

L/WJJ/avm

Decision S2 04 022 April 6, 1982**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on)
 Commission's own Motion to Revise)
 General Order No. 103 relating to)
 Water Utilities.)

Amended OIR No. 7

AMENDMENT TO ORDER INSTITUTING RULEMAKING

Order Instituting Rulemaking (OIR) 7 was instituted by the Commission to consider changes in General Order (G.O.) 103, a) Section VIII, Fire Protection Standards, b) Section 1, General, Discontinuance of Service and c) other minor matters. Comments have been received, and hearings held on the proposed revisions to Section VIII, Fire Protection Standards, and the minor matters, and that portion of OIR 7 has been submitted.

On September 15, 1981, the California Public Utilities Commission (Commission) signed Decision (D.) 95333 in OIR 49 which adopted procedures for notification of termination of gas and electric service for non-payment of bills. OIR 7 originally contained proposed termination procedures for water utilities in conformity with Sections 779 and 780 of the Public Utilities Code (P.U. Code). D.95333 has additional termination standards as well as those contained in the P.U. Code. It appears in the public interest for the Commission to consider uniform termination procedures for non-payment of bills for all California utilities. Accordingly, the Hydraulic Branch has prepared Appendix A (attached) which contains proposed notice of termination for water utilities; and good cause appearing:

IT IS ORDERED that:

- OIR 7 is amended for the purpose of determining whether the Commission should revise G.O. 103, Section I General Discontinuance of Service and adopt the standards and procedures for termination of water service for non-payment of bills set forth in Appendix A. Said proceeding shall also include any other appropriate standards and procedures for termination of water service.

2. All water utilities are respondents in this proceeding.

3. All respondents shall have 60 days after the issuance of this order to submit proposed standards and procedures for service termination. Interested parties and customers may also submit proposed standards and procedures for service termination within 90 days after the issuance of this order.

4. In order to obtain a reasonable sampling of commentary, respondents shall notify their customers that this proceeding has been instituted and that copies of the proposal are available at the utilities office.

5. In order to expedite this proceeding, comments shall be in letter form with an original and 3 copies addressed as follows:

Public Utilities Commission
State Building, 350 McAllister Street
San Francisco, CA 94102

Attention: ALJ J. J. Doran

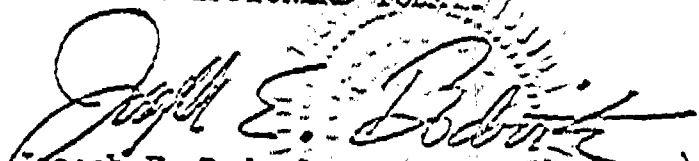
6. Only parties filing comments within the prescribed time shall be considered parties to this proceeding under our rules. After review of the comments the assigned Administrative Law Judge shall determine whether hearings shall be held, and if so shall mail appropriate notices to the parties in this proceeding.

Dated April 6, 1982, at San Francisco, California.

JOHN E. BRYSON
President

RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

OIR NO. 7
 Exhibit No. _____
 Witness E. M. Lill
 Commissioner P. C. Grew
 Adm. Law Judge J. J. Doran

APPENDIX A

PROPOSED REVISIONS TO GENERAL ORDER NO. 103

-5-

- b. For Nonpayment of Bills. No utility shall discontinue service to any customer for nonpayment of bills (including delayed payment charges) without first having diligently tried to induce the customer to pay same. After such effort on the part of the utility, service may be discontinued after the utility has given the customer at least five 34 days in which to pay the bill, 19 of which shall be the normal payment period from date of presentation with 15 days' written notice of such intention in the manner provided in the preceding paragraph, commencing after the 19 days' payment period, except that no service may be discontinued on any Saturday, Sunday, legal holiday, or at any time in which the business offices of the company are not open to the public. Provided further that the utility shall make reasonable attempts to personally contact an adult on the customer's premises, either by telephone or by visit, at least 24 hours prior to termination. For elderly and handicapped customers, the utility shall provide at least 48 hours notice by telephone or visit. For these customers, if a personal contact cannot be made, a notice shall be posted in a conspicuous location at the service address at least 48 hours prior to termination.
- c. For Unsafe Apparatus or Where Service is Detrimental or Damaging to the Utility or Its Customers. If an unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the utility or its customers, the service may be shut off without notice, provided that the utility shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.
- d. For Fraudulent Use of Service. When the utility has discovered that a customer has obtained water service by fraudulent means, or has diverted the water service for unauthorized use, the service to that customer may be discontinued without notice. The utility shall not be required to restore service until the customer has complied with all filed rules and reasonable requirements of the utility and the utility has been reimbursed for the full amount of the service rendered and the actual cost to the utility incurred by reason of the fraudulent use.
- e. Reconnection. In all cases of discontinuance of service as herein defined, and after the cause for discontinuance has been corrected, and all rules of the utility on file with the Commission have been complied with, the utility shall, without unreasonable delay, restore service to the customer.
- f. Charge for Reconnection. Where service has been discontinued for violation of rules or for nonpayment of bills, the utility may charge \$10 for reconnection of service during regular working hours or \$15 for reconnection of service at other than regular working hours when the customer has requested that the reconnection be made at other than regular working hours.

Canceling _____

Cal. P.U.C. Sheet No. _____

Cal. P.U.C. Sheet No. _____

TABLE OF CONTENTS

The following listed tariff sheets contain all effective rates and rules affecting the charges and service of the utility, together with other pertinent information:

Subject Matter of Sheet

Cal. P.U.C.
Sheet No.

Title Page
Table of Contents
Preliminary Statement
Service Area Map

Rate Schedules:

Rules:

- No. 1 Definitions
- No. 2 Description of Service
- No. 3 Application for Service
- No. 4 Contracts
- No. 5 Special Information Required on Forms
- No. 6 Establishment and Re-establishment of Credit
- No. 7 Deposits
- No. 8 Notices
- No. 9 Rendering and Payment of Bills
- No. 10 Disputed Bills
- No. 11 Discontinuance and Restoration of Service
- No. 11a Customers Rights, Remedies and Responsibilities
Under Termination Procedures for Non-Payment of
Bills
- No. 12 Information Available to Public
- No. 13 Temporary Service
- No. 14 Continuity of Service
- No. 15 Main Extensions
- No. 16 Service Connections, Meters, and Customer's Facilities
- No. 17 Measurement of Service
- No. 18 Meter Tests and Adjustment of Bills for Meter Error
- No. 19 Service to Separate Premises and Multiple Units,
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- No. 20 Fire Protection

(To be inserted by utility)

Issued by _____

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Cal. P.U.C. Sheet No. _____

Cal. P.U.C. Sheet No. _____

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Subject Matter of Sheet:

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Sheet No.

Sample Forms:

- No. 1 Application for Water Service
- No. 2 Customers Deposit Receipt
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- No. 4 Main Extension Contract - Individuals
- No. 5 Main Extension Contract - Fire Flow Form A
- No. 6 Main Extension Contract - Fire Flow Form B
- No. 7 Main Extension Contract - Fire Flow Form C
- No. 8 Main Extension Contract - Fire Flow Form D
- No. 9 Main Extension Contract - Individuals
- No. 10 Main Extension Contract - Special Facilities
- No. 11 Uniform Fire Hydrant Service Agreement

(To be inserted by utility)

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Rule No. 5

SPECIAL INFORMATION REQUIRED ON FORMS

A. Contracts

Each contract for service will contain substantially the following provisions:

1. Unless exempted by the Public Utilities Commission;

"This contract shall at all times be subject to such changes or modifications by the Public Utilities Commission of the State of California as said Commission may, from time to time, direct in the exercise of its jurisdiction."

2. Unless otherwise not required by the Public Utilities Commission;

"It is the understanding of the parties to this contract that it shall not become effective until the authorization of the Public Utilities Commission of the State of California has been first obtained."

B. Bill for Service

On each bill for service will be printed substantially the following language:

"This bill is due and payable upon presentation. If not paid within 15 ³⁴ days, service may be discontinued. A cash deposit and a reconnection charge may be required to reestablish credit and service.

"Should the amount of this bill be questioned, an explanation should be requested from the utility. If an explanation satisfactory to the customer is not made by the utility and the bill is still questioned, the customer may deposit with the California Public Utilities Commission, State Building, San Francisco 94102,* the amount of the bill to avoid discontinuance of service. Make remittance payable to 'California Public Utilities Commission' and attach the bill and a statement setting forth the basis for the dispute of the amount of the bill. The Commission will review the basis of the billed amount and disburse the deposit in accordance with its findings."

* For service rendered in Southern California, substitute "State Office Building, 107 South Broadway, Los Angeles 90012" for "State Building, San Francisco 94102."

(Continued)

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Resolution No. _____

Rule No. 1

DEFINITIONS

Applicant: The person, association, corporation or governmental agency applying for water service.

Utility: The public utility named herein.

Customer: Any person, association, corporation or governmental agency supplied or entitled to be supplied with water service for compensation by the utility.

Elderly Customer: Any customer who is over age 62.

Sick or Handicapped Customer: Any customer whose health or physical condition may qualify him for special consideration.

Premises: The integral property or area, including improvements thereon, to which water service is, or is to be, provided.

Metered Service: Service for which the charges are computed on the basis of measured quantities of water.

Flat Rate Service: Service for which the charges are based upon the types and numbers of units served.

Commercial Service: Provision of water to residential premises or business premises.

Residential Service: Provision of water for household purposes, including water used on the premises for sprinkling lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple family dwellings.

Business Service: Provision of water for use in connection with commercial premises devoted primarily to operations for profit including offices, stores, markets, apartments, hotels, motels, automobile trailer parks or courts, service stations and the like.

Industrial Service: Provision of water to industrial premises where the water is used primarily in manufacturing or processing activities.

Irrigation Service: Provision of water for commercial agricultural, floracultural or horticultural use and billed under distinct irrigation rates.

Date of Presentation: The date upon which a bill or notice is mailed or delivered by the utility to the customer.

Main Extension: The extension of water distribution mains beyond existing facilities in accordance with the provisions of the rule applicable to main extensions filed as part of these tariff schedules.

(To be inserted by utility)

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Resolution No. _____

Rule No. 10

DISPUTED BILLS

A. Correctness of Bill

Any customer who has initiated a complaint to the utility or requested an investigation by the utility within five days of receiving a contested bill (N) shall be given an opportunity for review of such complaint or investigation by a review manager of the utility. The review shall include consideration of whether the customer should be permitted to amortize the unpaid balance of his account over a reasonable period of time.

B. Notice of Deposit to Avoid Discontinuance

If an explanation satisfactory to the customer is not made by the utility and the bill is not paid within 15 19 days after its presentation or at the (T) time the explanation is made, whichever is longer, the utility will notify the customer in writing substantially as follows:

1. To avoid discontinuance of service, in lieu of paying the bill in question, the customer within 7 15 days of the date of this notice, may deposit with the California Public Utilities Commission, State Building, San Francisco, California 94102,* the amount of the bill claimed by the utility to be due.

C. Commission Appeal

When a customer and the utility fail to agree on a bill for service:

1. To avoid discontinuance of service, in lieu of paying the disputed bill, the customer may deposit with the California Public Utilities Commission at its office in the State Building, San Francisco, California 94102,* the amount claimed by the utility to be due.
2. Checks or other forms of remittance for such deposit should be made payable to the California Public Utilities Commission and should be accompanied with the bill in question and a statement setting forth the basis for the dispute of the amount of the bill. (N)
3. Upon receipt of the deposit, the bill and the customer's statement of the dispute, the Commission will notify the utility, will review the basis of the billed amount and will advise both parties of its findings and disburse the deposit in accordance therewith. (T)

* For service rendered in Southern California, substitute "State Office Building, 107 South Broadway, Los Angeles 90012" for "State Building, San Francisco 94102."

(Continued)

(To be inserted by utility)

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Rule No. 10

DISPUTED BILLS
(Continued)

4. Service will not be discontinued for nonpayment of the disputed bill when deposit has been made with the Commission pending the outcome of the Commission's review. (T)
5. Failure of the customer to make such deposit within 15 19 days after presentation of the disputed bill and prior to the expiration of a 7 15-day discontinuance of service notice will warrant discontinuance of his service without-further-notice. (N)
6. If before completion of the Commission's review, additional bills become due which the customer wishes to dispute, he shall also deposit with the Commission the additional amounts claimed by the utility to be due for such additional bills before they become past due and failure to do so will warrant discontinuance of his service in accordance with Rule No. 11.

(To be inserted by utility)

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Rule No. 11

DISCONTINUANCE AND RESTORATION OF SERVICE

A. Customer's Request for Discontinuance of Service

1. A customer may have service discontinued by giving not less than two days advance notice thereof to the utility. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required two days advance notice. (L)
2. When such notice is not given, the customer will be required to pay for service until two days after the utility has knowledge that the customer has vacated the premises or otherwise has discontinued water service. (L)

B. Discontinuance of Service by Utility

1. For Nonpayment of Bills

- a. A customer's service may be discontinued for nonpayment of a bill for service furnished if the bill is not paid within 15 ³⁴ days after presentation, provided the utility has given the customer notice of such delinquency and impending termination at least 7 ¹⁵ calendar days prior to the proposed termination by first-class mail addressed to the customer to whom the service is billed. Service will not be discontinued until the amount of any deposit made to establish credit for that service has been fully absorbed. (N)
- b. Any customer who has initiated a complaint or requested an investigation within five days of receiving a contested bill, shall not have service discontinued for nonpayment during the pendency of an investigation by the utility of such customer dispute or complaint. Such service shall not be discontinued for nonpayment for any customer complying with an amortization agreement entered into with the utility, provided the customer also keeps current his account for service as charges accrue in each subsequent billing period. If a customer fails to comply with amortization agreement, the utility will give a 7 ¹⁵-day discontinuance of service notice before discontinuing such service, but such notice shall not entitle the customer to further investigation by the utility. (N)
- c. A customer's water service may be discontinued for nonpayment of a bill for water service furnished at a previous or different location served by the utility if the bill is not paid within 30

(Continued)

(To be inserted by utility)

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Rule No. 11

DISCONTINUANCE AND RESTORATION OF SERVICE
(Continued)

34 days after presentation at the new location. Residential service will not, however, be discontinued for nonpayment of bills for separate nonresidential service. (L)

- d. Service will not be discontinued by reason of delinquency in payment for service on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the utility are not open to the public.
- e. Where water service is provided to residential users through a master meter, the utility shall make every good faith effort to inform the actual users of the service when the account is in arrears that service will be terminated in ten days. For these customers, a minimum of 34 days shall elapse between the date of presentation and date of termination. The notice of termination shall issue on the 19th day from the date bill is mailed. The 10-day statutory period for termination notice shall begin to run at least five days after the termination notice is mailed. The notice shall further inform the actual users that they have the right to become utility customers without being required to pay the amount due on the account. The utility shall not be obligated to make service available unless and until each and every actual user of the water service then residing on the premises shall agree to the terms and conditions of service and shall meet the requirements of the utility's rules and tariffs provided, however, that if (1) one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the utility or if (2) there is a physical means, legally available to the utility, of selectively terminating service to those actual users who have not met the requirements of the utility's rules and tariffs, the utility shall make service available to the actual users who have met those requirements.
- f. A reasonable attempt must be made by the utility to personally contact an adult on the customer's premises either by telephone or by visit at least 24 hours prior to termination. For elderly and handicapped customers, the utility shall provide at least 48 hours notice by telephone or visit. For these customers, if a personal contact cannot be made, a notice shall be posted in a conspicuous location at the service address at least 48 hours prior to termination.

(Continued)

(To be inserted by utility)

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Rule No. 11

DISCONTINUANCE AND RESTORATION OF SERVICE

(Continued)

g. Utility will inform customers on first billing period after the effective date of this tariff schedule and annually thereafter of customer's rights, remedies and responsibilities under the revised termination procedures. This information will also be provided customers upon their request. See Rule No. 11a.

2. For Noncompliance with Rules

The utility may discontinue service to any customer for violation of these rules after it has given the customer at least five days written notice of such intention. Where safety of water supply is endangered, service may be discontinued immediately without notice.

3. For Waste of Water

a. Where negligent or wasteful use of water exists on a customer's premises, the utility may discontinue the service if such practices are not remedied within five days after it has given the customer written notice of such effect.

(The remainder of Rule 11 has not been revised.)

(To be inserted by utility)

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Resolution No. _____

Rule No. 11a

(N)

CUSTOMERS' RIGHTS, REMEDIES AND RESPONSIBILITIES UNDER
TERMINATION PROCEDURES FOR NONPAYMENT OF BILLS

A. Notification

Information contained in this Rule shall be distributed to each customer on an annual basis.

B. Customer's Remedies Upon Receipt of Termination Notice

1. Contact utility within termination notice period (15 days) to make special payment arrangements to avoid discontinuance of service.
2. If customer cannot make payment arrangements with the utility and is unable to pay, write to the Consumer Affairs Branch (CAB) to make an informal complaint. This action must be within the termination period to avoid discontinuance of service.
3. CAB resolution will be reported to utility and customer within ten business days after receipt of complaint. If customer is not satisfied with resolution, he must file within ten business days after the date of CAB letter a formal complaint with the Commission under Public Utilities Code Section 1702 on a form provided by the CAB.
4. Failure of the customer to observe these time limits entitles the utility to insist upon payment, or upon failure to pay, to terminate the customer's service.

C. Special Procedure for Elderly, Sick or Handicapped Who Are Unable to Pay

1. An elderly (62 or over), sick or handicapped individual who is unable to pay all, or a part, of the utility bill must demonstrate that:
 - a. he has a health condition which temporarily justifies continuation of service; and
 - b. he is unable to pay his bill or may only pay by installment.
 - c. Support of health or handicapped must be by certification from a licensed physician, public health nurse or social worker. Age will be supported by certificate of birth, driver's licence, passport or other reliable document.
2. Designation of a Third Party Representative
 - a. Customer must inform utility if he desires that a third party receive termination or other notices on his behalf.

(Continued)

(To be inserted by utility)

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Rule No. 11a

(N)

CUSTOMERS' RIGHTS, REMEDIES AND RESPONSIBILITIES UNDER
TERMINATION PROCEDURES FOR NONPAYMENT OF BILLS
(Continued)

- b. Utility must be advised of name, address and telephone number of third party with a letter from third party accepting this responsibility.
- c. Only customers who certify that they are elderly or handicapped are entitled to third-party representation.

D. Reconnection of Service

Utility will endeavor to reconnect service during regular working hours on the day of request or at a time desired by customer. A charge of \$10 for reconnection during regular working hours, or of \$15 at other than regular working hours may be made by utility.

Prior to reconnection, customer will be required to pay, or make suitable arrangements for paying, any unpaid balance due the utility for the premises for which service is to be restored and may be required to reestablish credit by making a deposit of not to exceed two months billing.

(To be inserted by utility)

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Form No. 3
Form for "BILL FOR SERVICE"

The following is a suggested form for "Bill for Service." The utility may use a different bill form providing such form complies with the effective rules herein. In any event, attach a copy of the printed form actually used to this sheet.

Suggested Form:

(Name of Utility) Customer's Copy	Utility's Copy
Customer's Address _____ City or Town _____ Zip _____ Please bring this bill with you.	Enclose this stub when paying by mail.
:End of Period: Meter Reading: Amount :Amount : Present : Previous : Consumed : of Bill	Amount of Bill
(100's cu.ft.) (100's cu.ft.) (100's cu.ft.) Reading: Date Read: Meter Constant: _____ (if any)	Date of Presentation

This bill is due and payable upon presentation. If not paid within 15 ³⁴ days, service may be discontinued. A cash deposit and a reconnection charge may be required to reestablish credit and service.

Should the amount of this bill be questioned, an explanation should be requested from the utility. If an explanation satisfactory to the customer is not made by the utility and the bill is still questioned, the customer may deposit with the California Public Utilities Commission, State Building, San Francisco,

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Form No. 3

Form for "BILL FOR SERVICE"
(Continued)

94102,* the amount of the bill to avoid discontinuance of service. Make remittance payable to "California Public Utilities Commission" and attach the bill and a statement setting forth the basis for the dispute of the amount of the bill. The Commission will review the basis of the billed amount and disburse the deposit in accordance with its findings.

* For service rendered in Southern California, substitute "State Office Building, 107 South Broadway, Los Angeles, 90012" for "State Building, San Francisco, 94102."

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Form for "BILL FOR SERVICE"
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Suggested Form:

(Name of Utility) Customer's Copy	Utility's Copy
Customer's Address _____ City or Town _____ Zip _____ Please bring this bill with you.	Enclose this stub when paying by mail.
:End of Period: Meter Reading: Amount : Amount : Present : Previous : Consumed : of Bill	Amount of Bill
(100's cu.ft.) (100's cu.ft.) (100's cu.ft.) Reading: Date Read: Meter Constant: _____ (if any)	Date of Presentation
<p>This bill is due and payable upon presentation. If not paid within 15 <u>34</u> days, service may be discontinued. A cash deposit and a reconnection charge may be required to reestablish credit and service.</p> <p>Should the amount of this bill be questioned, an explanation should be requested from the utility. If an explanation satisfactory to the customer is not made by the utility and the bill is still questioned, the customer may deposit with the California Public Utilities Commission, State Building, San Francisco,</p> <p style="text-align: center;">(Continued)</p>	

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Rule No. 5

SPECIAL INFORMATION REQUIRED ON FORMS

A. Contracts

Each contract for service will contain substantially the following provisions:

1. Unless exempted by the Public Utilities Commission;

"This contract shall at all times be subject to such changes or modifications by the Public Utilities Commission of the State of California as said Commission may, from time to time, direct in the exercise of its jurisdiction."

2. Unless otherwise not required by the Public Utilities Commission;

"It is the understanding of the parties to this contract that it shall not become effective until the authorization of the Public Utilities Commission of the State of California has been first obtained."

B. Bill for Service

On each bill for service will be printed substantially the following language:

"This bill is due and payable upon presentation. If not paid within 15 34 days, service may be discontinued. A cash deposit and a reconnection charge may be required to reestablish credit and service.

"Should the amount of this bill be questioned, an explanation should be requested from the utility. If an explanation satisfactory to the customer is not made by the utility and the bill is still questioned, the customer may deposit with the California Public Utilities Commission, State Building, San Francisco 94102,* the amount of the bill to avoid discontinuance of service. Make remittance payable to 'California Public Utilities Commission' and attach the bill and a statement setting forth the basis for the dispute of the amount of the bill. The Commission will review the basis of the billed amount and disburse the deposit in accordance with its findings."

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Rule No. 1

DEFINITIONS

Applicant: The person, association, corporation or governmental agency applying for water service.

Utility: The public utility named herein.

Customer: Any person, association, corporation or governmental agency supplied or entitled to be supplied with water service for compensation by the utility.

Elderly Customer: Any customer who is over age 62.

Sick or Handicapped Customer: Any customer whose health or physical condition may qualify him for special consideration.

Premises: The integral property or area, including improvements thereon, to which water service is, or is to be, provided.

Metered Service: Service for which the charges are computed on the basis of measured quantities of water.

Flat Rate Service: Service for which the charges are based upon the types and numbers of units served.

Commercial Service: Provision of water to residential premises or business premises.

Residential Service: Provision of water for household purposes, including water used on the premises for sprinkling lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple family dwellings.

Business Service: Provision of water for use in connection with commercial premises devoted primarily to operations for profit including offices, stores, markets, apartments, hotels, motels, automobile trailer parks or courts, service stations and the like.

Industrial Service: Provision of water to industrial premises where the water is used primarily in manufacturing or processing activities.

Irrigation Service: Provision of water for commercial agricultural, floracultural or horticultural use and billed under distinct irrigation rates.

Date of Presentation: The date upon which a bill or notice is mailed or delivered by the utility to the customer.

Main Extension: The extension of water distribution mains beyond existing facilities in accordance with the provisions of the rule applicable to main extensions filed as part of these tariff schedules.

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. _____

Date Filed _____

Decision No. _____

NAME

Effective _____

TITLE

Resolution No. _____