# **Steuben Rural Electric Cooperative, Inc.**

Disconnect Procedures for Delinquent Accounts Manual

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A cutoff notice is sent, via certified mail, to unpaid accounts by the 10th business day of the month following the disconnect notice (DQ2), giving the member 15 days to resolve past due balances. See Appendix C.



**Proceed with Disconnect Procedures Disconnect (Month 3)** 

### **Prior Notice Requirements (NYCRR-Chapter X-Section 459.3)**

**General Disconnect Notice Requirements** - Notice prior to disconnect shall be conducted in accordance with the provisions of the New York Codes, Rules and Regulations ("NYCRR"), Chapter X, Section 459.3. In accordance with NYCRR Chapter X, Section 459.3, Steuben Rural Electric Cooperative, Inc. (the "Cooperative") shall provide the "Cutoff Notice" via certified mail to the customer at the address at which service is received. In certain circumstances, notice may also be served personally upon a member, with confirmation noting such contact in the member's NISC Ivue account notes. Personal contact is also attempted by hanging a door tag prior to disconnect.

**Billing Address Different From the Service Location Address -** In accordance with NYCRR Chapter X, Section 459.3, if a member has requested in writing to the Cooperative to have an alternate address for billing purposes, the certified notice shall be sent to both the alternate address and to the premises where service is rendered.

# **Disconnect Notice Format (NYCRR-Chapter X-Section 459.4)**

Notice format is governed by NYCRR Chapter X, Section 459.4. In accordance with NYCRR Chapter X, Section 459.4, <u>every</u> notice indicating discontinuance of service for nonpayment of service bills rendered must fulfill the 5 requirements listed. The Cooperative's Disconnect Notice (DQ1), Final Disconnect Notice (Cutoff) and Door Tags are considered notice indicating discontinuance of service for nonpayment. To satisfy the requirements of NYCRR Chapter X, Section 459.4, the Cooperative's notices shall include:

- $\checkmark$  The reason for discontinuance.
- $\checkmark$  The total amount required to be paid by the customer to avoid discontinuance of service.
- $\checkmark$  Method whereby the customer may tender payment.
- ✓ The availability of the Cooperative to consider customer complaints prior to discontinuance of service, including the address and phone number of the office.
- ✓ The earliest date on which discontinuance of service may be attempted and the following statement on the face of the notice in bold print: "THIS IS A FINAL DISCONNECT NOTICE. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTION OF THE UTILITY WHEN PAYING THIS BILL. PLEASE CONTACT THE BUSINESS OFFICE IMMEDIATELY IF YOU HAVE AN ACUTE HARDSHIP OR IF YOU ARE A RECIPIENT OF FINANCIAL ASSISTANCE FROM A LOCAL SOCIAL SERVICES DEPARTMENT. YOU MAY BE ELIGIBLE FOR A DEFERRAL ARRANGEMENT.
  - Acute hardship is defined as: a death in the family, recent unemployment, serious illness or infirmity or other grave condition existing.

In accordance with NYCRR Chapter X, Section 459.4-5d, the Cooperative shall permit a residential customer to designate, in writing, a third party to receive a copy of every notice of discontinuance of service, provided that such third party indicates in writing a willingness to receive such notices. To comply with the requirements of NYCRR Chapter X, Section 459.4-5d, the Cooperative shall include, in each quarterly newsletter the following statement: "In accordance with the provisions of the New York Codes, Rules and Regulations, the Steuben Rural Electric Cooperative, Inc. is required to permit a residential customer to designate, in writing, a third party to receive a copy of every notice of discontinuance of service to the customer, provided that such third party indicated in writing a willingness to receive such notices. If you wish to designate a third party to receive these notices, please contact the main office at (607) 776-4161 for a copy of the applicable paperwork." (New Form)

### **Summer Disconnect Procedures**

Summer disconnects procedures apply to discontinuance of electrical service from **April 16 through October 31** each year. Summer disconnect procedures shall follow the timeline provided in the "Billing Process" section of this document as general guidance. Below is a summary of specific disconnect procedures that must occur prior to discontinuance of electric service to ensure that the Cooperative adheres to all rules and regulations of NYCRR Chapter X, Section 459 (enclosed as Appendix A). It is important to review all sections of this document prior to performing disconnect for unpaid balances. Furthermore, it is important to note that special provisions apply for certain circumstances. These are listed in the Section IV of this manual. Please refer to the special provisions if the potential discontinuance of electrical service applies to any of the following:

- ✓ Disconnect is for a resident of a two family dwelling which share a meter (apartment houses and similar).
- ✓ Multiple unit dwellings (three or more individual dwellings).
- ✓ Meter tampering and/or theft of service.
- ✓ Households in which <u>all</u> residents are elderly, handicapped and/or under 18 years of age.
  - Elderly is defined as age 62 or older
  - Handicapped is defined as any person in a household up for disconnect having physical or mental impairment which substantially limits one or more of such person's life activities
- ✓ Medical emergencies (resident requires continued electric service for medical reasons).
- ✓ Unsafe or hazardous conditions
- ✓ Landlord requesting discontinuance of electrical service as a means of collection.

The Cooperative's billing department shall <u>always</u> exhaust all possible options prior to discontinuance of service. Each member's circumstance is different and discontinuance of service is a last resort for collection of past due balances.

# **Days and Hours During For Disconnects (NYCRR-Chapter X-Section 459.8)**

In accordance with NYCRR Chapter X, Section 459.8, electric service may only be disconnected during certain days and hours. To comply with the requirements of this section of NYCRR, the Cooperative will not perform disconnects for nonpayment on the following days:

- ✓ Any Friday during the year.
- $\checkmark$  On or the day before any office holiday (Refer to the Cooperative website for dates).

# Payment Arrangement & Final Review (NYCRR-Chapter X-Section 459.8 & 459.14)

**Payment Arrangement Prior to Disconnect -** In accordance with NYCRR Chapter X, Section 459.14, the Cooperative shall not terminate service unless the Cooperative has first offered monthly installment plan that is just and equitable. To ensure compliance with this regulation, the Cooperative will offer payment arrangements to all members prior to discontinuance of service. Further, a final review of the member's account shall include a review to ensure a payment arrangement was offered. This review must be noted in the member's file by following the steps listed in the final paragraph of the "Payment Arrangement & Final Review of Balances" section

#### STEUBEN RURAL ELECTRIC COOPERATIVE, INC. Disconnect Procedures for Delinquent Accounts Manual SECTION II – Summer Disconnect Procedures, Continued

NYCRR Chapter X, Section 459.14 regulations state that the monthly installment plan should be based on the customer's ability to pay, past payment history, the amount of the indebtedness and the availability of other resources. Please see the "Payment Arrangement Decision Tool" located on the shared drive for assistance in determining a just and equitable arrangement.

All payment arrangements, other than the Cooperative's standard payment terms, must be submitted to the Cooperative's Finance Manager for authorization to ensure that the arrangement is just and equitable. The calculation and review shall be documented on the "Special Payment Arrangement Calculation Review" form. This form shall be retained as an attachment to the member's account.

In consideration of "past payment history", as stated in the regulations, the Cooperative shall not offer a payment arrangement to member's who have previously broken such agreements, unless the an arrangement is the last resource to prevent a disconnect.

**Payment Arrangement for Disconnected Members -** In accordance with NYCRR Chapter X, Section 459.14, the Cooperative must also offer a just and equitable monthly plan to all members whose service has been disconnected for nonpayment. The down payment for arrangements for disconnected members shall not exceed one-half the amount the past due balance or three month average billing, whichever is less.

Payment arrangements for disconnected members must be calculated on the "Special Payment Arrangement Calculation Review" form and submitted to the Cooperative's Finance Manager for authorization to ensure that the arrangement is just, equitable and in compliance with the requirements above. The authorization must be retained as an attachment to the member's account.

**Final Account Review for Summer Disconnects-** In accordance with NYCRR Chapter X, Section 459.8 (b), the Cooperative must take reasonable steps to verify that payment was not received or posted to the member's account up to the disconnection. To comply with NYCRR Chapter X, Section 459.8 (b), the Cooperative's billing department will perform the following:

- ✓ Review the member's account balances prior to performing manual or automated disconnects to ensure the past due balances remains unpaid.
- ✓ A final review note must be placed in NISC Ivue under the customer's account prior to all disconnected balances by doing the following:
  - 1. Log into NISC Ivue's CIS module.
  - 2. Select "Customer Management" on the dropdown menu located on the left side of the page.
  - 3. Select "Customer Contacts" on the dropdown menu located on the left side of the page.
  - 4. Select "Notes" on the dropdown menu located on the left side of the page.
  - 5. Enter the account number under the "Search Type" Menu to locate the account.
  - 6. Click "Add" at the bottom of the page to generate the note.
  - 7. Select the note type "FR Final Disconnect Review"
  - 8. Enter the date in the field provided, which should match the disconnect date.
  - 9. Click the "Never Expire" option provided.
  - 10. Within the comments section, place the following note: "Member's account was reviewed for proper notice & payment of past due balances prior to discontinuance of service. Member was sent a past due reminder, disconnect notice, final disconnect notice & a door tag was hung with no issues noted. It was noted that payment of past due balances were not satisfied. If eligible, member was offered a payment arrangement prior to discontinuance of service. Disconnect appears to be in accordance with all NYCRR Chapter X, Section 459 requirements. Disconnect will be performed on the date of this correspondence, noted above."

# **Summer Disconnect Procedures Overview**



### Winter Disconnect Procedures (NYCRR-Chapter X-Section 459.9)

Winter disconnects procedures apply to discontinuance of electrical service from **November 1 through April 15** each year. The Cooperative's member services and billing department must exercise extreme caution when performing winter disconnects due to stringent requirements. Winter disconnect procedures shall follow the timeline provided in the "Billing Process" section of this document as general guidance. Below is a summary of specific disconnect procedures that must occur prior to discontinuance of electric service to ensure that the Cooperative adheres to all rules and regulations of NYCRR Chapter X, Section 459.9 (enclosed as Appendix A). It is important to review all sections of this document prior to performing disconnect for unpaid balances. Furthermore, it is important to note that special provisions apply for certain circumstances. These are listed in the Section IV of this manual. Please refer to the special provisions if the potential discontinuance of electrical service applies to any of the following:

- ✓ Disconnect is for a resident of a two family dwelling which share a meter (apartment houses and similar).
- ✓ Multiple unit dwellings (three or more individual dwellings).
- ✓ Meter tampering and/or theft of service.
- ✓ Households in which <u>all</u> residents are elderly, handicapped and/or under 18 years of age.
  - Elderly is defined as age 62 or older
  - Handicapped is defined as any person in a household up for disconnect having physical or mental impairment which substantially limits one or more of such person's life activities
    - Certified as being physically disabled by a licensed professional
    - Certified as being mentally disabled by a licensed psychiatrist or registered psychiatrist.
- ✓ Medical emergencies (resident requires continued electric service for medical reasons).
- ✓ Unsafe or hazardous conditions
- $\checkmark$  Landlord requesting discontinuance of electrical service as a means of collection.

<u>Please note:</u> All rules, regulations and procedures listed in this manual apply to winter disconnects. Items listed in this section are additional requirements for winter disconnects in accordance with NYCRR Chapter X, Section 459.9.

### **Personal Contact Requirement for Winter Disconnects**

After Hours Personal Contact - NYCRR Chapter X, Section 459.9, states that the utility shall be required to make diligent efforts by telephone or in person to establish contact with the delinquent customer or a responsible resident adult (18 years of age or older) at the service address at least 72 hours prior to termination. At a minimum, attempts at personal contact shall include one attempt during normal working hours and in the event that personal contact is not achieved, at least one attempt during reasonable non-business periods. Reasonable non-business periods are defined as Monday through Friday 6 pm to 9 pm and Saturdays, Sundays and Holidays from 9 am to 5 pm. The Cooperative utilizes door tags to fulfill the personal contact requirements. Door tags shall be hung at the service address and with any third party designated to receive notices by the member. Therefore, door tags provide an attempt at personal contact outside of regular business hours. Door tags include a summary of required payment needed to be received in order to avoid discontinuance and instructions on how to contact the office. If the service address and mailing address are different, an attempt by phone of e-mail will be conducted after hours. If contact is not met, this shall be noted in the account.

**Language Barriers** - If communication is not possible because of an apparent language barrier, the Cooperative's billing department must notify the Finance Manager. The Finance Manager will be responsible for taking reasonable steps to assure proper communication before discontinuance of service.

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**Potential Impairment to Human Health -** NYCRR Chapter X, Section 459.9 states that during the personal contact, the utility's representative shall fully explain the reasons for discontinuance and shall attempt to ascertain whether a serious impairment to human health may result. If, in the judgment of the utility's representative, the discontinuance of electric service will lead to serious impairment of human health to any resident of the premises, the service shall not be discontinued. To adhere to these requirements, the Cooperative includes standard language on all door tags that states: "If discontinuance of electric service could result in serious impairment to human health of any resident, please contact our office immediately". As defined by NYCRR Chapter X, Section 459.9, a serious impairment of human health is indicated if a customer or other resident appears to be seriously impaired and may, because of mental or physical problems, be unable to manage his own resources, carry out activities of daily living or protect himself from neglect or hazardous situations without assistance from others. Indicators of serious impairment to human health include, but are not limited to:

- (i) Age, infirmity or mental incapacitation;
- (ii) Use of life support systems, such as dialysis machines or iron lungs;
- (iii) Serious illness;
- (iv) Physical disability, including blindness and limited mobility;
- (v) Recent death in the family;
- (vi) The presence of young children;
- (vii) Any other factual circumstances which indicate severe or hazardous health situations

If a member provides an employee with an indication that serious impairment to human health may be caused by discontinuance of service, the Cooperative's employee must notify the General Manager and/or the Finance Manager for a final determination on the disconnect. Documentation shall be placed in the member's account notes, as a note type of "HH – DQ Impairment to Human Health", and retained for future reference. As stated in NYCRR Chapter X, Section 459.9, all doubts shall be resolved in favor of continued service. In accordance with NYCRR Chapter X, Section 459.9, instances in which a member is past due and discontinuance of service is determined to have the potential to cause serious impairment to human health, the Cooperative is required to refer the account to the local social services commissioner. Prior to referring the account to the local social services commissioner, the Cooperative requires that a Cooperative employee contact the member and note that we are required to refer all accounts scheduled to be disconnected and determined to potentially have a serious human health impairment to the local social services commissioner. Also stated in NYCRR Chapter X, Section 459.9, the utility may disconnect service if, upon investigation of the local social services commission, it is determined that the condition would not impair human health the utility may disconnect service. In such instances, it shall be the practice of the Cooperative to continue with the discontinuance after hanging a 72 hour door tag and an attempt to notify the member of the results from the social services investigation.

Annual Review of Previous Disconnects by November 1<sup>st</sup> - NYCRR Chapter X, Section 459.9 requires an annual review of all prior disconnects within the 12 month period be reviewed. In regards to instances in which power has not been restored, the Cooperative must make contact by phone or in person to inquire if continued lack of electric service may expose the member or other residents to a serious impairment of human health. If such determination is made, the Cooperative requires that the billing department document the review. The documentation should include: (a) A list of all disconnects in the 12 month period; (b)A notation of those accounts in which power has not been restored; (c) The dates in which personal contact was made or, where applicable, circumstances in which contact could not be made; (d) A notation shall be made in the documentation for accounts in which the member indicated that a serious impairment existed and the date in which the account was referred to the local social services commissioner; (e) Date in which the full review was completed and a signature from the employee responsible for conducting the review.

# **Two Family Dwellings with Shared Metering (NYCRR-Chapter X-Section 459.5)**

In accordance with NYCRR, Chapter X, Section 459.5, it is the Cooperative's policy to provide 15 days written notice, via certified mail, of the intent to disconnect electrical service to a two family dwelling with shared metering. This notice shall be sent to the owner of the premises and to each occupant of the dwelling. A copy of the notice shall also be posted at the premises. The notice shall include the following: (a) intended date of termination: (b) the amount due for such service: (c) the procedures by which any occupant may make a payment or take action to avoid termination. The procedures for payment on the notice include the following: (a) a statement that any occupant, provided that the delinquent account is not in their name, may prevent termination of service by turning the service into their name provided that the occupant applies for service, is eligible for service and posts the upfront costs of membership (\$25 customer charge and \$100 deposit); (b) a statement that any occupant of the premises may prevent termination of service by making the required payment without being liable for any future bills which may be rendered to the utility, provided that the delinquent account is not in their name. A maximum charge applies if an occupant, provided that the delinquent account is not in their name, agrees to make the payment to avoid termination. In such instances, NYCRR, Chapter X, Section 459.5 states that the balance to be paid in order to avoid termination must not exceed two months worth of bills in arrears. Upon the past due balance being satisfied, each occupant and the owner of the premises shall be sent a notice that states that the past due balance has been satisfied and termination intentions are no longer standing. Any occupant may also request to receive a copy of any future bills despite not being listed on the account.

### Multiple Unit Dwellings (NYCRR-Chapter X-Section 459.6)

In accordance with NYCRR, Chapter X, Section 459.6, it is the Cooperative's policy to provide 15 days written notice, via certified mail, of the intent to disconnect electrical service to the owner of the premises or to whom the last bill was rendered. This notice shall also be provided to each occupant of the dwelling, the local social services commissioner and local health officer. Furthermore, this notice shall also be posted in any public areas of premises. Notice to the local social services commissioner and local health officer. Furthermore, this notice shall be repeated not more than four business days and not less than two business days prior to the scheduled disconnect. The notice shall include: (a) the intended date of discontinuance of service; (b) the name and telephone number of a contact at the Cooperative who will advise occupants of the amount due and who will arrange and any requested meetings between the occupants to attempt to work out a mechanism for avoiding disconnect in the event that the owner or customer continues to fail to make payment or make other payment arrangements; (c) a statement of the occupants right to offset, against their rent, payments to the Cooperative under section 235 of the New York Real Property Law. A maximum charge applies if any or all occupants, provided that the delinquent account is not in their name, agrees to make the payment to avoid termination. In such instances, NYCRR, Chapter X, Section 459.6 states that the Cooperative is limited to requiring the most recent bill be satisfied to avoid termination.

# Elderly/Handicapped/Child Residents (NYCRR-Chapter X-Section 459.10)

In accordance with NYCRR, Chapter X, Section 459.10, instances in which the Cooperative knows, or reasonably should know, that <u>all</u> residents of a household are elderly (+62 year of age), handicapped or 18 years of age or younger, require that the additional procedures applicable to winter disconnects must be applied <u>throughout the entire year</u> before disconnection of service. This provision includes households consisting of a single resident fitting the criteria defined above. Handicapped is defined as any person in a household up for disconnect having physical or mental impairment which substantially limits one or more of such person's life activities; certified as being physically disabled by a licensed professional; certified as being mentally disabled by a licensed psychiatrist or registered psychiatrist.

# Meter Tampering & Theft of Service (NYCRR-Chapter X-Section 459.7)

In accordance with NYCRR, Chapter X, Section 459.7, the Cooperative reserves the right to discontinue service, without prior notice, to a member if, with reasonable certainty, the meter or service laterals have been tampered with in any manner. The Cooperative charges the amount owed based upon the estimated consumption of electricity not recorded on the meter and damage to any property of the Cooperative. All damages will be based on replacement cost.

# Medical Emergencies (NYCRR-Chapter X-Section 459.11)

In accordance with NYCRR, Chapter X, Section 459.11, electric service to a resident shall not be terminated where a medical doctor or local board of health has certified in writing that termination of service will aggravate an existing medical emergency at a member's residence. The Cooperative must accept a verbal certification, provided that written certification is received within 5 business day. Upon the  $6^{th}$  business day, the Cooperative may terminate electric service.

# **Unsafe or Hazardous Conditions (NYCRR-Chapter X-Section 459.12)**

In accordance with NYCRR, Chapter X, Section 459.12, the Cooperative may terminate electric service, without prior notice, in the event of special situations such as storms, cable breaks, accidents or other cases involving emergency maintenance and unsafe or hazardous conditions. In instances in which the hazardous situations are caused by the member or are caused by defects in equipment on the member's side of the service, the Cooperative reserves the right to discontinue service and require a copy of inspection, conducted by an approved inspection agency, with a statement that all hazardous situations have been resolved prior to reconnection. The Operations Manager shall attempt to make personal contact on or after termination.

# Landlord/Tenant - Discontinuance of Electrical Service by Landlord (SREC Procedure)

In instances in which electric service is in a landlord's name and the landlord requests discontinuance of electric service and it could be reasonable assumed that tenants reside in the household, the Cooperative's billing department shall notify the landlord that the Cooperative's policy is to provide 72 hours notice. Furthermore, the landlord shall be informed that the Cooperative's policy do not permit disconnects on Fridays or the day prior to any office holiday. Shall the 72<sup>nd</sup> hour fall on one of these days, the Cooperative will perform the disconnect on the next business day. If contact cannot be made by phone, the Cooperative's billing department shall create a door tag and service order for hanging of the tag at the service address. The door tag shall notify any tenant of the intent to disconnect. The landlord must also provide a written statement which states that there is no one residing at the premises and that disconnection of electrical service will not, in any manner, result in an impairment human health.

### **Door Tag Requirements (SREC Procedure)**

The Cooperative shall modify all door tags in order to comply with any current rules and regulations. Door tags are required to be hung for all discontinuance of electrical service for nonpayment with a minimum of 72 hours notice, including a breach of a payment arrangement agreement.

# **Procedures for Sending Unpaid Balances to a Collections Agency (SREC Procedure)**

Unpaid balances will be sent to Transworld on the 11<sup>th</sup> day of each month through "Collections Management" in NISC. From there, 5 notices will be sent every 10 days for 60 days. Collections on these balances shall be taken by SREC personnel only. If amounts remain unpaid after the 60 day period, SREC will evaluate further collections options with Transworld. Balances at this 60 day mark will be processed through the "Bad Debt Write Off" process in NISC and transferred from accounts receivable balances to uncollectible account balances. If balances still remain unpaid at the time that capital credit retirement checks are issued to the member, the retirement checks will be offset with the uncollectible account balances.

# **Reconnection (NYCRR-Chapter X-Section 459.13)**

In accordance with NYCRR, Chapter X, Section 459.13, the Cooperative is required to reconnect service, except in extreme and unusual circumstances, to any disconnected customer not more than 24 hours after any of the following events occur:

- Receipt of the Cooperative of the full amount due and owing (including arrears, reconnection charges, collections charges, and, if applicable, a security deposit when requested in writing for which service had been disconnected.
- Agreement by the Cooperative to a plan by which the member is obligated to satisfy the arrears (payment arrangements).
- Receipt of a commitment of a direct payment or a written guarantee of payment from the local social services commissioner
- At the direction of the New York State Power Authority

The Cooperative considers arrears to be any past due balances. For instances in which the Cooperative received the full amount due and owing (or an applicable form of payment guarantee, including a payment arrangement) is received and reconnection is requested by 2 pm during normal business, a \$70 reconnection fee applies to cover the costs of the reconnection. If payment or payment guarantees are received and reconnection is requested after 2 pm, weekend or office holiday, a \$400 reconnection fee applies to cover the costs of the reconnection. The Cooperative shall require a member disconnected for nonpayment to post a refundable deposit of \$100, in addition to the other past due balances and fees, prior to reconnection of electrical service.

If payment of all past due balances is received, reconnection is made and the form of payment is returned due to insufficient funds or for any other circumstances, it is the Cooperative's policy to make a single attempt of contact by phone or in person in order to allow a member to resolve the issue with the payment. The Cooperative reserves the right to reject certain noncash payments (to satisfy the balance). If a member cannot be reached or payment is not received within 24 hours, the billing department will move forward with immediate termination of the electric service.

Provided that the member has a disconnect collar installed, the Cooperative's billing department shall conduct all reconnections remotely.

As stated in the special provisions section of this document, In instances in which the hazardous situations are caused by the member or are caused by defects in equipment on the member's side of the meter, the Cooperative reserves the right to discontinue service and require a copy of inspection, conducted by an approved inspection agency, with a statement that all hazardous situations have been resolved prior to reconnection. The Operations Manager shall attempt to make personal contact on or after termination of service.

#### OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK TITLE 21. MISCELLANEOUS CHAPTER X. POWER AUTHORITY OF THE STATE OF NEW YORK PART 459. PROCEDURES FOR NOTICE OF DISCONTINUANCE OF ELECTRIC SERVICE

#### 459.1 Application.

Any municipality or rural electric cooperative purchasing essentially all of its power requirements from the Power Authority of the State of New York shall incorporate into its service rules and enforce the procedures governing discontinuance of electric service as set forth in sections 459.2 through 459.14 of this Part.

#### 459.2 Definitions.

The following words and phrases as used in this Part shall have the following meanings, unless a different meaning is plainly required by the context:

(a) *Customer* means a person, firm or corporation purchasing electric service from a municipality.

(b) *Elderly* means age 62 or older.

(c) *Handicapped* means having any physical or mental impairment which substantially limits one or more of such person's life activities, where such person is:

(1) certified as being physically disabled by a licensed physician; or

(2) certified as being mentally disabled by a licensed psychiatrist or registered psychologist.

(d) *Utility* means a municipal electric or rural electric cooperative system purchasing essentially all of its power requirements from the Power Authority of the State of New York.

(e) *Resident* means any person residing in a dwelling served by the utility.

#### **459.3** Prior notice time requirement.

(a) No utility shall discontinue service for failure to pay electric service bills rendered or for failure to post a required deposit until at least 35 days have elapsed from date payment was due. Additionally, such termination cannot occur until:

(1) at least 15 days after written notice has been served personally upon a customer or resident 18 years of age or older; or

(2) at least 15 days after the utility mails written notice by a registered or certified letter to the customer at the address at which service is received.

(b) If a customer has requested in writing to the utility to have an alternate address for billing purposes, the notice authorized under paragraph (a)(2) of this section shall be sent both to the alternate address and to the premises where service is received.

#### 459.4 Notice format.

(a) Every notice indicating discontinuance of service for nonpayment of service bills rendered or for failure to post a required deposit shall clearly state in nontechnical language:

(1) the reason for service discontinuance;

(2) the total amount required to be paid by the customer to avoid discontinuance of service, indicating the amount for which the customer's account is either in arrears or the required deposit, if any, which must be posted by the customer, or both;

(3) a method whereby the customer may tender payment of the full sum due and owing, including any required deposit or other mutually satisfactory arrangement, to avoid the discontinuance of service;

(4) the availability of utility procedures to consider customer complaints prior to discontinuance of service, including the address and phone number of the office of the utility which the customer may contact in reference to customer's account; and

(5) the earliest date on which discontinuance of service may be attempted.

(b) The following information in bold type is also to appear on the face of the disconnect notice:

**"THIS IS A FINAL DISCONNECT NOTICE. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTIONOF THE UTILITY WHEN PAYING THIS BILL."** 

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(c) Every notice shall include a statement advising customers that they should contact the utility's business office immediately if any acute hardship, such as death in the family, recent unemployment, serious illness or infirmity, or other grave condition exists, or if they are a recipient of financial assistance from a local social services department in order that such utility may prudently determine whether any temporary arrangement should be employed to avoid immediate termination.

(d) The utility shall permit a residential customer to designate, in writing, a third party to receive a copy of every notice of discontinuance of service to the customer, provided that such third party indicates in writing a willingness to receive such notices. The utility will provide notice to the third party based on the name and address submitted by the requesting customer. The utility shall not be responsible for any incorrectness in the name and address provided or for the failure of any customer to furnish timely and appropriately updated or revised information, nor for its unintentional failure to provide such third party notice. The utility will advise its residential customers annually of the procedure available to them to designate a third party to receive a copy of a notice of discontinuance. Unless liable by law as a guarantor or otherwise, the designated third party shall not be deemed financially responsible for the customer's bills.

#### 459.5 Two family dwellings.

(a) The utility shall not discontinue electric service to a two family dwelling that it knows contains units where service is not metered separately unless the utility has given 15 days' written notice of its intention to terminate service as follows:

(1) a copy of such notice shall be mailed via registered or certified letter to the owner of the premises affected, or in

lieu thereof, to the person, firm or corporation to whom or which the last preceding service bill has been rendered;

(2) a copy of such notice shall be mailed or otherwise delivered to each occupied unit; and

(3) where possible, a copy of such notice shall be posted in a conspicuous place at or within the dwelling.

(b) Such notices shall state the intended date of termination of service, the amount due for such service, and the procedure by which any occupant may make payment or take action to avoid termination of service, including:

(1) that any occupant may prevent termination of service if such occupant applies for and is eligible for such service; and

(2) that any occupant may prevent termination of service by making payments in accordance with established procedures. In no event shall such payments include bills more than two months in arrears. Any occupant who chooses to pay current charges shall not be liable for any future bills which may be rendered for utility service supplied to the dwelling. The utility shall continue to render all bills to the customer with a copy to be sent to any occupant upon request.

(c) When the obligations owed to the utility for service to a dwelling have been satisfied, the utility shall notify an occupant of each dwelling which was given notice of intent to terminate service.

#### 459.6 Multiple unit dwelling.

(a) The utility shall not discontinue service to an entire multiple unit dwelling (defined as containing three or more individual dwelling units) where the customer to whom the last preceding bill has been rendered, or from whom or which the utility has received payment therefore, has failed to pay such electric bills until 35 days have elapsed from the date payment was due. Additionally such termination cannot occur until the utility has complied with the following procedures:

(1) The utility must give 15 days' written notice of its intention to so discontinue by personally serving such notice on the owner of the premises affected or on the customer to whom the last preceding bill was rendered, or from whom or which the utility has received payment therefore, and on the superintendent or other person in charge of the building, if it can be readily ascertained that there is such superintendent or other person in charge.

(2) The utility must give 15 days' written notice by registered or certified letter to the owner or customer specified in paragraph (1) of this subdivision, if such notice is mailed to the address of such person(s), firm or corporation.

(3) In addition to the notice prescribed by paragraphs (1) and (2) of this subdivision, 15 days' written notice shall be posted in the public areas of such multiple dwelling; and 15 days' written notice shall be mailed to the occupant of each unit in that multiple dwelling and to the local health officer and director of the social services district for the political subdivision in which the multiple dwelling is located. Notice to health officers and directors of social services shall be repeated not more than four working days nor less than two working days prior to such discontinuance.

(4) Whenever a notice of intention to discontinue electric service has been made pursuant to the provisions of this section and obligations owed the utility have been satisfied, the utility shall, in the same manner as it gave such notice of intention, notify the occupant of each unit that the intention to discontinue electric service no longer exists.

#### STEUBEN RURAL ELECTRIC COOPERATIVE, INC. Disconnect Procedures for Delinquent Accounts Manual APPENDIX A – NYCRR Rules & Regulations, Continued

(b) Notwithstanding the provision of subdivision (a) of this section, no utility shall discontinue services to a multiple dwelling, where the owner or customer responsible for making payment fails to pay utility bills, as long as occupants of such multiple dwellings continue to make timely payments for such service. All notices referred to in subdivision (a) of this section shall contain the intended date of discontinuance of service and the name and telephone number of a contact at the utility who will advise occupants of the amount due for electric service and who will arrange meetings with occupants to attempt to work out a mechanism for avoiding discontinuance of service in the event that the owner or customer continues to fail to make requisite payments or arrangements for such payments. The notice shall also refer to the provisions contained in subdivision (a) of section 235 of the New York Real Property Law authorizing occupants to set-off, against their rent, payments to utilities in such circumstances.

(c) A utility may not require occupants in a multiple dwelling electing to make payments as detailed in subdivision (b) of this section to pay more than the current electric charges incurred by the owner or customer, to whom or which the last preceding bill has been rendered or from whom or which the utility has received payment therefore. A current charge for purposes of this section means the amount properly billed the owner or customer, for electricity used during the most recent billing period covered by the first bill rendered on or after the date when the disconnect notice is issued. The current charges will not include any arrears for earlier billing periods that may appear on such a bill.

#### 459.7 Tampering and theft of services.

(a) Except as provided for in section 459.9 of this Part, a utility may reserve the right to discontinue service to a customer in any and all cases in which the facts establish, with reasonable certainty, that the meter or service laterals, or any part of same, have been tampered with in any manner which affects the proper operations of the same or the registering on the meter of the full amount of electricity being consumed. In cases where tampering and/or theft of service has been established, the customer shall pay the following charges to the utility:

- (1) the amount owed based upon the estimated consumption of electricity not recorded on the meter; and
- (2) the damage to or any loss or destruction of the meter and other property of the utility. All damages will be based on current replacement cost.

(b) Where the utility has disconnected service, such service will not again be restored unless the customer pays the foregoing charges to the utility or agrees to make such payments under an installment plan.

#### 459.8 Days and hours during which service may be discontinued.

(a) Electric service may be discontinued on Monday through Thursday during the regular business hours of the utility. Service may not be discontinued on, or immediately preceding, a day in which the office of the utility is not open for business or on a public holiday. The utility may refuse to resume electric service so long as any part of the amount due remains unpaid, unless other mutually satisfactory arrangements are made.

(b) A utility may not discontinue service for nonpayment of service bills rendered or failure to post a required deposit until it has taken reasonable steps to verify that payment was not received or posted to the customer's account up to the day that disconnection is to occur. Receipt of a subsequently dishonored negotiable instrument in response to a notice of discontinuance of service shall not constitute payment and no further notice need be issued prior to discontinuance.

(c) Such discontinuance of electric service will not relieve customer of liability for any minimum charge during the time electric service is so discontinued.

#### 459.9 Winter discontinuance procedures.

(a) During the period November 1 to April 15, the following discontinuance procedures for nonpayment of service bills rendered, for failure to post a required deposit, or for tampering or for theft of services, are to be observed where electric service is necessary to heat, or to operate a heating system in a residence:

(1) In addition to the procedures set forth in sections 459.3 through 459.7 of this Part, the utility shall be required to make diligent efforts by telephone or in person to establish contact with the delinquent customer or a responsible resident adult (18 years or older) at the service address at least 72 hours prior to termination. At a minimum, attempts at personal contact shall include one attempt during normal working hours and in the event that personal contact is not achieved, at least one attempt during reasonable nonbusiness periods herein defined as:

N	Ionday through Friday
S	aturdays, Sundays and Holidays

#### STEUBEN RURAL ELECTRIC COOPERATIVE, INC. Disconnect Procedures for Delinquent Accounts Manual APPENDIX A – NYCRR Rules & Regulations, Continued

If communication with the person contacted is not possible because of an apparent language barrier, the utility shall take reasonable steps to assure proper communication before discontinuance. During the contact, the utility's representative shall fully explain the reasons for discontinuance and shall attempt to ascertain whether a serious impairment to human health may result. If contact is made and in the judgment of the representative of the utility no impairment to human health would occur, service may be discontinued. If, however, in the judgment of the representative of the utility, discontinuance of electric service will lead to serious impairment of human health to any resident of the premises, the service shall not be discontinued.

(2) For the purpose of this Part, a serious impairment to human health is indicated if a customer or other resident appears to be seriously impaired and may, because of mental or physical problems, be unable to manage his own resources, carry out activities of daily living or protect himself from neglect or hazardous situations without assistance from others. Indicators of serious impairment to human health include, but are not limited to:

(i) age, infirmity or mental incapacitation;

- (ii) use of life support systems, such as dialysis machines or iron lungs;
- (iii) serious illness;
- (iv) physical disability, including blindness and limited mobility;
- (v) recent death in the family;
- (vi) the presence of young children; and
- (vii) any other factual circumstances which indicate severe or hazardous health situations.

The above criteria are general standards and the utility's representatives must exercise discretion, sound judgment and common sense in ascertaining whether a serious impairment to human health exists. Doubts should be resolved in favor of continued service.

(3) Information concerning the circumstances where it is found that discontinuance of service would lead to serious impairment to human health is to be documented and the account referred to the local social services commissioner. No utility shall terminate service for nonpayment where a customer or other resident exhibits an indication of a serious impairment to human health, as described in paragraph (a)(2) of this section, unless:

(i) the utility notifies the local social services commissioner orally, and within five days in writing, that the customer or other resident exhibits an indication of a serious impairment to human health; and

(ii) the local social services commissioner, after an investigation, informs the utility that the healthimpairing condition does not exist or is not serious, or that an alternative means for protecting the person's health has been devised.

The utility may exercise its own discretion with respect to terminating service to the customer in the event it does not receive an oral or written report from the local social services commissioner within 15 business days after the written referral of the matter by the utility to the commissioner.

(4) if contact is not made after several good faith attempts, on the day termination of service is scheduled, a representative of the utility must visit the premises in order to determine whether there is continuing occupancy and whether a serious impairment to human health, as described in paragraph (a)(2) of this section, exists. If such an impairment is found to exist, or again no contact is made and there is reason to believe the premises has not been vacated, service shall not be discontinued and the account shall be immediately referred to the local social services commissioner. In all cases referred to the local social services commissioner, the utility shall request that the commissioner report back to the utility his findings and any required action. If the utility or the social services commissioner determines that no customer or other person residing in the premises faces impairment to his or her health, or that an alternative means for protecting the person's health has been devised, the utility may immediately discontinue the electric service.

(b) During the period September 1 to November 1 of each year, the utility shall review all cases where discontinuance of service occurred during the prior 12-month period where the electric service provided was necessary to heat a residence, or to operate a heating system therein, and where service has not been restored. A representative of the utility must, by telephone or in person, contact the delinquent customer or a responsible resident 18 years of age or older to determine if continued lack of service may expose the customer or other resident of the premises to a serious impairment to human health. If such determination is made, the customer shall be referred to the local social services commissioner.

#### 459.10 Special provision for the elderly and handicapped.

(a) Where the utility knows, or reasonably should know, that all the residents of a household are elderly, handicapped, or 18 years of age or younger, procedures as set forth in subdivision (a) of section 459.9 of this Part shall be followed throughout the entire year.

(b) The utility annually may survey its customers to determine the applicability of this provision to each residential service address. The utility is not liable for the failure of any customer to furnish such information.

#### 459.11 Medical emergencies.

Electric service to a residence shall not be terminated where a medical doctor or local board of health has certified in writing that termination of service will aggravate an existing medical emergency at a customer's residence, provided that an initial certification by telephone is authorized if written certification is received within the next five business days.

#### 459.12 Unsafe or hazardous conditions.

In the event of special situations such as storms, cable breaks, accidents, or other cases involving emergency maintenance and unsafe or hazardous conditions, electric service may be temporarily terminated without prior notice.

#### 459.13 Reconnection.

(a) Except in extreme and unusual circumstances or where a customer requests otherwise, the utility shall reconnect service to any disconnected residential customer not more than 24 hours after any of the following events:

(1) receipt by the utility of the full amount due and owing (including arrears, reconnection charges, collection charges, and, if applicable, a security deposit when requested in writing) for which service had been disconnected;

(2) agreement by the utility to a plan by which the customer is obliged to satisfy the arrears;

(3) receipt of a commitment of a direct payment or a written guarantee of payment from the local social services commissioner; or

(4) direction by the Power Authority of the State of New York.

(b) The direction to reconnect service under paragraph (a)(4) of this section will only occur when it reasonably appears, in exceptional circumstances, that there is legitimate dispute about an unpaid portion of the arrears claimed by a utility; where an apparent error in the disconnection of service has occurred, or where a serious impairment to human health or safety seems to exist. In circumstances where the customer makes acceptable arrangements for the payment of all amounts owed, the customer will be informed that if he does not honor the agreement, the service will be disconnected and will not be reconnected until full payment is made of all amounts owing. In cases where the customer has a history of reconnecting his own service or of not honoring previous agreements, the utility may require that the customer make full payment of all amounts owing before service is restored.

#### 459.14 Installment plan.

No utility shall terminate service unless the utility has first offered a monthly installment plan that is just and equitable. Each utility must offer a just and equitable monthly plan to all customers whose service has been disconnected for nonpayment. To the extent practicable, the monthly installment plan should be based on the customer's ability to pay, past payment history, the amount of indebtedness, and the availability of other resources. The monthly installment plan should require a customer to pay current bills and a portion of past indebtedness and may include a provision for payment of interest on the arrears. Such agreement may provide for a down payment of the arrears provided that no such down payment shall exceed one-half of the amount of the arrears or three months average billing, whichever is less. Such agreement may be renegotiated and amended where the customer can demonstrate that there have been significant changes in his or her financial circumstances which have arisen due to conditions beyond the customer's control.



# PAST DUE REMINDER

Account Number:	
Map Location:	
Current BIII:	\$175.21
30 Days Past Due:	\$139.38
60 Days Past Due:	\$0.00
90 Days Past Due:	\$0.00
Total Amount Due:	\$314.59

Payment Due Date: 09/23/2015

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#### 09/11/2015

Dear Member,

In reviewing our payment records this month, we have noted that your account is past due. A payment was last received on this account on 08/04/2015.

As this total due exceeds one month's current billing, full payment or arrangement for payment must be made with our office no later than the <u>payment due date above</u> to avoid certified letter issuance of a final disconnect notice.

If you do not have a time payment agreement, you may be eligible for one up until the time of disconnect.

If you have already paid this bill, THANK YOU.

Steuben Rural Electric Credit Department

Please detach and return bottom portion with payment

# PAST DUE REMINDER

Account Number	Payment Due Date	Total Amount Due	For Office Use
	09/23/2015	314.59	



STEUBEN RURAL ELECTRIC COOPERATIVE, INC.	1
8 WILSON AVE. BATH, NY 14810-1633	



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# DISCONNECT NOTICE

ACCOUNT NUMBER	AMOUNT DUE
	314.59

Did you forget to pay your bill? According to our records, your bill has not been paid. If payment is not received prior to the disconnect date, a trip may be made and your cervice will be subject to disconnection. If cervice is disconnected, payment of the reconnect fee, total amount due and final billing through the disconnect reading will be required before cervice will be rectored. A new or additional deposit will also be required.

THIS IS A FINAL DISCONNECT NOTICE. THIS NOTICE SUPERSEDES ALL OTHER NOTICES. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTION OF THE UTILITY WHEN PAYING THE BILL. PLEASE CONTACT THE BUSINESS OFFICE IMMEDIATELY IF YOU HAVE AN ACUTE HARDSHIP OR IF YOU ARE A RECIPIENT OF FINANCIAL ASSISTANCE FROM A LOCAL SOCIAL SERVICES DEPARTMENT. YOU MAY BE ELIGIBLE FOR A DEFERRAL ARRANGEMENT.

If you do not agree with this notice please contact the office

Billing Date	08/12/2015
Notice Date	09/23/2015
Disconnect Date	10/10/2015
Reconnect Fee	70.00

Past Due		
30 Days Past Due	175.21	
60 Days Past Due	139.38	
90 Days Past Due	0.00	
Total Past Due	314.59	

Please detach and return bottom portion with payment

# DISCONNECT NOTICE

Account Number	Disconnect Date	Delinguent Amount Due	Amount Paid
	10/10/2015	314.59	

STEUBEN RURAL ELECTRIC COOPERATIVE, INC. 9 WILSON AVE. BATH, NY 14810-1833



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# FINAL DISCONNECT NOTICE

ACCOUNT NUMBER	AMOUNT DUE
	173.35

Did you forget to pay your bill? According to our records, your bill has not been paid. If payment is not received prior to the disconnect date, a trip may be made and your service will be subject to disconnection. If service is disconnected, payment of the reconnect fee, total amount due and final billing through the disconnect reading will be required before service will be restored. A new or additional deposit will also be required.

THIS IS A FINAL DISCONNECT NOTICE. THIS NOTICE SUPERSEDES ALL OTHER NOTICES. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTION OF THE UTILITY WHEN PAYING THE BILL. PLEASE CONTACT THE BUSINESS OFFICE IMMEDIATELY IF YOU HAVE AN ACUTE HARDSHIP OR IF YOU ARE A RECIPIENT OF FINANCIAL ASSISTANCE FROM A LOCAL SOCIAL SERVICES DEPARTMENT. YOU MAY BE ELIGIBLE FOR A DEFERRAL ARRANGEMENT.

If you do not agree with this notice please contact the office

Billing Date	08/12/2015	Past Due	
Notice Date	10/14/2015	30 Days Past Due	173.35
Disconnect Date	10/29/2015	60 Days Past Due	0.00
Reconnect Fee	70.00	90 Days Past Due	0.00
		Total Past Due	173.35

Please detach and return bottom portion with payment

# FINAL DISCONNECT NOTICE

Account Number	Disconnect Date	Delinguent Amount Due	Amount Paid
	10/29/2015	173.35	

**STEUBEN RURAL ELECTRIC** COOPERATIVE, INC. 9 WILSON AVE. BATH, NY 14810-1633 این زوال اوا اول وی وال او وا مال بوزی او این او در او این او برو او برو او براه او

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# STEUBEN RURAL ELECTRIC COOPERATIVE, INC. Disconnect Procedures for Delinquent Accounts Manual APPENDIX E – Door Tag - Example

FRONT		ВАСК
November 23, 2015 Dear Member: We have made several attempts to contact you in regards to your electric account. Information is enclosed in the attached envelope regarding your past due balance. Information regarding additional charges, should this service be disconnected, has also been provided. Service will be disconnected on the date listed below. In order to avoid interruption of service, please contact our office at (607) 776-4161. Regular business hours are 7:30 am to 4:00 pm. <b>Scheduled Disconnect Date</b> November 30, 2015 <b>Discusser Service</b> <b>Discusser Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>Service</b> <b>S</b>		INCOME INCOMPOSITION INFORMATION INFORMATION INFORMATION OF THE UTILITY WHEN PAYING THIS BILL PLEASE CONTACT THE BUSINESS OFFICE IMMEDIATELY IF YOU HAVE AN ACUTE HARDSHIP OR IF YOU ARE A RECIPIENT OF FINANCIAL ASSISTANCE FROM A LOCAL SOCIAL SERVICES DEPARTMENT. YOU MAY BE ELIGIBLE FOR A DEFERRAL ARRANGEMENT. If discontinuance of electric service could result in serious impairment to human health of any resident, please contact our office immediately. Payment of this bill can be made by 9 Wilson Avenue, Bath, New York 14810 5966 South Road, Cherry Creek, New York 14723 Phone: (607) 776-41611 Toil Free Phone: (800) 843-3414
Additional Charges (If Disconnected - Reconne Current Usage (Estimate)	cts Before 2 pm) \$ 366.12	
Trip Charge - Reconnects Before 2 pm	\$ 70.00	
Member Deposit (Refundable)	\$ 100.00	
Total Due For Reconnection Before 2 pm	\$ 658.41	
Additional Charges (If Disconnected - Reconne	cts After 2 pm)	
Trip Charge Addition - After Hours	\$ 330.00	
Total Due For Reconnection After 2 pm	\$ 988.41	