to the current billing;
  - (5) failure to pay disputed charges, except for the required average billing payment, until a determination as to the accuracy of the charges has been made by the electric utility or the commission and the customer has been notified of this determination;

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- (6) failure to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such underbilling charges are due under §25.126 of this title (relating to Adjustments Due to Non-Compliant Meters and Meter Tampering in Areas Where Customer Choice Has Been Introduced); or
- (7) failure to pay an estimated bill other than a bill rendered pursuant to an approved meter-reading plan, unless the electric utility is unable to read the meter due to circumstances beyond its control.

(e) **Disconnection on holidays or weekends.** Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on holidays or weekends, or the day immediately preceding a holiday or weekend, unless utility personnel are available on those days to take payments and reconnect service.

(f) **Disconnection due to electric utility abandonment.** No electric utility may abandon a customer or a certified service area without written notice to its customers and all similar neighboring utilities, and approval from the commission.

(g) **Disconnection of ill and disabled.** No electric utility may disconnect service at a permanent, individually metered dwelling unit of a delinquent customer when that customer establishes that disconnection of service will cause some person residing at that residence to become seriously ill or more seriously ill.

(1) Each time a customer seeks to avoid disconnection of service under this subsection, the customer must accomplish all of the following by the stated date of disconnection:

(A) have the person's attending physician (for purposes of this subsection, the term "physician" shall mean any public health official, including medical doctors, doctors of osteopathy, nurse practitioners, registered nurses, and any other similar public health official) call or contact the electric utility by the stated date of disconnection;

(B) have the person's attending physician submit a written statement to the electric utility; and

(C) enter into a deferred payment plan.

(2) The prohibition against service termination provided by this subsection shall last 63 days from the issuance of the electric utility bill or a shorter period agreed upon by the electric utility and the customer or physician.

(h) **Disconnection of energy assistance clients.** No electric utility may terminate service to a delinquent residential customer for a billing period in which the electric utility receives a pledge, letter of intent, purchase order, or other notification that the energy assistance provider is forwarding sufficient payment to continue service.

(i) **Disconnection during extreme weather.** An electric utility cannot disconnect a customer anywhere in its service territory on a day when:

(1) the previous day's highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours, according to the nearest National Weather Service (NWS) reports; or

(2) the NWS issues a heat advisory for any county in the electric utility's service territory, or when such advisory has been issued on any one of the preceding two calendar days.

(j) **Disconnection of master-metered apartments.** When a bill for electric utility services is delinquent for a master-metered apartment complex:

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- (1) The electric utility shall send a notice to the customer as required in subsection (k) of this section. At the time such notice is issued, the electric utility shall also inform the customer that notice of possible disconnection will be provided to the tenants of the apartment complex in six days if payment is not made before that time.
  - (2) At least six days after providing notice to the customer and at least four days before disconnecting, the electric utility shall post a minimum of five notices in conspicuous areas in the corridors or other public places of the apartment complex. Language in the notice shall be in large type and shall read: "Notice to residents of (name and address of apartment complex): Electric utility service to this apartment complex is scheduled for disconnection on (date), because (reason for disconnection)."
- (k) **Disconnection notices.** Any disconnection notice issued by an electric utility to a customer must:
- (1) not be issued before the first day after the bill is due, to enable the utility to determine whether the payment was received by the due date. Payment of the delinquent bill at the electric utility's authorized payment agency is considered payment to the electric utility.
  - (2) be a separate mailing or hand delivered with a stated date of disconnection with the words "disconnection notice" or similar language prominently displayed.
  - (3) have a disconnection date that is not a holiday or weekend day, not less than ten days after the notice is issued.
  - (4) be in English and in Spanish.
  - (5) include a statement notifying the customer that if they need assistance paying their bill by the due date, or are ill and unable to pay their bill, they may be able to make some alternate payment arrangement, establish deferred payment plan, or possibly secure payment assistance. The notice shall also advise the customer to contact the electric utility for more information.
- (l) **Electric service disconnection of a non-submetered master metered multifamily property.**
- (1) In this subsection, "non-submetered master metered multifamily property" means an apartment, a leased or owner-occupied condominium, or one or more buildings containing at least 10 dwellings that receive electric utility service that is master metered but not submetered.
  - (2) An electric utility in an area where customer choice has not been introduced shall send a written notice of service disconnection to a municipality before disconnecting service to a non-submetered master metered multifamily property for nonpayment if:
    - (A) the property is located in the municipality; and
    - (B) the municipality establishes an authorized representative to receive the notice as described by paragraph (3) of this subsection.
  - (3) No later than January 1st of every year, a municipality wishing to receive notice of disconnection of electric service to a non-submetered master metered multifamily property shall provide the commission with the contact information for the municipality's authorized representative referenced by paragraph (2) of this subsection by submitting that person's name, title, direct mailing address, telephone number, and email address in a P.U.C. Project Number to be established annually for that purpose. The email address provided by the municipality may be for a general mailbox accessible by the authorized representative established for the purpose of receiving such notices.
  - (4) After January 1st, but no later than January 15th of every year, the commission shall post on its public website the contact information received from every municipality pursuant to paragraph (3) of this subsection. The contact information posted by the commission shall remain in effect during the subsequent 12-month period of February 1 through January 31 for the purpose of the written notice of disconnection required by paragraph (2) of this subsection.

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- (5) The electric utility shall email the written notice required by this subsection to the municipality's authorized representative not later than the 10th day before the date electric service is scheduled for disconnection. Additional notice may be provided by third-party commercial carrier delivery or certified mail.
- (6) The customer safeguards provided by this subsection are in addition to safeguards provided by other law or agency rules.
- (7) This subsection does not prohibit a municipality or the commission from adopting customer safeguards that exceed the safeguards provided by this chapter.