

RULES AND REGULATIONS
GENERAL RULES (GR)
RULE GR-13
DISCONNECTION AND RECONNECTION OF SERVICE

GR-13.01 GENERAL

This rule includes criteria for disconnection and reconnection of service, and temporary disconnection of service.

GR-13.02 DISCONNECTION CRITERIA

- A. The Utility may discontinue utility service to a customer based on the following criteria:
- 1) Non-payment of delinquent account.
 - a. When an account holder fails to remit payment for services rendered by the Utility by the "Bill Due Date" the account is considered to be delinquent and is subject to processes defined in rule 13.04 and 13.08.
 - 2) Unsafe or Detrimental Conditions
 - a. Condition determined to be hazardous.
 - b. Use of equipment in such a manner as to adversely affect the Utility equipment or Utility service to others.
 - c. Customer's equipment or the use thereof is determined by the Utility to be unsafe or hazardous or in violation of applicable laws, ordinances, rules, and regulations.
 - d. Any condition existing upon the customer's premises that is determined to endanger the Utility's service facilities, personnel or public.
 - 3) Tampering with, damaging, or destroying equipment furnished and owned by the Utility.
 - 4) Unauthorized use of service.
 - 5) Failure to comply with conditions specified by the Utility and/or the Customers' application.
 - 6) Refusal to grant access at reasonable time to equipment installed on the premises of the customer for the purpose of inspection, maintenance, or replacement.
 - 7) Violation of and/or non-compliance with the Utility's rules and regulations and construction standards.
 - 8) Failure to Establish Credit
 - a. If, for an applicant's convenience, should the Utility provide service before credit is established in accordance with Rule GR-16, Establishment and Re-establishment of Credit, and the customer fails to establish credit, the Utility may discontinue service after written notice of not less than three (3) business days.

GR-13.03 DISCONNECTION OF SERVICE

- A. Service may be temporarily disconnected in any or all types of Utility Service at the request of the customer, and at such reasonable time as designated by the customer. There shall be a reconnect fee as described in the Fee Schedule. Customers requesting to be temporarily disconnected from one or all types of Utility Service shall remain responsible for the Utility Service fixed monthly customer service charge during the temporary disconnection period.
- B. When a customer desires to disconnect service, the customer shall give the Utility not less than two business days' notice in writing of intention and state the date on which customer wishes the disconnection should be effective. A customer shall be held responsible for all service furnished at the premises until two (2) days after receipt of such notice by the Utility, or until the date of termination specified in the notice, whichever date is later.

GR-13.04 DISCONNECTION OF SERVICE NOTICE PROCESS

Delinquent account holders who fail to remit payment for services as outlined in rule 13.04 are subject to disconnection of services and referral to collections processing, as defined in rule 13.08.

- A. A Disconnection of Service Notice shall be submitted for non-payment of bills, or other factors as described in this rule. The initial notice shall be submitted with the customer's bill.
- B. The first collection step shall consist of the following statement imprinted on the second bill issued.

**** YOUR ACCOUNT IS PAST DUE ****

This is a reminder to the customer that payment was not made in full on the previous bill.

- C. Any utility bill remaining unpaid forty (40) days from the bill date of the first unpaid bill shall receive a discontinuance of service notice indicating the amount past due and the anticipated date of termination. This termination date shall be not less than fifteen (15) days from date of notice. This notice shall indicate that payment in full or payment plus satisfactory payment arrangements must be made prior to the termination date if service is to be continued. This notice shall be delivered to the affected customer in person or by depositing a copy of the notice in the U.S. Mail, postage prepaid, addressed to the customer at the same address where they receive their monthly bills.
- D. Three (3) days prior to the date for discontinuance, if payment or arrangements have not been made, a final notice shall be posted at the residence or place of business indicating the date services shall be terminated if payment has not been received by that date or corrective action has not been identified.
- E. Two (2) days prior to the discontinuance date the Utility shall attempt to contact the customer to ensure the customer understands the date service shall be discontinued if payment is not received or corrective action not identified.

GR-13.05 DISCONNECTION PROCESS

- A. Normally the Utility will initially disconnect only the electricity. If the Utility considers it more prudent to disconnect a different service instead, for example to maintain heat when below freezing temperatures are forecast, and if doing so is practical, the utility will disconnect water service instead. If, for a period of five (5) days after the disconnection of electricity (or water) there is no communication from the customer, the Utility will disconnect other utility services. After the other utility services have been disconnected, a letter will be issued giving the customer ten (10) days to settle the account. If the account remains unsettled, the Utility will take appropriate action deemed necessary to collect the outstanding balance including submitting the account to a collection agency and/or filing a lien on the customer's property.
- B. Accounts in delinquent status that fail to remit payment for services and have been disconnected from all services are considered inactive and delinquent.

GR-13.06 NOTICE OF AVAILABILITY OF UTILITIES ASSISTANCE AND WINTER MORATORIUM PROTECTION

- A. While not required by State law, the County, and the Department of Public Utilities (“DPU” or “Department”) observe the general rules and principles of the State law known as the “LIHEAP Winter Moratorium” as found in 17.5.410.29-30 NMAC. To that end, the DPU will follow the following guidelines.
- B. Program Information. The DPU will make available to the public information regarding the Department’s assistance program for low-income individuals and winter moratorium protection against of disconnection of utility services for residential customers, including explanation of payment options and circumstances under which services may be disconnected or discontinued.
- C. Required notices.
 - (1) Required notice prior to heating season, which for purposes of this rule runs from November 15th each year to March 15 of the subsequent year. Beginning with the August billing cycle DPU shall provide to all residential customers, at least two times prior to the next heating season, the following statement either on a bill, in a bill insert, by a public service announcement in a publication of general circulation in the service area, or through a direct mailing:
 - a. “Protection from winter shut-off begins November 15th of each Calendar Year. To avoid potential disconnection of services please contact the Utilities Department at 505-662-8333 for eligibility information for low-income utilities assistance or for payment options. Your service will not be disconnected from November 15th through March 15th if you have no past due amounts, or you remain current on any settlement or installment agreement for amounts due as of November 15th
 - (2) Required notice of end of moratorium protection. Beginning with the February billing cycle the DPU shall communicate in writing to all residential customers at least one time the following statement either on a bill, in a bill insert, by a public service announcement in a publication of general circulation in the service area, or through a direct mailing:
 - a. “Protection from winter shut-off ends March 15, (year). To avoid potential disconnection of services please contact the Utilities department at 505-662-8333 to make arrangements for payment of any past due balances.
 - (3) 15-day notice of discontinuance of service. The DPU shall include the following statements in all disconnect notices issued pursuant to this rule during the heating season:
 - a. “15-day disconnect notice for services;”
 - b. “Your service will not be disconnected from November 15 through March 15 if you have no past due amounts, or you remain current on any settlement or installment agreement for amounts due as of November 15. For information call the Department of Public Utilities at 505-662-8333
- D. WINTER MORATORIUM PROTECTIONS:
 - (1) Unless requested by the residential customer, or as may be required under other Department Rules, DPU shall not discontinue or disconnect service to a residential customer during the heating season from November 15 of each year through March 15 of the subsequent year for

nonpayment of the residential customer's utility bill if:

- a. the residential customer has no past due charges on November 15 of the current heating season; or
 - b. the residential customer has a settlement agreement or an installment agreement with DPU for amounts other than those owing from the prior heating season, and the residential customer continues to make the agreed-upon payments under the settlement or installment agreement. Amounts owing from the prior heating season must be paid in full.
- (2) At any time during the current heating season, a residential customer may become eligible for winter moratorium protection from discontinuance or disconnection of service if the residential customer either pays the amount that was due as of November 15 or enters into a settlement or installment agreement for such past-due amounts and continues to make the agreed-upon payments under the settlement or installment agreement.
- (3) The utility shall make installment agreement options available to any residential customer that has an unpaid bill pursuant to the regulations of the Department.
- (4) A residential customer who has defaulted on a current installment agreement and whose utility service has been discontinued or disconnected during the non-heating season shall be reconnected and maintain the protection afforded by this rule by paying reconnection charges if any, and by paying the amount due pursuant to the installment agreement by the date on which service is reconnected.

GR-13.07 RECONNECTION FEES

- A. The fees for reconnection of service shall be applicable for services disconnected for failure to comply with this rule. Fees are included in the Fee Schedule section.
- B. In the event the Utility's equipment has been damaged or additional expense is incurred to restore service, the Utility shall charge the customer the full cost for recovery of labor, material, and equipment.

GR-13.08 ACCOUNT COLLECTIONS

For past due accounts as defined (or provided) in Rules 13.04 and 13.05 service shall be terminated for unpaid account balances. Where the account holder does not pay any past due amount on accounts: 1) after 70 days from the bill date the account shall be turned over to the County's contract collections agency; or 2) a lien shall be placed on the property pursuant to rule 13.09.

The department shall turn over all past due accounts to collections which meet any of the following criteria:

- 1) Accounts which are not held by the property owner with a notice on file as to the responsibility of the debt pursuant to Rule 13.09;
- 2) Accounts held by the property owner over 2 years and the past due amount is less than \$500 for all services, fees, and taxes; or
- 3) Accounts held by a property owner where the property has been sold to another party.

The department shall lien all accounts past due which meet any of the following criteria:

- 1) Accounts where internal collection activities have been exhausted;
- 2) Accounts which are not held by the property owner with no notice on file as the responsibility of the debt pursuant to Rule 13.09;

- 3) Accounts over 2 years past due and equal to or greater than \$500 for all services, fees, and taxes.

Accounts over 5 years past due, with no lien held on the property, are subject to removal from Utility accounts receivable pursuant to NMSA 1978, Section 3-37-7 or as may be amended.

13.09 PROPERTY LIENS

The purpose of the property lien is to recover unpaid charges for refuse, electric, gas, water, and sewer services provided by the County.

Liens are established under NMSA 1978, Section 3-23-6, for charges imposed by county ordinances codified in Section 32-1 through -18 (Compulsory Solid Waste Collection/Recycling and Service Fees), Section 40-121 through -125 (Electric Utilities Rates), Section 40-151 through -154 (Gas Utility Rates), Section 40-171 through -174 (Water Utility Rates), Section 40-201 through -205 (Sewer Utility Rates), Section 40-101 (Late Payment Fees) of the Los Alamos County Code of Ordinances, and other fees and charges as authorized by the Board of Public Utilities and County Council. The Utility will take any of the actions authorized pursuant to this section against the property owner if a tenant vacates the premises without payment of Utility.

- (1) All liens shall be prepared by the Department and reviewed by the County Attorney's Office prior to filing the lien with the Los Alamos County Clerk.
- (2) The notice of lien shall contain the following information as required by NMSA 1978, § 3-36-1(A):
 - (a) the number of the ordinance under which the lien is established;
 - (b) the fact that a lien is established;
 - (c) the general purpose of the lien;
 - (d) the name of the owner of the property against which the lien is established as determined from the records of the county assessor;
 - (e) a description of the property against which the lien is established;
 - (f) the amount of the lien; and
 - (g) if the lien is for more than one period of time, the date for which the lien is established.
- (3) The lien shall be attested in the name of the county clerk under the seal of the county.
- (4) Pursuant to Section 3-23-6 (C), NMSA 1978, a lien shall not apply if an owner notifies the Department that utility charges may be incurred by a renter and are not the responsibility of the owner. Such notification shall be given in writing prior to the initiation of the debt and shall include the location of the rental property. This notification shall only apply for the term of the lease. The Department shall take appropriate action deemed necessary to collect the outstanding balance including submitting the account to a collection agency. Such notification shall be needed with each customer account created for a rental property. (NMSA 1978, § 3-23-6).
- (5) Any account in which a lien has been established shall not be referred for collection actions.
- (6) The principal amount of the lien shall bear only interest at the rate of twelve percent (12%) per year from the date of filing of a Notice of Lien unless otherwise provided by law, until the amount due is paid in full. (NMSA 1978, § 3-36-1(C)).
- (7) No additional charges, fees, or penalties shall apply to the account where a lien has been filed.
- (8) A release of lien shall be filed with the Los Alamos County Clerk upon full payment of all principal charges, fees and penalties, and any interest incurred. The department, in coordination with the County Attorney's Office, shall file a Release of Lien by 1) entering and signing a receipt of payment

upon the notice of lien filed in the office of the county clerk; or 2) issuing a separate receipt which recites that payment of the lien with any accrued interest and penalty has been made.(NMSA 1978, § 3-36-3). A copy of any released lien shall be provided to the County Attorney's Office.

- (9) DPU shall consult with the County Attorney's Office for enforcement and or foreclosure of the lien. The County Attorney is the only authorized public official able to file suit on the lien.
- (10) Liens placed on properties for non-payment of Utility services, fees, and taxes, that remain unpaid shall be maintained for 10 years before extinguishment of the lien. Amounts released after the 10-year period shall be subject to removal from the Utility accounts receivable in accordance with NMSA 1978, Section 3-37-7. In the event of any foreclosures of properties with an unpaid lien, the department shall consult with the County Attorney on proposed foreclosure procedures.