

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. Telecommunications Service

(1) Toll-Calling Errors

When a customer reaches a wrong number on an intrastate toll call and promptly notifies an appropriate operator or service representative, the utility shall credit the customer's account.

(2) Interruption and Outage

After an interruption or outage of telecommunications service of more than 24 hours, a utility shall refund a portion of the monthly charge for the number of days without service.

C. 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.

D. 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.

E. 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;
- R. A condition exists which poses a health or safety hazard; or,
- S. Unreasonable, unlawful, or abusive use of party line service. Each local exchange carrier shall file its policy governing the use of party lines as a tariff according to the Commission's Rules of Practice and Procedure.

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;
- D. Another telephone customer has separate telephone service at the same location and does not pay for that service.

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. For electric, gas, water, and sewer service, the name and address of the customer, and the address of the service, if different. For telephone service, the name and address of the customer and the telephone number to which the service is billed;
- 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 BUSINESS 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 is handicapped 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.
- (7) Local exchange carriers may restrict toll calling access to the customer as part of the delayed payment agreement if the customer owes more than \$100.00 in toll charges on the bill upon which the customer requests a delayed payment agreement and any of the conditions of Rule 4.02.A. (1), (2), (3), (4) or (5) apply to that particular customer.

EXCEPTION:

Subsection D.(7) of this Rule shall not be applied if the customer can establish that toll access is needed due to a medical condition, or toll access is used to monitor a medical condition remotely. The delayed payment agreement form the telephone company uses in instances when toll is proposed to be restricted must include information telling the customer about these exceptions.

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

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 current 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.

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 certificate.

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 Handicapped

This Rule only applies to residential customers.

A. Identification of the Elderly and Handicapped 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 and handicapped customers; and,
- (3) When contacted by a customer about suspension.

B. Customer Contact

At least 72 hours before suspending service to an identified elderly or handicapped account, 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