

Discontinuance of Service (Cut-offs)

INTRODUCTION

This Introduction has been attached to the Policy to assist the UTILITY in the implementation of the Policy. It is not actually a part of the Policy. Any requests for a copy of this Policy by a customer should not include a copy of these pages.

BACKGROUND AND PURPOSE

It is generally accepted utility practice in the United States that the customer is responsible for payment of service and other duly authorized charges. When a customer does not pay for service rendered, the cost of such water must be recovered from other customers. The establishment and implementation of a discontinuance policy minimizes the loss of revenue from customers who do not timely pay for service rendered. The regulations of the Comptroller and the UTILITY's bond resolutions require the establishment and implementation of a discontinuance policy.

The UTILITY is run for the benefit of all present and future customers. While no customer shall be treated unfairly intentionally, no customer shall be treated in any way that compromises the interests of other current and future customers.

LIMITATIONS

The UTILITY is subject to various city, county, state, federal or other governmental agency requirements and has no discretion to allow customers to accumulate unpaid balances which would violate these regulations. The provision of utility service is a property interest under the Fourteenth Amendment, and the UTILITY must provide customers who dispute their bills due process before termination of service.

RECORD KEEPING DURATION

All records regarding discontinuance of service shall be kept for a minimum of ten years.

OMISSIONS

In the absence of specific rules or policies, the disposition of matters related to discontinuance of service shall be made by the Governing Board in accordance with its usual and customary practices.

POLICY

1 ... Reasons for Discontinuance of Service:

- (a) Nonpayment of bill or other charges;
- (b) Partial payment of bill or other charges;
- (c) Failure to comply with utility rules, regulations or policies;
- (d) Any threat to public health on the customer's premises which may endanger other customers;
- (e) Tampering with utility equipment or stealing service;
- (f) In the event that a customer has allowed more than one service on one tap
- (g) Return Checks (Not picked up by customer).

2 ... An automated phone call will attempt to notify customer if the utility bill is delinquent.

Service cut-offs for non-payment or partial payment of bills will begin the first working day after the 25th day of the month. Service cut-offs will be handled in accordance with the UTILITY's workload and at the discretion of the Utility's Manager.

3 ... When a customer receives a bill and considers the bill to be incorrect, the customer may request a review of the bill. To request a review, the customer must contact any clerical employee of the District in person or by telephone within five days after the date of the final notice. In the event the dispute cannot be resolved by telephone, the customer must make an appointment to meet with a District employee authorized to make bill adjustments within five days of the delinquent notice. The customer's service will not be discontinued for failure to pay a disputed bill until after the customer has the opportunity to meet with the UTILITY's employee.

The customer may request that the disputed bill be reviewed by the Governing Board of the UTILITY by serving written notice to the UTILITY's Manager of the customer's desire to appear before the Board. Such request will not delay the discontinuance of service.

As with other complaints, if after written notice and meeting with the Governing Board, the customer feels that the utility is violating its policies regarding the incident, the customer may file a written complaint with the Utility Management Review Board.

4 ... For the benefit of the customer, normal service cut-offs will not be made on a Tuesday, Friday or on the day immediately preceding a holiday.

In the following situations the UTILITY reserves the right to discontinue service without customer notice:

- (a) When in the opinion of the Manager a situation exists that may endanger public health;
- (b) Where there is evidence of tampering with utility equipment or stealing of service;
- (c) Where it is discovered that a misrepresentation of identity was made in obtaining service.

5 ... Service will be reinstated only during regular working hours, Monday through Friday, except in case of an emergency.

6 ... Utility bills are recurring charges. Failure by the customer to receive a utility bill will not entitle the customer to be relieved of payment.

7 ... The customer shall pay all costs for the discontinuance of service and any reconnection. The charges for these services are shown in the Schedule of Rates and Charges.

Utility personnel will not be permitted to collect the amount of the outstanding bill plus the disconnect service call charge when they arrive at the customer's premises to discontinue service, except in the case of an emergency.

8 ... Discontinuance of service by the UTILITY shall not release the customer from liability for payment for service already received or from liability from payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

9 ... The UTILITY shall not be liable for any loss or damage resulting from the discontinuance of service.

10 ... A landlord shall not use the discontinuance of service to his or her property to force a tenant or occupant to surrender possession of the property. The landlord shall use appropriate legal means for that purpose.

11 ... The customer(s) whose name appears on the application for service is (are) the customer(s) responsible for payment of all charges. That customer is also responsible for any rules or policy violations that occur regarding the utility service to that property. Personal participation by the customer in any such violation shall not be necessary to impose personal responsibility on the customer.

12 ... In the event any customer fails to pay any utility fee or charge, the customer shall pay all costs of collection including court costs and reasonable attorney's fees incurred by the UTILITY in collecting such sums.

13 ... The UTILITY shall have the right to refuse to render service to an applicant or to any member of an applicant's household who is living at the same address whenever such person(s) is (are) delinquent on any payment to the UTILITY or had his or her service discontinued because of a violation of the regulations or policies of the UTILITY.

14 ... The UTILITY shall not disconnect the service to any customer on a life support system or dialysis machine in accordance with this Policy. It is the responsibility of the customer to notify the UTILITY if service discontinuance would be life threatening. After notification, the UTILITY will flag the customer's account and meter as an "Emergency Medical Service" to ensure that the service is not cut off by UTILITY personnel or others in accordance with this Policy.

If an emergency medical service customer cannot pay a bill or other charge, it shall be the customer's responsibility to find a social service agency or charitable group to assist the customer to prevent the eventual discontinuance of service for nonpayment.

15 ... The customer in whose name the service is furnished may request termination of service by mail, telephone or in person at the office of the UTILITY.

16 ... Each customer may give a notice to the UTILITY of service termination. The customer will be responsible for all charges which accrue to the end of the next working day after notice is given including the minimum charge.

17 ... Where UTILITY service is being furnished to an occupant of premises under a contract not in the occupant's name, the UTILITY reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(a) Written notice of the customer's desire for such service to be continued may be required.

(b) The UTILITY shall have the right to continue such service for a period not to exceed two (2) business days after receipt of such written notice, during which time the customer will be responsible to the UTILITY for all charges for such service.

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