

ARTICLE 6. WATER UTILITIES

Rule 1. Standards of Service

170 IAC 6-1-1 Definitions

Authority: IC 8-1-1-3; IC 8-1-1-12; IC 8-1-2-4

Affected: IC 8-1-2-1

Sec. 1. Definitions. (A) Where applicable, the definitions set forth in IC 8-1-2-1 (Burns 54-105) shall be applied to these rules, and

(B) The word "customer" shall mean any person, firm, corporation, municipality or other government agency which has agreed, orally, or otherwise, to pay for water service received from a water utility; provided, that for the purposes of Rules 15, 16 and 16.1 [170 IAC 6-1-15–170 IAC 6-1-17], the word "customer" shall be limited to mean persons who have agreed to pay for such service exclusively for residential purposes.

(C) The word "disconnection" shall mean the termination or discontinuance of water service.

(D) The words "late payment charge" shall mean the one time penalty assessed by a water utility upon all current bills at such time as they become delinquent.

(E) The word "commission" shall mean the Public Service Commission of Indiana. (*Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 1; filed Nov 28, 1977, 3:00 pm: Rules and Regs. 1978, p. 678; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 6-1-2 Applicability of rules

Authority: IC 8-1-1-3; IC 8-1-1-12; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 2. Application of Rules. These rules [170 IAC 6-1] shall apply to any public water utility subject to the jurisdiction of the commission pursuant to the provisions of the Public Service Commission Act [IC 8-1-2], or any other statute of the State of Indiana, which is now or hereafter may be engaged in the production, sale or distribution of water service (herein called "utility" or "water utility.") (*Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 2; filed Nov 28, 1977, 3:00 pm: Rules and Regs. 1978, p. 679; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 8; filed Nov 28, 1977, 3:00 pm: Rules and Regs. 1978, p. 680; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)

170 IAC 6-1-16 Disconnection of service; prohibited disconnection; reconnection

Authority: IC 8-1-1-3; IC 8-1-1-12; IC 8-1-2-4

Affected: IC 8-1-2-4; IC 8-1-2-113

Sec. 16. Disconnection of Service. (A) Upon Customer's Request. (1) The customer shall notify the utility at least three (3) days in advance of the day disconnection is desired. The customer shall remain responsible for all service used and the billings therefor until service is disconnected pursuant to such notice.

(2) Upon request by a customer of a utility to disconnect service, the utility shall disconnect the service within three (3) working days of the requested disconnection date. The customer shall not be liable for any service rendered to such address or location after the expiration of these three (3) days.

(B) **Without Customer's Request. (1) A utility may disconnect service without request by the customer and without prior notice only:**

(a) if a condition dangerous or hazardous to life, physical safety or property exists; or

(b) upon order by any court, the Commission or other duly authorized public authority;

or

(c) if fraudulent or unauthorized use of water is detected and the utility has reasonable ground to believe the affected customer is responsible for such use; or

(d) if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for such tampering.

(2) In all other instances a utility, upon providing the customer with proper notice (as defined in Rule 16 (E) [subsection (E) of this section]), may disconnect service subject to the other provisions of these rules.

(C) Prohibited Disconnection. (1) Except as otherwise provided in subsection 16 (A) and 16 (B) [subsections (A) and (B) of this section], a utility shall postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the utility with a medical statement from a licensed physician or public health official which states that disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one additional ten (10) day period upon the provision of an additional such medical statement.

(2) A utility may not disconnect service to the customer:

(a) upon his failure to pay for merchandise or appliances purchased from the utility furnishing the water;

(b) upon his failure to pay for the service rendered at a different metering point, residence, or location if such bill has remained unpaid for less than forty-five (45) days;

(c) upon his failure to pay for services to a previous occupant of premises to be served, unless the utility has good reason to believe the customer is attempting to defraud the utility by using another name;

(d) upon his failure to pay for a different form or class of utility service; or

(e) if the customer shows cause for his inability to pay the full amount due (financial hardship shall constitute cause), and said customer:

(i) pays a reasonable portion (not to exceed \$10 or one tenth (1/10) of the bill, whichever is less, unless the customer agrees to a greater portion) of the bill; and

(ii) agrees to pay the remainder of the outstanding bill within three (3) months; and

(iii) agrees to pay all undisputed future bills for service as they become due; and

(iv) has not breached any similar agreement with the utility made pursuant to this rule within the past twelve months.

Provided, however, that the utility may add to the outstanding bill a late payment charge not to exceed the amount set pursuant to Rule 13 (B) [170 IAC 6-1-13(B)]. Provided further, that the above terms of the agreement shall be put in writing by the utility and signed by the customer and by a representative of the utility. Only one late payment charge may be made to the customer under this section.

(f) If a customer is unable to pay a bill, which is unusually large due to prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual reading was taken for over two months, stopped or slow meter, or any human or mechanical error of the utility, and the customer:

(i) pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the twelve (12) bills immediately preceding the bill in question; and,

(ii) agrees to pay the remainder at a reasonable rate, and

(iii) agrees to pay all undisputed future bills for service as they become due;

Provided, however, that the utility may not add to the outstanding bill any late fee. Provided, further, that the above terms of agreement shall be put in writing by the utility and signed by the customer and a representative of the utility.

(3) If a customer proceeds with a review pursuant to Rule 16.1 (B) [170 IAC 6-1-17(B)], the utility may

disconnect only as provided in Rule 16.1 (C) [170 IAC 6-1-17(C)].

(D) Time. (1) No utility may disconnect service unless it is done between the hours of 8:00 A.M. and 3:00 P.M., prevailing local time. Disconnections pursuant to Rules 16 (A) and 16 (B) [subsections (A) and (B) of this section] are not subject to this limitation.

(2) A utility may not disconnect service for non-payment on any day on which the utility office is closed to the public, or after twelve noon (12:00 noon) of the day immediately preceding any day on which the utility office is not open to the public.

(E) Notice Required Prior to Involuntary Disconnection. (1) Except as otherwise provided herein, service to any residential customer shall not be disconnected for a violation of any rule or regulation of a utility or for the non-payment of a bill, except after seven (7) days prior written notice to such customer by either:

(a) Mailing the notice to such residential customer at the address shown on the records of the utility; or,

(b) Personal delivery of the notice to the residential customer or a responsible member of his household at the address shown on the records of the utility.

(c) No disconnect notice for non-payment may be rendered prior to the date on which the account becomes delinquent.

(2) The notice must be in language which is clear, concise, and easily understandable to a layman and shall state in separately numbered large typed or printed paragraphs

(a) the date of proposed disconnection;

(b) the specific actual basis and reason for the proposed disconnection;

(c) the telephone number of the utility office at which the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning his rights;

(d) a reference to the pamphlet or the copy of the rules furnished to the customer pursuant to Rule 16.2 [170 IAC 6-1-18] for information as to the customer's rights.

(F) Procedure for Involuntary Disconnection. (1) Immediately preceding the actual disconnection of service, the employee of the utility designated to perform such function shall make a reasonable attempt to identify himself to the customer or any other responsible person then upon the premises and shall announce the purpose of his presence and shall make a record thereof to be maintained for at least thirty (30) days.

(2) The employee shall have in his possession information sufficient to enable him to inform the customer or other responsible person of the reason for disconnection, including the amount of any delinquent bill of the customer, and shall request from the customer any available verification that the outstanding bill has been satisfied or is currently in dispute pursuant to review under Rule 16.1 (B) [170 IAC 6-1-17(B)]. Upon the presentation of such credible evidence, service shall not be disconnected.

(3) The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected. The utility shall notify its customers pursuant to Rule 16.2 [170 IAC 6-1-18] of its policy with regard to the acceptance or non-acceptance of payment by such employee, and shall uniformly follow such policy without discrimination.

(4) When the employee has disconnected the service, he shall give to a responsible person at the customer's premises, or if no one is at home, shall leave at a conspicuous place on the premises, a notice stating that service has been disconnected and stating the address and telephone number of the utility where the customer may arrange to have service reconnected.

(G) Reconnection. (1) A utility may charge a reasonable reconnection charge, not to exceed the charge approved by the Commission in the utility's filed tariffs. A utility shall inform its customers of such reconnection fee pursuant to Rule 16.2 [170 IAC 6-1-18].

(2) If the utility disconnects service in violation of these rules [170 IAC 6-1], the service shall immediately be restored at no charge to the customer.

(3) The utility must reconnect the service to the customer as soon as reasonably possible but at least within one (1) working day after it is requested to do so; provided however, that the utility shall not be

required to reconnect the service until

(a) the conditions, circumstances or practices which caused the disconnection have been corrected;

(b) payment of all delinquent charges owed the utility by the customer and any deposit authorized by these rules [170 IAC 6-1] has been made; and

(c) a responsible person is present in the premises to see that all water outlets are closed to prevent damage from escaping water.

(Indiana Utility Regulatory Commission; No. 34805: Standards of Service For Water Utilities Rule 16; filed Nov 28, 1977, 3:00 pm: Rules and Regs. 1978, p. 687; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)