

MAR 12 2014

TIMBERON WATER & SANITATION DISTRICT

THIRD REVISED RULE NO. 9
CANCELLING SECOND REVISED RULE NO. 9

DISCONTINUANCE & DENYING RESTORATION OF SERVICE

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A. Customers who intend to move from the property/premises or discontinue the use of water or in any way terminate their liability hereunder shall give the District reasonable notice of such intentions and the customer will be liable for all water that may be used upon the property/premises until such notice is given and the District has made the final meter reading. Upon receipt of such notice, the Company will read the meter within a reasonable period of time.

B. Any customer desiring service to be disconnected shall fill out an application for a disconnect and pay the current charge for the disconnect. X
X

C. The District reserves the right to interrupt service for a reasonable period for repairs to its property or equipment.

D. The District may discontinue utility service to a customer without prior notice:

1. In the event of a condition determined by the District to be hazardous.

2. In the event of customer use of equipment in such manner as to adversely affect the District's equipment or the District's service to others.

3. In the event of customer's tampering with, damaging, or deliberately destroying the equipment furnished and owned by the District.

4. In the event of unauthorized use of service provided by the District.

E. The District may discontinue utility service to a customer for:

1. Nonpayment of a delinquent account.

2. Failure to comply with the terms and conditions of a settlement agreement.

Advice Notice No. 11

Signature/Title


Joseph A. Mainello, Chairman

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3. Discontinuance of utility service under this sub-paragraph shall be governed by L, M, N, O and P of this rule.

F. After three days prior written notice, the District may discontinue utility service to a customer for:

1. Refusal to grant access at reasonable times to equipment installed upon the property/premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.

2. Failure to furnish such service, equipment, permits, certificates, and/or rights of way, as shall have been specified by the District as a condition to obtaining service, or in the event such equipment or permission is withdrawn or terminated.

3. Violation of and/or noncompliance with the District's rules.

4. Failure of the customer to fulfill contractual obligations for utility service and/or facilities other than settlement agreements.

G. The three-day notice required by Paragraph F of this rule shall include the following:

1. A statement of the reason(s) why the District has issued notice to discontinue utility service.

2. The title(s), address, telephone number(s) and working hours of the personnel at the District responsible for carrying out the rights herein prescribed.

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3. A statement that the customer can obtain a review by personnel of the District of the reasons for the proposed discontinuance of service, which shall stay the discontinuance during the review.

H. The District shall not discontinue service for:

1. The failure of a District customer to pay for service received at a separate metering point, residence or location. However, in the event of discontinuance or termination of service at a separate metering point, residence or location, the District may transfer any unpaid balance due to any other service account of the District customer and proceed in accordance with Paragraph E. X
X
X

2. Nonpayment of the disputed amount of a bill.

3. Failure of a District customer to pay the bill of another customer as guarantor thereof. X

4. Failure of a District customer to pay an estimated bill rendered in violation of Rule No. 21. X

I. Use of the District's curb or meter shut-off valve by customer or customer's agent is prohibited. This practice by unauthorized persons may be reason for discontinuance of service.

J. If during a shortage of supply the District finds evidence of excessive waste of water by a customer, or if it becomes necessary to ration water, the District will advise the customer of such condition. If within 24 hours of receiving notice from the District the customer has failed to either correct the condition causing excessive use, complied with rationing orders or demonstrated to the District's satisfaction why he cannot comply with this time period the District may proceed with discontinuance of service.

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K. Any customer whose service is involuntarily disconnected shall be required to pay a reconnection fee. X

L. At least fifteen (15) days before the District proposes to discontinue service to a District customer, the District shall provide that District customer with notice of each of the rights such District customer may have relating to discontinuance of service and settlement agreements. Such notice shall be in writing, in English and Spanish, and shall be in simple language. Such notice shall be delivered to the affected District customer in person or by depositing a copy of the notice in the U.S. Mail, postage prepaid, addressed to the District customer at the address for the affected District customer known to the District. Such notice shall contain: X

1. The title(s), address, telephone number(s) and working hours of the personnel at the District responsible for carrying out the rights.

2. The amount owed and the date by which the District customer must either pay the amount due or make other arrangements with the District concerning payment of the charges, including arrangements for a settlement agreement. The consumption period over which said amount was incurred, the date the amount of the last payment shall be available on request. X

3. A statement that if the District customer pays that portion of the bill which is not in a bona fide dispute, the District customer can obtain a review by personnel of the District of the portion of the bill which the District customer does dispute. X

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4. A statement that the District will not discontinue service to any residence where a seriously ill person resides or person whose life may be endangered by discontinuance of service, if at least two (2) days prior to the proposed service discontinuance date indicated in the notice, the designated District personnel receives a certificate or copy thereof from a practitioner of the healing arts, on forms provided by the District or other suitable forms, stating that discontinuance of service might endanger the person's life and the District customer demonstrates to the designated District personnel in writing, on forms provided by the District or other suitable forms, that such District customer does not have adequate financial resources to pay the utility charges when due, whether or not the accuracy of such charges are the subject of a bona fide dispute; and that if service has discontinued, the District shall reestablish service within twelve (12) hours of receipt of said certificate.

6. A blank medical certificate, which shall permit the practitioner to indicate the expected duration of the District customer's having inadequate financial resources to pay utility charges when due. Such forms properly executed shall be adequate to delay discontinuance for at least thirty (30) days and at the District's option, the District may delay discontinuance for up to one hundred twenty (120) days or for a longer period of time. The District shall promptly notify the District customer in writing as to how long it deems the certificate to be valid; provided, however, that should the circumstances on which the certificate is based appear to have changed, the District may require additional certification.

7. A statement of the cost of reconnection.

8. A statement that "If you are a recipient of public assistance, contact your caseworker immediately."

M. The District shall take reasonable steps to communicate with a District customer, by telephone or personal contact, at least (2) days prior to discontinuance, and the utility employee sent to discontinue utility services shall note any information which is made known to the employee by the District customer regarding any resident's seriously ill or life endangering health condition, such as whether a resident is physically disabled, frail or elderly. Such information shall be immediately reported in writing to a District employee authorized to prevent discontinuance. That

X

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employee shall either delay the discontinuance order if it is apparent that the forms provided for in Paragraph No.5 will be received, or shall state in writing why such delay is not effected. The District and District employee's noting of the information made known by the District customer, acting upon such information or failing to act on such information in good faith, shall cause the District and District employee to be held harmless for error made. The District employee sent to discontinue utility service shall be empowered to receive payment of delinquent bills and upon receipt of the payment; said employee shall be empowered to cancel the discontinuance order. X

N. The District shall offer its District customers a third party notification program and develop adequate procedures for notification to its District customers of the availability of the program. The third party notification program shall only be extended to District customers who notify the District in writing of their desire to participate in the program and designate a specific person, organization, or governmental agency who is ready, willing and able to assist the District customer in the payment of utility bills. Upon receipt of such notice from a District customer, the District shall not discontinue service to the District customer for nonpayment of past due charges without (1) contacting the designated person, organization or governmental agency by phone or in writing at least fifteen (15) days prior to the proposed discontinuance of service; and (2) determining that the designated person, organization or governmental agency has not made a commitment to assist payment of the past due charge of that District customer within a reasonable period of time. X

O. When a District customer has indicated to the District an inability to pay utility charge while an installment payment plan is being negotiated, the District shall not discontinue service to such customer. In the event that either negotiation of the installment plan is discontinued or progress in its negotiation is stalled, the District may proceed with discontinuance of service. X

P. The District shall provide a procedure for reviewing District customer allegations that a proposed installment payment plan is unreasonable; that a utility charge is not due and owing; or that it has not violated an existing installment payment plan. Such procedure shall provide due notice to District customers, and the reviewing employee shall have authority to order appropriate corrective action. Such review shall stay the discontinuance of utility service until the review is completed. X

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Q. Utility service to a District customer may be discontinued only during the hours from 8:00a.m. to 3:00 p.m. on Monday through Thursday and may not be discontinued less than twenty-four (24) hours prior to a holiday or weekend unless the District's business office is open for receipt of payment of past due charges and District personnel are available to restore such service upon payment during said holiday or weekend.

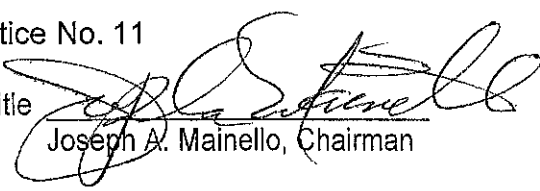
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