

3.400 DISCONNECTION OF CABLE TELEVISION SERVICE AND NON-RESIDENTIAL ELECTRIC, GAS, AND WATER SERVICE

3.401 Definitions

The following definitions apply to Rule 3.400:

- (A) Disconnection: deliberate interruption or disconnection of utility service to a ratepayer by the serving utility, not including disconnection at the request of or with the permission of the ratepayer.
- (B) Delinquency: failure of the ratepayer to tender payment for a valid bill or charge (1) within thirty days of the postmark date of that bill or charge, or (2) by a "due date" at least thirty days after mailing, which shall be printed on the bill and which shall control in the absence of a postmark.
- (C) Notice: except where otherwise provided or where the context otherwise requires, notice shall mean written notice on a form approved by the Commission, mailed or delivered within forty days after delinquency, but not more than twenty days, nor less than fourteen days — seven if the ratepayer has failed to abide by the terms of an extended repayment plan — prior to the disconnection of service. Where payment has been made by a check or other instrument which is subsequently dishonored, then the number of days between delivery to the utility of the dishonored instrument and receipt by the utility of notice of dishonor may be deducted from the minimum number of days prior to disconnection that notice must be sent, but in no event may that minimum number of days be less than four.
- (D) Payment of Bill: receipt at the company's business office or authorized payment agency of cash or of a check or other instrument which is subsequently honored.
- (E) Business Days: Monday through Thursday, excluding Vermont legal holidays and any other time, or the day before such time, when the Company's business offices are not open to the public.

3.402 General Rule

Except at the request of the ratepayer or upon order of the Commission, no utility shall disconnect cable television service or non-residential gas, electric, or water service unless payment of a valid bill or charge is delinquent as defined herein, and notice of disconnection has been provided previously to the ratepayer.

- (A) This rule shall not apply to any disconnection or interruption of services made necessary for reasons of health or of safety of the ratepayer or the general public.
- (B) Disconnection shall not be permitted if the delinquency is due solely to a disputed portion of a charge which has been referred to the Commission by the ratepayer or the utility, and the Commission has advised the utility not to disconnect service.
- (C) Any utility may elect, at its option, to offer an extended repayment plan for delinquent bills and/or a budget plan for future bills to ratepayers covered by this rule.

3.403 Disconnection Notice Form

The notice form required under Section 3.402, and defined in Section 3.401, shall contain at least the following information:

- (A) a statement that the ratepayer's account is delinquent, a statement of the amount of the delinquency, and a statement that service will be disconnected unless: (1) the delinquency is paid in full by a certain date; (2) the ratepayer submits any disputed portion of the charge to the Commission and the Commission orders the utility not to disconnect service; or (3) if the utility offers an extended repayment plan for delinquent bills, the ratepayer enters into such a plan;
- (B) the dates and times of day when the utility may disconnect service if the ratepayer does not take any of the actions as described in Section 3.403(A) above;
- (C) the names or positions, addresses, telephone numbers and business hours of company representatives with whom the ratepayer may discuss the delinquency or to whom the ratepayer may make an inquiry or complaint;
- (D) the address, telephone numbers, including the toll-free number, and business hours of the Consumer Affairs Division of the Department of Public Service, and a statement that, in addition to providing assistance or advice, the Division can provide information as to how to submit the Commission a dispute over the existence of a delinquency;
- (E) the itemized cost that may be charged to the ratepayer for disconnection, collection and later restoration of service and, if a deposit may be required for restoration of service, an explanation of how the amount will be calculated, and,
- (F) any other information not inconsistent with the above and which has received prior approval of the Commission.

3.404 Time and Notice of Disconnection

Disconnection of utility service shall occur only between the hours of 8:00 A.M. and 2:00 P.M. of the business day, specified on the notice of disconnection, or within four business days thereafter; provided, however, if a company has available personnel authorized to reconnect service and enter into arrangements on behalf of the utility until 8:00 P.M. of a normal business day, the utility may disconnect service between the hours of 8:00 A.M. and 5:00 P.M.

When service is disconnected or interrupted at the premises of the ratepayer, which shall include disconnection or interruption at a pole at or near the premises of the ratepayer, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected or interrupted, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the ratepayer has to do to have service restored.

3.405 Restoration of Service

If service has been disconnected or interrupted, the company shall within twenty-four hours restore service upon the ratepayer's request when the cause for disconnection of service has been removed, when an agreement has been reached between the ratepayer and the company regarding the dispute which led to the disconnection or when directed to do so by the

Commission. Restoration of service, to the extent feasible, shall be done so as to avoid charging ratepayers for overtime wages and other abnormal expenses.

3.406 Filing Requirements

Within thirty days after the effective date of this rule, all utilities subject to its provisions shall submit to the Commission for its review a copy of its disconnection notice form.

