

# KANSAS CORPORATION COMMISSION

## ELECTRIC, NATURAL GAS AND WATER BILLING STANDARDS

Effective: January 20, 2012

### SECTION I. STANDARDS ON BILLING PRACTICES

#### A. Contents of a bill:

- (1) The utility shall normally bill each customer each billing period in accordance with its applicable rate schedules. Billings may be issued on a monthly, self-billing, turnaround or other basis as may be in accordance with the practices of the particular utility and the orders of the Commission. Each utility bill issued to a customer shall show:
  - a. The beginning and ending meter registration for the reading period, except that estimated billing shall disclose that it is based on estimated meter reading. The entire word "Estimated" must be shown on the bill.
  - b. The date of the meter reading and the date of the bill. Utilities shall read meters in a range of no less than 26 days and no more than 36 days for monthly billing. A utility may vary its meter reads from this period to take into account the effects of connections, disconnections and for customers directly affected by rerouting.
  - c. The final date by which a payment can be received before a delinquency charge is imposed.
  - d. The actual or estimated usage during the billing period.

- e. The amount due for prompt payment and the amount due after delinquency in payment.
  - f. The fuel, power or energy cost adjustment or purchase gas adjustment in cents per kilowatt hour (kWh) or cents per 1,000 cubic feet (Mcf) and the total amount due.
  - g. If the fuel, power or energy cost adjustment or purchase gas adjustment is prorated, each proration factor and associated usage must be shown on the bill.
  - h. The amount of additional charges due for past due accounts, security deposits, collection, connection or disconnection charges, installment payments, and other utility charges authorized by the Commission.
  - i. The total amount due for the current billing period.
  - j. The amount due for franchise and sales taxes and research and development surcharges stated separately.
  - k. The address and telephone number of the utility and the identification of the person or office where a customer may report a disputed bill, make an inquiry concerning a bill, delinquency or termination of service, or otherwise complain.
  - l. General information explaining overall changes in rates, customer charges and gas cost must be made available to customers through bill inserts or direct mail when new rates are implemented due to a rate case.
- (2) The bill shall also show any adjustment to previous billings based on estimated meter readings or customer meter readings. The adjustment shall be

made after actual usage has been determined by a meter reading by the utility, pursuant to Subsections I.B(2) and C(2). The adjustment shall be calculated for the period between the prior and the most recent meter reading by the utility. If the adjustment shows a net balance due to the utility, the customer shall be given the opportunity, if requested, to pay the additional charges in equal installments over a period of time equal to the adjusted billing period. If a net balance is due to the customer, the customer shall be given either a credit on subsequent bills or a refund, if the overpayment exceeded \$10 and a refund is requested.

- (3) The utility may include on the bill for utility services other charges for special services. Special services are those not authorized by tariff or otherwise specifically regulated by the Commission, such as the sale of merchandise, insulation or services performed in connection therewith. Charges for special services shall be designated clearly and separately from charges for utility services.
- (4) If the customer makes partial payment for the total bill, the utility shall credit payment: a) first to the balance outstanding for utility service beginning with the oldest service debt; b) then to additional utility charges (such as disconnection/reconnection fees); and c) then to special charges as defined above.
- (5) If the customer is paying under a level or average payment plan, each bill shall also clearly disclose the overage or underage of the amounts paid to date as compared to the cumulative actual usage, in dollars, to date.

- (6) If the customer is paying down an arrearage under the Cold Weather Rule or other payment plan, those monthly amounts shall be printed on the bill and clearly labeled.

B. Customer meter reading:

- (1) The utility may request customers in sparsely populated areas to read their meters at intervals approximating the billing period. Requests for readings by the customer shall be on printed forms provided by the utility, such forms to contain instructions as to methods of reading. In the event the customer does not furnish a meter reading pursuant to this subsection for two consecutive periods, the utility may read the meter and charge the customer a meter reading charge as provided in rules and regulations filed with and approved by the Commission.
- (2) Meter readings by the customer, though used for billing purposes, shall not be considered final. Such customers' meters will be read at least once a year by the utility and an adjustment shall be made in accordance with Section I.A(2). A final bill, when service is discontinued, must be based upon an actual reading by the utility, except as provided in Subsection I.C(1)(e).

C. Estimated meter reading:

- (1) The utility may render a bill based on estimated meter reading only if the estimating procedures employed by the utility and any substantial changes in those procedures have been approved by the Commission and the bill is rendered:

- a. To seasonal customers, provided an appropriate tariff is on file with the Commission and an actual reading is obtained before each change in the seasonal cycle;
- b. When extreme weather conditions, emergencies, work stoppages or other circumstances beyond the utility's control prevent actual meter readings;
- c. When the utility is unable to reasonably obtain access to the customer's premises for the purpose of reading the meter and efforts to obtain a customer reading of the meter, such as mailing or leaving pre-addressed forms upon which the customer may note the readings, are unavailing;
- d. When the customer does not furnish a meter reading as requested by the utility; or
- e. Notwithstanding Subsections (a)-(d), the utility may also render a bill based on estimated meter reading as a customer's final or initial bill only when:
  - (i) The customer so requests and any necessary adjustments are made to the bill upon a subsequent actual meter reading by the utility;
  - (ii) An actual meter reading would not show actual customer usage but is used in estimating usage; or
  - (iii) An actual meter reading cannot be taken because of a broken meter or other equipment failure.

- (2) Maximum number of estimated bills:

- a. The utility may not render a bill based on estimated meter reading for more than three (3) consecutive billing periods or six (6) months, whichever is less. Before rendering an estimated bill, the utility may request the customer to provide a meter reading upon pre-addressed forms.
  - b. The utility may not render an estimated monthly bill more than a total of six (6) times per year.
  - c. In situations where both the meter is inaccessible and the customer is not available to furnish a meter reading, the utility may render an estimated bill as necessary. Such customer's meters will be read at least once a year by the utility and an adjustment shall be made in accordance with Section I.A(2). The utility may charge the customer a meter reading charge as provided in rules and regulations filed with and approved by the Commission.
- (3) When a utility renders an estimated bill in accordance with this section, it shall:
- a. Maintain accurate records of the reasons therefore and efforts made to secure an actual reading;
    - i. Meter readers should not make field estimates of usage. Meter readers having specific knowledge of a customer's circumstances should relay that information to the billing department whose responsibility is to calculate estimates according to established guidelines.

- b. Maintain estimated bill records for at least 36 months and in the same manner as all other customer billing history;
  - c. Clearly disclose on the bill that it is based on estimated meter reading by showing the entire word "Estimated"; and
  - d. Make any appropriate adjustment upon subsequent actual reading of the meter.
- (4) A utility may also render a bill based on an estimated meter reading when the customer is paying under an average or level payment plan under which payments are based on an estimated or projected average usage if:
- a. The plan has been approved by the Commission;
  - b. Actual meter readings are made, except as provided in I.C.(1), above; and
  - c. The disclosures required by I.A(5) are made.

D. Proration:

- (1) Proration of fuel, power or energy cost adjustment or purchase gas adjustment:
- a. Proration of fuel, power or energy cost adjustment or purchase gas adjustment is optional. If these adjustment(s) are prorated, each ECA/COG factor and estimated usage associated with the ECA/COG factor must be shown on the bill.
  - b. Fuel, power or energy cost adjustment or purchase gas adjustment must be prorated during the billing month in which a change in rates or tariffs becomes effective.

(2) Proration of customer charges:

- a. Customer charges shall be prorated only in the following situations:
- i. Connection or disconnection of service which causes the billing cycle to be outside of the range of 26 through 36 days;
  - ii. When rerouting of meter routes, for only those customers directly affected, causes the billing cycle to be outside the range of 26 through 36 days; and
  - iii. During the billing month in which a change in rates or tariffs becomes effective.

(3) Proration of general changes in rates or tariffs:

For general changes in rates or tariffs, the utility must prorate customer's bills during the billing month a change in rates or tariffs becomes effective.

E. Responsibility for payment of a bill:

- (1) A utility shall not threaten or refuse service to or threaten or disconnect the service of an individual for an outstanding debt on an account unless that individual either signed the service agreement on the account or agreed orally at the time the service was established to be responsible for the account. The only exception to this rule is when the individual and the customer, who signed the service agreement or agreed orally at the time service was established to be responsible for the account, lived together when the debt was incurred and continue to live together.
- (2) The utility shall not threaten or refuse service to or threaten or disconnect the service of an individual for an outstanding debt more than five (5) years old if

the service agreement was signed and three (3) years if the agreement was oral.

- F. Once a year, each utility shall mail to each of its customers a notice apprising them of the Commission's complaint procedure including its role in settling complaints which have reached an impasse. The notice should include the Commission's Consumer Protection Office's telephone number as well as a comment/complaint form concerning the utility's performance. The notices or copies of the notices shall be sent to the Commission.

## SECTION II. STANDARDS ON DELAYED PAYMENT CHARGES

- A. All bills for utility service are due and payable upon receipt. A customer of a utility providing both gas and electric service or a customer of separate natural gas and electric utilities which participate in combined billing shall be able to specify to which utility service the payment(s) are to be applied, regardless of whether the payments are for current usage or arrearages. Utilities providing joint service and utilities providing combined billing shall inform their customers of the ability to specify to which utility service the payment(s) are to be applied. A bill shall be deemed delinquent if payment thereof is not received by the utility or its authorized agent on or before the date stated on the bill which date shall be:
- (1) For residential customers, the last date on which payments received can, in the normal and reasonable course of the utility's procedures, be credited to the customer's account in preparing his next normal billing.
  - (2) For all other customers, the fifteenth (15th) day after date of billing.
- B. When a bill becomes delinquent, a late payment charge in an amount equal to two

percent (2%) of the delinquent amount owed for current utility service will be added to the customer's bill, and any collection efforts by the utility shall be initiated.

- C. If the last calendar day for remittance falls on a Sunday, legal holiday, or other day when the offices of the utility are not open to the general public, the final payment date shall be extended through the next business day.
- D. If a commercial customer is consistently unable to pay its bills on time due to bill-paying procedures the utility shall offer to mail a copy of the bills to the customer's bill-paying office at the same time it is delivered to the local business. If the customer chooses, the utility shall offer the customer the option of paying a one percent (1%), late fee every month for a time extension of 14 days. The utility may discontinue this option for the customer after the customer requests it or the customer fails to pay the bill within the 29 days established by this provision.
- E. Arrearage Average Payment Plan -An average payment plan similar to the Cold Weather Rule average payment plan must be one of the options available to residential customers with arrears. The customer will have up to 12 months to pay off an arrearage with the initial payment being the arrearage plus the bill for consumption during the most recent billing period for which service was provided, divided by 12. Arrearages from a previous Cold Weather Rule plan or an Arrearage Average Payment Plan must be paid off before entering into this plan. Customers must be informed of this option.
- F. The utility may discontinue service for a delinquent bill after issuing the notice required by Section IV. As stated in said notice, if collection is made at the customer's premises or service is discontinued because of non-payment of a bill, the

utility shall require a collection or disconnection charge. Such collection or disconnection charge shall be as provided in rules and regulations filed with and approved by the Commission.

After disconnection of service for non-payment of a bill should service be reconnected in accordance with the appropriate provisions of the utility's rules, regulations and tariffs, a reconnection charge shall be applied. Such reconnection charge shall be as provided in rules and regulations filed with and approved by the Commission.

### SECTION III. STANDARDS ON SECURITY DEPOSIT PRACTICE

- A. The utility may request the customer to provide reasonable credit information to the utility before service is made available. A utility may require at least one form of positive identification from residential customers. Acceptable forms of positive identification include social security number, driver's license, other photo identification, or birth certificate. A social security number may be requested as one method of positive identification for residential customers, but shall not be required. If positive identification is not immediately available, a customer providing a full deposit should have at least 30 days to secure positive identification, provided that said grace period does not conflict with any statutes or regulations relating to identity theft detection, prevention and mitigation. A utility may request the names of each adult occupant residing at the location where residential service is being provided. For nonresidential non-incorporated applicants, utilities may require the name of the person(s) responsible for payment of the account and at least one form of positive identification, as well as the name of the business, type of business, and

employer identification number as issued by the Internal Revenue Service, if available.

- (1) The utility may at the time of application for service require an initial deposit to guarantee payment of bills for utility service rendered if:
  - (a) The utility establishes that the customer has an unsatisfactory credit rating, based on internal bill payment history or payment history with another utility, or has an insufficient prior credit history upon which a credit rating may be based. Payment history with another utility may only be obtained with the customer's approval.
  - (b) The customer has outstanding, with a utility, an undisputed and unpaid service account which accrued within the last five (5) years if the service agreement was signed, or three (3) years if service was provided after an oral agreement.
  - (c) The customer has, in an unauthorized manner, interfered with, or diverted or used (meter bypass), the service of a utility within the last five (5) years.
- (2) For the purposes of requiring applications for service and initial deposits under Subsection III.A(1):
  - (a) Customers who apply for new service at a concurrent and separate metering point, residence, or location may be considered new applicants.
  - (b) Residential customers who have been disconnected and reconnected to service at the same premise within 30 days shall be considered existing customers. Residential customers who have been lawfully disconnected

for over 30 days may be considered new applicants.

- (c) Nonresidential customers who have been disconnected, but not issued a final bill, shall be considered existing customers. Nonresidential customers who have been lawfully disconnected and issued a final bill may be considered new applicants.
- (d) New owners or leaseholders of an existing premise may be considered new applicants. New owners of the corporate or business entity that is the customer may be considered new applicants.
- (e) Existing customers who file for bankruptcy may be considered new applicants.

B. The utility may at any time after application for service, upon five (5) days written notice, require a new or modified deposit to guarantee payment of bills for utility service rendered if:

- (1) The customer fails to pay an undisputed bill before the bill due date for three (3) consecutive billing periods, one of which is at least 30 days in arrears— the first day of the arrearage period is the first day after the due date on the bill;
- (2) The customer is a nonresidential customer and has a change in the character of service – defined as a change in the nature or classification of use;
- (3) The customer was disconnected for non-payment two or more times within the most recent twelve month period;
- (4) The customer has defaulted on a payment agreement(s) two or more times within the most recent twelve month period;
- (5) The customer has tendered two or more insufficient funds payments within

the most recent twelve month period;

- (6) The customer has sought debt restructuring relief under federal bankruptcy laws. Within 60 days after the bankruptcy has been discharged, if the deposit on file is less than the maximum security deposit requirement for the same premise, the utility may recalculate the customer's security deposit based on the most recent twelve months' of usage.

If the customer's existing security deposit is to be adjusted or modified, the customer's maximum security deposit requirement will be calculated in the same manner as an initial deposit. The entire deposit requirement will be treated as an initial deposit subject to Billing Standard rules for installment payments and retention.

- C. No deposit shall be required by any utility because of a customer's race, sex, creed, national origin, marital status, age, number of dependents, source of income or geographical area of residence.
- D. The amount of the cash deposit or surety bond required shall not exceed the amount of that customer's projected average two (2) months' bill(s) for residential and small nonresidential customers. For other customers, such deposit shall not exceed the amount of that customer's projected largest two (2) months' bill(s). If the customer is a member of a cooperative utilizing turn-around billing for that customer, the cash deposit or surety bond shall not exceed three (3) months' average bills for residential or small nonresidential customers or three (3) months' largest bills for other customers. If a customer has been documented to be diverting service (meter bypass), an additional deposit based on one (1) months' average use may be

assessed. For purposes of establishing deposits and projecting monthly bills, the utility shall consider the length of time the customer can reasonably be expected to take service, past consumption patterns, end use of the service, and consumption patterns of other similar customers.

The customer shall be informed of, and the utility shall permit, payment of any required residential or small nonresidential deposit in equal installments over a period of at least four (4) months when deposits are based on two (2) average months' usage and a period of at least six (6) months when deposits are based on three (3) average months' usage. An additional two (2) months shall be given to customers who have been assessed an additional deposit due to documented diversion (meter bypass). Disconnection for nonpayment of deposit shall be governed by Section IV. For purposes of this section, a small nonresidential customer is one which uses no more than 3,240 kWh of electricity or 50 Mcf of natural gas in an average month.

- E. A utility shall maintain a record of all deposits received from customers, showing the name of each customer, the address of the premises for which the deposit is maintained, the date and amount of deposit, and the date and amount of interest paid.
- F. Whenever a security deposit is accepted, the utility will issue to the customer a non--assignable receipt containing the following minimum information:
  - (1) Name of customer;
  - (2) Place of deposit;
  - (3) Date of deposit;
  - (4) Amount of deposit;

- (5) Utility name and address, signature, and title of the utility employee receiving deposit;
- (6) Current annual interest rate earned on deposit; and
- (7) Statement of the terms and conditions governing the use, retention and return of deposits, as set forth in Section III.G.

However, in lieu of a receipt, the utility may indicate on the monthly customer billing the amount of any security deposit retained by the utility, provided that the information required by subsections (6) and (7) above is otherwise individually given in writing to the customer. In all cases a receipt shall be given upon customer request.

- G. Upon termination of service, if the deposit is not to be transferred, the utility will refund the deposit to the customer less any unpaid utility bills due the utility. Deposits taken from residential customers shall be either credited with interest to their utility bills or, if requested, refunded, after 12 months if the customer has paid ten (10) out of the last twelve (12) bills on time and no undisputed bill was unpaid after 30 days beyond due date. Deposits taken from small nonresidential customers shall be either credited with interest to their utility bills or, if requested, refunded, after 24 months if the customer has paid twenty (20) of the last twenty-four (24) bills on time and no undisputed bill was unpaid after 30 days beyond due date. The month(s) of a disputed bill(s) shall be ignored in this calculation. Large nonresidential customer security deposits will be retained by the utility until termination of service. Large nonresidential customers will have their deposit requirements recalculated every three years or when the non-cash security deposit

expires. The maximum deposit requirement shall be increased or decreased as appropriate for each customer. Customers may request that the utility recalculate their deposit at a shorter interval. The utility and/or customers shall have 30 days to correct the deposit on file. A deposit need not be returned until all undisputed amounts are paid. When refunded or credited, the deposit shall include accrued simple interest at a rate not less than that provided by K.S.A. 12-822 and amendments.

- H. Interest payments on residential or nonresidential deposits shall be credited to the customer's bill or refunded at least once a year.
- I. Service deposits shall be nontransferable from one customer to another customer; however, upon termination of the customer's service at the service address, the utility may transfer the deposit to the customer's new active account.
- J. Security deposits paid to the utility by any payment method approved for the payment of bills (cash, check, credit card, debit card or electronic payment, etc.) shall be considered as paid in "cash" to the utility. These deposits shall accrue interest according to Section III.H. In lieu of a cash security deposit:
  - (1) A utility shall accept the written guarantee of any of its residential customers with no deposit on file who have made ten (10) of the last twelve (12) payments on time with no undisputed payment remaining unpaid after thirty (30) days. The utility shall require the guarantor to sign an agreement allowing the utility to transfer the customer's debt to the guarantor's account. In the event the customer's debt is transferred to the guarantor's account, the guarantor will have the same time to pay the deposit as a new customer and

can be disconnected for nonpayment under conditions set out in Section IV or the Cold Weather Rule. The utility shall not hold the guarantor liable for sums in excess of the maximum amount of the required cash deposit or for attorney or collection fees. The guarantor shall be released when the customer would qualify for a deposit refund under Section III.G., or upon termination of service and payment of utility bills.

- (2) A utility may accept the written guarantee of any responsible party or obtain a letter of credit as surety for a residential customer service account.
- (3) For nonresidential customers, a utility may accept a surety bond, irrevocable letter of credit, or other written guarantee from a responsible individual or company that will be responsible for paying the customer's utility bill in the event of nonpayment.

#### SECTION IV. STANDARDS ON DISCONTINUANCE OF SERVICE PRACTICES

- A. The utility may discontinue or refuse service for any of the following reasons:
- (1) When the customer requests it;
  - (2) When the service is abandoned;
  - (3) When a utility bill becomes delinquent as provided in Section II.A, after proper notice, as provided in Section IV.E;
  - (4) When a dangerous condition exists on the customer's premises;
  - (5) When the customer fails to provide credit information, security deposit or guarantee, as set forth in Section III.A and J, or has a previous undisputed and unpaid separate account for utility service with the same utility;
  - (6) When the customer misrepresents his or her identity for the purpose of

obtaining utility service;

- (7) When the customer refuses to grant utility personnel access, during normal working hours, to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement;
- (8) When the customer violates any rule of the utility which adversely affects the safety of the customer or other persons, or the integrity of the utility's delivery system; and/or
- (9) When the customer causes or permits unauthorized interference with, or diversion or use of (meter bypass), utility service situated or delivered on or about the customer's premises.

B. None of the following shall constitute sufficient cause for a utility to discontinue service:

- (1) The failure of a customer to pay for special charges as defined in I.A(3).
- (2) The failure of the customer to pay for service received at a concurrent and separate metering point residence or location. In the event of discontinuance or termination of service at a separate metering point, residence, or location in accordance with these rules, a utility may transfer any unpaid balance to any other service account with the customer's written consent, provided, however, that in the event of the failure of the customer to pay a final bill at any metering point, residence or location, the utility may transfer such unpaid balance to any successive service account opened by the customer for the same class of service, and may discontinue service at such successive metering point, residence or location for nonpayment of such transferred

amount.

- (3) The failure of the customer to pay for a different class of service received at the same location. The placing of more than one meter at the same location for the purpose of billing the usage of specific devices under optional rate schedules or provisions is not construed as a different class of service for the purpose of this rule.
  - (4) The failure of a customer to pay a bill which is in dispute; provided, however, that the customer pays that portion of the bill not in dispute.
  - (5) The failure to pay an unpaid service account more than five (5) years old if service agreement was signed and three (3) years old if agreement was oral.
- C. Except for discontinuance pursuant to IV.A.(1), (3), (7) and (8), a utility shall not discontinue service unless:
- (1) At the time of the proposed discontinuance, for one hour after discontinuance and on the full work day following discontinuance, the utility office or authorized personnel identified in the notice given pursuant to Sections IV.E and F are open or available to the customer for the purpose of making pay arrangements, preventing discontinuance or obtaining reconnection; and
  - (2) The utility employee who is to disconnect service is also authorized to accept payment of amounts due for utility charges and thereby either avert disconnection or provide for reconnection.
- D. Discontinuance in special circumstances:
- (1) If a residential customer notifies the utility and establishes that:

- a. Discontinuance would be especially dangerous to the health of the customer, resident member of the customer's family or other permanent resident of the premises where service is rendered, and
- b. (i) Such customer is unable to pay for such service in accordance with the requirements of the utility's billing or (ii) is able to pay for such service only in installments;

The utility shall either allow payment in reasonable installments or postpone discontinuance of service for at least 21 days so that the customer can make arrangements for reasonable installment payments.

- (2) In determining whether discontinuance would be especially dangerous to health, consideration shall be given to the weather, and the customer's or other resident's medical condition, age, or disability.

E. Notice of discontinuance of service:

- (1) The utility will give the customer 10 days written notice before discontinuing service, unless the discontinuance is upon customer request, or involves a dangerous condition, a violation of utility rules or unauthorized interference diversion or use of service, Section IV.A(1), (2), (4), (8) or (9), in which case the utility may discontinue service immediately. However, if the utility has knowledge that persons other than the customer or members of the customer's family are residing at the premises where unauthorized interference, diversion, or use (meter bypass) is taking place, the utility shall give such persons a two (2) day written or twenty-four (24) hour oral notice prior to discontinuance.

- (2) Utilities which can prove that a customer has received service by using a false identity may disconnect the customer 48 hours after a personal or phone contact is made with the customer of record and the telephone number of the Commission's Consumer Protection Office is given to the customer, or ten (10) days after a disconnect notice is sent, whichever is quicker.
- (3) A notice separate from other utility bills, information or advertising shall be sent to the account name and address and in the case of residential occupancy, to the address where service is provided, if different. Service of notice by mail is complete upon mailing. A utility shall maintain an accurate record of the date of mailing and the effective dates of the notice. The notice shall be effective for one (1) month after initial date upon which and after which service can be disconnected.
- (4) The utility should notify, or attempt to notify, customers by phone at least two (2) days before they are to be disconnected.
- (5) If the records of the utility show that the service account which it proposes to discontinue serves more than one residential dwelling unit, the utility shall also post a notice of discontinuance in a common area of the residential building served. Such notice shall be posted at least five (5) days prior to the discontinuance date specified therein.

F. The notice(s) required by Section IV.E. shall contain the following information:

- (1) The name and address of the customer and the address, if different, where service is rendered;
- (2) A clear and concise statement of the reason for the proposed discontinuance

of service and the cost and conditions for reconnection;

- (3) The dates between which service can be discontinued unless the customer takes appropriate action;
- (4) Terms under which the customer may avoid discontinuance;
- (5) A statement that discontinuance may be postponed or avoided if a customer can demonstrate that special circumstances prevent complete payment and satisfactory credit arrangements are made with the utility for moneys not in dispute; and
- (6) A statement reasonably calculated to apprise the customer of the availability of an administrative procedure which may be utilized in the event of a bona fide dispute or under other circumstances, such as provided in IV.D. The address, telephone number and name of the utility office or personnel empowered to review disputed bills, rectify errors, and prevent disconnection, shall be clearly set forth. The notice shall state that the customer may meet with a designated employee of the utility and may present his or her reasons for disputing a bill or the utility's reasons for discontinuance, requesting credit arrangements or requesting a postponement of discontinuance. The telephone number of the Commission's Consumer Protection Office should follow this statement.

G. The employee of the utility who is to disconnect service shall:

- (1) Immediately preceding the discontinuance of service, make a reasonable effort to:

- a. Contact and identify himself or herself to the customer or responsible person then upon the premises and shall announce the purpose of his or her presence;
  - b. Identify and record the name of the person contacted;
  - c. Accept payment of all amounts tendered to him which are necessary to avert disconnection;
  - d. Record statements disputing the accuracy of the delinquent bill;
  - e. Record statements disputing the accuracy of the utility's findings concerning the cause for discontinuance; and
  - f. Record statements concerning the medical condition of any permanent resident of the premises.
- (2) If contact with the customer is not made, the employee shall leave a notice upon the premises in a manner conspicuous to the customer disclosing the date and time of discontinuance and giving the address and telephone number of the utility where the customer may arrange to have service restored.

H. Restoration of service:

- (1) Upon the customer's request, a utility shall restore service promptly when the cause of discontinuance of service has been eliminated, applicable restoration charges paid and, if required, satisfactory credit arrangements have been made.
- (2) At all times, every effort shall be made to restore service on the restoration day requested, and in any event, restoration shall be made no later than the next business day following the day requested by the customer.

- (3) The utility may charge a reasonable fee for the restoration of service as provided in Section II.F.

I. Review of disputes:

- (1) When a customer advises the utility prior to the date of the proposed discontinuance of service that all or any part of any billing as rendered is in dispute or that the utility's reasons for discontinuance are factually invalid, the utility shall:
  - a. Immediately record the date, time and place the complaint is made;
  - b. Postpone discontinuance until a full investigation is completed and the dispute found to be invalid;
  - c. Investigate the dispute promptly and completely; and
  - d. Attempt to resolve the dispute informally in a manner mutually satisfactory to both parties.
- (2) A customer may advise a utility that a bill is in dispute in any reasonable manner such as by written notice, in person or by a telephone call directed to the appropriate personnel of the utility.
- (3) A utility, in attempting to resolve the dispute in a mutually satisfactory manner, may employ telephone communication, personal meetings, formal or informal hearings, on-site visits or any other technique reasonably conducive to settlement of the dispute.
- (4) In the event that a dispute is not resolved to the satisfaction of the customer, after full investigation, and the utility intends to proceed with discontinuance, the utility shall advise the customer of formal and informal procedures

available before the Commission. The utility may then discontinue service if proper notice has been given.

#### SECTION V. COLD WEATHER RULE

A. Availability:

The provisions of the Cold Weather Rule (CWR) allow for special payment and disconnection procedures for any Kansas residential customer with unpaid arrearages to retain or restore utility service throughout the cold weather period, which extends from November 1 through March 31.

B. Prohibitions on disconnections:

A utility shall not disconnect a customer's service between November 1 and March 31 when the local National Weather Service forecasts that the temperature will drop below 35 degrees or will be in the mid 30s or colder within the following 48 hour period unless:

- (1) It is at the customer's request;
- (2) The service is abandoned;
- (3) A dangerous condition exists on the customer's premises;
- (4) The customer violates any rule of the utility which adversely affects the safety of the customer or other persons, or the physical integrity of the utility's delivery system;
- (5) The customer causes or permits unauthorized interference with, or diversion or use of utility service (meter bypass) situated or delivered on or about the customer's premises;
- (6) The customer misrepresents his or her identity for the purpose of obtaining or

retaining utility service; or

- (7) The customer makes an insufficient funds payment as the initial payment or an installment payment under a Cold Weather Rule payment plan and does not cure the insufficient payment during the 10-day period after a disconnection notice is sent to the customer.

Under (1), (2), (3) and (4), the utility may disconnect the service immediately. Under (5) or (6), the utility may disconnect the customer 48 hours after a disconnection notice is left on the customer's door or personal or telephone contact is made with the customer of record and the telephone number of the Commission's Consumer Protection Office is given to the customer, or 10 days after a disconnection notice is sent, whichever is quicker. Under (7), the utility may disconnect the customer 10 days after a disconnection notice is sent if the customer has not cured the insufficient payment during that 10-day period.

Services disconnected under (3) or (4) above must be restored as soon as possible after the physical problems defined in (3) or (4) have been corrected. Service disconnected under (5) must be restored as soon as possible after payment by the customer of the full value of the diverted service. The value of the diverted service shall be estimated based on the historic use of the customer or the residence.

C. Responsibilities of customers:

In order to keep from having service disconnected when the temperature is 35 degrees or above, or to have service reconnected regardless of temperature, a customer must comply with the following provisions. To qualify for the benefits of the Cold Weather Rule, the customer shall:

- (1) Inform the utility of the customer's inability to pay the bill in full;
- (2) Provide sufficient information to allow the utility to make a payment agreement;
- (3) Make an initial payment of 1/12 of the arrearage amount, 1/12 of the bill for current consumption, the full amount of any disconnection or reconnection fees, plus any applicable deposit, and enter into an 11-month plan for payment of the rest of the arrearage; or enter a payment plan as negotiated with the utility for the payment of the arrearage amount; and
- (4) Apply for federal, state, local or other assistance funds for which the customer is eligible.

D. Responsibilities of utilities:

Each utility shall comply with the following requirements:

- (1) Once a year, at least 30 days prior to the Cold Weather Rule period, mail a written notice of the Cold Weather Rule to each residential customer who is currently receiving service, and to each residential customer who has been disconnected during or after the most recent cold weather period and who remains without service. Each utility shall file a copy of the notice with the Commission.
- (2) Send one written notice mailed first-class at least 10 days prior to termination of service. A customer may not be disconnected until a 48-hour forecast above the activating temperature is predicted by the National Weather Service. During the first 24 hours, which will be the day prior to disconnection, the utility shall make at least one telephone call attempt with the customer of

record and make one attempt at a personal contact with the customer of record on the day prior to termination of service if telephone contact on that day was not made. The telephone call attempt(s) and personal contact the day prior to disconnection is in addition to the already existing notice requirements contained in the Commission's standards under Section IV. If the customer is not contacted during the phone call(s) or the personal contact the day prior to termination of service, the utility employee shall leave a disconnect message on the door on the day prior to disconnect. There will be no charge for this service. On the day of disconnection, the utility must receive a 24-hour forecast above the activating temperature from the National Weather Service. If the temperature is then forecast to be below the activating temperature, the disconnection may not be carried out and the utility must wait for another 48-hour forecast above the activating temperature and follow the same procedures prior to disconnection.

In the telephone contact(s), the 10-day written notice, the personal contact and the disconnect message on the door, in addition to the existing requirements in Section IV, utilities shall also inform the customer of the existence of the Cold Weather Rule, that the customer can avoid disconnection by complying with Section V.C., and the telephone number of the Commission's Consumer Protection Office.

- (3) Inform the customer of, or provide a list of the requirements of Section V.C.
- (4) Inform the customer of, or provide a list of organizations where funds are available to assist with payment of utility bills.

- (5) Inform the customer of, or provide a list of all other pay arrangements for which the customer might qualify. Prior to discussing any plan for Cold Weather Rule payments over a period of fewer than 12 months, the utility must inform the customer of the customer's right to have a level payment plan for current and future consumption and to have the arrearage amount paid through an initial payment and equal installment payments over the next 11 months.
- (6) Adopt and inform customers about a third-party notification plan.

E. Other provisions:

- (1) Security deposits:

Deposits made in conjunction with the Cold Weather Rule may be amortized over the period of the payment plan, except that no security deposit may be amortized over fewer months than what is permitted by Section III.D. of the Billing Standards.

- (2) Weatherization programs:

The Commission recommends that the utilities inform their customers of the long-term advantages of weatherization programs.

- (3) Default:

The issuance of an insufficient funds payment for the initial payment or for any installment of the payment plan, unless subsequently cured by the customer, shall constitute a default of the Cold Weather Rule payment plan. A customer who defaults on a Cold Weather Rule payment plan is not eligible for the arrearage average payment plan under Section II.E unless the

arrearages from the prior Cold Weather Rule plan are paid. A customer who defaults on a Cold Weather Rule payment plan is eligible to enter into a new Cold Weather Rule payment plan upon making an initial payment as set forth in Section V.C.(3), paying any disconnect and reconnect charges, and complying with the customer responsibility provisions of Section V.C. A payment plan of any length that is negotiated by the customer and the utility after the customer has been informed of the payment plans required to be offered under the Cold Weather Rule is considered to be a Cold Weather Rule payment plan. However, a customer with a payment plan of fewer than 11 months shall not be considered to be in default of the payment plan if the actual payments that have been made are equal or greater than the amount that would have been required under an 11-month payment plan for arrearages.

(4) Renegotiation of Cold Weather Rule agreement:

The customer should be encouraged to renegotiate Cold Weather Rule payments if the customer receives utility or other lump sum assistance.

(5) Alternative Cold Weather Rule plans:

A utility may file a Cold Weather Rule plan with terms as favorable or more favorable to the customer than the terms outlined above.

#### SECTION VI. WAIVER OF REQUIREMENTS

The requirements contained in these standards may be waived in individual cases by the Commission upon written request by the utility and a showing that compliance with the requirement would not serve the interests of either the utility or the customer.