

## **Section 24: Disconnection and Refusal of Service**

- A.
1. In no circumstances will the cumulative time before notice of disconnection be less than twenty (20) days after the date of issuance of the bill and an account may be deemed delinquent for the purpose of disconnection after such period has elapsed.
  2. At least ten (10) calendar days prior to disconnection, the District shall give a written disconnection notice upon a form which must be in the tariff of the District filed with the Public service commission and which conforms to the requirements of sub. H. unless excepted elsewhere.
  3. When a customer, either directly or through the public service commission, disputes a disconnection notice, the District shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.
  4. If a disputed issue cannot be resolved pursuant to sec. PSC 185.39 (1) of the Wisconsin Administrative Code, the District shall inform the customer of the right to contact the public service commission.
- B. Utility service may be disconnected or refused for any of the following reasons:
1. Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.
  2. Failure to comply with deposit or guarantee arrangements as specified in Sections 20 through 22.
  3. Diversion of service around the meter.
  4. Refusal or failure to permit authorized District personnel to read the meter at least once every three (3) months where the District bills monthly or bimonthly, or at least once every nine (9) months where the District bills quarterly or less frequently than quarterly. The three (3) period begins with the date of the last meter reading.
  5. Refusal or failure to permit authorized utility personnel access to the base meter;
  6. Violation of the utility\*s rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;
  7. Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to utility service;

8. Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility\*s tariffs filed with the commission;
  9. Failure to comply with the utility\*s rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;
  10. Failure of an applicant for utility service to provide adequate verification of identity and residency, as provided in sub. (5) (a);
  11. Failure of an applicant for utility service to provide the information necessary to establish new service or evaluate the need for a deposit or deferred payment agreement.
- C. The District may disconnect utility service without notice where a dangerous condition exists for as long as the condition exists.
- D. Service may be discontinued with a written twenty-four (24) hour notice for nonpayment of a bill covering surreptitious use of water if so provided in the filed tariff of the District.
- E. Utility service may not be disconnected or refused for any of the following reasons:
1. Nonpayment of a delinquent account over 6 months old where collection efforts have not been made within that period of time unless the passage of additional time results from other provisions of this chapter or from good faith negotiations or arrangements made with the customer;
  2. Failure to pay for merchandise or charges for nonutility service billed by the utility, except where authorized by law as in sec. PSC 185.33 (1) (h) of the Wisconsin Administrative Code;
  3. Failure to pay for a different type or class of utility service, except as provided by sec. PSC 185.37 (7)(c) of the Wisconsin Administrative Code;
  4. Failure to pay the account of another customer as guarantor of that account;
  5. Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing;
  6. Failure to pay an estimated bill other than a bill rendered pursuant to an approved billing tariff or the customer upon request refuses to permit the reading of the meter during normal business hours;
  7. For the intentional removal or eviction of a tenant from rental property;

8. The utility may not disconnect service in affected counties when a heat advisory, heat warning, or heat emergency issued by the national weather service is in effect. A utility shall make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected when an occupant states that there is a potential threat to health or life that results from the combination of the heat and loss of service. The utility may require that an occupant produce a licensed physician's statement or notice from a public health, social services, or law enforcement official which identifies the medical emergency for the occupant. Upon expiration of the heat advisory, heat warning, or heat emergency, the utility may disconnect service to a property that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.
- F. The District shall not disconnect any residential service without notifying the county department of health and social services at least five (5) calendar days prior to the scheduled disconnection, if the customer or responsible person has made a written request for this procedure to the District. The customer shall be apprized of this right upon application for service.
- G. Notwithstanding any other provision of this section, the District may not disconnect service to a residential customer if disconnection will aggravate an existent medical emergency of the customer, a member of his family or other permanent resident of the premises where service is rendered and if the customer conforms to the procedures described in par. (1) below.
1. the District shall postpone the disconnection of service for twenty-one (21) days to enable the customer to arrange for payment, if the customer produces a licensed Wisconsin physician's statement or notice from a public health or social service official which identifies the medical emergency and specifies the period of time during which disconnection will aggravate the circumstances. The postponement may be extended once by renewal of the certificate or notice. No further extension of time shall be granted except upon a showing by the customer of the existence of extraordinary circumstances and further that he has exercised due diligence in meeting the emergency as evidenced in part by close and continuous communication with the District.
  2. During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. However, no action to disconnect that service will be undertaken until expiration of the period of continued service.
  3. If there is a dispute concerning an alleged existent medical emergency, either party shall have the right to an informal review by the public service commission staff. Pending a decision after informal review, residential utility service shall be continued, provided that the resident has submitted a statement or notice as set forth in paragraph (1).

- H.
  - 1. The District shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least ten (10) calendar days prior to the first date of the proposed disconnection. If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than five (5) days before disconnection. If access is not possible, this notice shall be posted, at a minimum, at all entrances to the building and in the lobby. If disconnection is not accomplished on or before the 20th day after the first notice date, a subsequent notice shall be left on the premises not less than twenty-four (24) hours nor more than forty-eight (48) hours prior to the disconnection.
  - 2. The District shall make a reasonable effort to have a personal or telephone contact with the customer prior to disconnection.
  - 3. Disconnection notice shall be given upon the form on file in the office of the District.
- I. Service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the District are not available to the public for the purpose of transacting all business matters unless the District provides personnel which are readily available to the customer twenty-four (24) hours per day to evaluate, negotiate or otherwise consider the customer's objection to the disconnection as provided under s. PSC 185.39, and proper service personnel are readily available to restore service twenty-four (24) hours per day.
- J. Notwithstanding any other provision of this Ordinance, utility service may not be refused because of a delinquent account if the customer or applicant provides as a condition of future service a deposit or guarantee, as provided in Sections 20 through 22 of the Ordinance or a voucher agreement.