

(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 (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 s. 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 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.

(e) Failure to pay a delinquent toll account billed by the utility providing local exchange service, provided the utility is authorized by the toll carrier to resolve customer disputes. Commencing June 1, 1987, no provider of local exchange service shall disconnect local service for nonpayment of another carrier's toll bill unless either the toll carrier or the local exchange provider can demonstrate to the commission significant hardship to the detriment of ratepayers.

(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 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 pursuit 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. 154, 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; emerg. cr. (2) (e), eff. 1-1-84; cr. (2) (e), Register, August, 1984, No. 344, eff. 9-1-84; am. (2) (e), Register, June, 1985, No. 354, eff. 7-1-85.

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 (s. 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 pay-

ment 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.
- (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.

(2) After the customer has pursued the remedies available 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 telephone 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 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