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(Statutory authority: Public Service Law, §§ 4, 66, 72, 80, 85)

13.1. Applicability of rules and definitions.

(a) Applicability.

(1) Notwithstanding any other commission rules or orders to the contrary, this Part governs the rights, duties and obligations of every gas, electric and steam corporation or municipality subject to the jurisdiction of the commission by virtue of articles 4 and 4-A of the Public Service Law, their **nonresidential customer**s and the applicants for such nonresidential service.

(2) Nothing in this Part shall modify the commission's rules or orders applicable to the provision of gas, electric or steam service to residential customers under Part 11 of this Title.

(b) Definitions.

The following words and terms when used in this Part have the following meanings:

(1) A utility is any gas corporation, electric corporation, gas and electric corporation, steam corporation or municipality; provided, however, that the term shall not include any municipality that is exempt from commission regulation by virtue of section 1005(5)(g) of the Public Authorities Law.

(2) An applicant is a person, corporation or other entity who has requested gas, electric or steam service as a nonresidential customer.

(3) A nonresidential customer is a person, corporation or other entity, supplied by a utility with gas, electric or steam service under the utility's tariff, and pursuant to an accepted application for service, who is not a residential customer as defined in Part 11 of this Title. The word customer, when used alone in this Part, refers only to a nonresidential customer.

(4) A new customer is a customer who was not the last previous customer at the premises to be served, regardless of whether such customer previously was or is still a customer of the utility at a different location.

(5) A seasonal customer is a customer who applies for and receives utility service periodically each year, intermittently during the year, or at other irregular intervals.

(6) A short-term or temporary customer is a customer who requested service for a period of time up to two years.

(7) A demand customer is a customer who is billed for demand charges.

(8) An actual reading is one obtained by a utility employee from either the meter or a remote registration device attached thereto.

(9) An access controller is a party known to a utility to be in control of access to the metering equipment of a customer, and to have an active account of its own with the utility.

(10) A payment is considered to be made on the date when it is received by a utility or one of its authorized agents.

(11) A late payment is any payment made more than 20 calendar days after the date payment was due. Payment is due whenever specified by a utility on its bill, provided such date does not occur before personal service of the bill or three calendar days after the mailing of the bill.

(12) Arrears are charges for which payment has not been made more than 20 calendar days after payment was due.

(13) A delinquent customer is a customer who has made a late payment on two or more occasions within the previous 12-month period.

(14) A business day is any Monday through Friday when a utility's business offices are open.

(15) A deferred payment agreement is a written agreement for the payment of outstanding charges over a specified period of time. It must be signed in duplicate by a utility representative and the customer, and each must receive a copy, before it becomes enforceable by either party.

(16) A levelized payment plan is a billing plan designed to reduce fluctuations in a customer's bill payments due to varying, but predictable patterns of consumption.

(17) A backbill is ~~that portion of any bill, other than a levelized bill, which represents charges not previously billed for service that was actually delivered to the customer during a period before the current billing cycle.~~ a bill that is either a late bill or an upwardly adjusted bill. A bill based on an actual reading rendered after one or more bills based on estimated or customer readings (commonly called a catch-up bill), which exceeds by 50 percent or more the bill that would have been rendered under a utility's standard estimation program, is presumed to be ~~a backbill~~ an upwardly adjusted bill.

(18) Tampered equipment is any service-related equipment that has been subjected either to unauthorized interference so as to reduce the accuracy or eliminate the measurement of a utility's service, or to unauthorized connection occurring after a utility has physically disconnected service.

(19) Utility deficiency means any action or inaction by a utility or one of its authorized agents that does not substantially conform to the rules and regulations of this Title, the utility's tariff, or the utility's written business procedures.

(20) Unless defined in a utility's effective tariff, the term *monthly billing period* shall mean the 25 to ~~35~~ 40 day period for which monthly bills are rendered.

(21) *Late bill* means a bill for service used by the customer before the most recently concluded billing period and for which the customer was not previously billed.

(22) *Upwardly adjusted bill* means any bill, other than a levelized bill, that contains an upward adjustment of a charge for service that was previously billed to the customer.

(23) *Small non-residential customer* means non-residential electric customers that are non-demand billed customers and non-residential gas customers that use less than or equal to 750 dekatherms per year. Such term shall not include street lighting accounts.

(24) *Large non-residential customer* means any non-residential customer that does not meet the definition of small non-residential customer.

(25) The term *reading attempt* shall mean the following:

(i) ~~a~~ For a meter capable of transmitting or receiving consumption or other meter reading data through a digital communication system, a *reading attempt* is any automated system event in which the utility initiates or schedules a data retrieval from the meter for a defined interval period;

(ii) ~~b~~ For all other types of meters, a *reading attempt* is a physical visit to the meter location to read the meter, as set forth in the utility's tariff.

13.2. Applications for service.

(a) Extension of service.

(1) A utility shall either provide or deny service to any applicant as soon as reasonably possible, but no later than 10 calendar days after receipt of a completed application for service or such later time as may be specified by the applicant, except:

(i) where prevented by labor strikes or other work stoppages;

(ii) where precluded by consideration of public safety;

(iii) where precluded by physical impediments, including:

(a) adverse weather conditions;

(b) inability to gain access to premises in the possession of the applicant or others;

(c) incomplete construction of necessary facilities by the applicant or inspection and certification thereof by the appropriate authorities; or

(d) incomplete construction of necessary facilities by the utility.

(2) A utility shall make reasonable efforts to eliminate conditions preventing extensions of service and shall pursue completion of any facilities it must construct with due diligence.

(3) As a prerequisite to accepting an applicant as a customer, and providing service, a utility may require the applicant to:

(i) file a written service application containing information sufficient to establish the applicant's identity and responsibility for the premises as either the owner or occupant, the correct service classification, and who controls access to the meter(s) if not the customer;

(ii) comply with the utility's tariff, or any applicable State, city or local laws or ordinances;

(iii) fulfill any applicable requirements of Parts 98 and 230 of this Title;

(iv) make full payment for all amounts due and payable which are not either the subject of a pending billing dispute pursuant to section 13.15 of this Part or of an existing deferred payment agreement that is in good standing, including:

(a) service provided and billed, in accordance with section 13.11 of this Part, to prior account(s) in the applicant's name or for which the applicant is legally responsible;

(b) other tariff fees, charges or penalties;

(c) reasonably chargeable material and installation costs relating to temporary or permanent line or main extensions or service laterals, as required by the utility's tariff and authorized under Parts 98 and

230 of this Title, provided these costs are itemized and given to the applicant in writing;

(d) special services billable under the utility's tariff, provided these costs are itemized and given to the applicant in writing; and

(e) a security deposit, if requested by the utility, as long as such deposit is in accordance with section 13.7 of this Part.

(4) A utility shall provide service to any accepted applicant whose application for service was previously denied solely for failure to make full payment as provided in subparagraph (3)(iv) of this subdivision, as soon as reasonably possible, but no later than three business days, or such later time as may be specified by the applicant, after payment is made, or 10 calendar days after receipt of the original application, whichever is later, except as provided in paragraph (1) of this subdivision.

(b) Service application.

(1) A service application shall be available in every utility business office and shall be provided to every applicant for service for whom the filing of a written application is a prerequisite for providing service.

(2) A service application shall contain a section for determining the customer's service classification, which shall include the following:

(i) a conspicuous notice advising the customer that the questions in this section are designed to assist the utility in placing the customer on the proper and the most beneficial service classification; that the utility may rely on this information in classifying the service; that the cost of service may vary under different service classifications; that there are eligibility requirements for each service classification; that a customer may be eligible for service under more than one classification; that one classification may be more beneficial than another; that a description of the common nonresidential service classifications accompanies the application; that the utility's tariff, which describes each service classification in detail, may be examined in every utility business office; that questions about service classification may be discussed with a customer service representative; that if the customer's use of service or equipment changes in the future, the customer must notify the utility of these changes, in order to assure that the customer is being properly billed; and that if the information provided by the customer relevant to service classification is inaccurate or incomplete, the customer may be subject to ~~back~~upwardly adjusted billing on the correct service classification, or may be precluded from receiving a refund for overcharges based on the correct service classification; and

(ii) a comprehensive series of questions relevant to identifying the customer's service classification based on the utility's tariff, such as, but not limited to, the type of business or use, the size and type of equipment on the premises, and the estimated consumption.

(3) A utility may require the submission of appropriate types of documents to substantiate the information provided in the service application, which shall be listed in the application form and shall constitute a part of the application.

(4) A service application may request any other relevant information or documents not inconsistent with this section.

(5) Any utility report relevant to the establishment of the proper service classification for the customer shall be made a part of the service application.

(6) A service application shall contain, close to the place where the applicant signs, a notice that the applicant has the right to request that the utility inspect the metering device in order to assure its accuracy, along with a place for the applicant to indicate whether such inspection is requested; provided, however, that if a utility has a written policy of not ~~backbilling previously unbilled~~ upwardly adjusting a bill for service when the failure to charge for such service resulted from the faulty operation or ~~inoperation~~ non-operation of a metering device, which faulty operation or ~~inoperation~~ non-operation was not due to the culpable conduct of the customer or ~~his~~the customer's agent, the above notice is not required.

(7) A service application must be signed by the applicant or an authorized agent of the applicant, and a copy must be provided to the applicant or agent. In the case of agents, a utility may require suitable proof of the authorization of the agent.

(c) Denial of application.

(1) A utility shall not deny an application for service except in a written notice either delivered personally to the applicant or sent to the applicant's e-mail address, current business address or any alternative mailing address provided in the application.

(2) The written notice of denial shall:

(i) state the reason(s) for the denial;

(ii) specify what the applicant must do to qualify for service; and

(iii) advise the applicant of the right to an investigation and review of the denial by the commission or its authorized designee if the applicant considers the denial to be without justification, and identify the appropriate address and telephone number of the commission.

(3) A utility shall advise any applicant who submits an incomplete application, in writing and within three business days after receipt of the application, of the information and/or documents that must be submitted in order for the application to be considered complete. Such notice shall not itself be considered a denial of the application.

(4) Every utility shall maintain, for a period of not less than one year, service applications that are denied and the utility's written notice of denial.

(5) Utilities shall comply with subdivisions (a) and (b) of this section no later than March 18, 1988.

13.3. Termination of service.

(a) Conditions for termination.

(1) Except as provided in paragraph (2) of this subdivision and section 13.13 of this Part, a utility may only terminate service to a customer if it provides advance final notice of the termination and fulfills all other requirements of this section when the customer:

(i) fails to pay any tariff charge due on the customer's account for which a written bill itemizing the charge, in conformance with section 13.11 of this Part, has been sent, except for charges that reflect service used more than six years prior to the time the bill first containing these charges was rendered, which charges must be pursued by other methods of collection;

(ii) fails to pay amounts due under a deferred payment agreement;

(iii) fails to pay a security deposit if in accordance with section 13.7 of this Part;

(iv) fails to provide reasonable access to the premises for necessary or proper purposes in connection with rendering of service, including meter installation, reading or testing, or the maintenance, or removal, or securing, of the utility's property, so long as the requirements of section 13.8(c) of this Part have been met, and the customer has not advised the utility that the customer does not and who does have control over access; or

(v) fails to comply with a provision of the utility's tariff which permits the utility to refuse to supply or to terminate service.

(2) utility may terminate service to a customer without providing advance notice of the termination and without fulfilling the other requirements of this section when it finds service being supplied through tampered equipment, provided that the utility:

(i) has evidence that the customer opened the account and used the service prior to the creation of the condition or that the customer knew, or reasonably should have known, that service was not being fully billed;

(ii) has rendered a written unmetered service bill in accordance with section 13.11(e) of this Part;

(iii) has made reasonable efforts to provide to a person in charge of the premises:

(a) the written unmetered service bill; and

(b) oral notice of the conditions, if any, under which the utility will continue service, which may include the payment by cash, credit or debit card, certified check or money order within two hours, of some portion of the bill up to, but not exceeding, 50 percent; and

(iv) has not received the required payment.

(b) Final notice of termination.

(1) A final notice of termination shall state:

(i) the reason(s) for termination, including the total amount required to be paid, if any, and the manner in which termination may be avoided;

(ii) the earliest date on which termination may occur;

(iii) the address and phone number of the office of the utility that the customer may contact in reference to his account;

(iv) that utility procedures are available for considering customer complaints prior to discontinuance;

(v) that commission procedures are available for considering customer complaints when a customer is not satisfied with the utility's handling of the complaint, including the address and phone number of the appropriate commission office;

(vi) that it is a termination notice which should be brought to the attention of the utility when the bill is paid;

(vii) that payment of the charges with a check that is subsequently dishonored may result in immediate termination of service without further notice, if applicable; and

(viii) that at the time the utility goes to the premises to terminate service, it may require any payment to be made with cash, credit or debit card, certified check or money order if the customer has, within the last 24 months, paid with a check that was dishonored.

(2) A final notice of termination may contain any additional information not inconsistent with this Part.

(3) A final notice of termination may not be issued or sent unless at least 20 calendar days have elapsed from the date payment was due, or the date given in a written notice to cure a tariff violation, or as provided in section 13.8(c)(3)(iii) of this Part where the reason for the notice is the failure to provide access, except that a final notice of termination for nonpayment may be issued or sent on or after the date payment was due in the following circumstances:

(i) when any portion of the charge that the customer has failed to pay is for unmetered service that was being supplied through tampered equipment and for which an unmetered service bill in accordance with section 13.11(e) of this Part has been rendered;

(ii) when the charge that the customer has failed to pay is the installment amount due in accordance with a deferred payment agreement; or

(iii) when the utility has accepted a written waiver of the customer's right to be sent a termination notice in accordance with the provisions of section 13.7(d)(2) of this Part.

(4) A final notice of termination shall not be sent while a complaint is pending before the utility or the commission for nonpayment of the disputed charges or for any other reason that is the subject of the complaint as provided in section 12.3 of this Title. Nothing in this Part bars the utility from sending such notice for nonpayment of undisputed charges or for reasons not at issue in the complaint.

(c) Physical termination of service.

(1) A utility shall not terminate service for the reasons set forth in paragraph (a)(1) of this section:

(i) for five calendar days after a final notice of termination has been personally served upon the customer, or, where a customer has previously expressly opted-in, has been emailed to the customer; or

(ii) for eight calendar days after a final notice of termination has been mailed to the customer at the location where service is rendered or to any alternative address for mailing purposes previously provided to the utility.

(2) A utility shall not terminate service under this Part on:

(i) a Saturday or Sunday;

(ii) a public holiday as defined in the General Construction Law;

(iii) a day on which the business offices of the utility are closed for business; or

(iv) a day on which the Public Service Commission is closed.

(3) On days when termination may occur, a utility may terminate service between the hours of 8 a.m. and 6 p.m., except that on days preceding the days listed in paragraph (2) of this subdivision, termination may only occur after 3 p.m. if the customer or any person in charge of the premises is informed prior to termination

in a personal contact that termination is about to occur and the utility is prepared to accept ~~a check for any~~ payment required to avoid termination.

(4) A utility shall not terminate service unless it shall have verified on the day termination is scheduled that payment has not been posted to the customer's account as of the opening of business on that day, or shall have complied with procedures established pursuant to paragraph (d)(2) of this section.

(5) Consistent with this section, a utility shall strive to physically terminate service whenever a final notice of termination is sent.

(6) A utility shall not terminate service more than 60 calendar days after issuance of the final termination notice, unless it has, during that time, issued a termination reminder notice that states the current arrears due, if applicable. A utility shall not terminate service more than 90 calendar days after issuance of the final termination notice unless it has, during that time, issued a termination reminder notice that contains all the information required in subdivision (b) of this section.

(7) A utility shall not terminate service while a complaint is pending before the utility or the commission and for eight calendar days after resolution by the utility or by the commission or its authorized designee for nonpayment of the disputed charges or for any reason that is the subject of the complaint as provided in section 12.3 of this Title. Nothing in this Part bars a utility from termination for nonpayment of undisputed charges or for reasons not at issue in the complaint.

(d) Rapid posting of payments. Every utility shall establish written procedures to ensure that any payments made in response to final notices of termination, when the customer brings the fact that such a notice has been issued to the attention of the utility or its collection agents:

(1) are posted to the customer's account on the day payment is received; or

(2) are processed in some manner so that termination will not occur.

(e) Payment at the time of termination.

(1) If a customer claims, at the time that termination for nonpayment is to take place, that payment has already been made and produces a written business record of payment, or claims that there is a complaint pending before the utility or the commission with regard to the charges demanded, the utility's field representative shall make a reasonable effort to verify this information with a utility office representative and shall not terminate service for nonpayment of any verified disputed amount.

(2) If a customer offers payment of the full amount that forms the basis for a scheduled termination at the time of termination, the utility representative shall accept such payment and not terminate service.

(3) If an eligible customer signs a deferred payment agreement, in accordance with section 13.5 of this Part, for the full amount that forms the basis for a scheduled termination and offers payment of the required down payment at the time of termination, the utility representative shall accept such down payment and not terminate service. If the utility allows the customer an extension of time to go to a business office to sign the deferred payment agreement, and the customer agrees to do so and offers payment of the required down payment, the utility representative shall accept such down payment and not terminate service; provided, however, that the utility may terminate service without further notice if the customer fails to sign the agreement within the specified time.

(4) If a customer has, within the last 24 months, paid for service with a check that was dishonored, the utility has the right to accept only cash, certified check or money order as payment under paragraph (2) or (3) of this subdivision.

(5) Whenever payment is made at the time of termination, the utility's field representative shall provide a customer with a receipt showing the date, the account number, the amount received, the form of the payment and either the name or identification number of the utility representative.

(f) Dishonored checks. Receipt of a subsequently dishonored negotiable instrument in response to a notice of termination or tendered to a utility representative, shall not constitute payment of a customer's account and no utility shall be required to issue additional notice prior to termination.

(g) Applicability.

(1) Nothing in this section shall affect a utility's right to suspend, curtail or disconnect service:

(i) when there is no customer and service is being provided through tampered equipment;

(ii) when there is no customer and the utility can show that the user will require service for a period of less than one week, provided that it makes a reasonable effort to advise the user before disconnection and to provide the user an opportunity to apply for service;

(iii) when there is no customer and the utility has provided advance written notice to the occupant stating its intent to disconnect service unless the responsible party applies for service and is accepted as a customer, and advising the occupant of the location of the nearest utility business office where application can be made, either by posting 48 hours or by mailing at least 5 and no more than 30 calendar days before disconnection; or

(iv) as permitted under section 13.13 of this Part.

(2) Nothing in this section shall affect a utility's obligation to comply with the additional requirements set forth in sections 11.7 and 11.8 of this Title relating to termination of service to entire multiple dwellings and two-family homes.

13.4. Reconnection of service.

(a) Obligation to reconnect.

(1) A utility shall reconnect service that has been terminated solely for nonpayment of bills for any tariff charge or a security deposit within 24 hours of the customer's request for reconnection, receipt by the utility of the lawful reconnection charge, any other charges, fees or penalties due, legal fees, court costs and disbursements, if applicable, and either:

(i) the full amount of arrears and/or a security deposit for which service was terminated, and any other tariff charges billed after the issuance of the termination notice which are in arrears at the time reconnection is requested; or

(ii) the signing of a deferred payment agreement in accordance with section 13.5 of this Part for the amounts set forth in subparagraph (i) of this paragraph, and the receipt of a down payment, if required under the agreement.

(2) A utility shall reconnect service that has been terminated solely for failure to provide access within 24 hours of the customer's request for reconnection, provided the customer has allowed access and has made a reasonable arrangement for future access.

(3) A utility shall reconnect service that has been terminated solely for a violation of the tariff within 24 hours of a customer's request for reconnection and, at the option of the utility, either receipt by the utility of adequate notice and documentation, or a field verification by the utility, that the violation has been corrected; provided, however, that the field verification, if required, shall be arranged within two business days of the customer's request or such later time as may be specified by the customer.

(4) A utility shall reconnect service that has been terminated for two or more independent reasons when the customer has requested reconnection and has satisfied all conditions for reconnection. The reconnection shall be accomplished within the time period applicable to the last condition satisfied under paragraph (1), (2) or (3) of this subdivision.

(5) A utility shall reconnect service that has been terminated within 24 hours after the direction of the commission or its designee, which direction may occur only where the termination was in error, or the customer has filed a complaint with the commission and has either paid in full the undisputed amount established pursuant to section 12.3 of this Title, or has entered into a deferred payment agreement in accordance with section 13.5 of this Part for such amount and has paid the required down payment.

(b) Inability to reconnect. Whenever circumstances beyond a utility's control, as set forth in section 13.2(a)(1)(i)-(iii) of this Part, prevent reconnection of service within 24 hours of any of the events specified in paragraphs (a)(1)-(5) of this section, service shall be reconnected within 24 hours after those circumstances cease to exist.

13.5. Deferred payment agreements.

(a) Utility's obligations.

(1) A utility shall provide a written notice offering a deferred payment agreement in accordance with this section to an eligible customer at the following times:

(i) not less than five calendar days before the date of a scheduled termination of service for nonpayment of arrears, as indicated on a final termination notice, or eight calendar days if mailed, provided the customer has been a customer for at least six months and the arrears on which the outstanding termination notice is based exceed two months' average billing; and

(ii) when it renders ~~a backbill~~ an upwardly adjusted bill, which exceeds the cost of twice the customer's average monthly usage or $100, whichever is greater; provided, however, that a utility shall not be required to offer an agreement when the customer knew, or reasonably should have known, that the original billing was incorrect.

(2) If a utility and a customer agree to terms of a deferred payment agreement in a telephone conversation, the utility shall send the customer two fully completed copies of the agreement, signed by the utility, for the customer to sign and return.

(b) Eligibility.

(1) Any customer is eligible for a deferred payment agreement except the following:

(i) a customer who owes any amounts under a prior deferred payment agreement;

(ii) a customer who failed to make timely payments under a prior deferred payment agreement in effect during the previous 12 months;

(iii) a customer that is a publicly held company, or a subsidiary thereof;

(iv) a seasonal, short-term or temporary customer;

(v) an electric customer who, during the previous 12 months, had a combined average monthly billed demand for all its accounts with the utility in excess of 20 kw, or who registered any single demand on any account in excess of 40 kw;

(vi) a gas customer who during the previous 12 months had a combined total consumption for all its accounts with the utility in excess of 4,000 therms;

(vii) a steam customer who during the previous 12 months had a combined total consumption for all its accounts with the utility in excess of 1,000 Mlbs;

(viii) a customer of any two or more services (gas, electric and steam) who is ineligible under subparagraph (v), (vi) or (vii) of this paragraph; or

(ix) a customer who the utility can demonstrate has the resources to pay the bill, provided that the utility notifies the customer of its reasons and of the customer's right to contest this determination through the commission's complaint procedures.

(2) The commission or its authorized designee may order a utility to offer a deferred payment agreement in accordance with this section to a customer whom it finds this section intended to protect, when an agreement is necessary for a fair and equitable resolution of an individual complaint.

(c) Contents of offer.

(1) Every offer of a deferred payment agreement shall inform the customer of the availability of a deferred payment agreement for eligible customers, set forth generally the minimum terms to which such customer is entitled, explain that more generous terms may be possible, and specify the telephone number and the times to call in order to discuss agreement.

(2) An offer pursuant to subparagraph (a)(1)(i) of this section shall also state the date by which the customer must contact the utility in order to avoid termination, and explain that the utility has the right to a larger down payment if the deferred

payment agreement is not entered into until after a field visit to physically terminate service has been made.

(d) Terms of agreement.

(1) A deferred payment agreement shall obligate the customer to make timely payments of all current charges.

(2) A deferred payment agreement offered pursuant to subparagraph (a)(1)(i) of this section may require the customer:

(i) to make a down payment of up to 30 percent of the arrears on which an outstanding termination notice is based, or the cost of twice the customer's average monthly usage, whichever is greater, plus the full amount of any charges billed after the issuance of the termination notice which are in arrears at the time the agreement is entered into; or

(ii) in the event a field visit to physically terminate service has been made, to make a down payment of up to 50 percent of the arrears on which an outstanding termination notice is based, or the cost of four times the customer's average monthly usage, whichever is greater, plus the full amount of any charges billed after the issuance of the termination notice which are in arrears at the time the agreement is entered into; and

(iii) to pay the balance in monthly installments of up to the cost of the customer's average monthly usage or one sixth of the balance, whichever is greater; and

(iv) to pay late payment charges during the period of the agreement; and

(v) to pay a security deposit in three installments, 50 percent down and two monthly payments of the balance, if previously requested in accordance with section 13.7 of this Part.

(3) A deferred payment agreement offered pursuant to subparagraph (a)(1)(ii) of this section, may require the customer to pay the outstanding charges in monthly installments of up to the cost of one half of the customer's average monthly usage, or one twenty-fourth of such charges, whichever is greater.

(4) A deferred payment agreement may provide for a greater or lesser down payment, a longer or shorter period of time, and payment on any schedule, if mutually agreed upon by the parties.

(e) Form of agreement. A deferred payment agreement form shall:

(1) set forth in general the terms of the agreement;

(2) indicate the due date for each installment, and the exact dollar amount of each installment, separately itemized to show the arrears payment and the security deposit payment, as applicable;

(3) indicate whether the agreement is subject to late payment charges, and if so, either set forth the exact dollar amount of the late payment charge to be paid with each installment or, if late payment charges are to be billed on the customer's regular cycle bill, a late payment charge disclosure statement. The disclosure statement shall include the late payment charge rate, on both a monthly and an annualized basis, how it is calculated, how and when the late payment charge will be billed, what the total cost of late payment charges on the agreement will be if the agreement if fully complied with, and a notice that the total late payment charges may be greater or less than the disclosed cost if the customer makes payments either early or late;

(4) state the date by which the copy signed by the customer, and any applicable down payment, must be received by the utility in order to become enforceable; provided, however, that such date may not be less than six business days after it is sent;

(5) inform the customer of the utility's policy if the agreement is not signed and returned as required;

(6) state that if the customer fails to comply with an agreement, the utility may send an immediate termination notice; and

(7) state that the customer may obtain the assistance of the commission to assure that the agreement is in conformance with this section.

(f) Broken agreements.

(1) The first time a customer fails to make timely payment in accordance with a deferred payment agreement, the utility shall give the customer a reasonable opportunity to keep the agreement in force by paying any amounts due under the agreement.

(2) Except as provided in paragraph (1) of this subdivision, if a customer fails to comply with the terms of a deferred payment agreement, the utility may demand full payment of the total outstanding charges and send a final termination notice in accordance with section 13.3(b)(3)(ii) of this Part.

(g) Utilities shall comply with this section no later than March 18, 1988.

13.6. Levelized payment plans.

(a) Obligation to offer. A utility shall provide a written notice offering a voluntary levelized payment plan designed to reduce fluctuations in payments caused by seasonal patterns of consumption to its eligible customers at least once in each 12-month period.

(b) Eligibility. A utility shall be required to offer a levelized payment plan to all customers except:

(1) customers who have less than 12 months of billing history at the premises;

(2) seasonal, short-term or temporary customers;

(3) customers who have arrears;

(4) interruptible, temperature-controlled, or dual-fuel customers;

(5) customers who, for any reason, ceased being billed on a previous levelized payment plan before the end of the plan year in the past 24 months; or

(6) customers whose pattern of consumption is not sufficiently predictable to be estimated on an annual basis with any reasonable degree of certainty.

(c) Utility procedure. A utility shall establish a written procedure and billing system to implement this section, which procedure:

(1) sets forth a method for establishing an eligible customer's monthly or bimonthly levelized payment amount which shall take into consideration the best available relevant factors, including the utility's standard estimation factors, projected rates, fuel adjustment charges, and taxes;

(2) sets forth a method for comparing the actual cost of service rendered, as determined by actual meter readings and any rate increases or decreases, to the levelized payment amount, and for adjusting upwards or downwards the levelized payment amount to minimize the adjustment required on the final settlement bill, which comparison shall be done not less than two nor more than four times annually, and at the end of the plan year;

(3) provides that each levelized bill clearly identifies the total of the levelized payment amounts billed and the total of the actual dollar value of the consumption used during the period covered by the current bill;

(4) provides that a final levelized settlement bill, which is rendered at the end of the plan year, when the customer requests removal from the levelized payment plan, or when the utility removes the customer from the levelized payment plan:

(i) sets forth a reconciliation between the total levelized payment amount billed, the cost of service actually used and the amounts paid during the plan period; and

(ii) if payment was received in excess of the cost of service actually used during the plan period, advises the customer of the utility's policy regarding return of the excess payment, which policy may not permit the utility to credit to the customer's account more than the levelized payment or estimated amount of the next cycle bill, and must provide for the issuance of a refund check for any balance within 30 calendar days of the rendering of the final levelized settlement bill;

(5) requires that when the levelized payment amount is revised, the customer be provided with a general description of such revision calculation, and a telephone number to call at the utility for a more detailed explanation of the revision; and

(6) limits enrollment to the plan to a time of year when the customer will not be subject to undue disadvantage.

(d) Removal of levelized payment plan.

(1) A customer may request that the utility remove the customer from the levelized payment plan and reinstate regular billing at any time, in which case the utility may immediately render a final levelized settlement bill, and shall do so no later than by the time of the next cycle bill that is rendered more than 10 business days after the request.

(2) A utility may only remove a customer from its levelized payment plan if the customer becomes ineligible under subdivision (b) of this section, and provided that the utility has given the customer an opportunity to become current in payment, if delinquency is the cause of the customer's ineligibility, provided further that such opportunity need only be given once in any 12-month period.

(e) Utilities shall comply with this section no later than March 18, 1988.

13.7. Security deposits.

(a) Deposit requirement.

(1) A utility may only require the payment of a security deposit from:

(i) a new customer; or

(ii) an existing customer:

(a) who is delinquent;

(b) whose financial condition is such that it is likely that the customer may default in the future; provided, however, that the utility must have reliable evidence of such condition, such as reports from accepted financial reporting services or credit reporting agencies;

(c) who has filed for reorganization or bankruptcy; or

(d) who has been rendered ~~a backbill~~ an upwardly adjusted bill within the last 12 months ~~for previously unbilled charges~~ for service that came through tampered equipment.

(2) A utility shall offer an existing customer, from whom a deposit is required under clauses (1)(ii)(a) or (b) of this subdivision, the opportunity to pay the deposit in three installments, 50 percent down and two monthly payments of the balance.

(3) A utility shall establish a written procedure covering its deposit policy and practice.

(4) A request for a deposit or deposit increase shall be in writing and shall advise the customer:

(i) why the deposit is being requested;

(ii) how the amount of the deposit was calculated;

(iii) that the deposit is subject to later upward or downward revision based on the customer's subsequent billing history;

(iv) that the customer may request that the utility review the account in order to assure that the deposit is not excessive;

(v) the circumstances under which the deposit will be refunded;

(vi) that the customer will receive annual notice of the interest credited to the account;

(vii) about the available deposit alternatives; and

(viii) that for an existing customer from whom the deposit is being requested because of delinquency or financial condition, the deposit may be paid in three installments.

(5) A utility shall issue, to every customer from whom a deposit is obtained, a receipt showing the date, the account number, the amount received, the form of the payment, and shall contain a notice explaining the manner in which interest will accrue and be paid and that the receipt is neither negotiable nor transferable.

(b) Deposit calculation.

(1) The amount of a deposit shall not exceed the cost of twice the customer's average monthly usage, except in the case of customers whose usage varies widely such as space-heating or -cooling customers, or certain manufacturing and industrial processors, where the deposit shall not exceed the cost of twice the average monthly usage for the peak season.

(2) In the case of an existing customer who has 12 months or more of billing history, the amount of the deposit shall be based on service used during the previous 12-month period as evidenced by the billing history.

(3) In the case of a new customer or a customer with less than 12 months of billing history, the amount of the deposit shall be based on one or more of the following, as available:

(i) the billing history of the customer;

(ii) information provided in the application by the customer about the expected load and use of service;

(iii) information contained in a load study of the premises prepared by the utility; and

(iv) the billing history of the previous customer, provided there have been no significant changes in the load.

(c) Deposit review.

(1) A utility shall, at the first anniversary of the receipt of the deposit and at least biennially thereafter, review the billing history of every customer who has a deposit with the utility, to assure that the amount of the deposit conforms to the limitations contained in subdivision (b) of this section. This requirement does not limit the right of a utility to review a deposit at any time.

(i) If a deposit review shows that the deposit held falls short of the amount that the utility may lawfully require by 25 percent or more, the utility may require the payment of a corresponding additional deposit amount from the customer.

(ii) If a deposit review shows that the deposit held exceeds the amount that the utility may lawfully require by 25 percent or more, the utility shall refund the excess deposit to the customer in accordance with subdivision (f) of this section.

(2) Upon request of a customer for a downward revision of the deposit, which request is substantiated both by the customer's billing history and by a permanent documented change in load and consumption, a utility shall refund any portion of

the deposit in excess of the amount the utility may lawfully require in accordance with subdivision (f) of this section.

(d) Deposit alternatives.

(1) A utility shall accept deposit alternatives which provide a level of security equivalent to cash, such as irrevocable bank letters of credit and surety bonds.

(2) A utility may, at its discretion, accept from the customer, in lieu of a deposit, a written promise to pay bills on receipt and a written waiver of the customer's right to be sent a final termination notice until 20 calendar days after payment is due.

(e) Interest.

(1) Every cash deposit shall accrue interest at a rate prescribed at least annually by the commission in light of the current economic conditions and current charges paid for money borrowed by such utility, taking into account the expenses incurred by such utility in obtaining, handling, returning or crediting the sum deposited.

(2) Interest shall be paid to the customer upon the return of the deposit, or, where the deposit has been held for a period of one year or more, the interest shall be credited to the customer no later than the first bill rendered after the next succeeding first day of October and at the expiration of each succeeding one-year period.

(3) Interest shall be calculated on the deposit until the day it is applied as a credit to an account or the day on which a refund check is issued. If the deposit is credited in part and refunded in part, interest shall be calculated for each portion up to the day of credit and refund.

(f) Deposit return.

(1) A utility shall return a deposit or portion thereof, plus the applicable interest, in accordance with paragraphs (2) and (3) of this subdivision, as soon as reasonably possible, but no more than 30 calendar days after:

(i) the day an account is closed;

(ii) the issuance date of the first cycle bill rendered after a three-year period during which all bills were timely paid, provided there is no other basis for the utility to request a deposit under subparagraph (a)(1)(ii) of this section; or

(iii) a review pursuant to subdivision (c) of this section shows that deposit reduction is warranted.

(2) A deposit or portion thereof plus the applicable interest that is subject to return under paragraph (1) of this subdivision:

(i) shall be credited to the account it secured in the amount of any outstanding charges;

(ii) may be credited to the account it secured in the amount of the next projected cycle bill, if applicable; and

(iii) may be credited to any other account of the customer not secured by a deposit, in the amount of the arrears on that account.

(3) If a balance remains after a utility has credited the customer's account(s) in accordance with paragraph (2) of this subdivision, a refund check shall be issued to the customer.

(g) Utilities shall comply with this section no later than March 18, 1988.

13.8. Meter reading and estimated bills.

(a) Meter reading.

(1) A utility shall make a reading attempt, to obtain an actual reading for every customer's account, on the regularly scheduled basis provided for in its tariff.

(2) A reading attempt requires that a meter reader visit the premises between 8 a.m. and 5 p.m. on a business day, and follow any routine access instructions.

(3) Where circumstances beyond a utility's control prevent the utility from making a regularly scheduled reading attempt and where the two previous consecutive cycle bills were not based on an actual reading, the utility shall make a second similar follow-up reading attempt as soon as possible and within seven calendar days after the scheduled reading date.

(4) Where a utility did not obtain an actual reading from the meter(s) of a demand account at the time of a regularly scheduled or follow-up reading attempt, the utility shall make another reading attempt as soon as possible and within seven calendar days after its last attempt.

(5) Where a utility has billed a customer's account based on the readings of a remote registration device for six consecutive months, the utility shall, at the time of every subsequent reading attempt and, until successful, try to gain access to and read the meter.

(6) Where a utility has billed a customer's account based on customer readings for six consecutive months, and did not obtain an actual reading at the time of the next regularly scheduled or follow-up reading attempt thereafter, the utility shall, within seven calendar days after the last attempt, either make another reading attempt or an appointment with the customer to read the meter.

(7) Unless a customer does not have access to the meter or the customer will be unable to obtain a reliable meter reading, the utility shall, at the time of any unsuccessful reading attempt, leave at the premises or mail or e-mail to the customer a meter-reading card for the nondemand meter.

(b) Estimated bills.

(1) A utility may render an estimated bill for a regular cycle billing period only when:

(i) the utility has failed to obtain access to the meter(s);

(ii) circumstances beyond the control of the utility made obtaining an actual reading of the meter(s) extremely difficult, despite having access to the meter area; provided, however, that estimated bills for this reason may be rendered no more than twice consecutively without the utility advising the customer in writing of the specific circumstances and the customer's obligation to have the circumstances corrected;

(iii) the utility has good cause for believing that an actual or customer reading obtained is likely to be erroneous; provided, however, that estimated bills for this reason may be rendered no more than twice consecutively without the utility initiating corrective action before the rendering of the next cycle bill;

(iv) circumstances beyond the control of the utility prevented the meter reader from making a premises visit;

(v) an actual reading was lost or destroyed; provided, however, that an estimated bill for this reason shall be rendered no more than once without the utility initiating corrective action before the rendering of the next cycle bill;

(vi) an estimated reading has been prescribed or authorized by the commission for a particular billing cycle;

(vii) an estimated reading is the approved billing method in accordance with the utility's tariff for the billing; or

(viii) (viii) an unmetered condition was in existence during the period.

(2) Every estimated bill shall be calculated in accordance with an established formula or methodology which shall take into account the best available relevant factors for determining the customer's energy usage and, if applicable, demand usage.

(c) No-access procedure.

(1) A utility shall begin providing no-access notices as described in this subdivision, commencing with:

(i) the second consecutive bill estimated pursuant to either subparagraph (b)(1)(i) or (ii) of this section in the case of accounts billed for demand;

(ii) the fourth consecutive bill estimated pursuant to either subparagraph (b)(1)(i) or (ii) of this section in the case of accounts not billed for demand; or

(iii) the 10th consecutive bill estimated pursuant to subparagraph (b)(1)(i) or (ii) of this section or based on a remote registration device or a customer reading.

(2) The no-access notices and charges described in this subdivision shall be directed only to the access controller. In any case where the access controller is not the customer of the subject account, a copy of these no-access notices shall also be sent to the customer at the same time.

(3) The series of no-access notices shall be as follows:

(i) The first notice shall advise the access controller that unless access to the customer's meter is provided on the next meter reading date, or a special appointment to read the meter is made and kept by the access controller prior to that date, a no-access charge will be added to the access controller's next bill and to every bill thereafter until access to the customer's meter is provided, but that no charge will be imposed if an appointment is arranged and kept. The notice shall advise the access controller that the utility will arrange a special appointment for a reading of the customer's meter if the access controller calls a specified telephone number. Where the access controller is not the customer of the subject account, the notice shall begin by stating that the utility records indicate that the recipient is the party who controls access to the meter of the customer, specifically identified as to address, part supplied, and account number, and that the utility has not been provided access to the customer's meter as required.

(ii) The second notice shall advise the access controller of the no-access charge that has been added to the access controller's bill and that, unless access to the customer's meter is provided on the next meter-reading date or a special appointment to read the meter is made and kept by the access controller prior to that date, another charge will be added to the access controller's next bill. The notice shall further explain that if the access controller's service can be physically terminated without obtaining access, steps to terminate service will follow, and that in the event that the access controller's service cannot be physically terminated, steps to obtain a court order to gain access to the customer's meter will follow. The notice shall advise the access controller that the utility will arrange a special appointment for a reading of the customer's meter if the access controller calls a specified number.

(iii) (The third and each successive notice shall advise the access controller of the no- access charge that has been added to the access controller's bill and, if the access controller's service can be terminated without obtaining access, shall be accompanied by a final notice of termination for nonaccess. In any case where the access controller's service cannot be physically terminated without obtaining access, the notice shall advise the access controller that the utility is seeking to obtain a court order to gain access to the customer's meter.

(4) A no-access charge as provided for in the utility's tariff shall not exceed $100.

(5) No more than $100 per building or premises shall be added to any single bill of the access controller even though more than one meter is located there.

(6) A utility may, at its discretion, suspend temporarily the issuance of no-access notices and/or penalties under this subdivision if the access controller contacts the utility and provides a legitimate reason for postponing the provision of access;

provided, however, that such suspension may not be utilized in the case of any account that is billed for demand charges and in no event for more than 90 calendar days.

(d) Utilities shall comply with this section no later than March 18, 1988.

13.9. ~~Backbilling~~Adjusted bills and late bills.

(a) Notice.

(1) Every ~~backbill~~ bill that upwardly adjusts charges for service that was previously billed to a customer shall contain a written explanation of the reason for the ~~backbill~~ upwardly adjusted bill that shall be sufficiently detailed to apprise the customer of the circumstances, error or condition that caused the underbilling, and, if the ~~backbill~~ upwardly adjusted bill covers more than a 24-month period, a statement setting forth the reason(s) the utility did not limit the ~~backbill~~ upwardly adjusted bill under subdivision (c) of this section.

(2) Every ~~backbill~~ upwardly adjusted bill shall contain, or be accompanied by, all required information applicable under section 13.11 of this Part.

(3) Every ~~backbill~~ upwardly adjusted bill covering more than a one-month period, other than a catch-up ~~backbill~~bill, shall contain a notice that the customer may obtain upon request a detailed billing statement showing how the charges were calculated, including any late payment charges. All catch-up ~~backbills~~ bills shall clearly indicate how the ~~backbill~~ bill was calculated, whether ~~as if~~ the service ~~were~~ was used during the current cycle, or as if redistributed back to the last actual reading.

(4) A ~~backbill~~ upwardly adjusted bill shall be accompanied by an offer of a deferred payment agreement in accordance with section 13.5 of this Part, if applicable.

(b) Limitations on ~~backbill~~ rendering an upwardly adjusted bill.

(1) A utility shall not render ~~a backbill~~an upwardly adjusted bill more than six months after the utility actually became aware of the circumstance, error or condition that ~~cause~~ caused the underbilling, unless a court extends the time to render a ~~backbill~~an upwardly adjusted bill.

(2) A utility shall not further upwardly revise ~~a backbill~~ an upwardly adjusted bill unless the first ~~backbill~~ upwardly adjusted bill explicitly stated that the utility reserved the right to do so, the revised ~~backbill~~ upwardly adjusted bill is rendered within 12 months after the utility actually became aware of the circumstance, error or condition that caused the underbilling, and:

(i) the customer knew or reasonably should have known that the original billing or the first ~~backbill~~ upwardly adjusted bill was incorrect; or

(ii) new information shows that the first ~~backbill~~ upwardly adjusted bill was incorrect.

(3) A utility shall render a downwardly revised ~~backbill~~ bill as soon as reasonably possible and within two months after the utility becomes aware that the first ~~backbill~~ upwardly adjusted bill was excessive.

(4) A utility shall not render ~~a backbill~~an upwardly adjusted bill for any underbilling when the reason for the underbilling is apparent from the customer's service application, or could have been revealed in a service application and the utility failed to obtain and retain one.

(c) Limitations on ~~backbilling~~ upwardly adjusted billing period.

(1) When the failure to bill at an earlier time was due to utility deficiency, a utility shall not render an upwardly adjusted bill to a customer for service rendered more than 12 months before the utility actually became aware of the circumstance, error or condition that caused the underbilling, unless: the utility can demonstrate that the customer knew or reasonably should have known that the original billing was incorrect.

(2) A utility shall not render an upwardly adjusted bill to a customer for service rendered more than 24 months before the utility actually became aware of the circumstance, error or condition that ~~cause~~ caused the underbilling, unless the utility can demonstrate that the customer knew or reasonably should have known that the original billing was incorrect.

(d) Rebilling of estimated demands.

(1) A utility shall not upwardly ~~revise~~ adjust an estimated demand unless it can demonstrate that, for the period during which the demand was estimated, it complied with the meter-reading requirements and the no-access procedures of section 13.8 of this Part.

(2) All ~~revised~~ adjusted demands shall be based on the best available information, including the customer's present and historical energy consumption and load factor.

(3) Where interval data is unavailable, n~~N~~o ~~revised~~ adjusted demand shall exceed 95 percent of the subsequent actual demand, unless the utility has, along with the estimated demand bill, offered a special appointment to read the meter, and the customer failed to arrange and keep such appointment, in which case the estimated demand may be ~~revised~~ adjusted up to the level of the subsequent actual demand.

(4) A utility shall downwardly ~~revise~~ adjust any estimated demand that exceeds the subsequent actual demand, which 30 calendar days after such actual demand was obtained.

(5) A utility may only upwardly ~~revise~~ adjust an estimated demand within 60 calendar days after the subsequent actual demand was obtained.

(e) ~~Utilities shall comply with this section no later than March 18, 1988.~~Late bills for small non-residential customers.

(1) Except for a seasonal or short-term customer as defined in this Part, a utility must render a bill for service to a small non-residential customer within three months from the end date of each monthly billing period, unless the failure of the utility to bill sooner was not due to the neglect of the utility, the customer knew or reasonably should have known that the original billing was incorrect, or was due to the culpable conduct of the customer.

(2) A utility shall not render a late bill to a small non-residential customer after the expiration of 24 months from the time service to which the bill pertains was provided, unless the failure to bill sooner was due to the culpable conduct of the customer.

(3) If a utility does not render a timely bill in accordance with this subdivision, then such small non-residential customer shall not be charged for such service.

(4) If an initial bill was timely rendered to a small non-residential customer, a utility may upwardly or downwardly adjust the charges subject to the rules in this part.

(f) Late bills for large non-residential customers.

(1) A utility shall not render a late bill to a large non-residential customer more than six months after the utility actually became aware of the circumstance, error or condition that caused the late billing, unless the failure of the utility to bill sooner was not due to the neglect of the utility, the customer knew or reasonably should have known that the original billing was incorrect, or a court extends the time to render a late bill.

(2) A utility shall not render a late bill to a large non-residential customer after the expiration of 24 months from the service to which the bill pertains was provided, unless the failure to bill sooner was due to the culpable conduct of the customer.

(3) If a utility does not render a timely bill in accordance with this subdivision, then such large non-residential customers shall not be charged for such service.

(4) If an initial bill was timely rendered to a large non-residential customer, a utility may upwardly or downwardly adjust the charges subject to the rules in this part.

~~(e)~~(g) A utility shall not recover from any of its customers any foregone revenue that the utility is precluded from collecting from an individual customer by this section.

13.10. Late payment and other charges.

(a) Late payment charges. A utility may impose a continuing late payment charge as provided for in its tariff on:

(1) the balance of any bill for service, including levelized bills and any unpaid late payment charge amounts applied to previous bills, which bill is not paid within 20 calendar days of the date payment was due;

(2) the amount billed for service used that was previously unbilled because the service was being provided through tampered equipment, and the utility can demonstrate either that the condition began since the customer initiated service or that the customer actually knew or reasonably should have known the original billing was incorrect; and

(3) the balance due under a deferred payment agreement offered pursuant to section 13.5(a)(1)(i) of this Part.

(b) Other charges. Except as provided in this section, a utility may not charge any customer a late payment charge, penalty, fee, interest or other charge of any kind for any late payment or deferred payment agreement occasioned by the customer's failure to make timely payment for services. Nothing in this section shall prohibit a utility from imposing a reasonable charge pursuant to its tariff for other lawful purposes, such as for a dishonored check, for reconnection of service, the failure to provide access, or court costs.

13.11. Contents of bills.

(a) Generally.

(1) Only service(s) performed, materials furnished or other charges made by the utility, in accordance with its filed tariff or as otherwise directed by the Commission, may be included and shall be itemized on the applicable ~~bill form. Whenever the bill form, by reason of size limitations, does not permit itemization, totals may be utilized, provided the charges making up such totals are itemized and sent with the bill~~. Nothing in this paragraph shall preclude a municipality from including on its bill separate and itemized charges for municipal services not included in the municipality's field tariff.

(2) Nothing in this section shall preclude a utility from providing pertinent messages and information on the bill, provided such information does not interfere with the presentation of the information required by this section.

(3) A utility, at its discretion, may:

(i) Use the back of the entire bill for any purposes deemed appropriate related to the services rendered; and

(ii) Print pertinent messages and information on any portion of the front of the bill as long as it does not confuse the customer.

(b) All bills. Every utility bill shall state on the portion retained by the customer:

(1) the name of the ~~corporation, partnership or person~~utility that furnished the service; and if the service is furnished by a corporation that is owned or controlled by another company, or constitutes part of a system, the bill may so indicate by the use of a symbol or a statement to that effect;

(2) the location of the utility's principal office and one or more business offices at which the bill may be paid, and a statement that bills may be paid at other authorized offices;

(3) the service classification(s) on which the charges were based;

(4) the name of the customer, the account or meter number, and the address and location of the premises where the service was supplied;

(5) the start and end date of the billing period;

(6) the quantity of service billed, the unit of measurement used, except quantity need not be shown for interim budget billing, an explanation of any calculations or factors used to determine the cost of service, a description and the cost of any other tariff charges, and the total of the current charges, the gross amount of the bill, including any sales tax, the amount of discount and/or net amount of the bill, if applicable, and the date when the discount period expires, which shall be shown on the front of the bill;

(7) the date payment is due; provided, however, that such date may not occur before personal service of the bill or three calendar days after the mailing of the bill. A phrase indicating that a bill is due upon receipt may be used in lieu of a specific date;

(8) whether any charge will be imposed for late payment, and the date by which payment must be received in order to avoid the imposition of the late payment charge;

~~(8)~~(9) debit or credit balance still outstanding from prior bill, if any;

~~(9)~~(10) ~~9~~an explanation of any abbreviation or symbol used that is not in common English usage; and

~~(10)~~(11) ~~10~~a telephone number to call at the utility if the customer has any questions about the bill.

(c) Cycle bills. Every utility bill issued on a regular cycle basis shall contain, in addition to the items required under subdivision (b) of this section:

(1) the registered demand for every demand meter, whether or not the customer is presently subject to a demand charge;

(2) the date of the latest payment received or the date through which any payments have been credited and the debit or credit balance carried over from the prior bill, if any;

(3) the amount of any late payment charge applied during the current billing cycle; and

(4) the next scheduled meter-reading date, except where the utility is unable to adhere to a fixed meter-reading schedule.

(d) (d) Metered service bills. Every utility bill for metered service shall contain, in addition to the items required under subdivision (b) of this section:

(1) for every cumulative energy and demand meter, the indices being used to calculate the bill, whether they are based on an actual reading of the meter, a remote register, a customer- provided reading, or an estimated; and if estimated, the reason therefor; ~~and~~

(2) the meter multiplier or constant for each meter;~~.~~

(3) the present meter reading, actual or estimated (indicate if estimated) and date thereof; and

~~(2)~~(4) the previous meter reading, actual or estimated (indicate if estimated), and date thereof, or the number of days or the prorated period from the previous meter reading, actual or estimated, to the present meter reading, actual or estimated.

(e) Unmetered service bills. Every utility bill for unmetered service, whether use of such service was authorized or unauthorized by the utility, shall contain, in addition to the items required under subdivision (b) of this section:

(1) a clear statement that the bill is for an estimated amount of service utilized but not metered; and

(2) the per-day or other basis used for calculating the amount of the service billed.

(f) Levelized bills. Every levelized bill shall contain, in addition to the items required under subdivision (b) of this section, the total service charges incurred, the total of levelized

bills rendered from the beginning of the levelized year to the end of the period covered by the current bill and the amount of the difference between the two.

(g) ~~Utilities shall comply with this section no later than March 18, 1988.~~Company offices. Each utility other than a municipality, shall provide annually to its customers a list of all company offices at which utility bills may be paid, if such information is not shown on its bill.

~~(g)~~(h) Steam service. Bills for steam service must include meter constant, temperature, pressure, and pressure factor.

13.12. Notice requirements.

(a) Annual notice of rights.

(1) A utility plant shall, at the time of application for service, and at least annually after service is initiated, provide applicants and customers with a brochure containing a detailed summary of their rights and obligations under this Part, a notice describing the commonly used nonresidential service classification and their rates, an offer of written guidelines regarding eligibility requirements for the utility's service classifications, notice that the utility's tariff is available for review in every utility business office, and notice that some nonresidential customers may be eligible for protections under Part 11 of this Title.

(2) The notice required at the time of application for service shall be provided with the service application to an applicant from whom a written application is required, and by mail or electronic communication within 30 calendar days of the request for service to an applicant from whom a written application is not required.

(b) Periodic notices.

(1) An accounting for the deposit held on an account, showing the interest earned during the current year and either the date the deposit was obtained or the length of time that the deposit has been held, shall be provided annually to every customer having a deposit with the utility.

(2) A notice explaining how an increase in the customer's usage might require the utility to install a demand meter and, in some cases, the customer to make electric installation modifications, shall be provided annually to every nondemand electric customer.

(3) A notice, explaining how a change in the recorded demand may cause the service classification on which the charges are based to be changed, shall be provided annually to every electric customer with a demand meter.

(4) A notice, advising the customer of any change made in the customer's service classification and reason for the change, shall be provided to the customer at the time of the change.

(5) A notice advising the customer whether the utility records show that the customer, or some other party, has control over access to the meter, that the customer has an obligation to tell the utility who controls access, and that if the utility records that show the customer has access are not corrected, the customer may be subject to future notices and penalties due to the utility's failure to obtain access, shall be provided to every customer at the time a second consecutive estimated bill is rendered.

(6) A notice explaining the utility's right to revise estimated demand charges, that such revision may be to the customer's disadvantage and that revision of demand charges may be avoided by arranging access, shall be provided to every demand customer at least annually and whenever an estimated demand bill is rendered.

(c) Format. Notices, brochures, forms and bills required by this Part, and any other written informational material for customers, shall be in plain language and ~~printed~~ produced in a format and type size that is clear and easy to read.

(d) Filing. All notices, brochures, forms and bills required by this Part, along with the intended program for their use, shall be filed by a utility, prior to their circulation, with the Consumer Services Division.

13.13. Disconnection without notice.

(a) Emergency disconnections. A utility may only suspend, curtail or disconnect service to a building, unit or piece of equipment, without the notice required under section 13.3 of this Part, when:

(1) an emergency may threaten the health or safety of a person, a surrounding area, or the utility's generation, transportation or distribution systems;

(2) there is a need to make permanent or temporary repairs, changes or improvements in any part of the system;

(3) there is a governmental order or directive requiring the utility to do so.

(b) Notice. A utility shall, to the extent reasonably feasible under the circumstances, provide advance notice to those whose service will be interrupted for any of the above reasons.

(c) Restoration of service. A utility shall act promptly to restore service as soon as possible after disconnection under this section; provided, however, that service need not be restored to any building, unit, or piece of equipment if, at the time restoration is to occur, the utility has the lawful right to terminate service for another reason pursuant to this section or section 13.3 of this Part.

13.14. Inspection and examination of utility apparatus.

(a) Right to inspect. A duly authorized officer or agent of the utility may enter, at all reasonable times, any building or other location supplied with service by the utility, for the inspection and examination of meters, pipes, fittings, wires and works for supplying or regulating the supply of gas, electricity or steam, and of ascertaining the quantity of gas, electricity, or steam supplied, provided such agent exhibits a photo-identification badge and written authority as provided in section 65(9) of the Public Service Law.

(b) Duty to inspect. Except to the extent prevented by circumstances beyond its control, a utility shall conduct a field inspection as soon as reasonably possible and within 60 calendar days of the following:

(1) a request contained in a service application pursuant to section 13.2(b)(6) of this Part;

(2) a reasonable customer request;

(3) the issuance of a field inspection order in accordance with an automatic utility bill review program;

(4) notification from any reasonable source that service may not be correctly metered; or

(5) a directive by the commission or its authorized designee.

(c) Penalty. A customer who, at any time, directly or indirectly prevents or hinders a duly authorized officer or agent of the utility from entering the building or location, or from making an inspection or examination, at any reasonable time, may be billed a $100 penalty charge for each such offense as provided in section 65(9)(b) of the Public Service Law, so long as such charge is contained in the utility's tariff.

(d) Other rights. Nothing contained in this section shall be construed to impair a utility's rights as to any other person who prevents access to utility meters and/or equipment.

13.15. Complaint-handling procedures.

(a) Complaints to a utility.

(1) A utility shall establish a written procedure for the handling of customers' complaints to the utility, which shall allow for the acceptance and processing of complaints submitted in a simple manner and form. Such procedure shall require that complaints be promptly acknowledged, fairly investigated in a reasonable period of time, and that the results of such investigations be promptly reported to the complainants in plain language.

(2) A utility shall refrain from sending a final notice of termination or from terminating service after the filing of a complaint with the utility as set forth in section 13.3(b)(4) and (c)(7) of this Part.

(3) If the report of the investigation is made orally, a utility shall provide the customer with the report in writing upon request.

(4) At the time a utility communicates its final response to a customer's complaint, it shall, if the complaint resolution is wholly or partially in the utility's favor, inform the customer of the commission's complaint-handling procedures, including the commission address and telephone number.

(b) Complaints to the commission.

(1) If a customer is unable to reach a satisfactory resolution of a dispute with a utility, the customer may complain, either orally or in writing, to the commission, pursuant to Part 12 of this Title.

(2) The complaint of a customer to the commission shall be handled in accordance with the procedures set forth in Part 12 of this Title.

13.16. Severability.

If any provision of this Part is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions which can be given effect without the invalid provision.