

Title 4 – Department of Economic Development
Division 240 –Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers
of Electric, Gas and Water Utilities

PROPOSED RULE

4 CSR 240-13.035 Denial of Service

PURPOSE: This rule prescribes conditions under which utilities may refuse to commence service to an applicant for residential service and establishes procedures to be followed by utilities to insure reasonable and uniform standards exist for the denial of service. This rule also protects an applicant(s) at the time of their application, from being required to pay for the bill incurred by other individuals for service from which the applicant(s) did not receive substantial benefit.

(1) A utility may refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay an undisputed delinquent utility charge for services provided by that utility within the state of Missouri. **The utility may transfer charges for utility services provided to the applicant by the company or its regulated affiliate outside the state of Missouri. To be considered to be disputed, the unpaid charge must be the subject of a open informal or formal complaint at the Commission.**

(B) Failure to post a required deposit or guarantee in accordance with 4 CSR 240-13.030 or the utility's tariffs;

(C) Refusal or failure to permit inspection, maintenance, replacement or meter reading of utility equipment, if the utility believes that health or safety is at risk. **If the applicant does not provide access to the utility for such purposes, the** A utility shall provide notice to the applicant regarding its need for inspection, maintenance, replacement or meter reading of utility equipment and shall maintain an accurate record of the notice provided.

1. The notice shall include one of the following:

A. Written notice by first class mail sent to the applicant; or

B. Written notice delivered in hand to the applicant; or

C. At least two (2) telephone call attempts reasonably calculated to reach the applicant.

D. Written notice in the form of a door hanger left at the applicant's premises.

2. The notice shall contain the following information:

A. The name and address of the applicant and the address where service is being requested;

B. How the applicant may comply with the requirements to have service connected;

C. A telephone number the applicant may call from the service location without incurring toll charges and the address of the utility prominently displayed where the applicant may make an inquiry.

D. A statement in Spanish either:

(a) advising the applicant, that if they do not read English, to ask someone who does to translate the notice for them, or

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(b) advising the applicant to call the utility for assistance if the utility provides telephone assistance in Spanish.

E. If the applicant is unable to resolve the matter satisfactorily with the utility, they may contact the Public Service Commission.

(D) Misrepresentation of identity;

(E) Violation of any other rules of the utility approved by the commission which adversely affects the safety of the customer or other persons or the integrity of the utility's system; or

(F) As provided by state or federal law

(G) Failure of a previous owner or occupant of the premises to pay a delinquent utility charge where the previous owner or occupant remains an occupant.

(H) Failure to comply with the terms of a settlement agreement

(I) Unauthorized interference, diversion or use of the utility's service by the applicant, or by a previous owner or occupant who remains an occupant.

(2) A utility may not refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay for merchandise, appliances or services not subject to commission jurisdiction as an integral part of the utility service provided by a utility;

(B) Failure to pay the bill of another customer, unless the applicant who is seeking service received substantial benefit and use of the service to that customer, or **unless the applicant is the guarantor for a delinquent bill**. In this instance, the utility refusing to commence service, shall have the burden of proof to show that the applicant received substantial benefit and use of the service **or that the applicant is a legal guarantor, provided that such burden shall not apply if the applicant refuses to cooperate in providing necessary information**. To meet that burden the utility must have reliable evidence that:

1. The applicant and the customer resided together at the premises where the bill was incurred and during the period the bill was incurred; and

2. The bill was incurred within the last seven (7) ~~five (5)~~ years; and

3. The utility has attempted to collect the unpaid bill from the customer of record; and

4. At the time of the request for service, the bill remains unpaid and not in dispute.

(3) The utility shall commence service **at an existing residential service location** in accordance with this rule as ~~close as~~ ~~soon as~~ **reasonably possible to** on the day specified by the customer for service to commence, but **normally no later than three (3) business days following the day specified by the customer for service to commence, provided that the customer has complied with all requirements of this rule; When service to a new residential service location is requested, the utility shall commence service in accordance with this rule as close as reasonably possible to the day specified by the customer for service to commence, but normally no later than three (3) business days following the day all required construction is completed and all other inspections have been made.**

(4) Notwithstanding any other provision of this rule a utility may refuse to commence service temporarily for reasons of maintenance, health, safety or a state of emergency **until the reason for such refusal has been resolved.**

(5) Any provision of this rule may be waived or varied by the commission for good cause.

(6) The requirements of this rule shall be implemented by the utility not later than eight (8) months after the rule becomes effective.