

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGFORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND PROCEDURE

1. The Public Service Commission of the District of Columbia ("Commission") pursuant to the D.C. Official Code, 2001 Ed. § 2-505 and § 34-802, hereby gives notice of final rulemaking action, repealing and adopting a new Chapter 3 of Title 15 of the District of Columbia Municipal Regulations ("DCMR"), commonly referred to as the "Consumer Bill of Rights" ("CBOR"). The Commission issued a Notice of Proposed Rulemaking ("NOPR") which was published in the *D.C. Register* on July 25, 2008, giving notice of the Commission's intent to adopt Chapter 3 of Title 15 DCMR.¹ Comments were filed in response to the NOPR; however, after reviewing all comments, the Commission determined that further revisions were unwarranted. On September 26, 2008, a Notice of Final Rulemaking ("NOFR") was published in the *D.C. Register* with an effective date of January 1, 2009.² As a result of this publication, the parties requested and the Commission subsequently granted an extension of the effective date of the new CBOR.³ The new effective date is September 25, 2009.

2. As indicated in the NOPR, the regulations update the existing CBOR, which was developed to address the provision of utility services in a traditionally regulated environment, to reflect the competitive nature of the energy and telecommunications industries and to provide appropriate safeguards for consumers who purchase services in this new, more competitive environment. The replacement of the existing rules with the new provisions will: promote administrative efficiency; create uniformity of requirements and responsibilities for the utilities, competitive energy and telecommunications service providers, and consumers; and inform members of the public of their rights and responsibilities regarding electric, natural gas, and telecommunications services in the District of Columbia. Accordingly, the Commission hereby adopts Chapter 3 of Title 15 DCMR governing the Consumer Bill of Rights as contained in the *D.C. Register* on July 25, 2008. The rules will become effective September 25, 2009. This NOFR also appears as a general notice in this same edition of the *D.C. Register*.

¹ 55 *D.C. Register* 8015-8076 (July 25, 2008). In an effort to propose comprehensive rules, the Commission previously published several NOPRs. See 51 *D.C. Register* 11065-11152 (2004); 53 *D.C. Register* 7657-7716 (2006); 54 *D.C. Register* 7292-7353 (2007); and 55 *D.C. Register* 3899-3961 (2008). The Commission considered all comments received on various provisions throughout the process and now adopts final rules.

² 55 *D.C. Register* 10014 (2008).

³ *Formal Case No. 712 ("F.C. 712"), In the Matter of the Investigation Into the Public Service Commission's Rules of Practice and Procedure*, Order No. 15128, issued November 26, 2008.

Copies of the rules may be obtained by contacting Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005. Copies may also be obtained on the Commission's website at www.dcpssc.org.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, DC 20005

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF
THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND
PROCEDURE

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2. As indicated in the NOPR, the regulations update the existing CBOR, which was developed to address the provision of utility services in a traditionally regulated environment, to reflect the competitive nature of the energy and telecommunications industries and to provide appropriate safeguards for consumers who purchase services in this new, more competitive environment. The replacement of the existing rules with the new provisions will: promote administrative efficiency; create uniformity of requirements and responsibilities for the utilities, competitive energy and telecommunications service providers, and consumers; and inform members of the public of their rights and responsibilities regarding electric, natural gas, and telecommunications services in the District of Columbia. Accordingly, the Commission hereby adopts Chapter 3 of Title 15 DCMR governing the Consumer Bill of Rights as contained in the *D.C. Register* on July 25, 2008. The rules will become effective January 1, 2009. Copies of the rules may be obtained by contacting Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005. Copies may also be obtained on the Commission's website at www.dcpsc.org.

¹ 55 D.C. Register 8015-8076 (July 25, 2008). In an effort to propose comprehensive rules, the Commission previously published several NOPRs. See 51 D.C. Register 11065-11152 (2004); 53 D.C. Register 7657-7716 (2006); 54 D.C. Register 7292-7353 (2007); and 55 D.C. Register 3899-3961 (2008). The Commission considered all comments received on various provisions throughout the process and now adopts final rules.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, DC 20005**

NOTICE OF PROPOSED RULEMAKING

**FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF
THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND
PROCEDURE**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to § 2-505 of the District of Columbia Official Code, of its intent to adopt the following amendments to Chapter 3 of Title 15 of the District of Columbia Municipal Regulations, commonly referred to as the "Consumer Bill of Rights" ("CBOR").¹ The Commission will take final rulemaking action not less than forty-five (45) days after publication of this notice in the *D.C. Register*.

2. The proposed amendments update the existing CBOR, which was developed to address the provision of utility services in a traditionally regulated environment, to reflect the competitive nature of the energy and telecommunications industries and to provide appropriate safeguards for consumers who purchase services in this new, more competitive environment. When approved, these amendments will: promote administrative efficiency; create uniformity of requirements and responsibilities for the utilities, competitive energy and telecommunications service providers, and consumers; and inform members of the public of their rights and responsibilities regarding electric, natural gas, and telecommunications services in the District of Columbia.

Proposed Amendment: The present Chapter 3 is repealed in its entirety and replaced with the following Chapter 3:

CHAPTER 3 CONSUMER RIGHTS AND RESPONSIBILITIES

Secs.

300	Purpose and Applicability
301	Energy Meter Locations
302	Utility Meter Reading Requirements

¹ District of Columbia Official Code, 2001 Ed. § 2-505. The Commission previously published the first NOPR in 51 *D.C. Register* 11065-11152 (2004); an ANOPR in 53 *D.C. Register* 7657-7716 (2006); a third NOPR in 54 *D.C. Register* 7292-7353 (2007); and a fourth NOPR in 55 *D.C. Register* 3899-3961 (2008). After receiving comments on various provisions throughout the process and in an effort to propose comprehensive rules, the Commission has made a few substantive modifications to the proposed rules and is again publishing another NOPR.

303	Meter Read by Customers
304	Billing
305	Payments
306	Deferred Payment Agreements
307	Deposits
308	Use of Customer's Information
309	[Reserved]
310	Grounds for Disconnection
311	Procedures for Utility Disconnection
312	Personal Contact Before Utility Disconnection
313	Field Service Identification and Payment Procedures
314	Disconnection of Utility Service
315	Reconnection of Service
316	Customer Discontinuance of Service
317-319	[Reserved]
320	Customer Inquiries and Complaints
321	Publication of Consumer Pamphlet
322	Public Access to Rules and Rates
323	Office of Consumer Services
324	Formal Complaints
325	Formal Hearing Procedures
326	Decision and Appeals
327	Customer Protection Standards Applicable to Energy Suppliers
328	Customer Protection Standards Applicable to Telecommunications Service Providers
329-397	[Reserved]
398	Waiver
399	Definitions

300 PURPOSE AND APPLICABILITY

300.1 Technological changes, new federal and District of Columbia laws, and the actions of the Public Service Commission have created competitive natural gas, electricity and telecommunications service markets in the District of Columbia providing residential consumers with new choices. Consumers have access to an array of competitive Service Provider services as well as continued access to the regulated services of Utilities. The purpose of this chapter is to set forth residential consumer rights, responsibilities and rules for the initiation and acquisition of services, such as, but not limited to Meter reading, Billing, Deposits, Disconnections and Reconnections of service and the resolution of Complaints between residential consumers and a Utility, Energy Supplier or Telecommunications Service Provider.

300.2 This chapter applies to those Residential Services regulated by the Public Service Commission ("Commission") provided by Electric, Natural Gas

and Telephone Utilities, and Residential Services provided by Energy Suppliers and Telecommunications Service Providers licensed or certified by the Commission.

300.3 No residential Customer shall be discriminated against or penalized by a Utility, Energy Supplier or Telecommunications Service Provider for exercising any right granted by this chapter.

300.4 Utilities, Energy Suppliers or Telecommunications Service Providers shall not discriminate against any Customer based wholly or partly on the race, color, creed, national origin, geographic location, sex, or sexual orientation of the Customer or for any arbitrary, capricious, or unfairly discriminatory reason.

301 ENERGY METER LOCATIONS

301.1 Meters shall be located outdoors whenever possible unless extraordinary circumstances prevent it.

301.2 When an indoor electric meter installation is replaced due to modifications in electric service equipment by the utility it shall be relocated outdoors at no expense to the customer. The cost of connecting the Meter to the customer's electric service panel shall remain with the customer.

301.3 Whenever a new natural gas or electric service line is installed or an existing natural gas or electric service line is replaced, the Meter shall be placed outdoors at no expense to the Customer. However, Meter relocation and house piping costs incurred for the convenience of the Customer shall be at the Customer's expense and shall be calculated in accordance with the Commission's approved Tariff for this service.

301.4 If a Meter is located where it is inaccessible for purposes of maintenance, the Customer must grant access to the Meter for maintenance or service Disconnection within the provisions of subsection 310.1. The Customer shall bear the cost of relocating the Meter if it must be moved due to the Customer's affirmative denial of access to the Meter.

302 UTILITY METER READING REQUIREMENTS

302.1 Natural Gas and Electric Utilities, if applicable, shall schedule residential Meters for readings at regular monthly intervals and read within three (3) Business Days of the scheduled date unless the Meter is inaccessible, extreme weather exists, or in the event of other extraordinary conditions.

303 METERS READ BY CUSTOMERS

- 303.1 Whenever a Meter reader is on the premises and cannot make an actual reading, the Utility shall provide Customers with an electronic or telephonic means to report a Customer Meter reading. The Utility shall furnish a Customer a Meter reading card upon request.
- 303.2 Any Natural Gas or Electric Utility Customer may routinely read his/her own Meter and report the reading to the Utility by the means stated in subsection 303.6, so long as the usage is reported accurately and on the schedule specified by the Utility. A Customer's Bill based on a reading by the Customer is subject to increase or decrease based upon later actual reading by the Utility.
- 303.3 If a Utility determines that actual Meter readings have not been made of the Customer's Meter after two (2) consecutive Billing Cycles, the Utility shall provide the Customer with the means to read and report the meter reading to the Utility, as provided in subsection 303.6. The Customer's Meter reading shall be used for billing purposes, except in the following circumstances:
- (a) There has been an actual reading of the Meter by the Utility;
 - (b) The Meter reading has not been timely forwarded to the Utility; or
 - (c) The Customer's reported reading varies significantly from the Utility's estimate of usage; if this occurs, the Utility is required to make an actual reading within seven (7) Business Days unless the Customer does not allow access.
- 303.4 At a Utility's request, the Customer shall provide access to the Meter in order for the Utility to verify the accuracy of readings reported under this subsection. This subsection shall not prevent a Utility from reading Meters on a regular basis.
- 303.5 If a Utility's estimate is used in lieu of the reading submitted by the Customer, the Utility shall make an actual Meter reading when the Meter is accessible.
- 303.6 The Utility shall provide the Customer with instructions on proper Meter reading, the date the Meter must be read and the date the Customer must report a Meter reading to the Utility. A Customer can report a Meter reading by any of the following methods:
- (a) Telephone or telecommunications device;

- (b) Internet;
- (c) Postage prepaid Meter reading card supplied by the Utility; or
- (d) Such other technological means generally available to the Customer and approved by the Commission.

303.7 Upon a Customer initiating service, and annually thereafter, the Utility shall provide information regarding Customer meter readings, including instructions on how to read the Meter and how to obtain the date on which the Meter should be read and the date by which the Customer Meter reading must be returned to the Utility.

304 BILLING

304.1 A Customer shall be provided a Bill at least once during each Billing Cycle, unless otherwise agreed to by the Customer.

304.2 An energy Bill shall be based upon an actual Meter reading, estimated Meter reading or Customer Meter reading, except as outlined in subsections 303.3(c) and 304.3.

304.3 Each estimated energy Bill shall be clearly and conspicuously identified as such. An estimated energy Bill may be rendered only in the following circumstances:

- (a) When a Meter is not scheduled to be read, and the Customer Meter reading is not timely reported;
- (b) When a Meter has not been read due to the inaccessibility of the Meter, extreme weather, or other conditions; or
- (c) When a Customer's reading varies significantly from the estimated usage.

304.4 Whenever three (3) or more estimated energy Bills have been rendered in succession, an actual meter reading shall be rendered at the Customer's request at a mutually agreeable time.

304.5 The date of rendition of a Bill shall be the date stated on the Bill.

304.6 If a billing rendition date is changed by more than seven (7) Days, the Customer shall be provided written or electronic notice within ten (10) Days prior to the date of the change.

304.7 Each energy Bill rendered shall state clearly the following information:

- (a) The beginning and ending Meter reading of the Billing Cycle and the difference between the two Meter readings, if such data is available;
- (b) The beginning and ending dates of the Billing Cycle;
- (c) The due date by which payment must be made and the date after which the payment will be considered overdue or late;
- (d) The previous balance, if any;
- (e) Stated separately, the amount due for residential Utility services, Distribution Service Charge, Transmission service, Purchased Gas Charge, Natural Gas supply service or Generation Service Charge, as applicable;
- (f) A listing of the amount due for other tariffed Charges, as applicable;
- (g) A listing of the amount due for non-tariffed Charges, as applicable;
- (h) The total amount due;
- (i) The rate elements of the generation, transmission and Distribution Service Charges identified for basic Utility service.
- (j) Amount of all payments or other credits made to the Customer's Account during current Billing Cycle;
- (k) Any amount overdue;
- (l) The statement, "Any inquiry or complaint about this bill should be made prior to the due date, in order to avoid late charges";
- (m) The address and telephone number to which an inquiry or Complaint should be directed;
- (n) As applicable, the statement: "[This Utility] is regulated by the Public Service Commission of the District of Columbia."
- (o) The name, address and telephone number of the Public Service Commission;

- (p) Whether the Bill is based upon an actual Meter reading, a Customer Meter reading, or an estimate of usage, if such data is known;
- (q) The name, address and telephone number of The Office of the People's Counsel;
- (r) Any other information that the Public Service Commission may from time to time require;
- (s) If applicable, the energy Utility shall include an itemization of usage, payments made, and account balance; and
- (t) If applicable, the energy Utility shall include either an energy usage history or a gas usage profile.

304.8

Each telecommunications Bill rendered to a residential Customer shall state clearly the following information:

- (a) The telephone number and Account number for which the Bill is rendered.
- (b) The due date;
- (c) The previous balance, if any;
- (d) The beginning and ending dates of the Billing Cycle;
- (e) The total amount due for local service Charges, identified as the total amount due for local Charges, taxes, and other applicable surcharges, as well as toll service, except where provided as part of a Bundled Service;
- (f) An itemization of all authorized Charges for message toll calls, including the date, time, duration, type, place and telephone number called when available, and the applicable Charge, except where provided as part of a Bundle of Services;
- (g) A monthly or semi-annual itemization and amount for optional recurring charges selected by the customer;
- (h) The address and telephone number to which an inquiry or Complaint should be directed;

- (i) A statement indicating that [This Utility] and some of the services contained in the Bill are regulated by the Public Service Commission of the District of Columbia;
- (j) The name, address and telephone number of the Public Service Commission of the District of Columbia;
- (k) The name and address of the Office of the People's Counsel; and
- (l) Any other information that the Public Service Commission may from time to time require.

304.9 An unpaid balance may be transferred from a Customer's former residential Account in the District of Columbia to the Customer's next residential Account in the District of Columbia.

304.10 A Natural Gas or Electric Utility may, at the election of a Customer, bill a Customer in accordance with a level payment billing program or budget payment plan. The Utility shall inform the Customer of this option and explain how the monthly payments will be calculated. Prior to implementation of the plan, the Utility shall provide the Customer with the following information in written or electronic form:

- (a) An acknowledgement that the Customer shall be on the plan effective the next available Billing Cycle;
- (b) An estimate of the Customer's use on an annual basis and an explanation of how the equal monthly payment has been calculated;
- (c) The final Bill for the plan effective period will reflect the last level payment installment or budgeted payment installment adjusted for any difference between actual and budgeted usage. Amounts overpaid will be credited to the Customer's Account or refunded, if requested by the Customer. Amounts underpaid that are equal to or greater than the monthly payment can be paid in up to three (3) monthly installments; and
- (d) Final Bills are issued when either a Customer account is closed or in the case of Customers with third party suppliers, the supply contract is closed or changed. Any budget plan in effect will be reconciled upon rendering of the final Bill. Amounts underpaid will be due within 20 days of final Bill rendering. Amounts overpaid will be refunded to the Customer.

- 304.11 The Natural Gas or Electric Utility shall perform a periodic analysis of the Customer's plan and notify the Customer, within twenty-one (21) Days thereafter, if actual usage varies significantly from that upon which the plan was based and give the Customer an opportunity for revision of the plan.
- 304.12 A Utility may require an Applicant for service to pay a previously unpaid Account balance for the same class of service furnished to the Applicant in the District of Columbia.
- 304.13 In the case of a transfer of a previously unpaid District of Columbia residential Account balance for service rendered in the District of Columbia to a Customer's Account pursuant to this chapter, the Utility and Telecommunications Service Provider shall notify the Customer in writing of the reason for the charge, what the Customer must do to obtain or continue service, and how the Customer can dispute the charge.
- 304.14 An Energy Supplier may include other Bill components. If an Energy Supplier elects to bill for multiple services, each service shall be clearly identified on the Bill.
- 304.15 Every Bill rendered by an Energy Supplier for residential natural gas or electric service, whether a separate Bill or a Consolidated Bill, shall include the following Bill components, if such data is available to the Energy Supplier:
- (a) Meter readings, such that, current, prior months and differences between the two may be presented in the same place;
 - (b) Meter reading date, which may be presented in a single place on a consolidated Bill;
 - (c) Number and kind of units measured;
 - (d) Applicable rate schedule;
 - (e) Taxes and surcharges, with each appropriate tax and surcharge separately displayed;
 - (f) Notice of potential late payment charges;
 - (g) Total amount due, provided that for consolidated bills, subtotals for the Company's and the energy supplier's portions of the Bill and a total amount due;

- (h) Payment due date, provided that where Bills are separate, then payment dates may differ;
- (i) For estimated Bills, a distinctive indication where a Bill is based on an estimated Meter reading;
- (j) Business address and telephone numbers for billing inquiries;
- (k) Conversion from Meter reading units to billing units, including computation;
- (l) Service address, shown on first page of Bill;
- (m) Mailing address, shown on first page of Bill;
- (n) The Company account number, shown on each page if multiple pages;
- (o) Customer name and account number, shown on each page if multiple pages;
- (p) Bill payment plans, where applicable;
- (q) Emergency number for Washington Gas or PEPCO, whichever is applicable;
- (r) Required notices, e.g., Customer Bill of Rights, legal notices, which may be included as an insert;
- (s) Next Meter reading date;
- (t) Prior Bill amount and summary of energy supplier and/or Washington Gas or PEPCO charges;
- (u) Disclosure of previous payment activity;
- (v) Meter number/identification;
- (w) Number of days in Billing Cycle;
- (x) Billing Cycle;
- (y) Public Service Commission's address and telephone number;
- (z) Address to which payments are to be sent;

- (aa) How the check should be made payable;
- (bb) Collection messages;
- (cc) Bill step computations;
- (dd) Date of Bill issuance; and
- (ee) The Office of the People's Counsel's address and phone number.

305 PAYMENTS

- 305.1 Payments shall be due within twenty (20) Days after the date the Bill is rendered. If the due date falls on a non-business Day, the due date shall be the next Business Day.
- 305.2 The date of payment shall be considered as the Day the payment is received at the offices of the Utility, Energy Supplier, Telecommunications Service Provider or an authorized agent. The Customer shall provide an accurate account number for prompt payment posting. Payments received without sufficient information to identify the Customer's account will be credited when the Utility is able to identify the account. Payments submitted electronically, by phone or computer, must be received within the Utility's established computer processing times for same day posting.
- 305.3 No late payment charge shall be levied on any amounts, including deferred payment installments, paid by the due date, or on amounts in dispute before the Commission. Utilities may levy a late payment charge on amounts that are not paid by the due date. Such late payment charges shall be established by tariffs in accordance with the procedure required by the Commission.
- 305.4 Customer payments shall be applied in the following order: first to the applicable Utility for arrears for Commission regulated Charges, oldest item first; next to arrears for non-regulated Charges (i.e., Energy Supplier Charges for gas supply or electricity); next to the Utility for current Commission-regulated Charges; finally, to current non-regulated Charges.
- 305.5 For Energy or Telecommunications services, subsections 305.1 through 305.4 shall not apply when the Utility, Energy Supplier or Telecommunications Service Provider and the Customer agree to different payment terms.

306 DEFERRED PAYMENT AGREEMENTS

306.1 The Utility, Energy Supplier or Telecommunications Service Provider and the Customer may enter into a Deferred Payment Agreement (DPA). The Utility shall include the Utility, Energy Supplier or Telecommunications Service Provider past due balances as part of its DPA. No Charges, other than those accrued as of the date of settlement, and no interest shall be charged as part of the Deferred Payment Agreement.

306.2 Every DPA negotiated and agreed to between the Customer and the Utility, Energy Supplier, or Telecommunications Service Provider shall be provided to the Customer in writing within ten (10) Business Days and shall include the following information:

- (a) The date of the DPA;
- (b) The amount overdue and the payment terms of the DPA, including down payment amount and installment terms;
- (c) The process that the Utility, Energy or Telecommunications Service Provider will follow, including a notice of Disconnection, to enforce the terms of the DPA;
- (d) A Customer's failure to make a scheduled payment under the DPA when due is a default and places the Account in delinquent status as of the date of default. Late payment Charges shall apply to any default of a DPA and may cause the DPA to become void; and
- (e) The DPA shall state that all subsequent Bills must be paid on or before the due date. Failure to pay all such subsequent Bills as stated will cause the DPA to become void. In such cases, normal collection activities, up to and including Disconnection may resume.

307 DEPOSITS

307.1 A Utility shall not require a Deposit or guarantee from a person who has never been a Customer of the Utility.

307.2 A Utility shall not require a Deposit as a condition of new or continued Utility service on the basis of income level, home ownership, residence location, race, color, creed, sex, age, or national origin.

307.3 A utility shall not require a Deposit as a condition of new service to a person who has been a Customer of a utility before, except under the following circumstances:

- (a) The service of the Customer has been disconnected for nonpayment of a past due balance not in dispute within the previous twelve (12) months; or
- (b) The Customer has in an unauthorized manner, used, diverted or interfered with the service of the utility situated or delivered on or about the Customer's premises within the twelve (12) months immediately preceding the Customer's request for new service; provided, that the following requirements are met:
 - (1) The Customer's service was last disconnected for this reason within the last five (5) years and that the Utility had so notified the Customer in writing, either by U.S. mail or electronically, to this effect; or
 - (2) The Customer either did not file a Complaint with the Commission regarding the Disconnection; or, if a Complaint was filed, final administrative action was taken thereon unfavorable to the Customer.
- (c) The Customer's Account has been delinquent in excess of sixty (60) Days within the previous twelve (12) months.
- (d) The Customer has an outstanding balance due the utility for utility services. In any such event, the provision of new service may be conditioned upon payment of the outstanding balance.

307.4 When a Deposit is required as a condition of new service to a former Customer, the Customer shall be notified in writing of the reason therefore and the amount of Deposit required.

307.5 A Utility shall not require a Deposit as a condition of continued service to a Customer, except under the following circumstances:

- (a) Utility service at the Customer's residence has been used, interfered with, or diverted in an unauthorized manner within the previous twelve (12) months; or
- (b) The Customer's Account has been delinquent in excess of sixty (60) days within the previous twelve (12) months.

307.6 When a Deposit is required of a Customer with service connected, the Customer shall be notified in writing of the reason therefore, the amount of Deposit required, the date due (not less than fourteen (14) days from the date of the first written notice), and that it may be paid in installments.

- 307.7 No Deposit for Utility service shall exceed the lesser of \$100 or 2/12th the estimated annual Bill; provided however, that any company or entity that is subject to or becomes subject to an order of the Commission that is contrary to this provision shall comply with the Commission's order for the duration of the order and any extension thereof. The Utility shall notify the Customer in writing of the reason for the Deposit, the amount, date by which it must be paid, the fact that it may be paid in installments, and the payment options for the Deposit. If the Deposit requirement is thirty-five dollars (\$35.00) or more, the Deposit may be paid in a minimum of three equal monthly installments with the first installment due prior to reconnection.
- 307.8 Each Utility shall be liable for interest on Deposits held from the date the Deposit is made until the date the Deposit has been refunded, or until an effort has been made to refund the Deposit. Each Utility shall pay simple interest on deposits with the rate being established not later than January 15th of each year, equal to the average annual yields of one-year Treasury bills for September, October, and November of the preceding year.
- 307.9 The Deposit with accrued interest shall be credited to any final Bill and any remaining balance shall be returned to the Customer.
- 307.10 A Deposit and accrued interest shall be refunded promptly or credited to the Customer's account by the Utility upon payment by the Customer of all proper Charges for Utility service for twelve (12) consecutive months.
- 307.11 A Utility shall maintain a record of all Deposits, showing the customer's name and address or other identifying data, the amount of the Deposit, the date it was paid, and the interest earned and paid thereon.
- 307.12 Each Customer posting a Deposit shall receive confirmation containing, at a minimum, the following information:
- (a) The Customer's name;
 - (b) The date of the payment;
 - (c) The amount of payment; and
 - (d) A statement of the terms and conditions applicable to Deposits.
- 307.13 When a customer is entitled to a return of a Deposit it shall be paid upon presentation of proper identification or verification of the account information.

- 307.14 An Energy Supplier may require a Deposit from any Customer if authorized by its license.
- 307.15 In lieu of a Deposit a Utility, Energy Supplier or Telecommunications Service Provider may offer to accept a written guarantee of payment from a responsible party. A responsible party shall include any customer of the Utility, Energy Supplier or Telecommunications Service Provider whose account has not been delinquent during the preceding twelve (12) months. A Utility, Energy Supplier or Telecommunications Service Provider is not obligated to accept a written guarantee from a party who is not a Customer. The Utility, Energy Supplier or Telecommunications Service Provider shall not require a written payment guarantee from any Customer ready, willing and able to make a deposit as authorized by this chapter.
- 307.16 A guarantee shall be in writing on a form approved by the Commission and shall contain the following provisions unless otherwise agreed to by the Utility, Energy Supplier or Telecommunications Service Provider and the guarantor:
- (a) That it is for an initial term of one (1) year;
 - (b) That the guarantor agrees to pay the Utility, Energy Supplier or Telecommunications Service Provider within ten (10) days of demanding the balance outstanding in the guaranteed account upon termination of service to the account. The guarantor shall be liable only for amounts accruing to the account of the customer during the term of the guarantee;
 - (c) That upon failure of the guarantor to satisfy a written demand within ten (10) days, the Utility Energy Supplier or Telecommunications Service Provider shall include the amount in the guarantor's next monthly billing. In such event, the amount transferred to the guarantor's bill shall be considered to have been incurred in providing service to the guarantor. The guarantor shall have the same right to challenge an account balance as is enjoyed by the customer. Should the guarantor receive service from another service provider other than the Utility, Energy Supplier or Telecommunications Service Provider, that is a party to the guarantee, the Utility, Energy Supplier, or Telecommunications Service Provider may pursue its right to recover under applicable District of Columbia law. That, notwithstanding the terms of such guarantee, the guarantee agreement shall terminate upon satisfactory payment by the Customer of all proper charges for services for a period of twelve (12) consecutive months. Payment is deemed satisfactory if the Customer's service is not terminated involuntarily, or if the Customer's account has not been delinquent

for an excess of sixty (60) days within the previous twelve (12) months. The Utility Energy Supplier or Telecommunications Service Provider may withhold the release of the guarantor pending the resolution of any dispute regarding the Customer's account or amounts transferred to the guarantor's account; and

- (d) Prior to the signing of a guarantee agreement, a Utility Energy Supplier or Telecommunications Service Provider employee shall explain to the potential guarantor the consequences of the agreement. The employee shall obtain written acknowledgement from the guarantor that the oral explanation took place.

307.17 The deposit and guarantee provisions of this section shall apply only to those cases in which the Utility, Energy Supplier or Telecommunications Service Provider requests a deposit from a Customer.

308 USE OF CUSTOMER'S INFORMATION

308.1 An Applicant or a Customer need not disclose his or her Social Security number to the Utility, Energy Supplier, or Telecommunications Service Provider to obtain or maintain service. Upon requesting a Customer's social security account number, the utility shall inform the Customer that the provision of the number is voluntary and will not affect the provision of service to that Customer.

308.2 A Utility, Energy Supplier or Telecommunications Service Provider shall not disclose information that reveals the status of the Account of any individual Customer without the Customer's consent or upon dictate of lawful authority. A Utility, Energy Supplier or Telecommunications Service Provider may rely upon written or oral representation of the Commission or the Office of the People's Counsel that consent has been granted.

308.3 Unless a Customer consents in writing, Utility, Energy Supplier or Telecommunications Service Provider may not disclose or use information that is (1) about the Customer, and (2) was supplied to the Electric or Natural Gas Utility or Energy Supplier by the Customer for any purpose other than the purpose for which the information was originally acquired.

308.4 The restrictions in §§308.2 and 308.3 above do not apply to lawful disclosures for Bill collection, credit rating reports, or to assist Customers who have had their service involuntarily disconnected. It shall be the responsibility of the Utility, Energy Supplier or Telecommunications Service Provider to obtain and maintain the written consent referred to in §§308.2 and 308.3 above. This information shall be made available to the Commission upon request.

309 [RESERVED]

310 **GROUNDS FOR DISCONNECTION**

310.1 A Utility may disconnect service for any of the following reasons:

- (a) The Customer does not pay;
- (b) The Customer does not enter into a DPA or breaches an applicable DPA;
- (c) Service is being used but no occupant or other person has applied for Customer status at the location;
- (d) There is unauthorized use, diversion or interference with utility service on or about the customer's premises;
- (e) The Customer fails to allow access to the premises to inspect, service, install, replace, read, or remove a Meter or remote recording device or allow access to other equipment, when the Utility has requested access in writing;
- (f) There is an unsafe condition or an adverse effect on the integrity of an energy or telecommunications delivery system or violation of a government statute, regulation or Commission-approved Tariff provision;
- (g) The Utility has reason to believe that there is fraud or that the Customer has misrepresented his or her identity in order to obtain Utility service;
- (h) Application for utility service was made in the name of an individual who is not an occupant of the dwelling unit without disclosure of the individual's actual address and without written authorization by such individual;
- (i) Application for utility service was made in the name of a third party without disclosing that fact or without bona fide authority from the third party;
- (j) Application was made by an individual for the purpose of assisting another occupant of a dwelling unit to avoid payment of that occupant's prior outstanding bill;

- (k) Application was made by an individual who cannot legally enter into or contract for service, such as an un-emancipated minor; or
- (l) Failure to comply with an order of the Commission.

310.2 A Natural Gas or Electric Utility shall not initiate Disconnection of service or disconnect service without the consent of the Customer in the following circumstances:

- (a) The amount overdue stated on the Disconnection notice includes an unpaid amount owed from a different Account, unless the amount was properly transferred to the Customer's Account balance; or an amount owed from Estimated Bills, unless the Utility has attempted reasonable alternatives to obtain a reading of the Meter; or
- (b) Failure of a Customer to pay for merchandise, appliances or nonresidential Utility services.

310.3 Disconnection of natural gas or electric utility service for non-payment of bills, failure to post a cash Security Deposit, or failure to comply with the terms of a DPA where natural gas or electricity is used as the primary source of heating the residence is prohibited:

- (a) On any day when the National Weather Service forecast for the following 24 hours for the District of Columbia forecasts that the temperature will be thirty-two (32°) degrees Fahrenheit or below; or
- (b) On any day preceding a holiday or a weekend when the National Weather Service forecast indicated that the temperature will be thirty-two (32°) degrees Fahrenheit or below during the holiday or weekend.

311 PROCEDURES FOR UTILITY DISCONNECTION

311.1 A Utility shall postpone the Disconnection of service for a reasonable time not to exceed twenty-one (21) Days if the Utility is provided with a physician's certificate or notice from a public health official which states that Disconnection would be detrimental to the health and safety of a bona fide occupant of the premises; provided that the Customer enters into a DPA. The postponement may be extended for one (1) additional period of not more than twenty-one (21) Days by renewal of the certificate or notice.

- 311.2 A Utility shall not disconnect service when a dispute involving the Account in question has been filed with the Office of Consumer Services and the dispute is still pending at the Public Service Commission, provided, that payments are made for amounts not in dispute.
- 311.3 A Utility shall not disconnect Residential Service unless a Disconnection notice has been sent to the Customer at the billing address by either first class mail or other technological means at least fifteen (15) Days prior to the date of proposed Disconnection. The Utility providing telecommunications services shall not suspend Residential Service unless a suspension notice has been sent to the Customer at the billing address by either first class mail or other technological means at least ten (10) Days prior to the date of proposed suspension. Any notice required to be sent to a Customer prior to Disconnection or suspension of service may be sent along with the Bill for service; however, the notice of Disconnection or suspension of service must be on the first page of the Bill and shall be in bold print. Upon request of the Customer, a duplicate copy of the notice shall be sent by either first class mail or Internet or other technological means to a designated third party. The third party assumes no obligation for the Customer's Account.
- 311.4 Nothing in this section shall preclude a Utility from taking immediate action necessary to correct any condition which threatens the health or safety of the Customer, the public or the integrity of the Utility's distribution system or action taken in cooperation with civil or law enforcement authorities. However, where that corrective action is taken, the Utility shall not thereupon discontinue service to any Customer whom it believes to be responsible for creation of that condition until it has complied with the notice provisions of this section. The notice and reconnection required by this rule shall not be required in the event that service has been disconnected for theft of services, unauthorized use, diversion or interference with utility service on or about the Customer's premises.
- 311.5 The disconnection notice shall state the following information:
- (a) The Customer's name, address and Account number;
 - (b) The address where service is to be discontinued, if different;
 - (c) The Charges for reconnection of service, if any;
 - (d) A statement of the total amount due, if applicable;
 - (e) The reason for the proposed Disconnection of service;