

DIVISION V DISCONTINUANCE OF SERVICE

Section 5.01 Discontinuance of Service - General.

Generally, in the event of a violation of any of the ordinances of the District or of its rules and regulations, or of a failure to timely pay applicable charges, rates or fees, the District shall notify the person or persons causing, allowing, or committing such violation, in writing, specifying the violation and that upon the failure of such person or persons to cease or prevent further violation within the time specified in the notice, the District will disconnect service to the property in question.

Section 5.02 Discontinuance of Residential Service.

Residential service shall not be discontinued for nonpayment of any bill in any of the following situations:

1. During the pendency of any investigation by the District of a customer dispute or complaint.
2. When a customer has been granted an extension of the period for payment of a bill.
3. On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into a amortization agreement with the District and requests permission to amortize, over a period not to exceed 12 months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.

Residential customers who are 65 years of age or older, or who are dependent adults as defined in Section 15610.23 of the Welfare and Institutions Code shall be notified that they may request that the District notify a designated third person when the customer's account is past due and subject to termination.

Section 5.03 Notice and Hearing Prior to Discontinuance of Residential Service for Nonpayment.

(a) At least ten (10) days before any proposed discontinuance of residential service for nonpayment of a delinquent account, the District shall mail a notice, postage pre-paid, to the customer to whom the service is billed of the proposed discontinuance. Such notice shall be given not earlier than nineteen (19) days from the date of mailing the District's bill for such service and the ten (10) day period shall not commence until five (5) days after the mailing of the notice. In addition to the ten day notice provided for in the preceding sentence, the District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight (48) hours prior to any discontinuance of such service, except that whenever telephone or personal contact cannot be accomplished, the District shall give, by mail or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

(b) Every notice of discontinuance of service required by this section, shall include all of the following information:

1. The name and address of the customer whose account is delinquent.
2. The amount of the delinquency.
3. The date by which payment or arrangements for payment is required in order to avoid discontinuance.
4. The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for service contains a description of that procedure.
5. The procedure by which the customer may request amortization of the unpaid

charges.

6. The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources, if applicable.

7. The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

Section 5.04 Notice and Hearing Prior to a Discontinuance of Residential Service Other than a Discontinuance of Residential Service for Nonpayment.

Except as otherwise specifically provided in the District Code, at least ten (10) days before discontinuing service, other than the discontinuance of residential service for nonpayment of a delinquent account, which is provided for in Section 5.03, the District shall provide a written notice of discontinuance which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the Manager who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the Manager shall be included in any such notice of proposed discontinuance given to a customer. Any request by the customer to have the proposed discontinuance reviewed by the Manager must be in writing and received by the District prior to the date set for discontinuance. Service shall not be discontinued if a request is timely made and while the Manager's decision is pending. If the customer is dissatisfied with the Manager's determination, the customer may appeal the determination to the Board. Such appeal must be made in writing and received by the District within 5 days of the date of the Manager's determination. Service shall not be discontinued pending the Board's decision on a timely filed appeal.

Section 5.05 Notice of Discontinuance of Residential Service to Customers on Master Meters.

Whenever the District furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, where the owner or manager is listed by the District as the customer of record, the District shall make every good faith effort to inform the actual users of the service, by means of a notice, when the account is in arrears, that service will be discontinued within ten (10) days. Such notice shall also inform the actual users that they have the right to become District customers without being required to pay the amount due under the delinquent account. Nothing in this section shall require the District to make service available to actual users unless each actual user agrees to the District's terms and conditions of service and meets the requirements for the District's rules and regulations. If one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those actual users who have not met the requirement of the District's rules and regulations, the District shall make service available to the actual users who have met those requirements.

Section 5.06 Discontinuance of Service on Weekends, Holidays or After Hours.

No service shall be discontinued to any customer or user because of any delinquency in payment on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the District are not open to the public.

Section 5.07 Amortization of Delinquent Bill for Residential Service.

Every complaint or request for investigation by a residential customer that is made within five (5) days of receiving the disputed bill, and every request by a residential customer that is made within thirteen (13) days of the mailing of the notice required by Section 5.03 for an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the Manager. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the Manager may appeal the determination to the Board. Such appeal must be made in writing and received by the District within 5 days of the date of the Manager's determination. Service shall not be discontinued pending the Board's decision on a timely filed appeal.

Section 5.08 Authority to Settle Controversies Relating to  
Discontinuance and to Bills. Permit Amortization of Delinquent

The Manager is hereby authorized to investigate complaints and review disputes pertaining to any matters for which service may be discontinued and to rectify errors and settle controversies pertaining to such matters. The Manager is also authorized upon a proper showing by a residential customer of the customer's inability to pay a delinquent bill during the normal period, to grant permission to amortize the unpaid balance over a reasonable period of time, not to exceed twelve (12) months. At his or her discretion, the Manager may bring such controversies to the Board for settlement by the Board prior to the discontinuance of any such service.

Section 5.09 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement.

If an amortization agreement is authorized, no discontinuance of service shall be effected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement the District shall not discontinue service without giving notice to the customer at least forty eight (48) hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance, but the notice does not entitle the customer to further investigation by the District.

Section 5.10 Procedure on Appeal to Board.

If a customer timely files an appeal of a decision of the Manager on discontinuance of service, the Board shall set a hearing not sooner than ten nor more than forty days after receipt of such appeal. Upon setting of such hearing the District shall forthwith give written notice of the time and place thereof to the customer by either first-class mail or personal delivery.

The appeal hearing shall be held before the Board. The customer or his representative shall be permitted to present witnesses, documents or other evidence to show good cause why service should not be discontinued. The Board also may examine District records, documents, witnesses or other evidence tending to show that service should be discontinued for one or more of the grounds stated in the notice of disconnection.

Section 5.11 Means of Enforcement Only.

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinance, rules and regulations, and not as a penalty.

Section 5.12 Reconnection.

When service has been disconnected, the customer shall pay any unpaid account balance in full plus a reconnection fee of \$500.00 before any disconnected service will be reconnected.

Section 5.13 Unsafe Apparatus.

District services may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

Section 5.14 Cross-Connections.

Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of local, State or federal laws.

Section 5.15 Fraud or Abuse.

Service may be discontinued if necessary to protect the District against fraud or abuse.