

RULE NO. 10

TERMINATION OF SERVICE

A. RESTRICTIONS ON TERMINATION OF SERVICE, RECORD KEEPING AND REPAYMENT

1. The Utility shall not terminate service to a customer due to any of the reasons stated below:
 - a. Delinquency in payment for services rendered to a prior customer at the service address where service is being provided, unless the prior customer continues to reside at the service address.
 - b. Failure to pay for services or equipment that are not regulated by the Commission.
 - c. Nonpayment of a bill related to another class of service.
 - d. Failure to pay the portion of a bill imposed to correct a previous underbilling due to an inaccurate meter or meter failure, provided that the customer agrees to pay the portion of the bill attributable to correction of underbilling in full over a period of months agreed to by the customer and the utility.
 - e. An inability to pay if the customer establishes, on an annual basis, through documentation from a licensed medical practitioner:
 - (1) That, in the opinion of the licensed medical practitioner, termination would be especially dangerous to the health of a customer or a permanent resident residing at the customer's service address; or
 - (2) That there is medically necessary equipment used in the home that is dependent on utility service for operation.

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- f. An inability to pay until all of the following have been attempted:
- (1) The Utility has informed the customer of the availability of funds from various government and social assistance agencies
 - (2) If a third party has been previously designated by the customer to receive delinquency and termination information, the Utility has notified the third party that the customer's bill is delinquent and allowed the third party at least five business days to communicate with the Utility and to make arrangements for the payment of the delinquent Utility bill.
 - (3) At least 48 hours before the date upon which termination is scheduled to occur, the Utility has:
 - i. Provided at least two written notices of the termination, using the customer's preferred method of communication, to the customer and, if applicable, the customer's designated third party; and
 - ii. Telephoned the customer and, if applicable, the customer's designated third party to provide notice of the termination by attempting to speak to the customer, the customer's designated third party, or an adult resident of the customer's service address; or by attempting to leave a voice message;
- g. Failure to pay the disputed portion of a bill if the customer has complied with Rule No. 11(B); or
- h. Failure to pay the bill of another customer as guarantor thereof.
2. A customer utilizing the provisions of (e) or (f) above whose service is not terminated may be required to enter into a deferred payment agreement with the Utility within ten days after the date on which service otherwise would have been terminated. A utility shall allow at least a single missed payment or a single partial payment in a twelve month period at the request of the customer without any consequence. If there is more than one missed or partial payment, the payment plan agreement will be considered as breached. If the payment plan is in breach, the current payment plan may be amended, or a new payment plan may be created. Both the utility and the customer have a duty to act in good faith in negotiating a payment plan.

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A. RESTRICTIONS ON TERMINATION OF SERVICE, RECORD KEEPING AND REPAYMENT (Continued)

3. The Utility will not terminate residential service during any period of time for which the local weather forecast, as predicted by the National Weather Service, indicates that the weather in the area of the customer's service address will include temperatures that do not exceed 32° F
4. The Utility will not terminate residential service to a customer unless the utility's call center and office or business facilities are open and available to the public on the day of termination and the day following the day of termination.
5. The Utility will not terminate residential service to a customer if the customer has paid at least half of the customer's delinquent bill balance within the last 25 days or if the customer's delinquent bill balance is less than or equal to \$100.00.
6. The Utility may partner with local stakeholders, nonprofits, public health agencies at the state, county, and local level, and local community service agencies to provide in-person notice of termination.
7. The Utility shall keep pace with technological advancements in communication and augment the requirements of this subsection to utilize the most effective means of informing the customer of delinquency and termination.
8. Beginning on April 15, 2022, and on each April 15 thereafter, the Utility shall file a report containing the utility's policy for compliance with Rule No. 10(A)(f).

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B. TERMINATION OF SERVICE WITHOUT ADVANCE WRITTEN NOTICE

1. Notwithstanding Rule No. 10(A), the Utility may terminate service to a customer's service address without advance written notice if:
 - a. Failure to terminate service would result in an obvious hazard to the safety or health of the customer, the general population, or the Utility's personnel or facilities,
 - (1) If any unsafe or hazardous condition is found to exist on the customer's premises, or if the use of gas thereon by apparatus, appliances, equipment, or otherwise is found to be detrimental or damaging to the Utility, its customers, or the general public, or if the utilization of gas by means thereof is prohibited or forbidden by law, the service may be disconnected without notice. The Utility will attempt to notify the customer or occupant immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored,
 - (2) Except as provided in Rule No. 7, the Utility does not assume the duty of inspecting the customer piping system, appliances, alarms, fixtures, or apparatus of any kind or character located beyond the point of delivery, including any necessary protective appliances and suitable housing therefore, and assumes no liability therefore;
 - b. The Utility has evidence of meter tampering or fraud related to the customer or the customer's service address.

The Utility shall have the right to refuse or to discontinue gas service if the acts of the customer or the conditions upon his premises are such as to indicate intention to defraud the Utility. When the Utility has discovered that a customer has obtained service by fraudulent means, or has used the gas service for unauthorized purposes, the service to that customer may be discontinued without notice. The Utility will not restore service to such customer until that customer has complied with all filed rules and reasonable requirements of the Utility and the Utility has been reimbursed for the full amount of the service rendered and the actual cost to the Utility incurred by reason of the fraudulent use; or
 - c. The customer has failed to comply with the curtailment procedures imposed by the Utility during supply shortages.
2. The Utility that has terminated service under Rule No. 10(B)(1) shall not be required to restore service until the situation that resulted in the termination has been corrected to the satisfaction of the Utility.
3. The Utility shall maintain a record of each termination of service made under Rule No. 10(B)(1) for at least one year and shall make the record available for inspection by the Commission upon request.

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C. TERMINATION OF SERVICE WITH NOTICE

1. Except as provided in Rule No. 10(A), the Utility has the right, but not the responsibility, to terminate service to a customer's service address for any reason stated below provided the Utility has complied with the notice requirements of Rule No. 10(D):
 - a. Customer violation of any of the Utility's tariffs or of the Commission's rules,
 - b. Failure of the customer to pay a delinquent bill for Utility service,
 - c. If a customer is receiving gas service at more than one location, service at all locations may be discontinued if bills for service at any one or more of these locations are not paid within 25 days, provided the Utility has given the customer at least five days' prior written notice of such intention. However, domestic residential service will not be discontinued because of nonpayment of bills for other classes of service,
 - d. Failure of the customer to meet or maintain the Utility's deposit requirements,
 - e. If, for the convenience of an applicant, the Utility should establish gas service to an applicant before he has established his credit, the Utility may discontinue service if the applicant fails to establish credit within five days thereafter,
 - f. Unauthorized resale of utility equipment or service by the customer,
 - g. Failure of the customer to provide the Utility reasonable access to the Utility's equipment or property,
 - h. Customer breach of a written contract or agreement for service or service-related work between the Utility and customer,
 - i. When necessary for the Utility to comply with an order of any governmental agency having jurisdiction, or
 - j. Failure to provide an easement in a form and upon terms that are satisfactory to the Utility for the installation and maintenance of a gas pipeline or pipelines and appurtenances as provided in Rule No. 8.
2. The Utility shall maintain a record of each termination of service made under Rule No. 10(C)(1). This record shall be maintained for one year and be available for Commission inspection.

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D. TERMINATION NOTICE REQUIREMENTS

1. At least ten days before the Utility terminates service to its customer's service address under Rule No. 10(C), the Utility shall provide the customer advance notice of the Utility's intent to terminate service..
2. The Utility shall provide the advance notice required by subsection (D)(1) by providing a copy of the advance notice to the customer and, if applicable, the customer's designated third party, using the customer's preferred method of communication, or U.S. mail, as provided in R14-2-312(K).
3. The Utility shall include at least the following information in an advance notice required under subsection (D)(1):
 - a. The name of the customer whose service is to be terminated and the service address where service is to be terminated;
 - b. If service is to be terminated because the customer has violated a Utility tariff or Commission rule, the name of the Utility tariff or Commission rule violated and an explanation of the violation;
 - c. If service is to be terminated because the customer has failed to pay a delinquent bill for Utility service, the amount of the delinquent bill and the date payment was due;
 - d. If service is to be terminated because the customer has failed to meet or maintain the Utility's deposit requirements, the amount the customer has on deposit and the amount the customer is required to have on deposit;
 - e. If service is to be terminated because the customer has failed to provide the Utility reasonable access to the Utility's equipment or property, a description of the access required and a description, including dates, of the customer's failure to provide access;
 - f. If service is to be terminated because the customer has breached a written contract for service between the customer and the Utility, identification of the contract provision breached and a description of the circumstances constituting a breach;

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D. TERMINATION NOTICE REQUIREMENTS (Continued)

3. The Utility shall include at least the following information in an advance notice required under subsection (D)(1): (Continued)
 - g. If service is to be terminated because the termination is necessary for the Utility to comply with an order of any governmental agency having jurisdiction, a description and, if possible, a copy of the order;
 - h. If service is to be terminated because the customer has engaged in unauthorized resale of the Utility's equipment or service, a description of the circumstances, including dates, constituting such resale;
 - i. The date on or after which service is to be terminated;
 - j. A statement advising the customer to contact the Utility at a specific address or phone number to receive information regarding any deferred payment program or other procedures the utility may offer, or to reach a mutually agreeable solution to avoid termination of the customer's service;
 - k. A description of the requirements of Rule No. 10(F), along with the specific address for the customer to contact or the phone number for the customer to call to raise a dispute.
4. If a customer has designated a third party for the customer's account, the Utility shall ensure that the third party is concurrently provided each notice, whether written or telephonic, that is provided to the customer as required by this Section.

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D. TERMINATION NOTICE REQUIREMENTS (Continued)

5. The Utility shall ensure that a customer is afforded the right to dispute the Utility's stated reason for termination, in accordance with the following:
 - a. A Utility shall maintain a specific address or phone number for customers to use to raise a dispute with the Utility;
 - b. A Utility shall notify each customer subject to termination, and the customer's designated third party, that to dispute the Utility's reason for termination, the customer or the customer's designated third party shall contact the Utility at the specific address or phone number, before the scheduled date of termination, to advise the Utility of the dispute and to discuss the cause for termination with a representative of the Utility;
 - c. If a customer raises a dispute, a Utility shall ensure that a representative of the Utility, who is empowered to resolve the customer's dispute, discusses the cause for termination with the customer before the scheduled termination date;
 - d. If a Utility determines after discussion with a disputing customer that the reason for termination is just, the Utility may terminate service to the customer, unless prohibited by Rule No. 10(A);
 - e. If a Utility decides to terminate service to a disputing customer as permitted in subsection (D)(5)(d), the Utility shall inform the customer of the termination and of the customer's right to file a complaint with the Commission; and
 - f. The Utility shall not terminate service if the customer has a pending complaint before the Commission.

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E. TIMING OF TERMINATIONS WITH NOTICE

1. If the period of time allowed by the advance notice has elapsed, and the customer has not remedied the cause for termination to the Utility's satisfaction, the Utility shall provide the customer and, if applicable, the customer's designated third party, a final notice, two days before the termination date specified, using the customer's preferred method of communication. If the customer has not remedied the cause for termination after the two days have passed, and Rule No. 10(A) does not apply, the Utility may then terminate service on or after the day specified in the final notice without giving further notice.
2. Notwithstanding subsection (E)(1), if a customer's preferred method of communication is U.S. mail, the utility shall allow ten days before terminating service without giving further notice.
3. The Utility shall comply with Rule No. 10(A)(6), if applicable, before it may terminate service.
4. The Utility shall have the right but not the obligation to remove any or all of its equipment or other property installed at a customer's service address upon the termination of service.

F. LANDLORD/TENANT RULE

If the service address for a customer different from the mailing address for the customer's bill, or the Utility knows that a landlord/tenant relationship exists for the service address and that the landlord is the customer of the Utility, as the utility shall comply with Rule No. 10 subsections (D) and (E) as well as the following if the customer account becomes subject to termination of service under subsection (C):

1. If it is feasible to provide service to the service address in the occupant's name, the Utility, shall offer the occupant the opportunity to obtain service in the occupant's name.
2. If the occupant declines to subscribe to service in the occupant's name, the Utility may terminate service as permitted under subsections (C) through (E); and
3. The Utility shall not require or attempt to require the occupant to pay any outstanding bills or other charges due on the account of the landlord.

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G. CUSTOMER RESPONSIBILITIES

1. A customer shall be responsible for managing therm use when the Utility is not permitted to terminate service to the customer under Rule No. 10(A).
2. A customer shall be financially responsible for any charges accrued for service during a period when the Utility is not permitted to terminate service to the customer under Rule No. 10(A)(3).
3. A customer shall, after the provision of Rule No. 10(A)(3) no longer precludes termination:
 - a. Pay the past due amounts in full; or
 - b. Pay the past due amounts through installments as billed by the Utility, with no penalty for prepayment.
4. A customer desiring to dispute a Utility's reason for termination shall, before the scheduled date of termination, contact the Utility at the specific address or phone number provided in the notice pursuant to Rule No. 10(D)(3)(k) to notify the Utility of the dispute and discuss the reason for termination with a representative of the Utility.