

## **Tahlequah Public Works Authority Suspension of Service Policy**

**WHEREAS**, the Tahlequah Public Works Authority Board of Trustees has adopted policies and procedures; in addition, to customer notices that address the processes concerning utility billing, charges, terms and condition of service, delinquency of service, and when service will be terminated as it relates to delinquency. In each of the aforementioned policies there contains a sentence or paragraph that addresses the triggering of termination of service based on time, charges, condition of service or meter tampering; and

**WHEREAS**, this policy is intended to address all of the aforementioned sections pertaining to termination of service into one (1) policy and to ensure the customer/rate payers of the Tahlequah Public Works Authority the right of due process before service is terminated; and

### **NOW THEREFORE BE IT RESOLVED BY THE TAHLEQUAH PUBLIC WORKS AUTHORITY BOARD OF TRUSTEES THAT:**

**Section1: Due Dates On Billing;** Tahlequah Public Works Authority may have multiple billing cycles with various consistent due dates each month and bills are not considered delinquent until the fifth (5<sup>th</sup>) day past the respective due date.

**Section2: Mail & Night Depository Payments;** Payments that are actually postmarked before the due date and received in the U.S. Mail following the delinquency date and the payments received in the Night depository at the beginning of the next scheduled working day following the delinquency date shall not be considered late and the penalty will be waived

**Section3: Penalty;** There shall be assessed a penalty of 5% of the current amount of the utility bill not paid on or before the delinquency date.

**Section4: Suspension of Service;** Delinquent accounts not paid before the scheduled suspension date specified on the delinquent notice will be suspended on the day set forth in the notice or as reasonably soon as possible thereafter.

On or approximately the 6<sup>th</sup> day following the due date depending on weekend and holiday status, a minimum of 5 days, Notice of Service Suspension will be mailed to the customer at the mailing address of record. This will be the final Notice of delinquency before service is suspended. Failure to receive a delinquency notice will not exempt a customer from service suspension, if notice is mailed to the address of record.

**Administrative Review:** Any customer having a "good faith" dispute as to the amount due by reason of billing error or other cause shall have the right to an Administrative hearing before the Administrative Manager, or in his/her absence the Office Manager or person designated by the General Manager. Such designated employees are authorized and directed to investigate such customer good faith disputes and are authorized by the Board and General Manager to make any adjustments in the customer's billing that the facts warrant on the same or following business day after receiving the written request. All such customer request for Administrative review of a billing dispute shall be made in person at the Administrative office and reduced into writing on a form prescribed by the Board and signed by the customer. All such reports shall be presented to and reviewed by the Office Manager. Any customer dissatisfied with the decision may pay the amount of the bill under protest and submit a written request to the General Manger that the matter be placed on the agenda of the next regular Board meeting of the Board of Trustees of the Authority for review and possible action. All employees of the Board receiving billing dispute complaints from a customer shall advise the customer of this administrative review process and policy.

**Building Code or Code Enforcement Directives for Suspension of service:** The City of Tahlequah has adopted the National Electric Safety Code, Building Code, Plumbing Code and other Codes and Policies

that gives the Officers of each respective department within the City, the authority to direct the Tahlequah Public Works Authority to suspend service under certain conditions. In the event the Tahlequah Public Works Authority receives a directive from one or more of the Code enforcement officers of those respective departments, Tahlequah Public Works Authority will not suspend service of any customer who's account is in acceptable standing with the Authority until proof of due process has been provided by the City to the Authority.

Proof of due process will be defined as: The City shall show that the customer, resident and/or owner of the affected address or location being ordered by the City of Tahlequah Inspection Department to be disconnected have been served with a notice of non-compliance within a reasonable time frame and proof of service forwarded to the Authority. After the notice of non-compliance has been served and the parties involved have had a reasonable time frame to respond to the notice of non-compliance and have failed to do so, the affected parties shall have the right to appeal the notice of non-compliance before the City of Tahlequah's appointed Boards or Judge and proof of said decision forwarded to the General Manager of the Authority; provided that there shall be an exception in an emergency if the General Manager of the Authority, or his designee, determines and is satisfied in their own right that the case involving the customer, resident or owners condition is and emergency, hazardous to the health or safety the public or parties concerned.

**Meter Accuracy:** Any customer disputing the accuracy of a utility meter may request in writing an accuracy check of the meter. The request shall be made on a form prescribed by the Board and shall specify the cost of the test of the meter as established by the Board from time to time, and the customer shall agree to pay the cost of the test which will be added to the next utility billing following the testing, if the meter accuracy is within standard tolerances of plus or minus 1 percent on electric meters, plus or minus 2 percent on water meters. A written test report shall be furnished to the customer after the test results have been determined. If the accuracy of the meter is outside the standard tolerances, the Authority shall pay the cost of the testing and the Office Manager or General Manager shall instruct any billing adjustment in the customers favor that is deemed reasonable and necessary. A customers request for a meter check shall Not be a cause for non-payment or partial payment on a customers bill and shall Not stay or cause a delay in suspension of service, unless it appears that a metering error does in fact exist.

**Customer water leaks:** When it appears that a customer has substantially increased water consumption due to leaks or breaks in the customers service system, upon request of the customer a billing adjustment shall be considered by the Authority. Any employee of the Authority, having cause to believe a leak or break or defect exists in a customers service shall immediately take necessary steps to notify the customer. If such leak or defect may constitute a health, property or safety hazard, the employee shall immediately suspend service until the necessary repairs have been made.

**Restoration of Service:** After suspension of service for non-payment there shall be a reconnect service charge as provided by the Suspension of Service Fee Schedule during normal business hours (8.AM to 5PM) in addition to the delinquent bill and penalty prior to the restoration of service. (There will be No after normal business hours reconnects.)

There will be a charge as provided by the Suspension of Service Fee Schedule for new customer service connects if the new connect is performed after normal business hours. New customer service connects is defined as any customer who has never had an established service with the Authority at any time or has received service and no longer had service within a six (6) month period.

**Additional Deposit:** There will be an additional deposit as provided by the Suspension of Service Fee Schedule and the Suspension of Service Fee Schedule for the restoration of water service after service has been suspended for delinquent accounts or until such time as the deposits equal three months average billing based on the previous twelve (12) months history of service from this location.

**Insufficient Checks:** Checks presented as payment for utility charges shall be presented to the drawee bank only one (1) time for payment. If returned unpaid by the bank for any reason, the Authority shall notify the

customer by a customary written notice, stating the amount of the insufficient check and deadline for repayment to avoid suspension of services. The authority will only accept cash, cashiers check or money order in substitution for the returned check. In the event any customer has two (2) returned checks within a twelve (12) month period, the Authority will notify the customer that further personal checks will not be accepted for the next twelve (12) month period. Any customer paying an account after the posting of the suspension notice with a returned check from any bank shall have utility service suspended immediately without further notice. As provided by the Suspension of Service Fee Schedule there will be returned check charge on any returned check because of insufficient funds, stop payment or any other related reason that the check did not clear the bank.

Failure to receive a notice will not exempt a customer from service suspension.

If a customer writes a check for meter deposits or past due utility service and the check is returned to TPWA unpaid, service shall be suspended without further notice.

**Hardship Cases:** In cases of extreme hardship, the Office Manager or General Manager is authorized in his/her discretion to exercise a stay of suspension of service, and grant extensions of time for payments. A written request for such extension shall be made by the customer, setting forth the facts and circumstances to support the request.

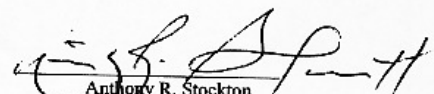
**Hardship Cases Involving Life Support:** TPWA requires a physicians statement from each customer, stating why and what type of life support equipment is necessary to sustain utility service to a customers account. This requirement is maintained on file at all times to ensure the life support equipment is maintained within a reasonable time frame in the event of emergency conditions and the delinquency of accounts. In the event a customer becomes delinquent on their account and can not make the payment, TPWA will install a LIMITED USE meter device that restricts the flow of energy to the account to only ten (10) amps. This LIMITED USE meter device supplies enough energy to maintain service to the life support system and other house hold equipment until the account is paid in full.

**Suspension of Service Fee Schedule:** The Board of Trustee's shall establish a Suspension of Service Fee Schedule from time to time as they shall deem reasonable, setting the amount of the fees described in the policy, which shall be a part of this policy.

**Copies of Policy:** A copy of this policy shall be provided to all existing and future new customers of the Tahlequah Public Works Authority. All employees of the Authority having direct or indirect contact with the administration of this policy shall be orally advise of this statement of policy and furnished a printed copy. Any customer having a dispute with the Authority covered by this policy shall be advised of this written policy and copies shall be furnished to the customer upon request.

Adopted this: 15<sup>th</sup>, day of June, 2004.

Attest:   
Secretary

  
Anthony R. Stockton  
Chairman

**Suspension of Utility Service  
Fee Schedule**

	<u>Electric</u>	<u>Water</u>
<u>1.)Reconnect:</u>	\$50.00 .....	\$50.00
<u>2.)Connect:</u>	\$50.00 .....	\$50.00
<u>3.)Transfer:</u>	\$50.00 .....	\$50.00
<u>4.)Returned Check:</u>	\$25.00 .....	\$25.00
<u>5.)Additional Deposit:</u>	\$50.00 .....	\$10.00
<u>6.)2 Trip Connect:</u>	\$50.00 .....	\$50.00
<u>7.)2 Trip Reconnect:</u>	\$50.00 .....	\$50.00
<u>8. Tampering Fee:</u>	\$70.00 .....	\$70.00