ARKANSAS
PUBLIC SERVICE COMMISSION

GENERAL SERVICE RULES

Last Revised 3-26-12

GENERAL SERVICE RULES
ADMINISTRATIVE HISTORY

Docket	Date	Order No.	Subject Matter of Docket/Order
107	11-24-36	--	Adoption of Rules & Regulations Governing Utility Service, and Special Rules Gas, Water, Electricity and Telephone.
107	06-30-38	--	Odorization of natural gas.
U-1104	03-08-56	--	General revision of the Rules.
U-1104	11-18-68	--	Amended Rule 12.
U-2395	01-22-73	--	Special Rules - Telephone Companies amended and separated from the Rules.
U-2888	11-08-78	--	Amended Rules 6, 7, 8, 9 and 10.
F-001	04-21-81	14	Amended Rules 6 & 8. (See also Orders No. 5, 6, 10, 11, 13 of this Docket.)
F-004	11-14-80	2	Amended Rule 6.
F-005	06-04-80	7	Amended Rule 10D.
81-221-U	12-15-81	4	Amended Rule 10B.
82-290-R	06-15-83	3	General rule revision. Rules renamed General Service Rules. Special Rules Gas, Water and Electricity separated from these Rules. Adopted revisions proposed by Order No. 1, with modifications.
82-290-R	01-31-84	8	General rule revision. Reaffirmed revisions adopted by Order No. 3, with modifications.
82-290-R	05-01-84	9	Revised Rule 10E. Republished by Order No. 10.

GENERAL SERVICE RULES

ADMINISTRATIVE HISTORY

Docket	Date	Order No.	Subject Matter of Docket/Order
84-212-R	02-21-85	4	Revised Rules 9, 12. Republished by Order No. 5.
85-054-R	07-22-85	4	Revised Rules 5,6,8,10,12. Republished By Order No. 6.
92-248-R	06-16-94	7	General rule revision.
94-201-R	01-25-96	6	Eliminates Class K Carrier Definition and amends Rule 1.01.
97-040-R	07-24-97	8	Establishes separate Telecommun-cations Providers Rules
01-156-R	10-08-01	6	Revised definitions and Rules 2.05 and 7.06 to include rules For utility call centers.
05-121-R	11-21-05	3	Revised Rule 6.15 to provide New requirements for residential Utility customer cold weather Disconnection.
11-174-R	3-26-12	3	Substituted appropriate language to refer to individuals with disabilities in compliance with Act 98 of 2011.

GENERAL SERVICE RULES

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DEFINITIONS

Answered

Answered means that an employee or automated system is ready to provide assistance and accept the information necessary to process the call and is not simply an acknowledgment of the customer.

Applicant

Any person or entity requesting utility service, except as excluded by the Exception in the Commission's General Service Rules, Section 3.01.B.

Automated System

A menu driven, automated, interactive, answering system which includes the option of transferring to an employee.

Business Office

A utility office where an individual may arrange for service connection, make or arrange to make payments on his bill, and ask questions regarding service or the status of his account.

Busy-out Rate

The number of calls to a call center that received a busy signal divided by the number of calls that were attempted.

Call Center

A centralized operation staffed and dedicated to responding to telephone calls from retail customers regarding service, billing, outages, and other issues concerning regulated utility service.

Calls Attempted

Calls received plus the total number of busy calls.

Calls Busy

Calls attempted by customers to the utility's call center that receive a busy signal.

Calls Received

Calls that have entered the customer premise equipment or telephone system of a utility call center.

Character of Service

The distinguishing features that identify the type of service provided to the customer, for example, three-phase service or call waiting service.

Class of Service

A customer group which has similar characteristics such as volume of use, time of use, extent of use and nature and purpose of use, as classified by the utility and approved by the Commission for ratemaking purposes. For example, the commercial or residential class of service.

Closed or "Finaled" Account

A permanent shut-off of service by a utility to a customer account.

Commission

The Arkansas Public Service Commission.

Complaint

Any objection from an applicant or customer concerning a charge, facility, rule, service, or other Commission-regulated activity that requires:

(1) an investigation or an account review; and

(2) corrective action by a utility.

EXCEPTIONS:

Trouble reports, as defined in the Commission's Special Rules, shall not be considered complaints under this definition.

Customer

Any person or entity who has applied for and agreed to pay for utility service.

Deposit

An amount paid to a utility by an applicant or customer to guarantee payment for utility service.

Display

To have an item conspicuously available for public inspection in the public reception area of each utility business office.

Elderly Person

A residential customer who is at least 65 years old.

Estimated Bill

Any bill which does not reflect an actual meter reading for gas, water, or electric service. Any actual meter reading for electric, gas, or water service which is changed by a utility before billing shall also be considered an estimated bill.

Extended Due Date

Regular monthly extension or change of a bill's due date by a utility.

Failure to Pay

Failure to pay includes payment by check, other negotiable instrument, or automatic draft that is dishonored by a bank for reasons other than bank error.

Individual with Disabilities

Any residential customer who is certified to the utility as having a severe physical or mental impairment which substantially limits his ability to pay for utility service. Certification shall be provided by a physician, licensed psychologist, the United States Veterans Administration, the Social Security Administration, the Arkansas Department of Human Services, the Arkansas State Hospital, or a licensed mental health center.

Insufficient Funds Check

Any negotiable instrument such as a check or automatic bank draft dishonored by a bank for reasons other than bank error.

Interest

Interest rate set annually by the Commission for customer deposits as required by Ark. Code Ann. § 23-4-206(b).

Interruption of Service

Temporarily stopping service for maintenance, testing, repair, or safety.

Kind of Service

Either electric, natural gas, water, or sewer service.

Landlord

The owner, agent, manager, or lessor of premises who receives lease, rent, or other payments which include amounts for utility service.

Outage

An unplanned temporary loss of utility service caused by a malfunction of or damage to utility facilities.

Payment Agent

A business located in the community which acts as an agent for the utility by accepting utility payments from customers.

Payment Date

The date the utility or its authorized agent receives payment on an account.

Physician

Any person licensed to practice medicine by the Arkansas State Medical Board or a comparable licensing authority of another state.

Public Utility or Utility

A jurisdictional utility as defined by Ark. Code Ann. §23-1-101.

Rider

A tariff which includes an addition or amendment applicable to one or more rate schedules.

Rules or Commission Rules

These General Service Rules.

Serious Medical Condition

An illness or injury which results in a physician's determination that the loss of utility service would give rise to a substantial risk of death or gravely impair health. A serious medical condition shall exist in the case of elderly persons or infant children under the age of 12 months if a physician certifies that the loss of utility service will gravely impair health, regardless of the current existence of illness or injury.

Special Rules or Commission's Special Rules

Special Rules-Electric, Special Rules-Water, or Special Rules-Gas.

Suspension of Service

A temporary shut-off of service by a utility without a customer request -- not an outage or an interruption of service.

Tariff

A rate schedule, service regulation, or other document required to be filed as a tariff by the Commission's Rules of Practice and Procedure and approved by the Commission or by operation of law.

Utility Service

Service provided by a public utility and subject to regulation by the Commission.

SECTION 1. APPLICABILITY AND SCOPE

Rule 1.01. Applicability

These Rules shall apply to all whose activities bring them under the jurisdiction of the Commission except for telecommunications providers.

Rule 1.02. Purpose and Scope

A. These Rules set forth standards for service by each utility. These Rules are intended to ensure adequate service, prevent discrimination and unfair practices, and protect both the consumers and utilities from unreasonable demands.

B. Any general utility service regulation, policy, procedure, rule, or service application, except those approved in special contracts by this Commission, that conflicts with these Rules is void and unlawful, unless the utility files a formal application for an exemption and the Commission approves it. These Rules are not intended to, and do not, affect or replace any Commission-approved general service regulation, policy, procedure, rule, or service application of any utility which addresses items other than those covered in these Rules.

C. Unless the context otherwise requires, wherever the masculine gender is used in these Rules, it shall include the feminine gender.

D. Unless the context otherwise requires, wherever the singular form of a word is used in these Rules, it shall include the plural form, and wherever the plural form is used, it shall include the singular.

Rule 1.03. Exemption from Rules

Amendments or exemptions to the Commission's Rules may be granted by the Commission in conformity with the Commission's Rules of Practice and Procedure, or as otherwise provided within these Rules.

Rule 1.04. Duties Under the Law

These Rules shall in no way relieve any person or entity of any duty under the laws of the State of Arkansas or the United States of America.

Rule 1.05. Discrimination Prohibited

A utility shall not unlawfully discriminate against an applicant for service or an existing customer in the provision of utility service based on race, color, creed, religion, national origin, sex, marital status, or receipt of public assistance.

Rule 1.06. Retaliation Prohibited

A utility shall not retaliate against any applicant or customer for exercising a right or enforcing an obligation created by any Commission Rule or for acting within the law.

Rule 1.07. Availability of Rules

A. Utilities

(1) To Employees

Utility employees who are responsible for the application and explanation of any of these Rules shall have ready access to those Rules which apply to their respective job responsibilities. Ready access to the Rules means that they are easily accessible to a utility employee in his work area at the utility's offices.

(2) To Members of the Public

a. Notice to Public

Each utility business office shall post an 8 and ½ inch by 11 inch notice stating that these Rules are available for public use. The notice shall be in the following form and will be provided through the Commission's Consumer Services Office:

NOTICE TO CUSTOMERS
The Arkansas Public Service Commission governs many areas of customer service

for this utility. The Commission's Rules contain important information about rights and responsibilities for applicants and customers. Copies of the Commission's Rules and Commission-approved company tariffs and service regulations are on display in this office and are available for public inspection. A copy of any pertinent part of these Rules, tariffs, or service regulations is available to applicants and customers upon request.

b. Availability of Rules

These Rules and any approved additions, revisions, or exemptions to these Rules shall be on display in each utility business office and be available for inspection. Each utility shall provide a copy of any pertinent part of these Rules to an applicant or customer upon request.

B. Arkansas Public Service Commission

These Rules shall be on display and available for inspection in the Office of the Secretary of the Commission. A copy of the Rules will be provided to any member of the public upon request.

SECTION 2. CUSTOMER RELATIONS

Rule 2.01. Information on Utility Service

A. Printing Requirements

(1) Each utility shall provide the information required in Rule 2.01.B. in the form of one or more brochures.

(2) The information required in Rule 2.01.B. shall be in plain language and printed in a format that is easy to read and understand. The information shall also state in bold print that the Arkansas Public Service Commission requires utilities to provide this information.

B. Information Requirements

Each utility shall provide the following information based on the class of service:

(1) A list and description of all rates for basic service, riders, discounts, options, and other information which would affect the choice of service within the service class;

(2) A list and description of all approved fees and charges;

(3) All billing plans and options available to the customer, such as levelized billing, extended due date policy, and sales tax exemptions;

(4) A summary of rules and procedures for the payment, refund, and guarantee of deposits;

(5) A summary of billing and estimated billing rules and procedures;

(6) An itemized bill description, if not shown on the bill;

(7) Procedures for verifying the accuracy of a bill;

(8) A description of any automatic adjustment charge;

(9) When service is billed by meter, instructions on how to read meters;

(10) A summary of the rules and procedures for paying bills to include payments made to authorized payment agents;

(11) A summary of the delayed payment agreement rules and procedures -- information on delayed payment agreements shall say that a customer who is having difficulty paying a utility bill may, if qualified, make payments in installments;

(12) A summary of the rules and procedures for suspension, reconnection, and termination of service;

(13) The options available to customers to avoid shut-off of service when a customer is away for an extended period;

(14) A summary of the rules and procedures for giving someone else notice before shutting off a customer's service (Third-Party Notification procedures);

(15) A summary of the rules and procedures for helping households avoid shut-off when there is a serious medical condition, elderly customer, or a customer who is an individual with disabilities;

(16) A summary of the shut-off rules and procedures for landlords and tenants;

(17) The utility's local and/or toll-free telephone numbers, the address of the utility business offices for that area, and a statement that the customer may contact the utility for a list of authorized payment agents in the customer's area;

(18) Procedures for making a complaint to the utility and the Commission;

(19) Toll-free and local telephone numbers of the Commission and the mailing and street address of the Commission; and,

(20) A statement that these Rules are on display and available through each utility business office.

C. **Distribution Requirements**

(1) **To Applicants**

Each utility shall give all information required by Rule 2.01. to each applicant.

(2) **Business Office Displays**

Each utility shall prominently display all information required under Rule 2.01. in all business offices open to the public.

(3) **On Request**

Each utility shall provide the information required under Rule 2.01. to anyone upon request.

(4) **To Commission**

A current copy of all information required by Rule 2.01. and any revisions to that information shall be provided to the Commission's Consumer Services Office.

D. **Utility Tariffs**

Each utility business office shall keep on file and, upon request, provide access to its current Commission-approved tariffs. Suitable and conspicuous signs shall be posted at each location informing the public that copies of the utility's Commission-approved rates and service regulations are available for inspection. See Rule 1.07.A.(2). (Ark. Code Ann. § 23-4-106.)

Rule 2.02. Directory Listing for Utility Billing and Services

Each utility shall list, in the directory of each telecommunications provider which provides basic local service in any area it serves, the telephone numbers that customers may call toll-free to report problems or ask about bills or services. A collect call from a customer accepted by the utility is considered to be a toll-free call.

Rule 2.03. Customer Notice of Rule and Service Changes

A. The General Staff of the Commission will provide each utility with an annual summary of Commission-approved changes to the General Service Rules. Each utility shall advise its customers at least annually of the changes to those Rules. The General Staff's summary will not be legally binding.

B. If a utility intends to change the character or type of service in a way that would substantially affect the provision of the service or the operation of any device, appliance, or equipment, it shall notify all affected customers by mail, bill insert, or other reasonable medium at least 30 days before the change.

Rule 2.04. Service, Usage, and Billing History Information

Customers or former customers shall be able to obtain the following information through their local utilities' business offices upon request:

A. A statement of the customer's account record as recorded under Rule 7.02. The customer shall be informed at the time of the request of any Commission-approved charge for the statement.

B. For electric and gas utilities, a clear and concise statement of actual energy consumption by the customer for each billing period during the prior 13 months. Where applicable, actual consumption shall be characterized as on-peak and off-peak consumption. Load data or information kept or recorded by the utility shall be provided to the customer upon request. The customer shall be informed at the time of the request of any Commission-approved charge for the statement or the load data.

C. Such information and assistance as is reasonable in order that the customer may secure safe and efficient service and may secure appliances properly adjusted to the service furnished.

Rule 2.05. Customer Service

A. Service Requirements

Utility personnel who serve the public shall be familiar with the content of all Commission Rules which apply to their respective job responsibilities. Utility personnel shall serve the public promptly and courteously.

B. Customer Access to Business Office Personnel

(1) Each utility shall have personnel available at all times during business hours with the authority to make delayed payment agreements and handle customer questions and complaints.

(2) All customers shall have toll-free telephone access to the appropriate business office. A collect call from a customer accepted by the utility is considered to be a toll-free call.

C. Payment Arrangements - Customer Information and Referral

When a customer informs a utility that he will have difficulty paying a bill, the utility shall offer to:

(1) Inform the customer of his rights and obligations under Rule 6.13. covering delayed payment agreements; and,

(2) Refer the customer to personnel with the authority to make payment arrangements for the utility as required under Rule 6.13.

D. Call Center Operations - Utility Response Requirements

These Rules shall apply to each call center that handles calls from Arkansas customers.

(1) All utility call center response requirements as set out in these Rules shall be measured monthly on the basis of a twelve-month rolling average ending with the most recent month. The twelve-month rolling average shall be calculated using actual performance data rather than as an average of each month's performance.

a. During normal call center business hours, eighty percent of all calls received shall be answered within 30 seconds.

b. During normal call center business hours, the average speed to answer time for all received calls that are answered shall not exceed 30 seconds.

c. During normal call center business hours, a customer using an automated system shall at any time have the option to speak to an employee. Eighty percent of all such calls shall be answered by an employee within 30 seconds of the customer's election.

d. During normal call center business hours, the busy-out rate shall not exceed 5%.

(2) Within 25 seconds of each call being received, automated systems shall allow customers to indicate that they are reporting a condition that is a clear threat to public safety. Each utility shall determine monthly whether it is meeting this standard.

(3) Each call determined by the utility to be a clear threat to public safety shall be given the highest priority and answered by the next available employee. Each utility shall determine monthly whether it is meeting this standard.

(4) In determining compliance with this Rule, reasonable considerations shall be given to any extraordinary circumstances that may have existed during the measurement period.

Rule 2.06. Complaints to the Utility

A utility shall fully and promptly investigate all complaints. Utilities shall ensure that personnel follow these procedures and meet these standards:

A. Personnel

Utility employees responsible for dealing with the public shall promptly handle complaints or refer them to someone who can handle the complaint. When practical, employees

whose primary duties involve collections shall not investigate billing complaints.

B. Complaint Records

Utilities shall record all complaints and keep the record as required by Rule 7.04.

C. Form of Complaint

A customer shall not be required to visit the business office to make a complaint. A customer may make a complaint either orally or in written form.

D. Effect of Complaint on Suspension

(1) When a customer disputes a utility's reason for shutting off service, the utility shall not suspend service while the utility or the Commission processes the complaint. If the utility's reason for shutting off service is Rule 6.01.A., D., E., F., H., O., or Q., the customer may be required to post a deposit with the utility equal to the disputed amount while the utility or the Commission processes a complaint. The customer must pay any undisputed amounts by the date printed on the most recent shut-off notice to avoid suspension of service. If the utility is in error, the deposit will be promptly refunded with interest.

(2) The utility may waive the deposit allowed by this Rule.

(3) Nothing contained in Rule 2.06.D.(1) shall prevent a customer who fails to post a deposit under this Rule from complaining to the Commission, but such action shall not affect the utility's right to suspend service.

(4) The utility may suspend service for some other valid reason set out in Rule 6.01. while the utility or the Commission processes the complaint.

E. Report

(1) A utility shall report, either by telephone, mail, or in person, the results of its investigation to a complainant within 3 business days of its completion.

(2) If the utility does not resolve the complaint, the utility shall:

a. advise the complainant of his right to complain to the Commission without incurring a filing charge;

b. include the mailing and street address and telephone numbers (local and toll-free) of the Commission's Consumer Services Office; and,

c. advise the complainant that he may still ask the Commission to review the complaint after suspension.

Rule 2.07. Complaints to the Commission

A. Informal Complaints

(1) Information Required

Complaints may be in written or oral form. Complainants shall give a name, address, name of the utility involved, account number if known, detailed description of the complaint, and the desired result.

(2) Notice to Customer and Utility

Within 3 business days after receiving an informal complaint, the Commission shall:

a. explain complaint procedures to the complainant by telephone or in writing; and,

b. provide the details of the complaint to the utility.

(3) Utility Contact for Complaints

Each utility shall give the Commission's Consumer Services Office a current list of personnel who answer Commission questions about complaints. A utility representative with the authority to process Commission questions about complaints must always be available during business hours.

Utilities shall immediately report any change in the contact personnel to the Commission's Consumer Services Office.

(4) Commission Requests for Information

a. Under Ark. Code Ann. § 23-2-309 the Commission may, at any time, require a utility to furnish any information which may be in its possession concerning rates, tolls, fares, charges, or practices used in conducting its service.

b. Requests may include, but are not limited to, copies of correspondence, internal memoranda, and reports to the customer; and, an itemized billing history which includes all billed amounts, applicable billing and due dates, information contained on shut-off notices, customer payments, suspensions, and reconnections.

(5) Utility Responses to Requests for Information

a. A utility shall respond to Commission requests for information concerning any complaints as quickly as possible but not later than 15 calendar days after receipt.

b. The utility shall respond directly to the Commission and shall not initiate contact or correspond with the complainant, unless first authorized by a representative of the Commission's Consumer Services Office.

(6) Effect Of Complaint on Suspension

a. When a customer disputes a utility's reason for shutting off service, the utility shall not suspend service while the utility or the Commission processes the complaint. If the utility's reason for shutting off service is Rule 6.01.A., D., E., F., H., O., or Q., the customer may be required to post a deposit with the utility equal to the disputed amount while the utility or the Commission processes a complaint. The customer must pay any undisputed amounts by the date printed on the most recent shut-off notice to avoid suspension of service. If the utility is in error, the deposit will be refunded with interest.

b. The utility may waive the deposit allowed by this Rule.

c. Nothing contained in Rule 2.07.A.(6)a. shall prevent a customer who fails to post a deposit under this Rule from filing a formal complaint with the Commission.

d. The utility may suspend service for some other valid reason set out in Rule 6.01. while the utility or the Commission processes the complaint.

(7) Commission Investigation and Report

The Commission shall investigate each informal complaint, issue an informal complaint investigation report to the complainant, and notify the utility of the results of the investigation. The Commission will provide the utility a copy of any written investigation report given to the complainant.

(8) Disputed Results

The utility or the complainant may file a formal complaint if not satisfied with the informal complaint results. The Commission shall provide information to the complainant which explains formal complaint procedures.

B. Formal Complaints

(1) Who May File

a. Any chamber of commerce or board of trade, mercantile, agricultural, or manufacturing association, any public utility, any municipality, any customer of a public utility, any person unlawfully treated by a public utility, or any public utility unlawfully treated by a customer, may complain to the Commission in writing.

b. Any consumer or prospective consumer of any utility service may complain to the Commission about the service, furnishing of service, or any discrimination in service or rates. (Ark. Code Ann. § 23-3-119.)

(2) Procedures

a. Complaints must first be made to the utility before they are made to the Commission.

b. The complaint shall be filed according to the Commission's Rules of Practice and Procedure. Sample copies of formal complaints and instructions are available from the Commission.

SECTION 3. APPLICATION FOR SERVICE

Rule 3.01. Application for Service

A. Application Methods

New service, additional service, transfer of service, or a change in service may be requested in writing, or, at the discretion of the utility, orally by telephone.

B. Record of Application

Each utility must keep a record of each written or verbal application for utility service as required by Rule 7.01. of these Rules.

EXCEPTION:

Gas and water utilities (which do not have an allocated territory) are not required to consider "requests for service when it is not feasible to provide the facilities" as applications for service. These requests for service shall be maintained in a file for 2 years but are not covered by other requirements of Rule 3.01.

C. Precedence of Service

Utilities shall not unreasonably discriminate in processing applications for service. Priority shall be given to applications involving medical emergency, and public health and safety.

D. Connection Deadlines

Utilities shall connect service within the time frames required by the applicable Commission Special Rules.

E. Information Provided at Time of Application

(1) Explanations and Assistance

a. A utility shall offer to inform applicants about all rates, payment plans, and equipment options available for the applicant's class of service.

b. A utility shall explain how often a customer's bill is mailed and when the bill is considered past due.

c. If a utility requires a cooperative membership fee, a security deposit or guaranty for the applicant to receive service, the utility shall explain requirements and payment options.

(2) **Expected Service Date**

When an applicant requests utility service, a utility shall provide an expected service date according to the service connection procedures in the applicable Commission Special Rules.

Rule 3.02. Application Form - Submission Requirements

A current copy of the form to be used for the application for service and any revisions to that form shall be provided to the Commission's Consumer Services Office.

Rule 3.03. Extension of Service

A. Requirements for Extension of Service

(1) Extension of facilities shall be made according to:

a. the requirements in the Commission's Special Rules;

b. the Extension of Service Agreement set out in Subsection B. of this Rule if the applicant is required to pay any cost; and,

c. the utility's approved extension of facilities tariff as required by the Commission's Rules of Practice and Procedure.

(2) The cost of the extension shall be based on the most economically feasible route from the utility's nearest point of connection to the applicant's point of delivery, consistent with sound engineering design for the utility system.

(3) If the utility sizes facilities in excess of the applicant's requirements for service, any cost to be

paid by the applicant shall be adjusted to reflect only the cost of his service requirements.

B. Extension of Service Agreement

If service will be provided, within 30 days of receipt of the application for service the utility shall provide the Extension of Service Agreement to the applicant and explain any payment options. If additional time is needed by the utility during this 30-day period, the utility will notify the applicant in writing of the reason for delay.

If a cost to the applicant will be required to extend service, the utility may require the applicant to sign an Extension of Service Agreement before construction begins.

The Extension of Service Agreement shall include the following:

(1) Name and address of the applicant;

(2) Date of application;

(3) Location and description of the service point;

(4) A summary of the engineering study, if any;

(5) A sketch of the construction route;

(6) Explanation of all costs in reasonable detail;

(7) Estimated starting date of construction;

(8) Estimated completion date of construction;

(9) Terms of payment; and,

(10) Customer reimbursement by utility, if applicable.

C. Sharing the Extension

Each utility shall make reasonable efforts to identify and notify residents and businesses in the general area of a proposed extension of service and give them an opportunity to participate in the extension. If a cost to the applicants will be required to extend service, the utility may require each applicant to sign an Extension of Service Agreement before construction begins.

Rule 3.04. Refusing Service

A. Reasons for Refusal

A utility may refuse service to an applicant only for the following reasons:

(1) A bill from the utility for the same kind of utility service remains unpaid in the applicant's name;

EXCEPTION:

A utility may not refuse utility service to an applicant because of unpaid bills for merchandise or non-utility services purchased, rented, or leased from or through the utility.

(2) Application for service following the relocation of the applicant and a former customer to new premises from premises where a bill remains unpaid for service which was provided to the former customer while the applicant was a full-time occupant;

(3) Application for service at premises where there is an unpaid utility bill and where:

a. the former customer who owed the bill remains at the premises;

b. a full-time occupant of the premises when the bill was incurred remains at the premises; or,

c. a full-time user of the service when the bill was incurred remains at the premises.

(4) The applicant is not in compliance with a Commission order, a delayed payment agreement, or an extension agreement with the utility entered with respect to service previously rendered by the utility to the applicant;

(5) The applicant has not paid the utility an approved fee, charge, or deposit as provided for in these Rules or the utility's approved tariffs;

(6) The applicant has not furnished adequate assurance of payment in the form of a deposit or other security for service within 20 days of an order for relief under the United States Bankruptcy Code, U.S.C.A. Title 11 § 366;

(7) There is evidence that the applicant is using service in an unauthorized manner or is tampering with the equipment furnished and owned by the utility;

(8) A misrepresentation to the utility by the applicant relevant to the conditions under which the applicant may obtain utility service;

(9) The applicant has not provided acceptable evidence of identity. Acceptable evidence includes the following:

a. driver's license or state ID card;
b. military ID;
c. ID from place of employment;
d. social security card;
e. current student ID;
f. passport;
g. birth certificate; and,
h. any other evidence which would establish identity;

If a utility reasonably believes that the evidence offered is unreliable, it may refuse to accept it and seek additional evidence from the applicant.

(10) The applicant is not in compliance with all state and/or municipal regulations governing the service applied for;

(11) The applicant is not in compliance with the utility's tariffs which have been approved by this Commission;

(12) The service applied for is of such character that it is likely to unfavorably affect the service to other customers;

(13) The connection of utility service to the applicant's equipment would create a hazard;

(14) The applicant is causing or threatening injury to a utility employee or an employee's family to retaliate for or prevent an act the utility performs in the course of business;

(15) The applicant is causing or threatening damage to utility property; or,

(16) An applicant for a party line had party-line service disconnected within the previous 12 months because of unreasonable, unlawful, or abusive use of that service.

B. **Notice to Applicant**

If a utility refuses to serve an applicant, it shall give an explanation in writing to the applicant within 7 business days. The explanation shall include the following:

(1) The reason for refusing service, including the applicable Commission Rule;

(2) The conditions, if any, under which service would be provided; and,

(3) The applicant's right to complain to the Commission, including the local and toll-free telephone numbers and mailing and street address of the Commission.

Rule 3.05. Disputed Charge: Providing Service

A. When a utility refuses to serve an applicant for not paying a previous bill and the applicant disputes the amount due, the applicant may complain to the Commission.

B. A utility may require a deposit of the disputed amount before serving the applicant. However, a utility may waive this deposit.

C. Once a deposit of the disputed amount is either posted or waived, the utility shall serve the applicant, pending final disposition of the dispute.

D. When the complaint is resolved, the utility shall promptly refund any part of the deposit found to be due the applicant with interest from the date of the deposit.

SECTION 4. DEPOSITS

Rule 4.01. Deposits from Applicants

A. Conditions

A utility may require a deposit from any applicant to guarantee payment for service, subject to the conditions in Subsections A.(1) and (2).

(1) A utility may not require a deposit or other guaranty based upon income, residential location, race, color, home ownership, creed, sex, marital status, age, or national origin.

(2) A utility shall not demand a deposit as a condition of service from an applicant for residential service unless one or more of the following criteria applies:

a. the applicant cannot provide proof of a satisfactory payment history with the same kind of utility for the previous 12 months.

b. the applicant has a past due, unpaid account for previous utility service with the utility which is not in dispute.

c. the applicant did not pay bills from the utility by the close of business on the due date 2 times in a row or any 3 times in the last 12 months.

d. the applicant gave the utility 2 or more checks in payment for previous utility service within the most recent 12 month period of service which were returned unpaid for reasons other than bank error.

e. the applicant's service from the utility has been suspended during the last 24 months for one or more of the following reasons:

(i) nonpayment of any undisputed past due bill(s); or,
(ii) misrepresentation of the applicant's identity for the purpose of obtaining utility service; or,

(iii) failure to reimburse the utility for damages due to negligent or intentional acts of the customer; or,

(iv) obtaining, diverting, or using service without the authorization or knowledge of the utility.

f. information provided by the applicant upon application for service or within the previous 2 year period is materially false or materially misrepresentative of the applicant's true status, and the misrepresentation is relevant to the conditions under which the applicant may obtain utility service.

B. Amounts

Utilities shall determine the amount of a deposit as follows:

(1) The deposit shall not be more than 2 average bills as defined in Rule 4.03. if payment for utility service is due after service begins;

EXCEPTION:

A utility may receive from a landlord a deposit which shall not exceed the estimated bill for 3 average billing periods.

(2) The deposit shall not be more than 1 average bill as defined in Rule 4.03. if payment for utility service is due before service begins;

(3) If a utility discovers that an applicant has used the utility's service without authorization or tampered with the utility's equipment, it may charge that applicant a total deposit of not more than 6 average bills, plus the potential damage to utility equipment. The utility may not charge this deposit if the customer has received more than 2 years cumulative service since the utility discovered the unauthorized use or tampering;

(4) If the utility has proof of a misrepresentation to the utility by the applicant relevant to the conditions under which the applicant obtained utility service, it may charge that applicant a total deposit of not more than twice the maximum

bill. The utility may not charge this deposit if the customer has received more than 2 years cumulative service since the utility discovered the misrepresentation.

(5) In accordance with the United States Bankruptcy Code, U.S.C.A. Title 11 § 366, the utility may require an applicant to furnish adequate assurance of payment in the form of a deposit or other security.

(6) If the applicant has previously left the utility's service owing a bill and that bill is unpaid at the time of application, the utility may require a deposit equal to twice the maximum billing.

C. Payment Procedures

Except for deposits under Rule 4.01.B.(3), applicants shall be allowed to pay the deposit in 2 installments - ½ of the deposit before receiving service and the remaining ½ with the first bill.

D. Receipts

Utilities shall give customers receipts for their deposits upon customer request.

Rule 4.02. Deposits from Customers

A. Conditions

A utility may only require a new deposit or an increase in the amount of a deposit from a customer for the following reasons:

(1) The customer failed to pay a bill before the close of business on the shut-off date within the last 12 months;

(2) The customer gave the utility 2 or more checks which were returned unpaid for reasons other than bank error in the last 12 months;

(3) The customer did not pay bills by the close of business on the due date 2 times in a row or any 3 times in the last 12 months;

(4) During the last 24 months, the customer misrepre-

sented his identity or other facts relevant to the conditions under which the customer obtained or continued utility service;

(5) The customer used service without authorization, tampered with utility equipment, or inflicted damage to utility equipment during the last 2 years;

(6) The customer used more service than the estimate on which the utility based the deposit. The utility may not charge any additional deposit under Subsection A.(6) after the first 12 months of service unless the customer moves the service to a new location or expands the business or scope of operation at the original location;

(7) In accordance with the United States Bankruptcy Code, U.S.C.A. Title 11 § 366, the utility may require a customer to furnish adequate assurance of payment in the form of a deposit or other security. This deposit may be in addition to all other deposits posted with the utility before the bankruptcy filing.

B. Amounts

When a utility charges a new or additional deposit, the total amount on deposit at any time shall not be more than the total of the customer's 2 highest bills during the last 12 months.

EXCEPTIONS:

(1) Deposit for Fraud or Tampering

If the reason for requiring a deposit is unauthorized use of service or tampering with utility equipment, the total amount on deposit with the utility shall not be more than the estimated bill for 6 average billing periods plus the cost of potential damage to utility equipment.

(2) Bankruptcy

See Rule 4.02.A.(7) above.

C. Written Notice

A utility shall explain in writing the reason for charging any new or additional deposit, the amount of the deposit, when the deposit must be paid, and the consequences of failing to pay the additional deposit.

D. Payment Procedures

Except for deposits under Rule 4.02.A.(5), a customer may pay ½ of any new or additional deposit in equal installments with the next 2 bills.

E. Receipts

Utilities shall give customers receipts for their deposits upon customer request.

Rule 4.03. Calculation of Average Bill

A. All Utilities

(1) Seasonal Customers

The average bill is the total of the monthly bills during the "season" as defined in the utility's tariff -- for example, irrigation season or ginning season -- divided by the number of months of usage during the season.

(2) Non-Seasonal Customers

The average bill is the total of the last 12 months' bills divided by 12.

B. For Inadequate Billing History

If a customer or an applicant for service has fewer than the required number of months' billing history with the utility, the average bill shall not be more than the average monthly usage for that class and character of service.

Rule 4.04. Guaranty in Place of a Deposit

A. Requirements

(1) Residential Customers

Instead of a deposit, a utility shall accept the written guaranty of a qualified third party to pay an amount equal to the deposit. If a third party is a residential customer of the utility and meets the following conditions, he is qualified to act as a guarantor on one residential account:

a. the customer presently has no deposit on file on his own account;

b. the customer has had service for at least 12 months;

c. the customer has not paid late more than two times in the last 12 months; and,

d. the customer has not had service suspended for failure to pay in the last 12 months.

(2) Non-residential Customers

Instead of a deposit, a utility may accept the written guaranty of another customer to pay an amount equal to the deposit.

(3) Residential and Non-residential Customers

The utility may allow a customer to guarantee more than one account.

B. Liability

(1) The liability of a guarantor shall be limited to the amount required for a deposit when the guaranty was made, or a revised amount allowed by Rule 4.02. and agreed to by the guarantor.

(2) The guaranty shall end when a deposit would be refunded as outlined in Rule 4.06. or when the guarantor's account is closed.

(3) The utility shall provide the guarantor a copy of the Guaranty Agreement Form which clearly states the

amount of the guarantor's liability and which has been signed by the guarantor and the utility. The guarantor's agreement shall be in the form set out in Subsection D. of this Rule.

C. **Collection**

A utility may collect the guaranteed amount on the guarantor's account as if it were a charge for service.

D. **Guaranty Agreement Form**

A guaranty agreement shall be in the following form and must be signed by the guarantor and the utility representative:

GUARANTY AGREEMENT

In consideration of _____ (utility) providing service to the below named person(s), I agree to be liable for an amount not to exceed $_____ in lieu of a deposit for the following person(s):

NAME: _____

ADDRESS: _____

ACCOUNT #: _____

I also understand that _____ (utility) may transfer up to the above amount to my active account if the above-named person does not pay all of the final bill after the account has been closed. I understand I will be responsible for the lesser of the deposit or the amount the above-named person actually owes _____ (utility). This guaranty will transfer to my account (at other locations) should I change my service address. The guaranty on a residential account shall expire under the same conditions as would result in the refund of a deposit. I understand that utilities are not required to refund deposits on business or commercial accounts until the account is closed. I understand that I cannot terminate this guaranty before that time unless my account is closed. The amount of the guaranty is limited to the amount required for a deposit when the guaranty is made.

Signed: _____ Signed: _____
Utility Representative Guarantor

Date: _____ Name: _____

Address: _____

Account #: _____

Date: _____

Witness: _____

Rule 4.05. Interest Payment on Deposits

A. A utility shall pay interest annually on deposits pursuant to Ark. Code Ann. § 23-4-206.

B. Interest shall not accrue on any deposit after the date the utility has made and documented a good faith effort to return the deposit to the depositor.

Rule 4.06. Refunding Deposits

A. If a residential customer has paid all bills by the due date for the last 12 months, a utility must promptly refund the deposit. Utilities are not required to refund deposits on business or commercial accounts until the account is closed. Refunds may be made through a credit on the next billing cycle.

EXCEPTIONS:

(1) **Fraud or Tampering**

If the reason for requiring a deposit is unauthorized use of service or tampering with utility equipment, a utility does not have to refund the deposit until an account is closed.

(2) **Bankruptcy**

If the deposit was subject to the jurisdiction of the United States Bankruptcy Courts, the utility shall comply with the United States Bankruptcy Code in refunding or retaining the deposit.

B. When an account is closed, a utility shall apply any deposit and accrued interest to the amount due the

utility. The utility shall promptly refund any balance due the depositor.

Rule 4.07. Deposits and Customer Name Changes

A utility may not require a residential customer to make or increase a deposit because of a name change, unless one or more of the conditions set out in Rule 4.02.A. applies.

Rule 4.08. Deposits and Changes in Service Locations

Except as provided in Rule 4.02.A., a utility shall not charge an additional deposit if a customer requests that his service end at one location and that the same kind and class of service from the same utility begin at another location and the change takes 90 days or less.

SECTION 5. BILLING

Rule 5.01. Information on Bill

Each bill shall contain the following information:

A. Name and account number;

B. For bills based on meter readings:

(1) The beginning and ending meter readings;

(2) The dates of the meter readings if read by the utility;

(3) The number of days in the billing period if the meter is read by the utility;

(4) The quantity of units consumed and billed using the same units of measurement as the approved tariff; and,

(5) The rate schedule designation;

C. For non-metered service, the beginning and ending dates of the billing period and the basic rate schedule designation;

D. The net amount of all payments and other credits made to the account during the billing period;

E. Any previous balance due;

F. The amount of any "late payment charge" and an explanation of when it will apply;

G. The date the bill was mailed;

H. The date the bill is due;

I. A list of all charges or credits, including:

(1) Deposit installments;

(2) Deposit refunds;

(3) Automatic adjustments;

(4) Customer or minimum charges;

(5) Taxes, listed by kind;

(6) Charges for other utility service;

(7) Charges for non-utility merchandise, service, or equipment;

J. If a utility estimates usage, this fact shall be clearly shown on the bill;

K. If a utility uses industry-specific abbreviations for terms that explain the billing, it shall identify them on the bill;

L. A statement that the customer may contact the utility about any problem with billing or service, or for a delayed payment agreement. The statement shall include an address and a telephone number where customers can call the utility without charge.

Rule 5.02. Bill Form - Submission Requirements

A current copy of the form to be used for billing and any revisions to that form shall be provided to the Commission's Consumer Services Office.

Rule 5.03. Billing Periods and Standards

A. (1) Utilities shall bill customers regularly.

(2) The billing period shall be no less than 25 days and no more than 35 days unless it is the first or final bill.

B. Utilities shall bill customers within 30 days after a meter reading.

C. If a utility changes a meter reading route or schedule which results in an alteration of a billing cycle of more than 5 days, it shall notify affected customers 30 days before the change in the billing cycle. A utility may notify affected customers by bill insert with the bill preceding the change.

D. If payment is initially made at a business office, billing records shall show the date payment is received. If payment is initially made to an authorized payment agent before the utility's close of business on the due date, billing records may show the date the payment was posted as long as the account record shows that the payment was not late.

E. If a utility discovers a billing error, it shall promptly notify customers who may be affected.

Rule 5.04. Mailing Date

Utilities shall not mail bills later than the mailing date printed on the bill.

Rule 5.05. Due Dates

A. If no late charge is imposed, the due date of a bill shall not be less than 14 calendar days after the date a bill is mailed.

B. If a utility imposes a late payment charge, the due date of the bill shall not be less than 22 calendar days after the date the bill is mailed.

Rule 5.06. Late Payment

A. Payment may be considered late if the utility or its authorized agent for payment gets the payment after the utility's close of business on the due date on the bill.

B. If the utility is not open on the due date, customers may pay by the utility's close of business on the next day the utility's business offices are open, without being late.

C. Payment shall be considered late if a check is postdated beyond the due date or returned unpaid for reasons other than bank error.

D. If a bank error causes a late payment, the utility shall correct its records to show that the customer paid the bill on time.

E. If a utility issues a late notice or suspension notice to any customer whose payment was received by the utility or its authorized payment agent by the utility's close of business on the due date, the record of the late notice or suspension notice shall be deleted from the customer's account record.

Rule 5.07. Late Payment Charges

A. A utility may calculate late payment charges only on an overdue portion of a bill for utility service.

B. A late payment charge may not exceed 10 percent of the first 30 dollars of the customer's bill and 2 percent of the remainder.

C. The amount of the late payment charge shall be set forth in the utility's tariffed schedule of fees and charges.

Rule 5.08. Estimated Usage for Billing

A utility may not estimate a customer's usage for more than 2 consecutive bills. If a utility estimates usage, it shall use the customer's consumption for the same time at that location the year before. A utility may apply a weather-sensitive factor to the consumption in arriving at the current month's estimated usage. If no figures are available for the current customer at that location for the previous year, a utility shall use the class average to estimate consumption.

EXCEPTION:

A utility may estimate bills for more than 2 months when the meter is inaccessible or the location is impractical for reading. However, after the second estimated reading, the utility must notify the customer in writing at the billing address on the customer's account record and explain that the meter is inaccessible or the location is impractical for reading. The written notice must also explain the action required of the customer to correct the situation.

Rule 5.09. Extended Due Date Policy

A. Utilities must offer an extended due date policy to customers qualifying under Subsection C. of this Rule.

This is intended to enable utilities to change a qualifying customer's utility bill payment due date to coincide with or follow the customer's receipt of that income. Customers who qualify under this policy and pay by the new date will not be considered late on their utility payment. When a customer applies for an extended due date, utilities shall explain the policy and give the explanation to the customer in writing.

B. Each utility shall file an extended due date policy as a tariff for Commission approval. A policy must include:

(1) Who may qualify;

(2) How to apply; and,

(3) The method for setting the extended due date.

C. The following customers qualify for an extended due date:

(1) Persons receiving Aid to Families with Dependent Children (AFDC), or Aid to the Aged, Blind and Disabled (AABD);

(2) Persons receiving Supplemental Security Income; or,

(3) Persons whose primary source of income is Social Security or Veterans Administration disability or retirement benefits;

The utility may require verification of the above sources of income.

D. Utilities may remove a customer's extended due date because the customer did not pay bills by the close of business on the due date 2 times in a row or any 3 times in the last 12 months. Utilities shall notify customers in writing when the extended due date has been removed for late payment.

E. Utilities may impose a late payment charge on plan participants who do not pay by the extended due date.

Rule 5.10. Levelized Billing Plans for Electric and Gas Utilities

A. Electric and gas utilities must provide levelized billing plans for qualifying residential customers. When a

customer applies for the plan, the utility shall explain the plan and give the explanation to the customer in writing.

B. A levelized billing plan is not a delayed payment agreement. If a customer on a levelized billing plan becomes delinquent, a utility may remove the customer from the levelized billing plan and, if the customer qualifies, offer the customer a delayed payment agreement.

C. Utilities shall file levelized billing plans as a tariff for Commission approval. A plan must meet the following standards:

(1) Applicants must be told about levelized billing plans when they apply for service;

(2) Qualifying customers may enter the plan at any time;

(3) A utility may charge a Commission-approved processing fee if a customer withdraws from a plan more than 1 time in 12 months. The amount of the processing fee shall be set forth in the utility's tariffed schedule of fees and charges.

(4) When a customer withdraws from a levelized billing plan, the customer shall have the option of paying the account balance in full, or, if qualified, under a delayed payment agreement;

(5) When a levelized billing customer terminates utility service, the utility shall refund any net credit by check; and,

(6) When a levelized billing customer withdraws from the plan, the utility shall refund any credit within 30 days. The utility may refund an overpayment by billing credit unless the customer requests otherwise.

Rule 5.11. Extended Absence Payment Procedure

A. Each utility shall have bill payment options which will allow a customer who is away for an extended period of time to avoid suspension of service.

B. The options shall be filed as a tariff for Commission approval.

Rule 5.12. Method of Payment

A. Customers may pay bills in any reasonable manner, including cash or a check payable to the utility. A utility may refuse to accept payment by check if the customer has given the utility 2 checks which were returned unpaid for reasons other than bank error in the last 12 months.

B. A utility may refuse to take a second check for the same bill if the first check was returned unpaid for reasons other than bank error.

Rule 5.13. Returned Check Charge

A utility may charge a Commission-approved fee for handling a check which is returned unpaid for reasons other than bank error. The amount of the returned check charge shall be set forth in the utility's tariffed schedule of fees and charges.

Rule 5.14. Partial Payments

A. **Non-Utility Charges**

Unless otherwise specified in writing by the customer, a utility shall first credit payment to utility charges if a customer pays part of a utility bill which includes charges for non-utility service.

B. **Application Between Past and Current Bills**

If a customer pays part of a bill for utility service, a utility shall first credit the payment to earlier charges for utility service. This Rule does not apply when there is a disputed bill, delayed payment agreement, or other written instructions.

Rule 5.15. Overpayments

A. Overpayments shall be credited to the customer's account unless the customer requests otherwise.

B. When a customer notifies the utility that he has overpaid his account and requests a refund of the overpayment, the

utility shall refund the amount of the overpayment within 30 days.

Rule 5.16. Meter Reading Requirements

A. Annual Readings

If a utility's policy allows a customer to read his own meter, then the utility shall read that customer's meter at least once every 12 months.

B. Meter Reading Report

At the customer's written request, the utility shall leave a report of the meter reading.

(1) The customer must renew the request before each reading at the customer's residence.

(2) A customer is allowed 2 free reports every 12 months or only 1 if the meter is read annually by the utility.

(3) A utility may charge a Commission-approved fee for additional reports. The amount of the charge shall be set forth in the utility's tariffed schedule of fees and charges.

(4) The report shall include:

a. date and time of the reading; and,

b. meter reading either in numbers or a diagram showing the positions of the hands on the dial at the time the reading was taken.

Rule 5.17. Billing Metered Service

A. Bills for metered service must be based on meter readings unless otherwise provided in a Commission-approved tariff.

B. Service used by the utility shall be measured by meters, except for minor, incidental use where metering would not be practical.

Rule 5.18. Meter Tests at Customer or Commission Request

A. Customer Requested Meter Tests

A utility shall test a meter for accuracy at the request of a customer under the following conditions:

(1) Before testing, a utility must tell a customer when a fee will be charged and the amount of the fee. A utility must give the customer a chance to withdraw the request before incurring any charge for the test. The utility shall also tell the customer that if the meter is not as accurate as the Commission's Special Rules require, there will be no charge for the test;

(2) The utility shall test the meter according to the Commission's Special Rules;

(3) The utility shall tell the customer:

a. where and when the utility will test the meter; and,

b. that the customer, and the customer's representative may be present when the utility tests the meter;

(4) When a utility must remove a meter for a test, it shall protect and seal the meter to prevent damage or tampering. The customer and the customer's representative may be present when the meter is removed;

(5) Within 10 days after a test, the utility shall give the customer a written report. The report shall include the date the utility received the customer's test request, the location and date of the test, the meter's identification number, the results of the test, the Commission's Special Rules which apply, and whether the meter was as accurate as the Commission's Special Rules require.

B. Commission Requested Meter Test/Verification

A utility shall test a meter for accuracy at the request of the Commission under the following conditions:

(1) The utility shall test the meter according to the Commission's Special Rules;

(2) The utility shall inform the Commission where and when the utility will test the meter;

(3) When a utility must remove a meter for a test, it shall protect and seal the meter to prevent damage or tampering. A Commission representative may be present when the meter is removed.

(4) Within 10 days after a test, the utility shall give the Commission a written report. The report shall include the date the utility received the Commission's request, the location and date of the test, the meter's identification number, the results of the test, the Commission's Special Rules which apply, and whether the meter was as accurate as the Commission's Special Rules require.

(5) When a customer asks the Commission to request a meter test without having first made the request of the utility, the Commission shall:

a. inform the customer when a fee will be charged and the amount of the fee;

b. give the customer a chance to withdraw the request before incurring any charge for the test;

c. inform the customer that if the meter is not as accurate as the Commission's Special Rules require, there will be no charge for the test;

d. inform the customer that the customer, the customer's representative and a Commission representative may be present when the utility tests the meter; and,

e. inform the customer when and where the utility will test the meter.

C. **Utility Charges for Meter Tests**

(1) If a test shows a meter to be as accurate as the Commission's Special Rules require, the utility may charge a Commission-approved fee for the test. The amount of the approved fee shall be set forth in the utility's tariffed schedule of fees and charges.

(2) If a meter test shows that a meter is not as accurate as the Commission's Special Rules require,

a utility may not charge a fee for the test and it must correct the customer's bill as required by Rule 5.19.

(3) If a utility does not test a meter in the manner required by the Commission's Special Rules, the utility may not charge a fee for the test.

(4) If a utility tests a meter more than once for the same request, and if any one of these tests shows the meter is not as accurate as the Commission's Special Rules require, the utility may not charge a fee for any of the tests.

Rule 5.19. Billing Corrections

A. Metered Service

A correction to a customer's account shall be made for meter error when a utility tests a meter according to the Commission's Special Rules and the error exceeds the tolerances allowed by the Commission's Special Rules.

(1) Period of Correction

If the date the meter first became inaccurate can be ascertained, the period of correction shall begin with that date and end with the date the inaccurate meter was removed. If the date the meter first became inaccurate cannot be ascertained, the correction period shall begin 6 months prior to the date the inaccurate meter was removed and end with the date of removal of the meter.

(2) Usage

If actual usage cannot be determined, it shall be the customer's usage at that location for the same time period of the previous year. A utility may apply a weather-sensitive factor to the consumption in arriving at the estimated usage for the correction period. If no usage data is available for that customer at that location for the previous year, a utility shall use the class average to estimate consumption.

(3) **Rate**

A utility shall apply the rates effective during the period of correction determined in Rule 5.19.A.(1) to the usage determined in Rule 5.19.A.(2).

B. Procedures for Correcting an Overbilling

(1) When a utility has overbilled a customer, the utility shall explain the reason for the correction and refund the amount of the overbilling within 30 days after discovering or being notified of the error.

(2) The refund shall be credited to the customer's account unless the customer requests otherwise.

(3) If the overbilling was the fault of the utility, the utility shall pay the customer interest on the overbilled amount.

C. Procedures for Correcting an Underbilling

(1) When a utility discovers it has charged a customer less than it should have, the utility shall explain the error and offer a delayed payment agreement to correct it.

(2) When a utility underbills a customer over one or more billing periods, the utility must allow the customer at least that many billing periods to pay the correct amount under a delayed payment agreement.

(3) If the underbilling was the fault of the customer, the utility may charge interest for the period of time during which the underbilling occurred.

(4) If the underbilling was caused by unauthorized use of service or tampering with utility equipment, the utility does not have to offer a delayed payment agreement.

(5) A utility does not have to correct an underbilling if the cost of correcting the billing is not economically feasible.

D. **Tampering**

If a customer tampers with utility equipment, the utility may charge a reasonable amount for damage to the equipment and for estimated service taken. This is in addition to the remedies in Rules 4.01.B.(3), 4.02.B.(1) and 6.01.F. The utility may base the estimate on the customer's average lawful usage for the most recent 12 month period. If those figures are not available, the utility shall base the estimate on the class average.

Rule 5.20. Separate Metering and Billing

A. **Definitions**

(1) **Newly Constructed**

"Newly constructed" means original construction which was not irrevocably approved or constructed on or before July 1, 1981, or conversion of a building from one use to another involving multiple customers.

(2) **Premises**

a. **Separate Premises**

Premises are separate and shall be separately metered and billed if they are on different, non-contiguous tracts of land.

b. **Non-Separate Premises**

Premises on the same tract or contiguous tracts of land may be master metered provided that the premises: (1) are operated as one location by an individual customer; (2) are physically integrated and essentially part of each other; (3) provide a complete service or produce a complete product; (4) are similar in terms of the nature and purpose of energy use; and, (5) are in the same service territory. Tracts of land separated by public streets, public roads, or public alleys are considered contiguous. The customer shall own and pay for all facilities beyond such master meter and shall pay all costs associated with the installation, removal, and rearrangement of such facilities

necessary to allow the utility to provide service through a single meter.

B. General Requirements

(1) Utilities shall separately meter and bill separate premises even if under common ownership. Utilities may not combine metering and billing unless some other part of this Rule allows it.

(2) Gas and electric utilities may not install master meters or combine the bills of individual customers in any newly constructed residential, commercial, and industrial complexes of 2 stories or fewer, and mobile home parks. This Rule does not apply to dormitories, hotels, and motels. Gas and electric utilities shall offer to provide individual meters for all premises not covered by this Rule where multiple individual usage of gas and electricity could occur and where master metering would also be possible.

C. Exemptions

If a utility or building owner applies for an exemption of Subsection B.(2) of this Rule, it must prove, in addition to the showing that must be made in Rule 1.03., that the costs of separate metering and billing would be greater than the long-term benefits to the utility's ratepayers as a whole, and provide evidence that master metering does not conflict with the Arkansas Energy Code. Benefits to be considered may include, but are not limited to, the following:

(1) Increased efficiency of consumption by individual devices;

(2) Overall reduction of demand for present and future energy and capacity;

(3) Encouragement of systems using renewable fuel sources other than fossil fuels;

(4) Providing accurate price signals which reflect the true value and cost of energy to individual customers; and,

(5) Other benefits gained from energy efficiency and conservation.

Rule 5.21. Transferring Past Due Balances to Other Accounts

A utility may only transfer a past due balance from a customer's closed account to one of the following active accounts:

A. An account of the same customer for the same class of service at any location.

B. The account of the customer's guarantor as allowed under Section 4.04.B. of these Rules.

SECTION 6. SUSPENSION, TERMINATION AND RECONNECTION OF SERVICE

Rule 6.01. Authorized Suspension

The only reasons a utility may suspend service to an account are:

A. A bill for utility service to the current customer remains unpaid after the close of business on the last day to pay as printed on the most recent shut-off notice;

B. A former customer remains at the premises who owes that utility an outstanding bill for service at the premises; a full-time occupant of the premises when the bill was incurred remains at the premises; or, a full-time user of the service when the bill was incurred remains at the premises.

C. A current customer and a former customer who lived together at another location now live together at a new service location and the former customer owes a bill for service used during the time they lived together at a former location;

D. The customer is not in compliance with a Commission order, delayed payment agreement, or extension agreement with the utility;

E. The customer has not paid a deposit required by a utility for the service;

F. Unauthorized use of service or tampering with utility equipment;

G. A misrepresentation of fact relevant to the conditions under which the applicant or customer obtained or continued utility service;

H. The customer has not paid a billed Commission-approved charge associated with providing service;

I. Refusing to grant a utility access to its equipment at the customer's location at reasonable times;

J. Violating the utility's rules designed to prevent interference with the use of service by other customers, if

the customer was notified first and given a reasonable opportunity to comply with the rules;

K. Violating the utility's rules regarding the operation of nonstandard equipment or unauthorized attachments, if the customer was notified first and given a reasonable opportunity to comply with the rules;

L. Violating federal, state, or local laws or regulations through use of the service;

M. Abandoning the premises served;

N. Causing or threatening injury to a utility employee or an employee's family to prevent or to retaliate for an act the utility performs in the course of business;

O. Causing damage to utility property;

P. Threatening to cause damage to utility property;

Q. Not paying for damage to utility equipment on the customer's premises; or

R. A condition exists which poses a health or safety hazard.

Rule 6.02. Unauthorized Suspension

A utility may not suspend service to an account for the following reasons:

A. Not paying for non-utility merchandise or non-utility services purchased, rented, or leased from or through the utility;

B. Not paying for a different kind or different class of service;

C. A utility is serving the customer through a separate active account and the customer does not pay for service to that account;

Rule 6.03. Bankruptcy

A utility may not suspend service to a trustee or debtor in bankruptcy for failure to pay a bill incurred prior to a bankruptcy filing if the trustee or the debtor pays a deposit under Rule 4.02.A.(7) within 20 days of the order for relief in bankruptcy. (See United States Bankruptcy Code, U.S.C.A. Title 11 § 366.)

The utility may not suspend service during that 20 day period. If a debtor asks the utility to reconnect service during that 20 day period, the utility must reconnect. After the 20 day period, the utility may suspend service if the customer has not paid a deposit.

Rule 6.04. Notification of Suspension of Service

A. A utility must notify a customer in writing 5 calendar days before it suspends service. If a utility delivers the notice to the customer's premises, the utility must leave the notice in a conspicuous place where the notice is easy to see. If the utility mails the notice, the 5 days begins 3 calendar days after the date the notice is placed in the U.S. mail. The utility must send the notice to the customer's last known address by first-class mail.

B. A utility may suspend service without prior written notice under Rule 6.01.D., F., N., O., P., and R. The utility shall notify the customer of the reason for suspension by first class mail or by leaving a notice at the premises. Suspension procedures shall also follow all other requirements of Rule 6.09.B. If prior written notice of suspension has been given, Rule 6.04.B. does not apply.

Rule 6.05. Shut-Off Notice - Submission Requirements

A current copy of the form to be used for shut-off notices and any revisions to that form shall be provided to the Commission's Consumer Services Office.

Rule 6.06. Third-Party Notification of Suspension

A residential customer may name a consenting person or agency to

receive a copy of all shut-off notices. A utility shall mail 1 Copy of all shut-off notices to the customer and 1 to the other person or agency.

Rule 6.07. Form and Contents of Shut-Off Notice

Each shut-off notice shall contain the following information:

A. The title "SHUT-OFF NOTICE","CUT-OFF NOTICE", or "DISCONNECT NOTICE" in type at least 1/4 inch high;

B. the name and address of the customer, and the address of the service, if different;

C. The reason for suspension and any overdue amount;

D. A clear statement of what to do to avoid suspension;

E. The date after which the utility will suspend service unless the customer takes appropriate action;

F. A statement that, "YOU MAY QUALIFY TO PAY YOUR BILL IN INSTALLMENTS AND AVOID SHUT-OFF BUT YOU MUST CONTACT THE UTILITY'S BUSINESS OFFICE BY THE CLOSE OF BUSINES ON THE LAST DAY TO PAY PRINTED ON THIS NOTICE AND ASK FOR A DELAYED PAYMENT AGREEMENT";

G. A statement that a residential customer who has a serious medical condition, or is 65 or older, or an individual with disabilities may contact the utility about qualifying for delaying suspension;

H. For electric and gas utilities, a statement that the customer may contact the utility for the names of federal, State, and local bill payment assistance agencies;

I. What it will cost and what a customer will have to do to get service reconnected;

J. How much the customer can be charged if utility personnel must go to the premises to collect the bill;

K. The telephone number and address of the utility office where the customer may pay the bill, make payment arrangements, or make a complaint; and,

L. A statement that any customer with an unresolved complaint may contact the Arkansas Public Service Commission. The statement shall include the Commission's mailing and street address and local and toll-free numbers.

Rule 6.08. Payment Requirements to Prevent Suspension

A. A customer must pay the utility or its authorized agent before the utility's close of business on the last day to pay as printed on the most recent shut-off notice to prevent suspension.

B. The utility may require the customer to pay any applicable approved collection fee or late charge to prevent suspension.

C. A utility shall not require a customer to pay for usage which has not been billed, or which has been billed but is not yet overdue, to prevent suspension.

D. After the utility's close of business on the last day to pay printed on the most recent shut-off notice, payment made within 24 hours of a scheduled shut-off shall not affect the right of the utility to suspend service and charge a reconnect fee if the service was suspended.

E. A utility shall not refuse to accept payment made on an account after the utility's close of business on the last day to pay printed on the most recent shut-off notice. However, a utility is not required to reconnect service if the payment made after that time is less than the amount required by the utility before reconnection.

Rule 6.09. Suspension Procedures

A. Suspension Date and Time Requirements

(1) A utility may suspend service only during normal utility business office hours. However, no suspension shall occur during the last hour of the utility's normal business office hours.

(2) A utility may not suspend service on a day, or on a day immediately before a day, when the utility does not have employees available who may authorize and reconnect service at the normal business day charge.

(3) If a utility issues more than 1 shut-off notice before suspending service, it may not suspend service before the close of business on the last day to pay as printed on the most recent shut-off notice unless Rule 6.04.B. applies.

(4) A utility must suspend service within 30 days after the last day to pay, as printed on the most recent shut-off notice, unless suspension is delayed under other Commission Rules, or the reason for the suspension has been eliminated.

B. Suspension Procedures at the Premises

(1) Utility employees shall not violate any state or federal laws or regulations in order to suspend service. Utility employees suspending service at a customer's premises shall identify themselves to the customer or any other adult at the premises and give the reason for being there.

If the customer offers to make a payment, the utility employee shall accept payment at that time. The utility employee shall also honor a receipt from the utility or a canceled check showing that the customer paid the bill. Utility employees may refuse payment in cash if they give the customer 24 hours to pay at the business office. The employee may refuse payment by check if the customer has given the utility 2 checks which were returned for reasons other than bank error within the last year.

(2) If the customer or other adult is not at the premises or does not respond, the utility employee must leave a notice in a conspicuous place so that the notice is easy to see. The notice shall contain the following:

a. a statement that service has been suspended;

b. the reason for the suspension;

c. the address and telephone number where the customer may arrange to have service reconnected;

d. the amount past due;

e. any approved collection charge; and,

f. the action and payment necessary before the utility will reconnect service.

Rule 6.10. Closing Suspended Accounts

A utility shall not close a suspended account until a customer has been given 7 calendar days to have service reconnected after suspension. Once an account is closed, a utility may treat a former customer who wants service again as an applicant.

Rule 6.11. Collection Fees

A utility may charge a Commission-approved collection fee under the following conditions:

A. The last day to pay, as printed on the shut-off notice, has passed; and,

B. A utility employee accepts payment at the premises under Rule 6.09.B.(1) or, at the customer's request, visits the premises to collect. The employee must leave a notice as described in Rule 6.09.B.(2) at the premises if the requesting customer is not there as agreed.

Rule 6.12. Reconnection of Service

A. The utility shall reconnect service at the request of the customer if all reasons for suspension have been eliminated. The utility shall reconnect service in the normal course of business when suspension was the fault of the customer. The utility shall reconnect service immediately if suspension was the utility's fault.

B. A utility shall not require a customer to pay for usage which has not been billed, or which has been billed but is not yet overdue, before reconnecting suspended service.

C. A utility may require payment of any Commission-approved collection, late charge, or reconnection fees before reconnecting service if suspension followed all applicable Commission Rules.

D. If the reason for suspension is unauthorized use of service or tampering with utility equipment, the utility may require a reasonable payment for damage to its equipment and estimated usage before reconnecting service. The utility may refuse to reconnect unless the Commission orders

otherwise.

Rule 6.13. Delayed Payment Agreement and Extension Agreement

Rule 6.13. applies to any residential customer, and to small commercial customers whose average bill for the most recent 12 months is $200.00 or less. As used in this Rule, the term "customer" shall mean only such customers as so defined in this paragraph.

A. Customer Information

When a customer informs the utility that he is having difficulty paying a bill, the utility shall explain that delayed payment agreements are available both by telephone and in person through the utility's business offices. The utility shall then inform the customer of his rights and obligations under this Rule.

B. Extension Agreement

If a utility has met all of the requirements of Subsection A. and a customer requests a payment extension of less than 30 calendar days from the payment due date, the utility may offer to enter an extension agreement instead of a delayed payment agreement. All extensions shall be documented. The utility shall inform the customer of the utility's right under Rule 6.04.B. to suspend service without advance written notice if the customer fails to keep the terms of the extension agreement.

C. Availability of Delayed Payment Agreement

(1) A utility shall offer and enter into a delayed payment agreement with a qualifying customer if the customer agrees to:

a. pay the down payment and all installments by the due dates; and,

b. pay all bills from that utility coming due during the period of the agreement in full by each bill's respective due date.

(2) A utility may not limit the number of delayed payment

agreements a customer may enter into if the customer qualifies under all other conditions of this Rule.

D. **Qualifying**

(1) A utility does not have to enter into a delayed payment agreement if the customer has failed to keep the terms of a delayed payment agreement in the last 12 months. This includes failure to pay the agreed upon down payment within 3 business days.

EXCEPTION:

Subsection D.(1) of this Rule does not apply when a utility corrects an underbilling. See Rule 5.19.D.

(2) A utility does not have to enter into a delayed payment agreement after the last day to pay, as printed on the most recent shut-off notice, has passed except when Rules 6.16. or 6.17. apply.

(3) A utility does not have to enter into a second delayed payment agreement if the customer currently is bound by a delayed payment agreement.

(4) If a customer has engaged in unauthorized use of service or has tampered with utility equipment in the last 24 months, the utility does not have to enter into a delayed payment agreement.

(5) If a customer has misrepresented a fact relevant to the conditions under which he obtained or continued utility service in the last 24 months, the utility does not have to enter into a delayed payment agreement.

(6) The utility may require some form of identification of the customer or the person making the agreement. If the information is not provided or is not acceptable evidence of identity, the utility may refuse to enter into a delayed payment agreement.

E. **Delayed Payment Agreements Arranged by Telephone**

(1) Delayed payment agreements arranged by telephone shall meet all requirements of this Rule.

(2) The utility may require some form of identification

that can be provided by telephone to verify the customer's identity. If the information is not provided or is incorrect, the utility may refuse to enter into a delayed payment agreement by telephone.

(3) The utility must receive the down payment by the close of business on the third business day after the date the agreement was requested.

(4) A utility shall document all delayed payment agreements arranged by telephone, including any failure to pay the down payment within 3 business days.

F. Delayed Payment Agreement Procedure

All delayed payment agreements shall be in writing and must include relevant portions of this Rule, specifically, Subsections C.(1), D.(3), G., H., I., J., and K.

When a utility arranges a delayed payment agreement by telephone, the utility shall send or give the customer a copy of the delayed payment agreement within 5 business days of receiving the customer's down payment. A utility may require the customer to sign the agreement and return it to the utility within 10 calendar days of the making of the agreement, but the customer's signature is not necessary for validity and enforcement of the documented agreement under Rule 6.13.

G. Minimum Standards for Delayed Payment Agreements

(1) The utility must receive a reasonable portion of the overdue bill as a down payment by the close of business on the third business day after arranging an agreement. The utility may not require more than 1/4 of the overdue bill as the down payment in order to enter into a delayed payment agreement.

(2) A utility shall allow the customer to make equal installment payments for at least 3 months from the date of the down payment. The down payment shall not be considered an installment payment.

EXCEPTIONS:

Subsections G.(1) & (2) of this Rule do not apply

when a utility corrects an underbilling. See Rule 5.19.D.

(3) In offering terms for an agreement, a utility may take into account:

(a) the customer's ability to pay;

(b) the size of the unpaid account;

(c) the customer's payment history with the utility; and,

(d) the reason payment is late.

H. Renegotiating the Delayed Payment Agreement

If a customer can substantiate a change in ability to pay resulting from a serious medical condition or the loss of a major source of income, the utility must document its good faith effort to renegotiate a delayed payment agreement 1 time during the period of the agreement. The customer loses this right if any term of the delayed payment agreement is not kept. A renegotiated agreement is not a new delayed payment agreement.

I. Finance Charge on Delayed Payment Agreements

A utility may charge interest on delayed payment agreement installments.

J. Suspension of Service

A utility may suspend service without prior written notice, subject to the conditions of Rule 6.04.B., if a customer does not keep the terms of a delayed payment agreement or extension agreement.

K. Right to Complain

A customer does not give up any right to complain to the Commission by signing a delayed payment agreement or entering an extension agreement.

Rule 6.14. Delayed Payment Agreement - Submission Requirements

A current copy of the form to be used for delayed payment agreements and any revisions to that form shall be provided to the Commission's Consumer Services Office.

Rule 6.15. Cold Weather Rule

A. Electric and gas utilities may not suspend residential service on a day when the National Weather Service forecasts that a temperature of 32 degrees Fahrenheit or lower will occur at any time during the following 24 hour period. The utility must obtain the most recent forecast for the customer's weather zone from the National Weather Service reports on the morning of the day that the customer's shut-off is scheduled.

B. Gas utilities may not suspend residential gas service during the suspension moratorium period of November 1 to March 31 for low income customers subject to the following terms and conditions:

1. The term "low income customers" is defined to include any individual gas utility customer of record who is approved to receive either Food Stamps, WIC, TEA, Medicaid, or LIHEAP assistance.

2. To avoid a suspension of gas service, such customer must directly notify the gas utility before the suspension date indicated on a received shut-off notice or before the receipt of a shut-off notice that they are approved to receive either Food Stamps, WIC, TEA, Medicaid or LIHEAP assistance. Official written proof of such approval must be provided by such customer directly to the gas utility within fourteen (14) days of the date of the initial notice to the gas utility.

3. Such customer must execute a written Suspension Moratorium Agreement ("SMA") with the gas utility obligating the customer to make a minimum monthly payment for gas service during the suspension moratorium period. Said minimum monthly payment shall be equal to the minimum monthly payment which otherwise would be required under the gas utility's approved voluntary "average monthly billing plan" or "levelized payment plan", and shall be payable on the customers normal monthly payment due date.

4. Such customer also must agree to and execute a Delayed Payment Agreement ("DPA") covering (a) the cumulative deferred monthly bill amounts for the period November 1 to March 31; as well as (b) any past due amounts owing at the time of execution of the SMA. Such customer must timely pay the total deferred billing amounts in seven (7) equal monthly installment payments to be made April through October. Interest shall not begin to accrue on any deferred amount until repayment of the deferred amount

begins. Payments under the DPA shall be in addition to the normal monthly billed amounts during the seven (7) month DPA term.

5. In the went of misuse, fraud, or failure to make required monthly payments under the provisions of Rule 6.15.B by such customer, the gas utility may initiate Commission approved service suspension procedures notwithstanding the provisions of Rule 6.15.B. 6. In the event of a service suspension pursuant to the provisions of Rule 6.15.B.5 such customer will not be allowed to again claim the service suspension moratorium protection of Rule 6.15.B. until all past due amounts owed to the gas utility have been paid in full.

7. If necessary to preserve and protect the public safety, the gas utility may initiate emergency suspension procedures notwithstanding the provisions of Rule 6.15.B until such time as the specific public safety issue has been satisfactorily resolved.

Rule 6.16. Agency Guaranty of Payment

A. Requirements

When a social service agency agrees orally or in writing to pay at least 1/4 of an overdue bill, the utility shall continue service, or restore service suspended for non-payment, if the customer qualifies for and agrees to pay any remaining overdue amounts and any additional deposit under a delayed payment agreement. The agency payment shall be considered the down payment for the delayed payment agreement. The utility may verify any notice received from any agency.

B. Confirmation

The utility may require the agency to give written confirmation of an oral agreement within 10 days of the date of oral agreement.

C. Service Suspension

If an account remains unpaid 40 days after an agency notifies a utility, as set out in Rule 6.16.A., that they

will be making a payment, the utility may suspend service after giving the customer an additional 5 calendar days written notice.

Rule 6.17. Medical Need for Utility Service

A. General Requirements

Each utility must honor a physician's certificate which attests to the fact that a residential utility customer or any other permanent resident of the household has a serious medical condition. The certificate must clearly state that the suspension of utility service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

B. Notice

A physician, nurse, nurse practitioner, physician's assistant, or public or private agency providing physical or mental health care services may notify the utility in person, by telephone, or by letter that the serious medical condition exists. When a utility is notified, it must inform the health care professional that a physician's certificate is required within 7 days. The utility may verify notice given by telephone.

C. Delay of Suspension or Reconnection of Service

(1) When notified under Subsection B. of this Rule, a utility shall postpone suspension or reconnect service which has been suspended for 30 days or less. The utility shall not be required to continue to provide service for longer than 30 days unless the medical certificate is renewed under Rule 6.17.C.(5).

(2) The utility must receive a physician's certificate within 7 days after being notified according to Subsection B. of this Rule.

(3) A utility may suspend service if it does not receive a physician's certificate within 7 days after being notified according to Subsection B. of this Rule.

(4) Upon receipt of a physician's certificate, the utility

shall notify the customer, in writing, of the receipt of the certificate, the date the certificate was received, the date the postponement of suspension or reconnection of service was commenced, and the date on which the postponement of suspension or reconnection shall expire. The notice shall contain an explanation of the customer's rights to renew the certificate. The notice shall specifically state the last day the customer has to renew the certificate. The notice may be delivered by first class mail or by delivery to an adult person at the residence.

(5) A customer may renew a certificate 1 time for up to an additional 30 days. The certificate must be renewed by the customer before the 30 day time period expires. To renew a current certificate, the customer must provide a new certificate from the physician.

(6) A utility is not required to accept more than 1 physician's certificate per household each year. A renewal of a certificate is not a second certifi- cate.

D. Physician's Certificate

A completed physician's certificate must be signed by a physician and must be in the following form. The utility shall provide a copy of the physician's certificate form to the physician.

PHYSICIAN'S CERTIFICATE OF MEDICAL NEED FOR UTILITY SERVICE

The Arkansas Public Service Commission requires utilities under its jurisdiction to honor physician's certificates which attest to the fact that a utility customer or any permanent resident of the household has a serious medical condition. The certificate must clearly state that the suspension of utility service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

A licensed physician or other health care professional providing health care services to the patient may notify the utility of the serious medical condition. The notice must be followed within 7 days by a certificate. The certificate is valid for up to 30 days and may be extended for one additional 30 day period by reverification by the physician or health care professional prior to the expiration date of the first

certificate. This reverification requires that an additional certificate be submitted to the utility.

You are being asked to verify that the stated condition exists. This certificate allows the utility customer time to secure payment for utility service or to make alternate arrangements for care of the patient.

Thank you for your cooperation.

To: _____
(Name of Utility) Date

I certify that loss of utility service would give rise to a substantial risk of death or gravely impair the health of

who lives at _____.

The nature of the serious medical condition is

_____.

The effect of loss of utility service would be

_____.

This condition is expected to continue _____ days.
I am licensed to practice medicine by the Arkansas State Medical Board or a comparable licensing authority in the State of _____.

Physician

Address

Phone number

E. Additional Medical Opinion

(1) A utility may, at its expense, obtain an additional

medical report or certificate from a physician of its choice. The additional medical report or certificate shall be based on that physician's examination of the customer.

(2) Failure of the customer without good cause to attend the utility-required medical appointment shall be sufficient reason for suspension of service by the utility.

(3) If the information in the additional report or certificate does not meet the criteria in this Rule for delaying suspension, a utility may suspend service after giving the customer an additional 5 days written notice.

F. Liability for Payment for Service

Delaying suspension or reconnecting service under this Rule does not excuse the customer from having to pay for the service.

G. Contact Procedures Before Suspension of Service

If suspension has been postponed under this Rule, and the medical certificate has expired, the utility must follow the notification requirement of Rule 6.04. (A) prior to suspension.

Rule 6.18. Elderly and Individuals with Disabilities

This Rule only applies to residential customers.

A. Identification of the Elderly and Individuals with Disabilities for Registration

Utilities shall attempt to identify eligible individuals by informing them that a special program is available for customers who qualify under this Rule and shall then ask qualifying applicants or customers whether they wish to be registered as provided in this Rule:

{1} When an applicant requests service;

(2) When asked if there are options for elderly customers and

customers who are individuals with disabilities; and,

(3) When contacted by a customer about suspension.

B. **Customer Contact**

At least 72 hours before suspending service to the account of an identified elderly or individual with disabilities, a utility must make 2 attempts at different times of day to contact the customer, an adult at the premises, or someone previously designated by the customer, either in person or by telephone.

(1) If the attempt to contact is successful, the utility shall:

a. offer to explain to the customer, an adult at the premises, or someone previously designated by the customer, what can be done to avoid suspension; and,

b. offer to explain the payment and assistance options set out in Subsection C. of this Rule.

(2) If the attempt to make personal contact with the customer, an adult at the premises, or other designated individual is not successful, the utility must give 24 hours written notice, which explains what can be done to avoid suspension, before suspending service. If the utility delivers the notice to the customer's premises, the utility must leave the notice in a conspicuous place where the notice is easy to see. If the utility mails the notice, the 24 hours begins 3 calendar days after the date the notice is postmarked. The utility must send the notice to the customer's address by first-class mail.

C. **Payment and Assistance Options**

When an identified elderly customer or customer who is an individual with disabilities tells a utility they cannot pay a bill on time, or upon contacting an identified elderly customer or customer who is an individual with disabilities under Subsection B. of this Rule, the utility shall offer to:

(1) Arrange a delayed payment agreement, or, for electric and gas utilities, arrange for levelized billing;
(2) Explain the right to third party notice before suspension of service; and,

(3) Provide the names of federal, state, and local bill payment assistance agencies.

D. **Records**

A utility shall mark the accounts of identified elderly customers or customers who are individuals with disabilities. Utilities shall keep a record as required by Rule 7.02. of how they handled overdue accounts of elderly customers and customers who are individuals with disabilities.

E. **Hot Weather Protection**

(1) An electric or gas utility shall not suspend residential service to an elderly customer or customer who is an individual with disabilities on a day when the National Weather Service forecasts that a temperature of 95 degrees Fahrenheit or higher will occur at any time during the following 24-hour period. For gas utilities, hot weather protection shall be limited to elderly or individuals with disabilities air conditioning customers only.

(2) The utility must obtain the forecast for the customer's weather zone from the National Weather Service reports on the morning of the day that the customer's shut-off is scheduled.

F. **False Information**

If a customer gives false information to a utility to qualify as elderly or an individual with disabilities, the utility may suspend service under Rule 6.01.G.

Rule 6.19. Provisions for Landlords and Tenants

A. **Account Identification**

Each utility shall file with the Commission procedures for identifying accounts where service is provided at an address different from the mailing address of the bill. The procedures may include requiring landlords to identify themselves as landlords and to identify their tenants by name, address, and account number. Without that identification, the utility shall not be required to treat a customer as a tenant unless it has actual knowledge or

information that reliably indicates that the person to whom service is provided is a tenant.

B. Suspension Procedures

The utility shall not suspend service to an identified account for non-payment until it sends a suspension notice to the landlord. If no response is received from the landlord within 7 days from the mail date, the utility shall take the following actions:

(1) Post a suspension notice in conspicuous locations such as near mail boxes, building entrances, exits, and other areas of common usage or mail a suspension notice to all tenants at least 14 days before suspending service;

(2) Wait at least 30 days after the due date of the landlord's bill before suspending service; and,

(3) Allow any tenant to apply for service in the tenant's name if separate metering is feasible.

C. Payment Liability

A utility shall not recover from a tenant or condition service to a tenant on the payment of any amounts owed by the landlord to the utility.

Rule 6.20. Stopping Service at Customer Request

A. Notice

A customer who wants to stop service must tell the utility at least 5 days before the requested disconnection date.

The minimum 5 day notice period begins:

(1) On the day the customer telephones the utility;

(2) When the customer personally informs the local business office; or,

(3) Three days after the customer has mailed the notice to the utility.

B. Liability

The customer does not have to pay for service after the disconnection date requested by the customer, so long as proper notice was given according to Subsection A. of this Rule.

C. Confirmation

A utility must confirm the disconnection date if the customer asks.

SECTION 7. RECORDS AND REPORTS

Rule 7.01. Application Records

A. Each utility must keep a record of each written or verbal application for utility service except as provided in the Exception to Rule 3.01.B. Records of applications must be kept for at least 2 years unless cancelled or withdrawn. If an application is still active at the end of the 2 year period, it must be kept until it is served or until the application is cancelled or withdrawn.

B. Each application record shall include:

(1) Name and current address of the applicant;

(2) Address of location where service is being requested;

(3) Date of the request;

(4) Date service is desired;

(5) Estimated service date;

(6) Class of service applied for;

(7) Availability of facilities; and,

(8) The date service was provided or the reason service was delayed or deferred.

Rule 7.02 . Account Records

A. Each utility shall keep a ledger or other record of billings to and all money paid by each customer.

B. The record shall contain all information necessary to figure bills, including customer name, mailing address, service location, account number, dates service was provided, meter readings, billed amounts, rate schedules and payment plans, any payment arrangements, and each transaction concerning each deposit.

C. A utility shall mark the accounts of identified elderly and customers who are individuals with disabilities. Utilities shall keep a record

of how they handled overdue accounts of elderly customers and customers who are individuals with disabilities.

D. Utilities shall keep records so that costs and payments for separate services can be easily identified.

Rule 7.03. Deposit Records

Each utility shall keep a record containing the following information for each customer account:

(1) The name of the customer for whom the deposit is made,-

(2) The service location;

(3) The deposit amount;

(4) The deposit date;

(5) The reason for the deposit;

(6) Each transaction concerning each deposit; and,

(7) All efforts to return the deposit to the customer.

Rule 7.04. Complaint Records

A utility shall keep an up-to-date record of all customer complaints, showing the name and address of the complainant, the account number, the date and character of the complaint, action taken to resolve the complaint, and the date of resolution.

A. Utilities shall keep the record in a way that allows reporting by name, account number, or telephone number; and category.

B. Each utility shall establish categories for all complaints which allow utilities to record complaints by specific type.

C. Utilities shall keep complaint records at least 3 years.

Rule 7.05. Test and Inspection Records

Utilities shall make a complete record of every test or inspection which these Rules require. The record shall include the time, date, place, tester, inspector, and the results. Utilities shall keep test and inspection records at least 2 years, or as specified in these Rules or in the Commission's Special Rules.

Rule 7.06. Operating Records

A. Each utility shall keep a detailed record of its production, transmission, and/or distribution operations.

   (1) The record shall include any units of service produced, purchased, and sent out. The record shall also include any fuels or other raw materials used in the production of the utility's product and the length of time each unit which produced the utility's product was operating, if applicable.

   (2) The record shall be detailed enough to substantially replicate the operations of each production, transmission, and/or distribution unit for use in statistical and analytical studies for regulatory purposes.

B. All utilities shall keep records so that costs for separate kinds of services or non-utility enterprises can be easily identified.

C. Each utility shall keep records of its customer call center operations. The records shall be kept in sufficient detail to calculate the utility's performance as required by Rule 2.05.D. The records shall be kept separately for each customer call center. Utilities shall keep the records at least 3 years. These records shall be maintained by month and shall include, but are not limited to:

   (1) The total number of calls attempted;
   (2) The total number of calls receiving a busy signal;
   (3) The total number of calls received;
   (4) The total number of received calls answered within 30 seconds;
   (5) The total number of calls answered within 30 seconds of the customer requesting an employee;

(6) Within an automated system, the total number of calls where a customer selects to speak to an employee;
(7) The average speed to answer time for received calls that are answered;
(8) The results of the utility's monthly determinations required by Rules 2.05.D.(2) and (3); and,
(9) The number of abandoned calls.

Rule 7.07. Service Outage Records

Each utility shall keep records of all detected or documented service outages. Each record shall include the time, date, location, duration, cause, and extent of each outage. Utilities shall keep the records at least 2 years.

Rule 7.08. Location of Records

Utilities shall keep records within the State of Arkansas, at the offices of the utility, or at locations outside the State of Arkansas authorized by the Commission. Such records shall be available at all reasonable hours for examination by the Commission, its representatives, or others authorized by the Commission.

Rule 7.09. Reports to the Commission

A. Outages

Utilities shall promptly report outages in an individual city, town, or in the same general area, which last more than 4 hours and affect 100 or more customers by telephone to the Commission's Consumer Services Office. After normal business hours and on weekends and holidays, utilities may report outages by leaving a message on the Commission's Consumer Services Office recorder.

B. Changes in Service

Each utility shall notify the Commission's Consumer Services Office in writing at least 30 days before making any major changes in its method of operation or in the character of service. For example, the closing of a utility business office and the moving of a utility's billing department out of state would be considered major changes for the purposes of this Rule.

C. **Customer Complaints**

Upon request, each utility shall make available in writing to the Commission the number of customer complaints by category as required by Rule 7.04.B. for the requested time period.

D. **Reference Information**

Each utility shall provide the Commission's Consumer Services Office with current copies of the following required information:

(1) Information on Utility Service (Rule 2.01);

(2) Current list of utility personnel who answer Commission questions about complaints (Rule 2.07. A.(3));

(3) Service Application Form (Rule 3.02.);

(4) Bill Form (Rule 5.02.);

(5) Shut-Off Notice Form (Rule 6.05.); and,

(6) Delayed Payment Agreement Form (Rule 6.14.).

New copies of the information shall be provided to the Commission's Consumer Services Office whenever the information is revised.

E. **Commission Requests for Reports**

The Commission may request any information in any form from a utility which it has a right to obtain. (Ark. Code Ann. § 23-2-309.)

SECTION 8. GENERAL SERVICE STANDARDS

Rule 8.01. Safe and Adequate Service

A. Each utility shall operate and maintain its entire system so that service is safe, adequate, and reliable.

B. Each utility shall inspect its entire system as necessary to have a reasonable knowledge of the system's condition at all times.

Rule 8.02. Electrical Inductive and Conductive Effects

All utility companies shall coordinate their efforts and use all reasonable means to minimize the detrimental electrical inductive and conductive effects between utility systems. Priority shall be given to eliminating stray currents that affect quality of service or create potential hazards to the public.

Rule 8.03. Extensions, Additions, Repairs, Changes and Improvements

After a public hearing, the Commission may require a utility to make extensions, additions, repairs, or changes in or improvements to any equipment, main, or line if the Commission finds that they should reasonably be made to promote the security or convenience of the public or to secure adequate service or facilities.

Rule 8.04. Service Interruptions

A. Scheduled Interruptions

(1) Scheduling

Except in an emergency, utilities shall schedule interruptions so that the inconvenience to customers is minimized.

(2) Notice

Utilities shall make reasonable efforts to notify customers affected by a scheduled interruption as

far ahead as practical and give them the date, time, and planned length of the interruption.

B. **Unforeseen Interruptions**

Utilities shall make reasonable efforts to notify customers affected by an unforeseen interruption as soon as practical and explain the cause and how long it will last.

C. **Restoration Priority**

Utilities shall make every reasonable effort to first restore service which affects public health and safety.

Rule 8.05. Emergency Repair Service and Telephone Number

A. Each utility shall perform emergency repair service. The utility shall take into account both the needs of the customer and the safety of utility personnel. Emergency restoration requirements are in the Commission's Special Rules.

B. Each utility shall list in the directory of each telecommunications provider which provides basic local service in any area it serves an emergency repair service number where a customer may call toll-free. (Collect calls accepted by the utility are considered to be toll-free calls.) The emergency number shall be manned 24 hours a day or shall have a recording or answering service directing the caller to a number manned 24 hours a day.

Rule 8.06. Emergency Response to Outages

A. **Restoration Priority**

Utilities shall first attempt to restore service which affects public health and safety.

B. **Restoration Procedures**

Each utility shall have written procedures for designated employees to follow during major service outages. The procedures shall contain at least the following:

(1) Notification procedures for emergency response personnel;

(2) General location(s) of equipment, tools, and materials normally needed to restore service;

(3) Procedures for notifying fire, police, medical and other public officials; and,

(4) General procedures to determine whether the system is safe.

Rule 8.07. Marking Locations of Underground Facilities

Unless otherwise agreed to by the excavator, each utility shall mark the approximate location of its underground facilities, in compliance with Ark. Code Ann. §§ 14-271-110 and 14-271-111, within 2 working days of notification from the One Call Center or the excavator.