

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,	)	
to promulgate rules governing consumer standards	)	Case No. U-14851
and billing practices for electric and gas residential	)	
service.	)	
_____	)	

At the December 21, 2006 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. J. Peter Lark, Chairman  
Hon. Laura Chappelle, Commissioner  
Hon. Monica Martinez, Commissioner

**ORDER AND NOTICE OF HEARING**

On February 14, 2006, the Commission applied for permission from the State Office of Administrative Hearings and Rules (SOAHR) to commence a rulemaking proceeding. On that same day, SOAHR granted its approval. *See*, SOAHR # 2006-014 LG on the SOAHR website.<sup>1</sup> Subsequently, the Commission submitted a draft version of the proposed rules to SOAHR and the Legislative Service Bureau for their informal approvals, which were granted on August 7, 2006 and September 11, 2006 respectively.

In continuation of the rulemaking process, the Commission has scheduled a public hearing to hear comments on the proposed rules. The public hearing will be held at 10:00 a.m. on Wednesday, January 31, 2007, in the offices of the Commission, 6545 Mercantile Way in Lansing.

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<sup>1</sup> <http://www.state.mi.us/orr/emi/rules.asp?type=dept&id=LG&subId=2006%2D014+LG&subCat=History>

Any person may attend the public hearing to comment on the implementation of consumer standards and billing practices for electric and gas residential service. The Commission encourages interested parties to become involved in the proceedings. In addition, any person may submit written comments regarding the proposed residential billing rules. Those comments should reference Case No. U-14851 and must be received no later than February 21, 2007 by 5:00 p.m. to be considered.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on February 21, 2007. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909. Electronic comments may be emailed to [mpscfilecases@michigan.gov](mailto:mpscfilecases@michigan.gov). All comments should reference Case No. U-14851.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 *et seq.*; 1909 PA 300 as amended, MCL 462.2 *et seq.*; 1919 PA 419, as amended, MCL 460.51 *et seq.*; 1939 PA 3, as amended, MCL 460.1 *et seq.*; 1969 PA 306, as amended, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 *et seq.*

b. A public hearing should be held on the proposed consumer standards and billing practices for electric and gas residential service.

THEREFORE, IT IS ORDERED that:

A. A public hearing regarding the proposed consumer standards and billing practices for electric and gas residential service shall be held at 10:00 a.m. on January 31, 2007, in the offices of

the Commission, 6545 Mercantile Way, Lansing. A notice of hearing is attached as Exhibit A to this order. A copy of the proposed rulemaking is attached to this order as Exhibit B.

B. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the issue. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings. If necessary, the proceeding will continue on such dates as the presiding officer may schedule until all persons have had a reasonable opportunity to be heard.

C. Any person may file written comments, suggestions, data, views, questions, argument, and modifications concerning the issue. All comments shall be filed no later than February 21, 2007 by 5:00 p.m. All comments should reference Case No. U-14851.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chairman

( S E A L )

/s/ Laura Chappelle

Commissioner

/s/ Monica Martinez

Commissioner

By its action of December 21, 2006.

/s/ Mary Jo Kunkle

Its Executive Secretary

of the Commission, 6545 Mercantile Way, Lansing. A notice of hearing is attached as Exhibit A to this order. A copy of the proposed rulemaking is attached to this order as Exhibit B.

B. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the issue. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings. If necessary, the proceeding will continue on such dates as the presiding officer may schedule until all persons have had a reasonable opportunity to be heard.

C. Any person may file written comments, suggestions, data, views, questions, argument, and modifications concerning the issue. All comments shall be filed no later than February 21, 2007 by 5:00 p.m. All comments should reference Case No. U-14851.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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Commissioner

By its action of December 21, 2006.

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Its Executive Secretary

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING  
REGARDING THE PROMULGATION OF ADMINISTRATIVE RULES  
GOVERNING CONSUMER STANDARDS AND BILLING PRACTICES  
FOR ELECTRIC AND GAS RESIDENTIAL CUSTOMERS  
CASE NO. U-14851**

- The Michigan Public Service Commission is considering the promulgation of rules governing service standards and billing practices for residential electric and gas customers. The Commission is rescinding R 460.2101 to R 460.2105; R 460.2111 to R 460.2125; R 460.2131 to R 460.2134; R 460.2136; R 460.2141 to R 460.2155; R 460.2161 to R 460.2174; R 460.2181 to R 460.2192; and R 460.2199, and adopting new rules entitled “Consumer Standards and Billing Practices for Electric and Gas Residential Service.” The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed rules.
- The information below describes how a person may participate in this case.
- You may call or write the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909, 800.292.9555 for a free copy of the proposed rules. Any person may review the rules at the Commission offices, or on the Commission’s E-Docket Website at <http://michigan.gov/mpscedockets>. The rules are published in the January 15, 2007 issue of the Michigan Register.
- The public hearing will be held:

**DATE:** January 31, 2007

**TIME:** 10:00 a.m.

**LOCATION:** Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. People needing any accommodation to participate should contact the Commission’s Executive Secretary at 517.241.6160 at least a week in advance to request mobility, visual, hearing or other assistance.

These rules update the consumer standards and billing practices for residential customers. Because the proposed revisions to the current rules are extensive, the Commission determined that rescinding the current rules and promulgating new rules would be a more practical approach than amending the current set of rules.

The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed rules. The public hearing will continue until all parties present have had a reasonable opportunity to present statements regarding the proposed rules. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on February 21, 2007. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be emailed to [mpscefilecases@michigan.gov](mailto:mpscefilecases@michigan.gov). All comments should reference Case No. U-14851.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

December 21, 2006  
Lansing, Michigan

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES ~~LABOR AND ECONOMIC GROWTH~~

PUBLIC SERVICE COMMISSION

CONSUMER STANDARDS AND BILLING PRACTICES

FOR ELECTRIC AND GAS RESIDENTIAL SERVICE

Filed with the Secretary of State on

These rules become effective immediately upon filing with Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the public service commission by section 7 of 1909 PA 106, section 5 of 1919 PA 419, sections 4 and 6 of 1939 PA 3, and sections 3, 9, and 231 of 1965 PA 380, MCL 460.557, MCL 460.55, MCL 460.4, 460.6, MCL 16.103, MCL 16.109, and MCL 16.331)

R 460.2101, R 460.2102, R 460.2103, R 460.2104, R 460.2105, R 460.2111, R 460.2112, R 460.2113, R 460.2114, R 460.2115, R 460.2116, R 460.2117, R 460.2118, R 460.2119, R 460.2120, R 460.2121, R 460.2122, R 460.2123, R 460.2124, R 460.2125, R 460.2131, R 460.2132, R 460.2133, R 460.2134, R 460.2136, R 460.2141, R 460.2142, R 460.2143, R 460.2144, R 460.2145, R 460.2146, R 460.2147, R 460.2148, R 460.2149, R 460.2150, R 460.2151, R 460.2152, R 460.2153, R 460.2154, R 460.2155, R 460.2161, R 460.2162, R 460.2163, R 460.2164, R 460.2165, R 460.2166, R 460.2167, R 460.2168, R 460.2169, R 460.2170, R 460.2171, R 460.2172, R 460.2173, R 460.2174, R 460.2181, R 460.2182, R 460.2183, R 460.2184, R 460.2185, R 460.2186, R 460.2187, R 460.2188, R 460.2189, R 460.2190, R 460.2191, R 460.2192, and R 460.2199 are rescinded from the Michigan Administrative Code, and R 460.101, R 460.102, R 460.103, R 460.104, R 460.105, R 460.106, R 460.107, R 460.108, R 460.109, R 460.110, R 460.111, R 460.112, R 460.113, R 460.114, R 460.115, R 460.116, R 460.117, R 460.118, R 460.119, R 460.120, R 460.121, R 460.122, R 460.123, R 460.124, R 460.125, R 460.126, R 460.127, R 460.128, R 460.129, R 460.130, R 460.131, R 460.132, R 460.133, R 460.134, R 460.135, R 460.136, R 460.137, R 460.138, R 460.139, R 460.140, R 460.141, R 460.142, R 460.143, R 460.144, R 460.145, R 460.146, R 460.147, R 460.148, R 460.149, R 460.150, R 460.151, R 460.152, R 460.153, R 460.154, R 460.155, R 460.156, R 460.157, R 460.158, R 460.159, R 460.160, R 460.161, R 460.162, R 460.163, R 460.164, R 460.165, R 460.166, R 460.167, R 460.168, and R 460.169 are added to the Code as follows:

~~PART 1. GENERAL PROVISIONS~~

R 460.2101—~~Application of rules.~~ **Rescinded.**

~~Rule 1. These rules apply to residential utility service that is provided by electric and natural gas utilities that are subject to the jurisdiction of the public service commission.~~

R 460.2102-Definitions. **Rescinded.**

~~Rule 2. As used in these rules:~~

~~(a) "Billing error" means an undercharge or overcharge that is caused by any of the following:~~

~~(i) An incorrect actual meter read.~~

~~(ii) An incorrect remote meter read.~~

~~(iii) An incorrect calculation of the applicable rate.~~

~~(iv) An incorrect connection of the meter.~~

~~(v) An incorrect application of the rate schedule.~~

~~(vi) Another similar act or omission by the utility in determining the amount of a customer's bill. An undercharge or overcharge that is caused by a nonregistering meter, a meter error, or the use of an estimated meter read or a customer read is not a billing error.~~

~~(b) "Billing month" means a utility service consumption period of not less than 26, nor more than 35, days.~~

~~(c) "Charges for tariff service" means the rates for tariff service and other charges authorized by the commission as an integral part of utility service.~~

~~(d) "Commission" means the Michigan public service commission.~~

~~(e) "Complaint" means a matter that requires follow up action or investigation by the utility or the commission to resolve the matter.~~

~~(f) "Complaint and information officer" means a member of the commission staff who is designated to perform responsibilities in accordance with these rules.~~

~~(g) "Complaint determination" means the written decision of a utility hearing officer with respect to an informal hearing.~~

~~(h) "Customer" means a purchaser of electricity or natural gas that is supplied by a utility for residential purposes.~~

~~(i) "Cycle billing" means a system that renders bills for utility service to various customers on different days of a calendar month.~~

~~(j) "Delinquent account" means any charges for utility service that remains unpaid at least 5 days after the due date.~~

~~(k) "Energy usage" means the consumption of electricity or natural gas.~~

~~(l) "Estimated bill" means a bill for energy usage that is not calculated by employing an actual reading of a meter or other measuring device.~~

~~(m) "Gas cost recovery" means the adjustment in rates that is approved by the commission to recognize variations in the cost of purchased gas from a base level.~~

~~(n) "In dispute" means that a matter is the subject of an unresolved disagreement, claim, or complaint.~~

~~(o) "Informal appeal" means an appeal of a complaint determination of a utility hearing officer to the commission staff.~~

~~(p) "Informal appeal decision" means the written decision of the complaint and information officer with respect to an informal appeal.~~

~~(q) "Inquiry" means a matter that is resolved upon the initial contact between the customer and the utility or the customer and the commission.~~

~~(r) "Late payment charge" means a finance, service, carrying, or penalty charge that is assessed by a utility because a balance due on a bill is delinquent.~~

~~(s) "New customer" means a customer who has not received the utility's service within the previous 6 years.~~

- ~~-(t) "Positive identification information" means a social security number and an identification containing a photograph.~~
- ~~-(u) "Power supply cost recovery" means the adjustment in rates that is approved by the commission to recognize variations in the cost of purchased power and fuel for electric generation.~~
- ~~-(v) "Previous customer" means a customer who has received the utility's service within the previous 6 years.~~
- ~~-(w) "Residential service or use" means the provision of or use of electricity or natural gas for residential purposes.~~
- ~~-(x) "Seasonally billed customer" means a customer who is billed on a seasonal basis in accordance with a utility tariff that is approved by the commission.~~
- ~~-(y) "Settlement agreement" means a written agreement that is entered into by a customer and a utility and that resolves any matter in dispute or provides for the payment of amounts not in dispute over a reasonable period of time.~~
- ~~-(z) "Shutoff of service" means a discontinuance of utility service that is not voluntarily requested by a customer.~~
- ~~-(aa) "Space heating season" means the period between December 1 and March 31.~~
- ~~-(bb) "Termination of service" means a cessation of utility service that is voluntarily requested by a customer.~~
- ~~-(cc) "Transmit" means to convey or dispatch.~~
- ~~-(dd) "Utility" means a person, firm, corporation, cooperative, association, or other agency that is subject to the jurisdiction of the commission and that distributes and sells electricity or natural gas for residential use.~~

**R 460.2103—Discrimination prohibited. Rescinded.**

~~—Rule 3. A utility shall not discriminate against or penalize a customer for exercising any right granted by these rules.~~

**R 460.2104—Form of proceedings. Rescinded.**

~~—Rule 4. The informal procedures required by these rules shall not constitute a contested case as defined by section 3 of Act No. 306 of the Public Acts of 1969, as amended, being S24.203 of the Michigan Compiled Laws.~~

**R 460.2105—Additional rules. Rescinded.**

~~—Rule 5. A utility may adopt additional rules governing relations with its customers that are reasonable and necessary and that are not inconsistent with these rules. The utility's rules shall be an integral part of its tariffs and shall be subject to approval by the commission. If there is a conflict between these rules and a utility's rules or tariffs, these rules govern.~~

## **PART 2. BILLING AND PAYMENT STANDARDS**

**R 460.2111—Billing frequency; method of delivery. Rescinded.**

~~—Rule 11. A utility shall transmit a bill each billing month to its customers in accordance with approved rate schedules. A utility shall transmit a bill to customers by mail unless the utility and the customer agree in writing to another method of delivery. A utility that is authorized to~~

~~seasonally bill customers or to use a customer read system shall transmit a bill in accordance with the tariffs approved by the commission.~~

**R 460.2112—Estimated billing. Rescinded.**

~~—Rule 12. (1) A utility may estimate the bill of a residential customer every other billing month. A utility may estimate the bills more or less often upon a finding by the commission that those procedures assure reasonable billing accuracy. A bill that is rendered on an estimated basis shall be clearly and conspicuously identified as such. A utility shall not render an estimated bill unless the estimating procedures employed by the utility and any substantive changes to those procedures have been approved by the commission.~~

~~—(2) A utility may render estimated bills to seasonally billed customers in accordance with the tariffs approved by the commission.~~

~~—(3) Notwithstanding the provisions of subrule (1) of this rule, a utility may estimate the bill of a customer if extreme weather conditions, emergencies, work stoppages, or other circumstances beyond the control of the utility prevent an actual meter reading.~~

~~—(4) If the utility is unable to gain access to read a meter, then the utility shall use reasonable alternative measures to obtain an actual reading, including mailing or leaving postage paid, pre-addressed postcards upon which the customer may note the reading. If the customer fails to comply with those alternative measures or makes reading the meter unnecessarily difficult, then the utility may transmit an estimated bill notwithstanding the provisions of subrule (1) of this rule. If a utility cannot obtain an actual reading under this subrule, then the utility shall maintain records of the reasons and its efforts to secure an accurate reading.~~

**R 460.2113—Customer meter reading. Rescinded.**

~~—Rule 13. A utility shall provide each customer with the opportunity to read and report energy usage as long as the customer reports energy usage on a regular and accurate basis. A utility shall provide postage paid, pre-addressed postcards for this purpose upon request. At least once every 12 months, a utility shall obtain an actual meter reading of energy usage to verify the accuracy of readings reported in this manner. Notwithstanding the provisions of this rule, a utility may read meters on a regular basis.~~

**R 460.2114—Equal monthly billing. Rescinded.**

~~—Rule 14. A utility may bill a customer under an equal monthly billing program, at the choice of the customer, upon a finding by the commission that the program assures reasonable billing accuracy. If a customer has a credit balance of more than \$2.00 at the end of the program year, upon the request of the customer, the utility shall return the credit balance.~~

**R 460.2115—Cycle billing. Rescinded.**

~~—Rule 15. A utility may use cycle billing if each customer receives a bill on or about the same day of each billing month. If a utility changes meter reading routes or schedules, it may change billing cycles upon 10 days' written notice to the affected customers.~~

**R 460.2116—Payment of bill. Rescinded.**

~~—Rule 16. A utility shall permit each customer a period of not less than 17 days from the date the bill was transmitted to pay in full, unless the customer agrees in writing to a different period.~~

**R 460.2117—Payment periods. Rescinded.**

~~—Rule 17. The date of transmitting a bill is the date the utility mails the bill. For bills that are delivered other than by mail, the date of transmitting a bill is the date that the utility conveys or dispatches the billing information to the customer in accordance with the method of delivery that the customer and the utility agreed to use. If the last day for payments falls on a Sunday, legal holiday, or other day when the offices of the utility regularly used for the payment of customers' bills are not open to the general public, the payment date shall be extended through the next business day.~~

**R 460.2118—Allowable charges. Rescinded.**

~~—Rule 18. (1) Except as otherwise provided by statute, a utility shall bill each customer for the amount of natural gas or electricity consumed and any other approved charges in accordance with the rates and tariffs approved by the commission.~~

~~—(2) A utility may assess a late payment charge that is not more than 2%, not compounded, of the portion of the bill, net of taxes, that is delinquent. A utility shall not assess a late payment charge against a customer who is participating in the winter protection plan described in R 460.2174.~~

**R 460.2119—Bill information. Rescinded.**

~~—Rule 19. A bill that is transmitted by a utility shall state clearly all of the following information:~~

~~—(a) The beginning and ending meter readings and dates for the billing period. A utility that is authorized to use a customer read system need not provide this information.~~

~~—(b) The units of energy consumed during the billing period and the units of energy consumed during the comparable period the prior year. A utility may comply with the provisions of this subrule by providing a comparison of energy consumed based on average daily use for the billing period. The commission may exempt a utility from this requirement by order upon a showing by the utility that compliance would be excessively costly or administratively impractical.~~

~~—(c) A designation of the rate.~~

~~—(d) The due date.~~

~~—(e) Any previous balance.~~

~~—(f) The amount due for energy usage.~~

~~—(g) The amount due for other authorized charges.~~

~~—(h) The amount of tax.~~

~~—(i) The total amount due.~~

~~—(j) The rate schedules, the explanation of rate schedules, and the explanation of how to verify the accuracy of the bill will be provided upon request.~~

~~—(k) That the customer should make any inquiry or complaint about the bill before the due date.~~

~~—(l) The address and telephone number of the utility at which the customer may initiate any inquiry or complaint regarding the bill or the service provided by the utility.~~

~~—(m) That the utility is regulated by the Michigan public service commission, Lansing, Michigan.~~

**R 460.2120—Separate bills. Rescinded.**

~~—Rule 20. (1) A utility shall transmit a separate bill in conformity with the provisions of R 460.2119 for service provided at each location and shall not combine 2 or more accounts without written authorization of the customer.~~

~~–(2) Notwithstanding the provisions of subrule (1) of this rule, if there is shutoff or termination of service at a separate residential metering point, residence, or location in accordance with these rules, then a utility may transfer an unpaid balance to any other residential service account of the customer.~~

~~R 460.2121–Billing for non-tariff services. **Rescinded.**~~

~~–Rule 21. A utility may include charges for non-tariff services together with charges for tariff service on the same monthly bill if the charges for non-tariff services are designated clearly and separately from the charges for tariff service. If partial payment is made, the utility shall first credit payment to the balance outstanding for tariff service.~~

~~R 460.2122–Listing of energy assistance programs. **Rescinded.**~~

~~–Rule 22. The commission shall provide, to all utilities, a listing of all federal and state energy assistance programs and the eligibility requirements.~~

~~R 460.2123–Notice of energy assistance program. **Rescinded.**~~

~~–Rule 23. (1) A utility shall annually inform each customer of the following information:~~

~~–(a) The federal and state energy assistance programs that are available and the eligibility requirements of the programs, as provided to the utility by the commission.~~

~~–(b) The winter protection plan described in the provisions of R 460.2174.~~

~~–(c) The medical emergency provisions of R 460.2153.~~

~~–(2) The utility shall provide the information required by the provisions of subrule (1) of this rule as an explanation on the customer's bill, a bill insert, or other transmittal. If the utility does not print an explanation on the customer's bill, then the utility shall, on the customer's bill, direct the customer to the bill insert or other transmittal.~~

~~R 460.2124–Additional energy assistance programs. **Rescinded.**~~

~~–Rule 24. As further information regarding energy assistance programs becomes available, the commission shall provide that information to all utilities. Within 60 days of receiving the information, the utility shall:~~

~~–(1) Provide further information regarding new eligibility requirements for energy assistance programs to all of its customers.~~

~~–(2) Provide further information regarding new benefit levels for energy assistance programs to customers currently enrolled in the programs.~~

~~R 460.2125–Billing error. **Rescinded.**~~

~~–Rule 25. (1) If a utility overcharges a customer due to a billing error, the utility shall refund or credit the amount of the overcharge. A utility is not required to adjust, refund, or credit an overcharge for more than the 3 years immediately preceding discovery of the billing error, unless the customer is able to establish an earlier date for commencement of the error.~~

~~–(2) If a utility undercharges a customer, the following provisions apply:~~

~~–(a) In cases that involve meter tampering or fraud, the utility may backbill the customer for the amount of the undercharge.~~

~~–(b) In cases that do not involve meter tampering or fraud, the utility may backbill the customer for the amount of the undercharge during the 12-month period immediately preceding discovery~~

of the error, and the utility shall offer the customer reasonable payment arrangements for the amount of the backbill, taking into account the period of the undercharge.

~~–(3) Overcharges and undercharges due to gas meter errors and electric meter errors shall be reconciled in accordance with the provisions of R 460.2364 of the technical standards for gas service and the provisions of R 460.3403 of the regulations governing service supplied by electric utilities, respectively.~~

### PART 3. DEPOSITS AND GUARANTEES

R 460.2131—Deposit for new customer. **Rescinded.**

~~–Rule 31. (1) A utility may require a deposit as a condition of providing service to a new customer due to any of the following provisions:~~

~~–(a) The applicant has a delinquent bill with any electric or gas provider that accrued within the last 6 years, and that, at the time of the request for service, remains unpaid and is not in dispute.~~

~~–(b) The applicant misrepresents his or her identity or credit standing.~~

~~–(c) The applicant fails to provide complete positive identification information upon request at the time of applying for new service, to the extent a request for such information is not barred by R 460.2133(3).~~

~~–(d) The applicant, in an unauthorized manner, used, diverted, or interfered with the service of the utility situated or delivered on or about the applicant's premises within the last 6 years, if the finding of unauthorized use, diversion, or interference is made after notice and an opportunity for a hearing under these rules.~~

~~–(e) The applicant requests service for a location at which he or she does not reside.~~

~~–(f) The applicant was a household member during a period in which all or part of a delinquent service account was accrued by another household member who currently resides with the applicant, if, at the time of the request for service, the account remains unpaid and is not in dispute.~~

~~–(g) The applicant is unable to provide prior utility service history information with any regulated or unregulated utility in Michigan or elsewhere during the last 6 years and has an unfavorable commercial credit rating caused by 3 or more delinquent payments of more than 60 days in the last 2 years.~~

~~–(h) A receiver has been appointed in a court proceeding within the last 6 years.~~

~~–(i) As allowed by federal bankruptcy law, the applicant has sought relief under federal bankruptcy laws within the last 6 years.~~

~~–(2) A utility shall not require a deposit as a condition of providing service to a new customer if any of the following provisions apply:~~

~~–(a) The family independence agency is responsible for making monthly payments to a utility on behalf of the applicant.~~

~~–(b) The applicant secures a guarantor who is a customer in good standing with the utility.~~

~~–(c) None of the conditions described in subrule (1) of this rule applies to the applicant.~~

~~–(d) The applicant is over 65 years of age and has no negative credit history with any gas or electric provider.~~

R 460.2132—Deposit for previous customer or continued service. **Rescinded.**

~~Rule 32. (1) A utility may require a deposit as a condition of providing or restoring service to a previous customer or continuing service to a current customer if the customer has an unsatisfactory credit standing with the utility due to any of the following:~~

~~(a) The customer or applicant has a prior service account that is delinquent, that accrued within the last 6 years, and that, at the time of the request for service, remains unpaid and is not in dispute, or if litigation was required to obtain full payment of a utility account that was not in dispute.~~

~~(b) The customer or applicant misrepresents his or her identity or credit standing.~~

~~(c) The customer or applicant fails to provide complete positive identification information upon request at the time of applying for service, to the extent that a request for such information is not barred by R 460.2133(3).~~

~~(d) The customer or applicant, in an unauthorized manner, used, diverted, or interfered with the service of the utility situated or delivered on or about the customer's or applicant's premises within the last 6 years, if the finding of unauthorized use, diversion, or interference is made after notice and an opportunity for a hearing under these rules and is not in dispute.~~

~~(e) The utility has shut off service to the customer for nonpayment of a delinquent account that is not in dispute.~~

~~(f) The utility has had 1 or more checks for the customer's account returned from a bank within the last 12 months for insufficient funds or no account, excluding bank error.~~

~~(g) A receiver has been appointed in a court proceeding within the last 6 years.~~

~~(h) As allowed by federal bankruptcy law, the applicant has sought relief under federal bankruptcy laws within the last 6 years.~~

~~(2) A utility shall not require a deposit as a condition of providing service to a previous customer or continuing service to a current customer if one of the following provisions applies:~~

~~(a) The family independence agency is responsible for making monthly payments to a utility on behalf of the applicant.~~

~~(b) The customer or applicant secures a guarantor who is a customer in good standing with the utility.~~

~~(c) The customer or applicant has none of the conditions described in subrule (1) of this rule.~~

~~(d) The applicant is over 65 years of age and has no negative credit history with any gas or electric provider.~~

**R 460.2133—Prohibited practices. Rescinded.**

~~Rule 33. (1) A utility shall not require a deposit or other guarantee as a condition of new or continued utility service based upon any of the following:~~

~~(a) Commercial credit standards, if the customer or applicant has prior utility service credit history with any electric or gas provider in Michigan or elsewhere during the previous 6 years.~~

~~(b) Income.~~

~~(c) Home ownership.~~

~~(d) Residential location.~~

~~(e) Race.~~

~~(f) Color.~~

~~(g) Creed.~~

~~(h) Sex.~~

~~(i) Age.~~

~~(j) National origin.~~

~~–(k) Any other criteria not authorized by these rules.~~

~~–(2) A utility shall not attempt to recover from any person any outstanding bills or other charges due upon the account of any other person, unless that other person has entered into a lawful guarantee or other agreement to pay those bills and charges.~~

~~–(3) A utility shall not require a customer or applicant who has prior utility service history with any electric or gas provider in Michigan or elsewhere during the previous 6 years to provide the utility with his or her social security number as a condition of obtaining or continuing a utility service.~~

R 460.2134—General deposit conditions. **Rescinded.**

~~–Rule 34. (1) (A) A deposit that is required under these rules due to a prior outstanding account that is not in dispute or a shutoff for nonpayment shall not be more than twice the average peak season monthly bill for the premises or twice the utility's system average peak season monthly bill for residential service if consumption history for the premises is unavailable. The utility may also require payment of the delinquent account as a condition of providing or continuing service if the prior account is in the customer's or applicant's name, is delinquent and owed to the utility, and accrued within the last 6 years.~~

~~–(b) A deposit that is required as a condition of providing, restoring, or continuing service due to unauthorized use, diversion, or interference shall not be more than 4 times the average peak season monthly bill for the premises or 4 times the utility's system average peak season monthly bill for residential service if consumption history for the premises is unavailable. The utility may also require payment of the delinquent account and approved charges as a condition of providing, restoring, or continuing service if the prior account is in the customer's or applicant's name, is delinquent and owed to the utility, and accrued within the last 6 years.~~

~~–(2) Unless the applicant misrepresents his or her identity or credit standing or fails to provide positive identification, if requested, at the time of applying for service, the utility shall, within 30 days after the applicant applies, decide whether to require a deposit.~~

~~–(3) Except in the case of unauthorized use, diversion, or interference, if the utility shuts off service for nonpayment, then the utility shall not require a deposit as a condition of restoring service unless the utility offered the customer, prior to shutoff for nonpayment, the opportunity to enter into a settlement agreement as provided in part 6 of these rules.~~

~~–(4) A utility shall pay interest at the rate of 9% per annum on all deposits. A utility shall credit interest semiannually to the service account of the customer or pay it upon the return of the deposit, whichever occurs first.~~

~~–(5) The customer's credit shall be established and the utility shall return the deposit and accrued interest upon satisfactory payment by the customer of all proper charges for utility service for a period of 12 consecutive months. A utility may retain the deposit because of unauthorized use, diversion, or interference for a period of 24 months and shall refund the deposit upon satisfactory payment of the final 12 months' charges.~~

~~–(6) For purposes of this rule, payment is satisfactory if it is made before the issuance of the notice of shutoff of service for nonpayment that is not in dispute or within 3 days after the issuance of the next succeeding monthly bill, whichever is sooner.~~

~~–(7) If the utility has not already returned the deposit, the utility shall credit the deposit, with accrued interest, to the final bill. A utility may apply the deposit against an existing arrearage that is not in dispute. The utility shall promptly return the balance to the customer.~~

- ~~-(8) A utility shall maintain a detailed record of all deposits received from customers. The record shall show all of the following information:~~
  - ~~-(a) The name of the residential customer.~~
  - ~~-(b) The location of the premises occupied by the customer at the time of making the deposit and each successive location while the deposit is retained.~~
  - ~~-(c) The date the customer made the deposit and the amount.~~
  - ~~-(d) The dates the utility paid interest and the amounts.~~
- ~~-(9) If a customer makes a deposit, then the utility shall provide, in writing, a receipt that contains all of the following information:~~
  - ~~-(a) Name of customer.~~
  - ~~-(b) Place of payment.~~
  - ~~-(c) Date of payment.~~
  - ~~-(d) Amount of payment.~~
  - ~~-(e) Identifiable name and signature of the utility employee who receives the deposit.~~
  - ~~-(f) The terms and conditions governing the receipt, retention, and return of the deposit.~~
- ~~-(10) A utility shall provide a means by which a customer who is entitled to the return of his or her deposit is not deprived of the deposit even though he or she may be unable to produce the original receipt for the deposit.~~
- ~~-(11) A utility shall apply deposit standards uniformly to all customers.~~
- ~~-(12) For purposes of this rule, both of the following provisions apply:~~
  - ~~-(a) The premises's average peak season monthly bill is defined as the highest 5 consecutive month period of consumption at the premises within the previous 12 month period, divided by 5, priced at current rates.~~
  - ~~-(b) The utility's system average peak season monthly bill is defined as the average peak season monthly bill computed for all residential premises on the utility's system.~~

R 460.2136 ~~Guarantee terms and conditions.~~ **Rescinded.**

- ~~Rule 36. (1) A guarantee that is accepted in accordance with these rules shall be in writing and shall be in effect for not more than 12 months. The written guarantee shall state all of the terms of the guarantee and the maximum amount guaranteed. The utility shall not hold the guarantor liable for a greater amount, unless agreed to in a separate written guarantee.~~
- ~~-(2) The customer's credit shall be established and the utility shall release the guarantor upon satisfactory payment by the customer of all proper charges for utility service for a period of 12 consecutive months, unless the guarantee was required due to unauthorized use, diversion, or interference.~~
- ~~-(3) A utility may retain a guarantee resulting from unauthorized use, diversion, or interference for 24 months and shall release the guarantor upon satisfactory payment of the final 12 months' charges.~~
- ~~-(4) For purposes of this rule, payment is satisfactory if it is made before the issuance of a notice of shutoff of service for nonpayment that is not in dispute or within 3 days after the issuance of the next succeeding monthly bill, whichever is sooner.~~
- ~~-(5) A utility may withhold the release of a guarantor pending the resolution of a shutoff for nonpayment that is in dispute in accordance with these rules.~~

**PART 4. UTILITY PROCEDURES**

R 460.2141—Applicability. **Rescinded.**

~~—Rule 41. These procedures apply to all customer inquiries, service requests, and complaints that are made to a utility regarding residential utility service and charges.~~

R 460.2142—Complaint procedures. **Rescinded.**

~~—Rule 42. (1) A utility shall establish procedures that will ensure the prompt, efficient, and thorough receipt, investigation, and, where possible, resolution of all customer inquiries, service requests, and complaints.~~

~~—(2) A utility shall obtain commission approval of any substantive changes in its procedures.~~

R 460.2143—Personnel procedures. **Rescinded.**

~~—Rule 43. A utility shall establish personnel procedures that, at a minimum, ensure all of the following:~~

~~—(a) That qualified personnel are available and prepared at all times during normal business hours to receive and respond to all customer inquiries, service requests, and complaints. A utility shall make the necessary arrangements to ensure that customers who are unable to communicate in the English language receive prompt and effective assistance.~~

~~—(b) That qualified personnel who are responsible for, and authorized to enter into, written settlement agreements on behalf of the utility are available at all times during normal business hours to respond to customer inquiries and complaints.~~

~~—(c) That qualified personnel are available at all times to receive and respond to customer contacts regarding any shutoff of service and emergency conditions that occur within the utility's service area.~~

~~—(d) That the names, addresses, and telephone numbers of personnel who are designated and authorized to receive and respond to the requests and directives of the commission regarding customer inquiries, service requests, and complaints are current and on file with the commission.~~

R 460.2144 Utility hearing officers. **Rescinded.**

~~—Rule 44. (1) A utility shall employ or contract with competent utility hearing officers, who shall be notaries public and qualified to administer oaths, and other supporting personnel as necessary to comply with the provisions of part 6 of these rules.~~

~~—(2) Utility hearing officers who are employed or contracted to comply with the provisions of part 6 of these rules shall not engage in any other activities for or on behalf of the utility.~~

~~—(3) Utility hearing officers and utility hearing procedures shall be subject to investigation and review by the commission to ensure the impartiality and integrity of the hearing process.~~

R 460.2145—Publication of procedures. **Rescinded.**

~~—Rule 45. (1) A utility shall prepare a pamphlet that, in easily understood terms, summarizes the rights and responsibilities of its customers in accordance with these rules and other applicable provisions of statutes, rules, and tariffs.~~

~~—(2) A utility shall display the pamphlet prominently and make it available at all utility office locations open to the general public. A utility shall transmit the pamphlet to each new customer upon the commencement of service and shall make it available at all times upon request. Where substantial revisions to or new information required by the provisions of subrule (3) of this rule occur, the utility shall provide the changes to all current customers by a bill insert, revised~~

pamphlet, or a publication that is transmitted to all customers, with a copy to the commission. The form of this transmittal shall be at the discretion of the utility.

~~–(3) The pamphlet shall contain all of the following information:~~

~~–(a) Billing procedures and estimation standards.~~

~~–(b) Methods for customers to verify billing accuracy.~~

~~–(c) An explanation of the power supply cost recovery or gas cost recovery program.~~

~~–(d) Customer payment standards and procedures.~~

~~–(e) Security deposit and guarantee standards.~~

~~–(f) Shutoff and restoration of service.~~

~~–(g) Inquiry, service, and complaint procedures.~~

~~–(4) Each pamphlet shall indicate conspicuously that the pamphlet is provided in accordance with the rules of the commission.~~

~~R 460.2146—Access to rules and rates. **Rescinded.**~~

~~–Rule 46. (1) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days of commencing service, within 60 days after issuance of a new rate case order, and at least once each year, the following information:~~

~~–(a) A clear and concise explanation of all rates for which that customer may be eligible.~~

~~–(b) A notice that complete rate schedules are available upon request.~~

~~–(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.~~

~~–(2) A rural electric cooperative shall provide to each customer, at least annually, the following information:~~

~~–(a) A notice that complete rate schedules are available upon request.~~

~~–(b) A notice that a clear and concise explanation of all rates for which that customer may be eligible is available upon request.~~

~~–(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.~~

~~–(3) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days after the utility has filed a general rate case application with the commission, the following information:~~

~~–(a) A notice that the utility has requested that the commission change its rates.~~

~~–(b) A notice that copies of the utility's application are available for inspection at all offices of the utility.~~

~~–(c) A notice that an explanation of the proposed changes to the utility's rates is available from the utility upon request.~~

~~–(4) A rural electric cooperative shall provide to each customer, within a reasonable time after it has filed a general rate case application or a times interest earned ratio ratemaking application, the following information:~~

~~–(a) A notice that the cooperative has requested that the commission change its rates.~~

~~–(b) A notice that copies of the cooperative's application are available for inspection at all offices of the cooperative.~~

~~–(c) A notice that an explanation of the proposed changes to the cooperative's rates is available from the cooperative upon request.~~

~~–(5) A utility, including a rural electric cooperative, shall provide the notice required by the provisions of this rule either through a publication that is transmitted to each of its customers or by a bill insert.~~

~~–(6) A utility shall keep on file, at all offices of the utility, and shall provide public access to, all of the following documents:~~

~~–(a) A copy of these rules.~~

~~–(b) A copy of all other rules of the utility as filed with the commission regarding customer service.~~

~~–(c) Schedules of all residential rates and charges.~~

~~–(d) Proposed rate schedules.~~

~~–(e) Clear and concise explanations of both existing and proposed rate schedules.~~

~~–(f) An explanation of its power supply cost recovery or gas cost recovery program.~~

~~–(7) A utility shall post suitable signs in conspicuous locations at all bill payment offices that are operated by the utility calling attention to the fact that the rules, regulations, rate schedules, proposed rate schedules, explanations of rate schedules, and explanations of proposed rate schedules are on file and available for inspection. Upon request, a utility shall provide 1 copy of these rules, explanations, or schedules to a customer without charge.~~

**R 460.2147—Reporting requirements. Rescinded.**

~~–Rule 47. Upon request, a utility shall file with the commission, a report that contains detailed information concerning all of the following:~~

~~–(a) The payment performance of its customers in relation to established due and payable periods.~~

~~–(b) The number and general description of all complaints registered with the utility.~~

~~–(c) The number of shutoff notices issued by the utility and the reasons for the notices.~~

~~–(d) The number of hearings held by the utility, the types of disputes involved, and the number of complaint determinations issued.~~

~~–(e) The number of written settlement agreements entered into by the utility.~~

~~–(f) The number of shutoffs of service and the number of reconnections.~~

**R 460.2148—Inspection. Rescinded.**

~~–Rule 48. A utility shall permit authorized staff of the commission to inspect all of the utility's operations that relate to customer service.~~

**R 460.2149—Customer access to consumption data. Rescinded.**

~~–Rule 49. A utility shall provide to each customer, upon request, a clear and concise statement of the customer's actual energy usage, or degree day adjusted energy usage, for each billing period during the last 12 months unless that data is not reasonably ascertainable by the utility. A utility shall notify its customers at least once each year that a customer may request consumption data.~~

**R 460.2150—Application for service. Rescinded.**

~~–Rule 50. (1) Unless the applicant has had one or more shutoffs, a utility shall not require other adults who will be residing at the premises for which service is requested to sign an application for service. A utility shall permit more than 1 name on the application if requested by the customer.~~

~~(2) If the applicant is renting the premises for which service is requested, a utility may require proof that the applicant is a tenant. Written or oral confirmation by the manager, landlord, or owner of the property or a copy of the lease submitted by the manager, landlord, or owner of the property is sufficient proof.~~

#### PART 5. PHYSICAL SHUTOFF OF SERVICE

##### R 460.2151—Time of shutoff. **Rescinded.**

~~Rule 51. (1) Subject to the requirements of these rules, a utility may shut off service to a customer on the date specified in the notice of shutoff or at a reasonable time following that date. If a utility does not shut off service and mails a subsequent notice, then the utility shall not shut off service before the date specified in the subsequent notice. Shutoff shall occur only between the hours of 8 a.m. and 4 p.m.~~

~~(2) A utility shall not shut off service on a day, or a day immediately preceding a day, when the services of the utility are not available to the general public for the purpose of restoring service and shall not shut off service on a Friday during the space heating season to a customer who has defaulted on the winter protection plan as defined in these rules.~~

~~(3) A utility shall not shut off service for an amount that is in dispute while a customer is awaiting the resolution of a complaint with the commission or the utility in accordance with these rules.~~

##### R 460.2152—Manner of shutoff. **Rescinded.**

~~Rule 52. (1) At least 1 day preceding shutoff of service, the utility shall make not less than 2 attempts to contact the customer by telephone if a telephone number is accessible to the utility to advise the customer of the pending action and what steps the customer must take to avoid shutoff. The utility shall either document all attempts to contact the customer or shall document that automated procedures are in place that will make at least 2 attempts to contact the customer by telephone.~~

~~(2) Immediately preceding the shutoff of service, an employee of the utility who is designated to perform that function shall identify himself or herself to the customer or another responsible person at the premises and shall announce the purpose of his or her presence.~~

~~(3) The employee shall have in his or her possession a copy of the delinquent account of the customer and request any available verification that the outstanding claims have been satisfied or are currently in dispute. Unless the customer presents evidence that reasonably indicates that the claim has been satisfied or is currently in dispute, the employee may shut off service.~~

~~(4) The employee may be authorized to accept payment and shall not shut off service if the customer offers payment in full, together with a reasonable charge for sending the employee to the premises, if provided in the utility's schedule of rates and tariffs.~~

~~(5) The customer may pay in any reasonable manner, including personal check. Payment by personal check is not reasonable if the customer has paid with a personal check within the last 12 months and the check has been returned for insufficient funds or no account, excluding bank error.~~

~~(6) If the customer or another responsible person is not at the premises and the utility has not made the prior telephone contact provided in subrule (1) of this rule, the employee shall leave notice, in a manner that is conspicuous to the customer, that service will be shut off on or after the next business day unless the customer satisfies the outstanding claims. If the customer or~~

another responsible person is not at the premises and the utility has made prior telephone contact with the customer or another responsible person, the employee may shut off service immediately.

~~–(7) If the customer or another responsible person is not at the premises upon the return of the employee, or upon the first visit if the customer or another responsible person does not respond when it reasonably appears that he or she is at the premises, the employee may shut off service.~~

~~–(8) When the employee shuts off service, the employee shall leave a notice in a conspicuous place upon the premises. The notice shall state that service has been shut off, the address and telephone number of the utility where the customer may arrange to have service restored, and, for all forms printed after the effective date of these rules, that efforts by the customer to restore his or her own service are unlawful and dangerous.~~

**R 460.2153—Medical emergency. Rescinded.**

~~–Rule 53. Notwithstanding any other provision of these rules, a utility shall postpone the shutoff of service for a reasonable time, but not for more than 21 days, if the customer produces a physician's certificate or notice from a public health or social services official stating that the shutoff of service will aggravate an existing medical emergency of the customer, a member of his or her family, or another permanent resident of the premises. The certificate shall identify the medical emergency and specify the period of time during which shutoff will aggravate the emergency. The utility shall extend the postponement for further periods of not more than 21 days, not to exceed a total postponement of shutoff of service of 63 days, only if the customer produces a physician's certificate. If shutoff of service has occurred without any postponement being obtained, the utility shall restore service for a reasonable time, but not for more than 21 days, and shall continue the restoration for further periods of not more than 21 days, not to exceed a total restoration of service of 63 days, only upon the customer providing a physician's certificate.~~

**R 460.2154—Restoration of service. Rescinded.**

~~–Rule 54. (1) After a utility has shut off service, it shall restore service promptly upon the customer's request when the cause has been cured or credit arrangements satisfactory to the utility have been made.~~

~~–(2) When a utility shuts off service at the customer's meter, the utility shall make every effort to restore service on the day the customer requests restoration. Except for reasons beyond its control, the utility shall restore service not later than the first working day after the customer's request.~~

~~–(3) The utility may assess the customer a charge, including reasonable costs, for restoring service and relocating the customer's meter as specified in the utility's approved schedule of rates and tariffs.~~

**R 460.2155—Charges for meter relocation. Rescinded.**

~~–Rule 55. A utility may assess a meter relocation charge pursuant to the provisions of R 460.2154(3) in any of the following situations:~~

~~–(a) The utility shut off service by disconnection at the street or pole because the utility could not obtain access to the meter.~~

~~–(b) The utility shut off service for nonpayment on 2 prior occasions.~~

~~–(c) The customer or another responsible adult refused to permit the utility access to the meter on 5 separate occasions and all of the following provisions apply:~~

- ~~–(i) The utility can produce documentation of written requests for access.~~
- ~~–(ii) The utility determines that the account is 3 or more months in arrears and is not in dispute.~~
- ~~–(iii) The utility has employed reasonable efforts to secure access to the meter.~~
- ~~–(d) The utility shut off service due to unauthorized use, diversion, or interference, or the customer acknowledges personal responsibility and the utility bills him or her for unauthorized use, diversion, or interference.~~

#### ~~PART 6. PROCEDURES FOR SHUTOFF OR TERMINATION OF SERVICE~~

##### ~~R 460.2161—Shutoff permitted. **Rescinded.**~~

- ~~–Rule 61. Subject to the requirements of these rules, a utility may shut off or terminate service to a residential customer for any of the following reasons:~~
- ~~–(a) The customer has not paid a delinquent account that accrued within the last 6 years.~~
  - ~~–(b) The customer has failed to provide a deposit or guarantee permitted by these rules.~~
  - ~~–(c) The customer or others have caused the unauthorized use, diversion, or interference with the utility service situated or delivered on or about the customer's premises.~~
  - ~~–(d) The customer has failed to comply with the terms and conditions of a settlement agreement.~~
  - ~~–(e) The customer has refused to arrange access at reasonable times for the purpose of inspection, meter reading, maintenance, or the replacement of equipment that is installed upon the premises.~~
  - ~~–(f) The customer has misrepresented his or her identity for the purpose of obtaining utility service.~~
  - ~~–(g) The customer has violated any rules of the utility approved by the commission so as to adversely affect the safety of the customer or other persons or the integrity of the utility system.~~
  - ~~–(h) A current member of the customer's household has not paid a delinquent account for service that is not in dispute and that is owed by that person, if the customer lived at the same residence served by the utility at the time that all or part of the debt was incurred by the current member of the customer's household. This subdivision shall not apply if the utility holds a deposit pursuant to the provisions of R460.2131(1)(e)(i) The customer has requested the termination of service. The utility shall make reasonable efforts to determine that the customer of record has authorized the termination of service.~~

##### ~~R 460.2162—Shutoff prohibited. **Rescinded.**~~

- ~~–Rule 62. A utility shall not shut off service for any of the following reasons:~~
- ~~–(a) The customer has not paid for items, such as merchandise, appliances, or services, that are not approved by the commission as an integral part of the utility service that is provided by the utility.~~
  - ~~–(b) The customer has not paid for concurrent service received at a separate metering point, residence, or location.~~
  - ~~–(c) The customer has not paid for a different class of service received at the same or a different location. The placing of more than 1 meter at the same location for the purpose of billing the usage of specific residential energy using devices under optional rate schedules or provisions is not a different class of service for the purposes of this rule.~~
  - ~~–(d) The customer, such as a landlord, has not paid for service used by another person, such as a tenant. A utility may shut off service, however, in any of the following circumstances:~~
    - ~~–(i) If the customer supplies a written statement under oath that the premises are unoccupied.~~

- ~~–(ii) If the premises are occupied and the occupant agrees, in writing, to the shutoff of service.~~
- ~~–(iii) If it is not feasible to provide service to the occupant as a customer without a major revision of existing distribution facilities.~~

~~Where it is feasible to provide service, the utility, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for service in his or her own name. If the occupant refuses, the utility may shut off service pursuant to these rules.~~

**R 460.2163–Notice of shutoff. Rescinded.**

~~–Rule 63. (1) A utility shall not shut off service pursuant to the provisions of R 460.2161 unless it transmits a notice, by first class mail, to the customer or personally serves the notice not less than 10 days before the date of the proposed shut off. The utility shall send notice to the account name and address and to the address where service is provided if the service address is different and the transmittal can be delivered at that address. A utility shall maintain a record of the date of transmittal.~~

~~–(2) A utility shall permit a customer to designate a consenting individual or agency to receive a copy of a notice of shutoff.~~

~~–(3) Not less than 30 days before the proposed shutoff of service to a single metered dwelling that is used as a residence for five or more families, a utility shall transmit a notice to each dwelling unit that indicates that the customer of record, the landlord, has failed to pay an outstanding bill and is subject to shutoff of service on or after a specified date.~~

**R 460.2164–Form of notice. Rescinded.**

~~–Rule 64. A notice of shutoff of service shall contain all of the following information:~~

- ~~–(a) The name and address of the customer and, if available, the address at which service is provided, if different.~~
- ~~–(b) A clear and concise reason for the proposed shutoff of service.~~
- ~~–(c) The date on or after which the utility may shut off service, unless the customer takes appropriate action.~~
- ~~–(d) That the customer has the right to enter into a settlement agreement with the utility if the claim is for an amount that is not in dispute and the customer is presently unable to pay in full.~~
- ~~–(e) That the customer has the right to file a complaint disputing the claim of the utility before the proposed date of the shutoff of service.~~
- ~~–(f) That the customer has the right to request a hearing before a utility hearing officer if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 3 days of the date that the customer requested a hearing.~~
- ~~–(g) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.~~
- ~~–(h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility in accordance with these rules.~~
- ~~–(i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.~~
- ~~–(j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for emergency economic assistance.~~

~~–(k) That the utility will postpone the shutoff of service if a medical emergency exists at the customer's residence.~~

~~–(l) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of a delinquent account.~~

~~–(m) That the customer should contact the utility for information about the winter protection plan if the date on or after which shutoff of service may occur is between November 15 and March 31.~~

**R 460.2165–Disputed claim. Rescinded.**

~~–Rule 65. (1) If a customer advises a utility, before the date of the proposed shutoff of service, that all or part of a bill is in dispute, then the utility shall do all of the following:~~

~~–(a) Immediately record the date, time, and place the customer made the complaint and transmit verification to the customer.~~

~~–(b) Investigate the dispute promptly and completely.~~

~~–(c) Advise the customer of the results of the investigation.~~

~~–(d) Attempt to resolve the dispute informally in a manner that is satisfactory to both parties.~~

~~–(e) Provide the opportunity for the customer to settle the disputed claim or to satisfy any liability that is not in dispute.~~

~~–(2) A customer may advise a utility that a claim is in dispute in any reasonable manner, such as by written notice, in person, or by a telephone call directed to the utility.~~

~~–(3) A utility, in attempting to resolve the dispute, may employ telephone communication, personal meetings, on-site visits, or any other technique that is reasonably conducive to dispute settlement.~~

**R 460.2166 –Hearing. Rescinded.**

~~–Rule 66. If the parties are unable to resolve the dispute, the utility shall offer the customer the opportunity for a hearing before a utility hearing officer. If the customer fails to request a hearing within 3 days of the date that the opportunity for hearing is offered, or if the customer fails to pay the part of the bill that is not in dispute within 3 days of the date that he or she requests the hearing, the utility may exercise its right to shut off service pursuant to these rules.~~

**R 460.2167–Payment of amount not in dispute. Rescinded.**

~~–Rule 67. (1) If a customer requests a hearing before a utility hearing officer, the customer shall cooperate in the utility's investigation of the complaint and shall pay to the utility the part of the bill that is not in dispute.~~

~~–(2) The amount that is not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior consumption history, weather variations, the nature of the dispute, and any other pertinent factors.~~

~~–(3) If the parties are unable to mutually determine the amount that is not in dispute, the customer shall pay, to the utility, 50% of the bill in dispute, but not more than \$100.00 per billing period. If the bill in dispute includes usage that has not been previously billed, such as a backbilling, the customer shall pay, to the utility, the amount that is not in dispute for usage not previously billed or 50% of the amount in dispute for usage not previously billed, but not more than \$100.00 for the amount not previously billed.~~

~~–(4) The amount that is not in dispute shall be subject to review at the hearing before the utility hearing officer in accordance with the provisions of R 460.2169.~~

~~–(5) If the customer fails to pay the amount that is not in dispute within 3 days of the date that he or she requests a hearing, the customer waives the right to the hearing and the utility may shut off service as provided in part 5 of these rules.~~

~~–(6) If the dispute is ultimately resolved in favor of the customer, in whole or in part, the utility shall return promptly any excess amount paid by the customer, with interest at the rate specified pursuant to the provisions of R 460.2134(4).~~

**R 460.2168–Notice of hearing. Rescinded.**

~~–Rule 68. (1) The utility shall transmit or personally serve the customer with written notice of the time, date, and place of the hearing not less than 10 days before the hearing.~~

~~–(2) The notice shall describe the hearing procedures as contained in these rules.~~

~~–(3) Failure of the customer or the utility to attend the hearing without a good reason or without having requested an adjournment constitutes a waiver of the right of that party to the hearing.~~

**R 460.2169–Hearing procedures. Rescinded.**

~~–Rule 69. (1) A utility shall establish hearing procedures that, at a minimum, provide the customer and the utility with all of the following rights:~~

~~–(a) The right to represent themselves, to be represented by counsel, or to be assisted by persons of their choice.~~

~~–(b) The right to examine, not less than 2 days before a scheduled hearing, a list of all witnesses who will testify and all documents, records, files, account data, and similar material that may be relevant to the issues to be raised at the hearing.~~

~~–(c) The right to present evidence, testimony, and oral and written argument.~~

~~–(d) The right to confront and question witnesses appearing on behalf of the other party.~~

~~–(2) A hearing shall be held during normal business hours. A utility shall take reasonable steps to ensure that a customer who is unable to attend a hearing due to physical incapacity is not denied the right to a hearing.~~

~~–(3) The utility has the burden of proof by a preponderance of the evidence.~~

~~–(4) All witnesses who appear for either party shall testify under oath.~~

~~–(5) A hearing shall be informal and the proceedings need not be recorded or transcribed. All relevant evidence shall be received and the formal rules of evidence shall not apply.~~

~~–(6) For each hearing, the utility hearing officer shall compile a record that contains all of the following:~~

~~–(a) A concise statement, in writing, of the position of the utility.~~

~~–(b) A concise statement, in writing, of the position of the customer.~~

~~If the customer has not put his or her position in writing, then the hearing process shall provide a method for accomplishing this writing with the opportunity for proper acknowledgment by the customer.~~

~~–(c) Copies of all evidence submitted by the parties.~~

~~–(7) At the conclusion of the hearing, the utility hearing officer may orally state his or her findings and the decision or adjourn the hearing and inform the parties that the decision will be transmitted within seven days. At the request of the customer, the utility hearing officer shall adjourn the hearing and transmit the decision within seven days. In all cases, the utility hearing officer shall issue a complaint determination in a form that is approved by the commission. The complaint determination shall contain both of the following:~~

~~–(a) A concise summary of the evidence and arguments presented by the parties.~~

~~–(b) A concise summary of the evidence and arguments presented by the parties.~~

- ~~-(b) The decision, and the reasons for the decision, of the utility hearing officer based solely upon the evidence received.~~
- ~~-(8) At the conclusion of the hearing and again upon issuance of the complaint determination, the utility hearing officer shall advise the customer and the utility of all of the following:~~
  - ~~-(a) That each party has a right to make an informal appeal to the commission staff, by mail, telephone, or in person, within 7 days of issuance of the complaint determination.~~
  - ~~-(b) That, if appealed, the decision of the utility hearing officer, including a finding that service may be shut off, cannot be implemented until review by the commission staff.~~
  - ~~-(c) The address and telephone number where the customer or the utility may make an informal appeal to the commission staff.~~
- ~~-(9) Before issuance of a complaint determination, the utility hearing officer may propose a settlement to the parties. If both parties accept the settlement, it shall be reduced to writing and signed by both parties.~~
- ~~-(10) Within 7 days of the conclusion of the hearing, the utility hearing officer shall serve the parties with all of the following:~~
  - ~~-(a) A copy of the complaint determination.~~
  - ~~-(b) Appeal information as provided in subrule (8) of this rule.~~
  - ~~-(c) If applicable, a copy of the signed settlement agreement.~~
- ~~-(11) The complaint determination and a copy of the signed settlement agreement, if any, shall be made part of the hearing record. The utility hearing officer shall certify the hearing record.~~
- ~~-(12) The complaint determination is binding upon the parties unless appealed as provided in these rules.~~

R 460.2170—Settlement agreement. **Rescinded.**

- ~~—Rule 70. (1) If the utility and the customer arrive at a mutually satisfactory settlement of a claim in dispute or if the customer does not dispute liability to the utility, but claims the inability to pay the outstanding bill in full, then a utility shall offer the customer the opportunity to enter into a settlement agreement.~~
- ~~-(2) A settlement agreement shall be in writing and signed by the customer or his or her authorized representative and an authorized representative of the utility. The utility shall confirm, in writing, a settlement reached by telephone and shall transmit the settlement to the customer with instructions to sign a confirming copy and return it in a postage paid, self-addressed envelope. The utility shall retain the original settlement agreement for 2 years.~~
- ~~-(3) In negotiating a settlement agreement due to the customer's inability to pay an outstanding bill in full, the utility shall not require the customer to pay more than a reasonable amount of the outstanding bill upon signing the agreement and not more than reasonable installments until the remaining balance is paid.~~
- ~~-(4) For purposes of determining reasonableness, the parties shall consider all of the following factors:~~
  - ~~-(a) The size of the delinquent account.~~
  - ~~-(b) The customer's ability to pay.~~
  - ~~-(c) The time that the debt has been outstanding.~~
  - ~~-(d) The reasons that the customer has not paid the bill.~~
  - ~~-(e) The customer's payment history.~~
  - ~~-(f) Any other relevant factors concerning the circumstances of the customer.~~

~~–(5) A settlement agreement that is offered by a utility shall state, immediately preceding the space provided for the customer's signature and in bold print that is not less than 2 sizes larger than any other print that is used on the form: "IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. YOU MAY FILE AN INFORMAL COMPLAINT AND HAVE A HEARING BEFORE A UTILITY HEARING OFFICER BEFORE YOUR SERVICE MAY BE SHUT OFF. IF YOU DO SIGN THIS AGREEMENT, YOU GIVE UP YOUR RIGHT TO AN INFORMAL HEARING BEFORE A UTILITY HEARING OFFICER ON ANY MATTER INVOLVED IN THIS DISPUTE EXCEPT THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT."~~

**R 460.2171—Default of settlement agreement. Rescinded.**

~~–Rule 71. (1) If a customer fails to comply with the terms and conditions of a settlement agreement, a utility may shut off service after giving the customer a notice, by personal service or first class mail, that contains all of the following information:~~

- ~~–(a) That the customer is in default of the settlement agreement.~~
- ~~–(b) The nature of the default.~~
- ~~–(c) That unless the customer pays in full within 10 days of the date of mailing, the utility may shut off service.~~
- ~~–(d) The date on or after which the utility may shut off service.~~
- ~~–(e) That the customer has a right to request a hearing before a utility hearing officer only if the customer alleges that the utility has failed or refused to follow the terms of the settlement agreement.~~
- ~~–(f) The address and telephone number where the customer may file the request for a hearing with the utility.~~

~~–(2) A utility is not required to enter into a subsequent settlement agreement with a customer until he or she has complied fully with the terms of a previous settlement agreement.~~

~~–(3) A utility is not required to enter into a subsequent settlement agreement with a customer who defaulted on the terms and conditions of an agreement within the last 2 years.~~

~~–(4) If the customer and utility reach a settlement agreement following a notice of shutoff, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days of the agreement constitutes a waiver of the notice required by subrule (1) of this rule. The utility may shut off service after notice as described in the provisions of R 460.2152.~~

**R 460.2172—Same dispute. Rescinded.**

~~–Rule 72. A utility may disregard a customer complaint or dispute that involves the same question or issue based upon the same facts, and is not required to comply with these rules more than once before shutoff of service.~~

**R 460.2173—Emergency shutoff. Rescinded.**

~~–Rule 73. Notwithstanding any other provision of these rules, a utility may shut off service temporarily for reasons of health or safety or in a state or national emergency. When a utility shuts off service for reasons of health or safety, the utility shall leave a notice in accordance with the provisions of R 460.2152(8).~~

**R 460.2174—Winter protection plan. Rescinded.**

~~–Rule 74. (1) As used in this rule:~~

- ~~-(a) "Eligible customer" means either an eligible low income customer or an eligible senior citizen customer.~~
- ~~-(b) "Eligible low income customer" means a utility customer whose household income does not exceed 150% of the poverty level, as published by the United States department of health and human services, or who receives any of the following:~~
  - ~~-(i) Supplemental security income, aid to families with dependent children, or general assistance.~~
  - ~~-(ii) Food stamps.~~
  - ~~-(iii) Medicaid.~~
- ~~-(c) "Eligible senior citizen customer" means a utility customer who is 65 years of age or older and who advises the utility of his or her eligibility.~~
- ~~-(2) A utility shall not shut off service to an eligible customer during the space heating season for nonpayment of a delinquent account if the customer is an eligible senior citizen customer or if the customer pays to the utility a monthly amount equal to 7% of the estimated annual bill for the eligible customer and the eligible customer demonstrates, within 14 days of requesting shutoff protection, that he or she has made application for state or federal heating assistance. If an arrearage exists at the time an eligible customer applies for protection from shutoff of service during the space heating season, the utility shall permit the customer to pay the arrearage in equal monthly installments between the date of application and the start of the subsequent space heating season.~~
- ~~-(3) A utility may shut off service to an eligible low income customer who does not pay the monthly amounts referred to in subrule(2) of this rule after giving notice in the manner required by these rules. The utility is not required to offer a settlement agreement to an eligible low-income customer who fails to make the monthly payments referred to in subrule (2) of this rule.~~
- ~~-(4) If a customer fails to comply with the terms and conditions of this rule, a utility may shut off service after giving the customer a notice, by personal service or first class mail, that contains all of the following information:~~
  - ~~-(a) That the customer has defaulted on the winter protection plan.~~
  - ~~-(b) The nature of the default.~~
  - ~~-(c) That unless the customer makes the payments that are past due under this rule within 10 days of the date of mailing, the utility may shut off service.~~
  - ~~-(d) The date on or after which the utility may shut off service, unless the customer takes appropriate action.~~
  - ~~-(e) That the customer has the right to file a complaint disputing the claim of the utility before the date of the proposed shutoff of service.~~
  - ~~-(f) That the customer has the right to request a hearing before a utility hearing officer if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 3 days of the date that the customer requests a hearing.~~
  - ~~-(g) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.~~
  - ~~-(h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility in accordance with these rules.~~
  - ~~-(i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.~~
  - ~~-(j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for emergency economic assistance.~~

- ~~-(k) That the utility will postpone shutoff of service if a medical emergency exists at the customer's residence.~~
- ~~-(l) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of a delinquent account.~~
- ~~-(5) At the conclusion of the space heating season, the utility shall reconcile the accounts of eligible customers and permit customers to pay any amounts owing in equal monthly installments between April 1 and December 1. A utility may shut off service to eligible customers who fail to make installment payments on a timely basis in the manner required by these rules. At the option of the customer, between April 1 and November 30, the customer may choose to pay 9% of the estimated annual bill each month together with the monthly installment for any preenrollment arrearage instead of the amount otherwise owing for actual and reconciled past due amounts. After November 30, the utility shall reconcile the account of any customer who has chosen and fulfilled the obligations of the 9% option by refunding any net overcollection or adding any net undercollection to the customer's arrearage for the upcoming space heating season. If a customer fails to make all payments that are required pursuant to the 9% option, the utility may immediately reconcile his or her account by refunding any net overcollection or by adding any net undercollection to the customer's current bill.~~
- ~~-(6) A utility shall not require an eligible low income customer whose utility service has been shut off before applying for protection under this rule to pay a fee for restoring service or a security deposit pursuant to the provisions of R 460.2132 during the space heating season. A utility may not require an amount greater than one twelfth of an arrearage owing in order to restore service or initiate participation in the winter protection plan. The 7% payment shall be billed according to normal billing procedures for the utility.~~
- ~~-(7) An eligible low income customer may preenroll in the winter protection plan between November 15 and November 30 by paying the current usage plus 1/12 of any arrearage and agreeing to the terms of the winter protection plan for the upcoming space heating season. An eligible senior citizen customer may preenroll by advising the utility of his or her eligibility. A preenrolled customer shall not have his or her service terminated before the commencement of the winter protection plan. A customer who is off service as of November 15 shall be eligible to preenroll in the winter protection plan and have service restored immediately after fulfilling the requirements for preenrollment. Further, an off service low income customer who applies during the preenrollment period shall be entitled to have all deposits and reconnection fees waived.~~

#### PART 7. COMMISSION APPEAL PROCEDURES

R 460.2181—Informal appeal. **Rescinded.**

~~—Rule 81. Within 7 days after a utility hearing officer issues a written complaint determination, either party may make an informal appeal to the commission staff.~~

R 460.2182—Filing procedures. **Rescinded.**

~~—Rule 82. (1) A party may make an informal appeal in any reasonable manner. The informal appeal need not be in writing and may be initiated by telephone or in person at the offices of the commission.~~

~~—(2) A written appeal need not be verified.~~

~~—(3) The appealing party shall provide all of the following information:~~

- ~~–(a) Name and address of the customer.~~
- ~~–(b) Name of the utility involved.~~
- ~~–(c) The nature of the original complaint in a clear and concise manner.~~
- ~~–(d) The relief requested.~~

**R 460.2183—Exhaustion of remedies. Rescinded.**

~~–Rule 83. The commission staff may require a customer to pursue remedies directly with the utility as provided in these rules before accepting an informal appeal. The commission may waive this rule when circumstances require.~~

**R 460.2184—Informal appeal procedures. Rescinded.**

~~–Rule 84. (1) The commission staff shall assign the informal appeal to a complaint and information officer or another employee of the commission as the commission may designate. The officer or designated employee shall reduce the appeal to writing and shall have all of the following responsibilities:~~

- ~~–(a) Advising the appealing party of the procedures of the commission by telephone or in writing.~~
- ~~–(b) Advising the other party that an informal appeal has been filed.~~
- ~~–(c) Issuing interim determinations as necessary.~~
- ~~–(d) Reviewing or investigating the appeal as provided in these rules.~~
- ~~–(e) Issuing an informal appeal decision.~~

~~–(2) Upon notification by the commission staff that an informal appeal has been made, the utility shall promptly file, with the commission staff, the certified hearing record. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record.~~

~~In arriving at the informal appeal decision, the complaint and information officer or designated employee shall not be required to receive or consider any additional evidence or information.~~

~~–(3) In all informal appeals, the utility has the burden of proof by a preponderance of the evidence.~~

**R 460.2185—Interim determination. Rescinded.**

~~–Rule 85. (1) After receiving the hearing record and pending the final resolution of an informal appeal, the complaint and information officer or designated employee may issue an interim determination with appropriate terms and conditions. In the case of an appeal regarding a bill or deposit, the complaint and information officer or designated employee may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the shutoff of service as provided in these rules. The complaint and information officer or designated employee may consider the amounts that reasonably appear to reflect the cost of utility service in determining the undisputed portion of a claim.~~

~~–(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing of the interim determination by first class mail, the utility may shut off service as provided in these rules.~~

**R 460.2186—Appeal review. Rescinded.**

~~–Rule 86. The complaint and information officer or designated employee shall review the informal appeal thoroughly and, when necessary, conduct further investigation. A party may offer new evidence if the complaint and information officer or designated employee determines~~

~~that it is relevant and could not have been offered at the hearing before the utility hearing officer through the exercise of due diligence by the offering party. When further investigation is necessary, the complaint and information officer or designated employee may request additional evidence or, at his or her own initiative, may hold an informal conference with the parties or their representatives at a time and place designated by the officer or employee. If either party fails to appear at the informal conference without a good reason or without having requested an adjournment, the right of the absent party to appear at the conference shall be waived. At an informal conference, the parties shall have the right to do all of the following:~~

- ~~–(a) Represent themselves, to be represented by counsel, or to be assisted by other persons of their choice.~~
- ~~–(b) Present oral and documentary evidence.~~
- ~~–(c) Refute, in a reasonable manner, the evidence of the other party.~~
- ~~–(d) Submit an oral or written statement of position.~~

**R 460.2187—Shutoff pending decision. Rescinded.**

~~–Rule 87. A utility shall not shut off service or issue a notice of shutoff related to the matter in dispute pending the decision of the commission staff, except pursuant to the terms of an interim determination.~~

**R 460.2188—Informal appeal decision. Rescinded.**

~~–Rule 88. The complaint and information officer or other employee so designated by the commission shall, within 30 days after the utility files the certified record, issue a written informal appeal decision affirming, modifying, or reversing the complaint determination. In reversing or modifying the complaint determination, the decision shall set forth the terms and conditions for continued service, shutoff, or a proposed settlement agreement as required by the facts and circumstances. The decision shall state the relevant findings of fact and the reasons for the decision.~~

**R 460.2189 Failure to comply with informal appeal decision. Rescinded.**

~~–Rule 89. A copy of the informal appeal decision shall be served personally or by first class mail on the parties. Failure of either party to comply with the decision within 10 days from the date of service by mailing shall permit implementation of the action or remedy provided by the decision.~~

**R 460.2190—Same dispute. Rescinded.**

~~–Rule 90. The commission staff may dismiss a subsequent informal appeal that involves the same question or issue based upon the same facts without following every procedure set forth in these rules.~~

**R 460.2191—Formal appeal. Rescinded.**

~~–Rule 91. Either party may appeal the decision of the complaint and information officer or designated employee by filing a formal complaint in accordance with the rules of practice and procedure before the commission. A party may proceed in accordance with the terms of the informal appeal decision unless otherwise ordered by the commission or the presiding officer who is assigned to the formal complaint.~~

R 460.2192—~~Other remedies.~~ **Rescinded.**

~~—Rule 92. Nothing in these provisions shall be construed to prevent a party from pursuing appropriate legal and equitable remedies at any time before or after the issuance of any informal appeal decision.~~

R 460.2199—~~Rescission.~~ **Rescinded.**

~~—Rule 99. Rules 6, 25, 27, 28, 31 to 35 of the Standards of Gas Service being R 460.896, R 460.915, R 460.917, R 460.918, R 460.921 to R 460.925 of the Michigan Administrative Code and appearing on pages 6095 and 6101 to 6103 of the 1954 volume of the Code and rules 5, 7, 8, 10, 11, 14 to 17 and 28 of the Rules of Electric Service, being R 460.501, R 460.502 and R 460.504 of the Michigan Administrative Code and appearing on pages 5788 to 5792 of the 1954 volume of the Code, are rescinded insofar as they apply to electrical and gas residential utility service.~~

## PART 1. GENERAL PROVISIONS

**R 460.101 Application of rules.**

**Rule 1.** These rules apply to residential utility service that is provided by electric and natural gas utilities that are subject to the jurisdiction of the public service commission.

**R 460.102 Definitions.**

**Rule 2.** As used in these rules:

(a) “Actual meter reading” means a gas or electric meter reading that is based on the customer’s actual energy use during the period reported and that was performed by a utility representative, by the customer and communicated to the company by mail, telephone, fax, on a secure company website, or other reasonable means, or that was transmitted to the utility by an automated or remote meter reading device.

(b) “Applicant” means a person 18 years of age or older requesting residential utility service in person at the utility company office, in writing, by telephone or fax machine, through the internet, or any other form of communication that allows the applicant to provide the information required by the utility company.

(c) “Billing error” means an undercharge or overcharge that is caused by any of the following:

- (i) An incorrect actual meter read by a company representative.
- (ii) An incorrect remote meter read.
- (iii) An incorrect meter constant.
- (iv) An incorrect calculation of the applicable rate.
- (v) A meter switched by the utility or a utility representative.
- (vi) An incorrect application of the rate schedule.
- (vii) Another similar act or omission by the utility in determining the amount of a customer's bill. An undercharge or overcharge that is caused by a non-registering meter, a meter error, or the use of an estimated meter read or a customer read is not a billing error.

(d) “Billing month” means a natural gas or electric consumption period of not less than 26 or more than 35 days.

(e) **“Billing specialist”** means a representative of a utility who investigates and resolves meter reading discrepancies or errors.

(f) **“Charges for tariff service”** means the rates for regulated electric and gas service and other charges approved by the commission.

(g) **“Collection charge”** means a commission approved charge assessed for the costs associated with sending an employee or agent to a residence to collect a past due payment in lieu of shutoff of service.

(h) **“Commission”** means the Michigan public service commission.

(i) **“Complaint determination”** means the written decision of a hearing officer after an informal hearing.

(j) **“Critical care customer”** means any customer who requires, or has a household member that requires home medical equipment or a life support system, and who has provided appropriate documentation from a physician or medical facility to the utility identifying the medical equipment or life support system and certifying that an interruption of service would be immediately life-threatening.

(k) **“Customer”** means a purchaser of electricity or natural gas that is supplied or distributed by a utility for residential purposes.

(l) **“Cycle billing”** means a system that renders bills for utility service to various customers on different days of a calendar month.

(m) **“Delinquent account”** means an account with charges for utility service that remains unpaid at least 5 days after the due date.

(n) **“Eligible low-income customer”** means a utility customer whose household income does not exceed 150% of the federal poverty guidelines as published by the United States department of health and human services or who receives any of the following:

(i) Supplemental security income or low-income assistance through the department of human services or successor agency.

(ii) Food stamps.

(iii) Medicaid.

(o) **“Eligible military customer”** means a utility customer, spouse of a customer, or customer whose spouse is in the military who meets all of the following:

(i) Is on full-time active duty.

(ii) Is deployed overseas in response to a declared war or undeclared hostilities or is deployed within the United States in response to a declared national or state emergency and the household income is reduced as a result.

(iii) Notifies the utility of his or her eligibility.

(iv) Provides verification of eligibility if requested by the utility.

(p) **“Eligible senior citizen customer”** means a utility customer who meets all of the following criteria:

(i) Is 65 years of age or older.

(ii) Advises the utility of his or her eligibility.

(iii) Has not engaged in unauthorized use of utility service in the last 3 years.

(q) **“Energy assistance program”** means a program that provides financial assistance or assistance in improving residential energy efficiency and energy conservation.

(r) **“Energy usage”** means the consumption of electricity or natural gas.

(s) **“Estimated bill”** means a bill for service at the premises that is not based on an actual meter reading for the period being billed but that is based on calculations of how much gas

or electricity a customer used during the billing period.

(t) **“Formal hearing request”** means a document describing how a regulated utility has violated a customer’s rights or these rules that is presented in writing to the executive secretary of the commission to initiate an administrative process in accordance with the rules of practice and procedure before the commission, R 460.17101 et. seq.

(u) **“Gas cost recovery”** means the adjustment in rates to recognize the cost of purchased gas.

(v) **“Hearing officer”** means a notary public who is qualified to administer oaths to conduct informal customer complaint hearings against the utility company and who is on a list filed with the commission.

(w) **“In dispute”** means that a matter is the subject of an unresolved disagreement, claim, or complaint against a utility by a customer, or the customer’s authorized agent.

(x) **“Informal appeal”** means an appeal of a complaint determination of a hearing officer to the commission staff.

(y) **“Informal appeal decision”** means the written decision of the regulation officer in regard to an informal appeal.

(z) **“Informal complaint”** means a matter that requires follow-up action or investigation by the utility or the commission to resolve the matter without a formal hearing.

(aa) **“Inquiry”** means a question regarding a utility matter that is asked by the customer and answered by the utility or the commission.

(bb) **“Late payment charge”** means a finance, service, carrying, or penalty charge that is assessed by a utility because a bill or portion of a bill is delinquent.

(cc) **“Medical emergency”** means an existing medical condition of the customer or a member of the customer’s household, as defined and certified by a physician or public health official on official stationary or company-provided form, that will be aggravated by the lack of utility service.

(dd) **“Meter error”** means a failure to accurately measure and record all of the natural gas or electrical quantities used that are required by the applicable rate or rates.

(ee) **“New customer”** means a customer who has not received the utility's service within the previous 6 years.

(ff) **“Peak season”** means the months of November, December, January, February and March for natural gas service or electric space heating and June, July and August for other electric service.

(gg) **“Positive identification information”** means a consistently used appropriate identification such as, but not limited to, a driver’s license or ID card issued by a state, U.S. military card or military dependent’s ID card, Native American tribal document, or passport.

(hh) **“Power supply cost recovery”** means the adjustment in rates to recognize the cost of purchased power and fuel for electric generation.

(ii) **“Previous customer”** means a customer who has received the utility's service within the previous 6 years but is not currently receiving service.

(jj) **“Regulation officer”** means a member of the commission staff who resolves complaints in accordance with these rules.

(kk) **“Remote shutoff or restoration capability”** means the ability to terminate or restore service to a premises from another location.

(ll) **“Residential service or use”** means the provision or use of electricity or natural gas for

residential purposes.

(mm) “Satisfactory payment history” means that a customer’s account was not delinquent more than 1 time in the past 12 months.

(nn) “Seasonally billed customer” means a customer who is billed on a seasonal basis in accordance with a utility tariff that is approved by the commission.

(oo) “Settlement agreement” means a documented agreement that is entered into by a customer and a utility and that resolves any matter in dispute or provides for the payment of amounts not in dispute over a reasonable period of time.

(pp) “Shutoff of service” means a discontinuance of utility service that is not requested by a customer.

(qq) “Space heating season” means the period between November 1 and March 31.

(rr) “Termination of service” means a discontinuance of utility service that is requested by a customer.

(ss) “Unauthorized use of utility service” means theft, fraud, interference, or diversion of service, including but not limited to meter tampering (any act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between a service line and customer-owned facilities), and service restoration by anyone other than the utility or its representative.

(tt) “Utility” means a person, firm, corporation, cooperative, association, or other legal entity that is subject to the jurisdiction of the commission and that provides electric or gas service for residential use.

(uu) “Weather adjusted consumption data” means a customer’s monthly energy usage divided by the number of heating or cooling degree days for that month.

#### **R 460.103 Discrimination prohibited.**

**Rule 3.** A utility shall not discriminate against or penalize a customer for exercising any right granted by these rules.

#### **R 460.104 Form of proceedings.**

**Rule 4.** The informal procedures required by these rules shall not constitute a contested case as defined by section 3 of 1969 PA 306, MCL 24.203.

#### **R 460.105 Additional rules.**

**Rule 5.** A utility may adopt additional rules governing relations with its customers that are reasonable and necessary and that are consistent with these rules. The utility's rules shall be an integral part of its tariffs and shall be subject to approval by the commission. If there is a conflict between these rules and a utility's rules or tariffs, these rules govern.

### **Part 2. APPLICATION FOR SERVICE**

#### **R 460.106 Service for new or previous customers.**

**Rule 6. (1)** Applicants for service may become new customers by requesting service in person at the utility company office, in writing, by telephone, fax, or internet, or other means of communication. Using any of these methods, an applicant shall do both of the following:

(a) Provide positive identification information as defined in R 460.102.

**(b) Pay a deposit, if required by R 460.109 or R 460.110.**

**(2) The utility may also require payment of a delinquent account as a condition of providing or continuing service if both of the following conditions apply:**

**(a) The delinquent account is in the customer's or applicant's name.**

**(b) The delinquent account is not in dispute, owed to the utility, and accrued within the last 3 years.**

#### **R 460.107 Application for service.**

**Rule 7. (1) A utility may request but shall not require anyone other than the applicant to assume responsibility for service. A utility shall permit more than 1 name on the application if requested by the customer and agreed to by the second party.**

**(2) If the applicant is renting the premises for which service is requested, a utility may require proof that the applicant is a tenant. Written or oral confirmation by the manager, landlord, or owner of the property, or a signed copy of the rental agreement is sufficient proof.**

### **PART 3. DEPOSITS AND GUARANTEE TERMS AND CONDITIONS**

#### **R 460.108 Prohibited practices.**

**Rule 8. A utility shall not require a deposit or other guarantee as a condition of new or continued utility service based upon any of the following:**

**(a) Consumer credit score, if the customer or applicant has prior utility service credit history with any electric or gas provider during the previous 6 years.**

**(b) Income.**

**(c) Home ownership.**

**(d) Residence location.**

**(e) Race.**

**(f) Color.**

**(g) Creed.**

**(h) Sex.**

**(i) Age.**

**(j) National origin.**

**(k) Marital status.**

**(l) Familial status.**

**(m) Any other criteria not authorized by these rules.**

#### **R 460.109 Deposit for new customer.**

**Rule 9. (1) A utility may require a deposit as a condition of providing service to a new customer if any of the following provisions apply:**

**(a) At the time of the request for service, the applicant has a delinquent bill with any electric or gas provider that accrued within the last 6 years and that remains unpaid and is not in dispute.**

**(b) The applicant misrepresents his or her identity or credit standing.**

**(c) The applicant fails to provide positive identification information upon request at the time of applying for new service.**

**(d) The applicant requests service for a location at which he or she does not reside.**

(e) The applicant engaged in unauthorized use of utility service within the last 6 years, provided that the finding of unauthorized use of utility service was made after notice and an opportunity for a hearing and is not in dispute.

(f) Within the past 3 years, the applicant lived in a residence with a person who accrued a delinquent account for electric or gas service to the shared residence, during the time the applicant lived there, which remains unpaid and is not in dispute, and the person with the delinquent account now resides with the applicant. The utility shall advise the applicant of the process by which the applicant can refute this claim.

(g) A receiver has been appointed for the applicant in a court proceeding within the last 6 years.

(h) The applicant has sought relief under federal bankruptcy laws within the last 6 years.

(2) A utility shall not require a deposit as a condition of providing service to a new customer if any of the following provisions apply:

(a) The department of human services or its successor agency is responsible for making payments to a utility on behalf of the applicant.

(b) The applicant secures a guarantor who is a customer in good standing with the utility.

(c) None of the conditions described in subrule (1) of this rule applies to the applicant.

(d) The applicant is 65 years of age or older and has a satisfactory payment history for the past 3 years with any gas or electric provider.

#### **R 460.110 Deposit for a previous customer or for continued service.**

**Rule 10. (1) A utility may require a deposit as a condition of providing or restoring service to a previous customer or continuing service to a current customer if any of the following provisions apply:**

(a) At the time of the request for service, the customer or applicant has a prior service account that is delinquent, that accrued within the last 6 years, and that remains unpaid and is not in dispute or if litigation was required to obtain full payment of a utility account that was not in dispute.

(b) The customer or applicant misrepresents his or her identity or credit standing.

(c) The customer or applicant fails to provide positive identification information upon request at the time of applying for service.

(d) The customer or applicant engaged in unauthorized use of utility service within the last 6 years, if the finding of unauthorized use of utility service was made after notice and an opportunity for a hearing under these rules and is not in dispute.

(e) The utility has shut off service to the customer for nonpayment of a delinquent account that is not in dispute.

(f) The utility has had 1 or more checks issued from the customer's account returned from a financial institution for insufficient funds or no account or has had 1 or more payments from the customer's debit or credit card or other form of payment denied within the last 12 months, excluding financial institution error.

(g) A receiver has been appointed in a court proceeding within the last 6 years.

(h) The applicant has sought relief under federal bankruptcy laws within the last 6 years.

(i) Within the past 3 years, the applicant lived in a residence with a person who accrued a delinquent account for electric or gas service to the shared residence, during the time the applicant lived there, which remains unpaid and is not in dispute, and the person with the delinquent account now resides with the applicant. The utility shall advise the applicant of

the process by which the applicant can refute this claim.

(2) A utility shall not require a deposit as a condition of providing service to a previous customer or continuing service to a current customer if one of the following provisions applies:

(a) The department of human services or its successor agency is responsible for making payments to a utility on behalf of the applicant.

(b) The customer or applicant secures a guarantor who is a customer in good standing with the utility.

(c) The customer or applicant has none of the conditions described in subrule (1) of this rule.

(d) The applicant is 65 years of age or older and has a satisfactory payment history with any gas or electric provider for the past 3 years.

**R 460.111 General deposit conditions.**

**Rule 11. (1) All of the following apply to payment of deposits:**

(a) For a primary residence, a deposit that is required under these rules due to a prior outstanding account that is not in dispute or a shutoff for nonpayment shall not be more than twice the average monthly bill for the premises or, if the current customer's consumption history for the premises is unavailable, twice the utility's system average monthly bill for residential service.

(b) For seasonal properties, a deposit that is required under these rules due to a prior outstanding account that is not in dispute or a shutoff for nonpayment shall not be more than twice the average monthly bill for peak season usage.

(c) A utility shall offer an eligible low-income customer the option of paying a deposit required under these rules in 2 monthly installments.

(2) Whenever a utility requests a deposit because of an unpaid account incurred in another household member's name for a time when the customer and the other person shared a residence, as described in R 460.109(f) or R 460.110(i), the utility shall provide the customer with notice of the reason for the request, the commission rule that allows the utility to make the request, and the process for refuting the action.

(3)(a) A deposit that is required during the space heating season due to a disconnect for nonpayment within the past 12 months, shall not exceed the utility system average monthly gas bill for gas service or the utility system average monthly electric bill for electric service. If the customer receives gas and electric service from a combination utility, the deposit shall not exceed the total of the utility's combined system average monthly gas and electric bills.

(b) A deposit that is required as a condition of providing, restoring, or continuing service due to unauthorized use of utility service shall not be more than 4 times the average peak season monthly bill for the premises or 4 times the utility's system average peak season monthly bill for residential service if the customer's consumption history for the premises is unavailable. The utility may also require payment of the delinquent account and approved charges as a condition of providing, restoring, or continuing service if the account is in the customer's, or applicant's name, is delinquent, owed to the utility, and accrued within the last 6 years.

(4) Unless the applicant misrepresents his or her identity or credit standing or fails to provide positive identification information, if requested, at the time of applying for service, the utility shall not assess a deposit if the customer has been in service for 30 days or more.

(5) Except in the case of unauthorized use of utility service, if the utility shuts off service for nonpayment, the utility shall not require a deposit as a condition of restoring service unless the utility offered the customer, prior to shutoff for nonpayment, the opportunity to enter into a settlement agreement as provided in Part 10 of these rules.

(6) A utility shall pay interest at the rate of 7% per annum on all deposits. A utility shall credit interest semiannually to the service account of the customer or pay it upon the return of the deposit, whichever occurs first.

(7) The customer's credit shall be established and the utility shall return the deposit and accrued interest upon satisfactory payment by the customer of all proper charges for utility service for a period of 12 consecutive months. A utility may retain the deposit assessed because of unauthorized use of utility service for a period of 36 months and shall refund the deposit upon satisfactory payment of the final 12 months' charges.

(8) For purposes of this rule, payment is satisfactory if it is made before the issuance of a notice of shutoff of service for nonpayment that is not in dispute or within 5 days after the issuance of the next succeeding monthly bill, whichever is sooner.

(9) For customers terminating service, if the utility has not already returned the deposit, the utility shall credit the deposit, with accrued interest, to the final bill. For customers continuing to receive service, a utility may apply the deposit against an existing arrearage that is not in dispute. The utility shall promptly return the balance to the customer.

(10) A utility shall maintain a detailed record of all deposits received from customers. The record shall show all of the following information:

(a) The name of the residential customer.

(b) The location of the premises occupied by the customer at the time of making the deposit and each successive location while the deposit is retained.

(c) The date the customer made the deposit and the amount.

(d) The dates the utility paid interest and the amounts.

(e) Place of payment.

(f) Name of the utility employee who received the deposit.

(g) The terms and conditions governing the return of the deposit.

(11) A utility shall provide the customer with a written receipt for the deposit and instructions regarding how a customer who is entitled to the return of his or her deposit may obtain the deposit.

(12) A utility shall make reasonable efforts to locate customers with unclaimed deposits or credits. Credits unclaimed for more than 2 years after termination of service shall be deposited by the utility company into the low-income energy efficiency fund, or other similar fund designated by the commission, for gas and electric bill payment assistance for low-income customers.

(13) On or before October 1 of each year, with respect to the previous 12 months ending July 31, every utility regulated by the commission shall file a report with the commission showing the amount of credits and associated interest that have been placed into the utility's low-income and energy efficiency fund.

(14) All unclaimed customer credits, including the accrued interest, shall be paid to the fund before October 1 of each year.

(15) A utility shall apply deposit standards uniformly to all customers.

**R 460.112 Guarantee terms and conditions.**

**Rule 12. (1) A guarantee that is accepted in accordance with these rules shall be in writing and shall be in effect for not more than 12 months. The written guarantee shall state all of the terms of the guarantee and the maximum amount guaranteed. The utility shall not hold the guarantor liable for a greater amount, unless agreed to in a separate written guarantee.**

**(2) The customer's credit shall be established and the utility shall release the guarantor upon satisfactory payment by the customer of all proper charges for utility service for a period of 12 consecutive months, unless the guarantee was required due to unauthorized use of utility service.**

**(3) A utility may retain a guarantee required because of unauthorized use of utility service for 36 months and shall release the guarantor upon satisfactory payment of the final 12 months' charges.**

**(4) For purposes of this rule, payment is satisfactory if it is made before the issuance of a notice of shutoff of service for nonpayment that is not in dispute or within 5 days after the issuance of the next succeeding monthly bill, whichever is sooner.**

**(5) A utility may withhold the release of a guarantor pending the resolution of a shutoff for nonpayment that is in dispute in accordance with these rules.**

#### **PART 4. METER READING PROCEDURES, METER ACCURACY, METER ERRORS AND RELOCATION**

**Rule 460.113 Actual and estimated meter reading.**

**Rule 13. (1) Except as specified in this rule, a utility shall provide all residential customers with an actual monthly meter reading as defined in R 460.102. A utility may estimate a meter reading only if an actual meter reading cannot be obtained by any reasonable or applicable method described in R 460.102. If a utility cannot obtain an actual meter reading, then the utility shall maintain records of the efforts made to obtain an actual meter reading and its reasons for failure to obtain an actual meter reading.**

**(2) A utility may estimate customer bills only upon a finding by the commission that a utility's estimated bill procedures assure reasonable billing accuracy. A bill that is rendered on an estimated basis shall be clearly and conspicuously identified as such. Any substantive changes to a utility's billing estimation procedures shall be submitted to the commission.**

**(3) Notwithstanding the provisions of subrule (1) of this rule, a utility may render estimated bills to seasonally billed customers in accordance with tariffs approved by the commission.**

**(4) If a utility estimates a customer's bill for 2 or more consecutive months, when an actual meter read is obtained the utility shall offer the customer the opportunity to pay the bill over the same number of months as consecutively estimated bills.**

**This subrule shall not apply if the utility cannot obtain access to the meter and the customer fails to provide a meter reading if requested by the utility.**

**(5) An estimated bill that is generated because the actual read is outside the range for the premises usage shall not be issued in consecutive months. If the utility is actively engaged in resolving the problem, an additional 30 days is permitted to correct the problem and obtain an actual meter reading.**

**(6) If a utility shuts off service due to non-payment, the utility must complete a final read**

or, if unable to obtain an actual read after reasonable attempts, the utility may estimate the bill.

**Rule 460.114 Company representative identification.**

**Rule 14.** Upon request, the utility representative reading the meter shall provide the customer or other household member with appropriate picture identification confirming the representative's employment with the company.

**R 460.115 Customer meter reading.**

**Rule 15.** A utility shall provide each customer with the opportunity to read and report energy usage provided the customer accurately reports energy usage on a regular basis. A utility shall provide postage-paid, pre-addressed postcards for this purpose upon request, or the utility may permit customers to report meter readings on a secure company website, by telephone, or other reasonable means. At least once every 12 months, a utility shall obtain an actual meter reading of energy usage to verify the accuracy of readings reported in this manner. Notwithstanding the provisions of this rule, a utility company representative may read meters on a regular basis.

**R 460.116 Meter accuracy, meter errors, meter relocation.**

**Rule 16. (1)** Meters with actual readings that are rejected by the utility billing system for 2 consecutive months because they are outside the expected range of the customer's usage for the premises shall be reviewed by a billing specialist. If the billing specialist is unable to confirm accuracy, the utility shall visually read the meter a second time for accuracy, test the meter for accuracy, if necessary, and then repair or replace the meter based upon the findings.

**(2)** Meters recording usage inaccurately shall be repaired or replaced by the company. Any meter in service that remains broken as determined by a specific test of the meter or that does not correctly register customer usage for a period of 6 months or more shall be removed and customers will not be required to pay bills generated from these meter readings beyond the 6-month period from the date the meter malfunction occurred. This rule does not alter the provisions of R 460.3613 governing the testing and replacement of electric meters and R 460.2353 governing the replacement of gas meters.

**(3)** Overcharges and undercharges due to gas meter errors and electric meter errors shall be reconciled in accordance with the provisions of R 460.2364 of the technical standards for gas service and the provisions of R 460.3403 of the regulations governing technical standards for electric service, respectively.

**(4)** A utility may assess a meter relocation charge in any of the following situations:

**(a)** The utility shut off service by disconnection at the street or pole because the utility could not obtain access to the meter.

**(b)** The customer or another responsible adult refused to permit the utility access to the meter on 2 separate occasions, or on a single occasion if harm is threatened, and the utility can produce documentation of requests for access and/or requests for the customer to perform a meter reading that were refused.

**(c)** The utility shut off service due to unauthorized use of utility service or the customer acknowledges personal responsibility and the utility bills the customer for unauthorized use of utility service.

- (d) The customer requests that the utility relocate the meter.
- (5) If the utility moves the meter for reasons other than the reasons listed under subrule (4) of this rule, and the customer wants the meter placed in a different location than that selected by the utility, then the customer shall pay any additional costs.

## **PART 5. BILLING AND PAYMENT STANDARDS**

### **R 460.117 Billing frequency; method of delivery.**

**Rule 17. (1)** A utility shall send a bill each billing month to its customers in accordance with approved rate schedules. A utility shall send a bill to customers by mail unless the utility and the customer agree to another method of delivery. A utility that is authorized to seasonally bill customers or to use a customer read system shall send a bill in accordance with the tariffs approved by the commission.

**(2)** The customer may designate a third party to receive bills, shutoff notices, or other communications from the utility on the customer's behalf if the customer submits a document signed by the customer and the designated third party to the utility. The receipt of bills by a third party does not make that party responsible for the bills unless the third-party recipient is a guarantor under R 460.112.

### **R 460.118 Equal monthly billing.**

**Rule 18.** Upon customer request, a utility shall bill a customer with a satisfactory payment history under an equal monthly billing program, if the commission finds that the billing program assures reasonable billing accuracy. If a customer has a credit balance of more than \$10.00 at the end of the program year, upon the request of the customer, the utility shall either return the credit balance or credit it to the next month's bill. If the balance is less than \$10.00, the utility shall credit the amount to the customer's account.

### **R 460.119 Cycle billing.**

**Rule 19.** A utility may use cycle billing if each customer receives a bill on or about the same day of each billing month. If a utility changes meter reading routes or schedules by more than 7 days, it shall provide notice to affected customers at least 10 days before making the change.

### **R 460.120 Payment of bill.**

**Rule 20. (1)** A utility shall permit each customer a period of not less than 22 days from the date the bill was sent to pay in full, unless the customer agrees in writing to a different period.

**(2)** A utility shall not attempt to recover from any customer any outstanding bills or other charges due upon the account of any other person, unless that other person has entered into a lawful guarantee under R 460.112, or another lawful agreement to pay those bills and charges.

**(3)** The customer has the right to pay any delinquent bill at anytime prior to disconnection in order to preserve uninterrupted service. After proper notice of shutoff under R 460.138 and R 460.141 has been provided, it shall be the customer's responsibility to contact the utility and arrange payment before disconnection.

(4) The utility may authorize payment agents to accept payments on behalf of the utility. The authorized agents shall accept payment and provide payment verification, without request, that may be used by the customer to verify payment with the utility. The payment verification shall clearly state that the payment may not be credited to the customer's account for up to 2 business days. The payment verification shall also clearly state any charges or fees for use of the payment agent services. The agent shall remit payments to the utility every other business day, at minimum, and the company shall credit those payments to customer accounts within 1 business day of receiving them from the payment agent. Payment agent locations shall be clearly marked as "Authorized Payment Agent for [Company]". The utility shall provide information on bills every 6 months warning customers not to use unauthorized payment centers.

(5) A combination utility company shall permit eligible low-income customers, as defined by these rules, to designate how partial payments shall be applied to their account. In the event of disconnection or pending disconnection of both gas and electric services, the utility shall provide the eligible low-income customer with an accounting of the customer's current gas and electric charges and shall give the customer the option of restoring one or both services with the appropriate payment.

(6) Whenever an eligible low-income customer of a combination utility company receives a disconnect notice, the notice shall clearly show the customer has both of the following options:

- (a) An extended payment plan for both gas and electric service.
- (b) An extended payment plan to retain either gas or electric service as chosen by the customer.

#### **R 460.121 Payment period.**

**Rule 21. (1)** The date a bill is sent is the date the utility transmits the billing information to the customer. If the last day for payment falls on a Sunday, legal holiday, or other day when the offices the utility regularly uses for the payment of customers' bills are not open to the general public, the payment date shall be extended through the next business day.

(2) If a customer fails to make full payment by the due date, the utility may begin to implement its collection practices including the use of automated telephone calls reminding the customer or a third party designated under R 460.117(2) that the bill is past due. Neither the utility nor its agents shall make more than 1 call per day to a specific customer or third party in which contact is made with the customer or third party.

#### **R 460.122 Allowable charges.**

**Rule 22. (1)** Except as otherwise provided by statute, a utility shall bill each customer for the amount of natural gas or electricity consumed and any other approved charges in accordance with the rates and tariffs approved by the commission.

(2) A utility may assess a late payment charge that is not more than 2%, not compounded, of the portion of the bill, net of taxes, that is delinquent. A utility shall not assess a late payment charge against a customer who is participating in the winter protection plan described in Part 9 of these rules.

(3) A utility may not charge a late payment fee for failure to pay an estimated bill by the due date unless the customer is subsequently delinquent on a bill using an actual read. This rule shall not apply if the bill is estimated because the utility was unable to gain access

to the meter, the utility's lack of access is documented, and the customer refused to provide an actual meter reading.

**R 460.123 Bill information.**

**Rule 23. (1)** A bill that is transmitted by a utility shall state clearly all of the following information:

(a) The beginning and ending meter readings and dates for the billing period. A customer reading his or her own meter shall be encouraged, but not required, to provide this information. The provisions of this rule do not apply if the information is not provided by the customer.

(b) The units of energy consumed during the billing period and the units of energy consumed during the comparable period the prior year. Upon customer request, the utility shall provide weather-adjusted consumption data to the customer or to a third-party designated by the customer.

(c) A designation of the rate.

(d) The due date.

(e) Any previous balance.

(f) The amount due for energy usage.

(g) The amount due for other authorized charges.

(h) The amount of tax.

(i) The total amount due.

(j) That the rate schedules, the explanation of rate schedules, and the explanation of how to verify the accuracy of the bill will be provided by the company upon request.

(k) That the customer should contact the company regarding an inquiry or complaint about the bill before the due date.

(l) The address and telephone number of the utility at which the customer may initiate any inquiry or complaint regarding the bill or the service provided by the utility.

(m) That the utility is regulated by the Michigan public service commission.

(2) A commission-regulated utility proposing a new bill format shall submit its proposed bill format to the commission staff prior to introduction to its customers.

(3) Any utility wishing to issue billing statements online shall comply with each of the following requirements:

(a) A customer shall not be required to use online billing.

(b) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills or customer information online.

(c) The online billing statement shall include, at minimum, all information listed in subrule (1) of this rule.

(d) The company shall maintain a secure and encrypted site to be accessed by the customer of record after completing the secure registration process.

(e) The utility may require that the customer use a password or security question to access the online billing system. The company shall not require the customer to use his or her social security number to enroll in or access the billing system.

(f) Any fees to accept online payments shall be clearly displayed in the payment window.

(g) Any payment made online shall be treated as a payment to the company business office.

(h) Use of the online system shall not restrict the customer in using other payment

methods. All other payment methods shall continue to be available to the customer.

**R 460.124 Separate bills.**

**Rule 24. (1) A utility shall transmit a separate bill in conformity with the provisions of R 460.123 for service provided at each service location and shall not combine 2 or more accounts without written authorization of the customer.**

**(2) Notwithstanding the provisions of subrule (1) of this rule, if there is shutoff or termination of service at a separate residential metering point, residence, or location in accordance with these rules, then a utility may transfer an unpaid balance to any other residential service account of the customer. The utility must have valid identification data that shows the customer is the same at both residences and must present that data to the customer upon request.**

**(3) Whenever a utility consolidates accounts under subrule (2) of this rule, the utility shall provide the customer with a written notice for the consolidation, the commission rule that allows the consolidation, and the process for refuting the action.**

**R 460.125 Billing for non-tariff services.**

**Rule 25. A utility may include charges for unregulated services, such as appliance repair or appliance protection programs, together with charges for gas and electric service on the same monthly bill if the charges for the unregulated services are designated clearly and separately from the charges for the gas or electric service and it is noted that it is an unregulated service. Failure to pay for unregulated service charges may result in the termination of that service but not the termination of the gas or electric service. If partial payment is made, the utility shall first credit payment to the balance outstanding for gas or electric service in accordance with the provisions of R 460.120(5) and R 460.120(6) where applicable.**

**R 460.126 Billing error.**

**Rule 26. (1) If a utility overcharges a customer due to a billing error, the utility shall refund or credit the amount of the paid overcharge plus 7% APR interest on the bill immediately following the discovery of the error. Upon customer request, overcharges greater than \$10 shall be refunded within 30 days. A utility is not required to adjust, refund, or credit an overcharge plus 7% APR interest for more than the 3 years immediately preceding discovery of the billing error, unless the customer is able to establish an earlier date for commencement of the error.**

**(2) If a utility undercharges a customer, the following provisions apply:**

**(a) In cases that involve unauthorized use of utility service the utility may backbill the customer for the amount of the undercharge using the commission-approved process for estimating the bill. The utility may charge fees for unauthorized use of utility service in accordance with commission-approved tariffs.**

**(b) In cases that do not involve unauthorized use of utility service, the utility may backbill the customer for the amount of the undercharge during the 12-month period immediately preceding discovery of the error, and the utility shall offer the customer reasonable payment arrangements for the amount of the backbill, which shall allow the customer to make installment payments over a period at least as long as the period of the undercharge. The utility shall take into account the customer's financial circumstances when setting**

payment amounts.

## **PART 6. VOLUNTARY TERMINATION OF SERVICE**

### **R 460.127 Voluntary termination.**

**Rule 27. (1) Subject to the provisions of these rules, a utility customer or authorized representative shall do all of the following:**

**(a) Notify the utility in person, or by telephone, in writing, by fax or on the internet at least 10 business days prior to requested service termination.**

**(b) Allow access to the utility, if necessary, to perform a final meter read.**

**(c) Provide an address for final billing at the time of request for a final read.**

**(2) The utility shall do both of the following:**

**(a) Provide a final actual meter reading within 10 business days of the request for termination or estimate the final reading and offer the customer the option to provide an actual meter reading. If the meter is not read within the 10-day time frame the utility shall document the reason for no actual reading. An actual meter reading shall be obtained by the next normal reading cycle.**

**(b) Schedule the customer's final reading within a 4-hour time frame if the utility cannot access the meter.**

## **PART 7 UTILITY PROCEDURES**

### **R 460.128 Applicability.**

**Rule 28. These procedures apply to all customer inquiries, service requests, and complaints that are made to a utility regarding residential utility service and charges.**

### **R 460.129 Complaint procedures.**

**Rule 29. (1) A utility shall establish procedures that will ensure the prompt, efficient, and thorough receipt, investigation, and, where possible, resolution of all customer inquiries, service requests, and complaints and report the resolution of commission-referred complaints to the commission staff.**

**(2) A utility shall make reasonable attempts to contact the customer within 2 business days, after referral of a customer's complaint from the commission, and will develop and report to the commission within 10 days after referral its plan for resolution of the complaint.**

**(3) A utility shall provide customers who are not satisfied with the utility's resolution of a complaint or inquiry with the toll-free telephone number and internet address of the commission.**

**(4) A utility shall obtain commission approval of any substantive changes in its procedures.**

### **R 460.130 Personnel procedures.**

**Rule 30. A utility shall establish personnel procedures that, at a minimum, ensure all of the following:**

**(a) That qualified personnel are available and prepared at all times during normal**

business hours to receive and respond to all customer inquiries, service requests, and complaints. A utility shall make the necessary arrangements to ensure that customers who are unable to communicate in the English language receive prompt and effective assistance.

(b) That qualified personnel who are responsible for, and authorized to enter into, written settlement agreements on behalf of the utility are available at all times during normal business hours to respond to customer inquiries and complaints.

(c) That qualified personnel are available at all times to receive and respond to customer contacts regarding any shutoff of service and emergency conditions that occur within the utility's service area.

(d) That the names, addresses, and telephone numbers of personnel who are designated and authorized to receive and respond to the requests and directives of the commission regarding customer inquiries, service requests, and complaints during business hours are current and on file with the commission. The utility shall also provide a contact for emergency situations that may arise after business hours.

#### **R 460.131 Publication of procedures.**

**Rule 31. (1)** A utility shall prepare a pamphlet that, in easily understood terms, summarizes the rights and responsibilities of its customers in accordance with these rules and other applicable provisions of statutes, rules, and tariffs.

(2) A utility shall display the pamphlet prominently at all utility office locations open to the general public and make it available to customers. A utility shall also make the information available on its website. A utility shall transmit the pamphlet to each new customer upon the commencement of service and shall provide it at all times upon request. Where substantial revisions to or new information required by the provisions of subrule (3) of this rule occur, the utility shall provide the changes to all current customers by a bill insert, revised pamphlet, or by publication in a periodical that is sent to all current customers of the utility and to the commission. The form of this transmittal shall be at the discretion of the utility.

(3) The pamphlet or other publication shall contain all of the following information:

- (a) Billing procedures and estimation standards.
- (b) Methods for customers to verify billing accuracy.
- (c) An explanation of the power supply cost recovery or gas cost recovery procedures.
- (d) Customer payment standards and procedures.
- (e) Security deposit and guarantee standards.
- (f) Shutoff and restoration of service procedures.
- (g) Inquiry, service, and complaint procedures.
- (h) Procedures for terminating service.

(4) Each pamphlet shall indicate conspicuously that the pamphlet is provided in accordance with the rules of the commission.

#### **R 460.132 Access to rules and rates.**

**Rule 32. (1)** A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days of commencing service, within 60 days after issuance of a new rate case order, and at least once each year, the following information with a copy to the commission:

- (a) A clear and concise explanation of all rates for which that customer may be eligible.
- (b) A notice that complete rate schedules are available upon request.

(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.

(2) A rural electric cooperative shall provide to each customer, at least annually, all of the following information:

(a) A notice that complete rate schedules are available upon request.

(b) A notice that a clear and concise explanation of all rates for which that customer may be eligible is available upon request.

(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.

(3) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days after the utility has filed a general rate case application with the commission, all of the following information:

(a) A notice that the utility has requested that the commission change its rates.

(b) A notice that copies of the utility's application are available for inspection at all offices of the utility and on a website.

(c) A notice that an explanation of the proposed changes to the utility's rates is available from the utility upon request.

(4) A rural electric cooperative shall provide to each customer, within a reasonable time after it has filed a general rate case application or a times interest earned ratio ratemaking application, all of the following information:

(a) A notice that the cooperative has requested that the commission change its rates.

(b) A notice that copies of the cooperative's application are available for inspection at all offices of the cooperative.

(c) A notice that an explanation of the proposed changes to the cooperative's rates is available from the cooperative upon request.

(5) A utility, including a rural electric cooperative, shall provide the notice required by the provisions of this rule either through a publication that is transmitted to each of its customers, by a bill insert, or whatever transmission method is used to provide the customer's bill and on its website.

(6) A utility shall keep on file, at all offices of the utility, and shall provide public access to, all of the following documents:

(a) A copy of these rules.

(b) A copy of all other rules of the utility filed with the commission regarding customer service.

(c) Schedules of all residential rates and charges.

(d) Proposed rate schedules.

(e) Clear and concise explanations of both existing and proposed rate schedules.

(f) An explanation of its power supply cost recovery or gas cost recovery process.

(7) A utility shall post suitable signs in conspicuous locations at all bill payment offices that are operated by the utility or authorized agents calling attention to the fact that the rules, regulations, rate schedules, proposed rate schedules, explanations of rate schedules, and explanations of proposed rate schedules are on file and available for inspection. Upon request, a utility shall provide a copy of these rules, explanations, or schedules to a customer without charge.

**R 460.133 Reporting requirements.**

**Rule 33.** A utility shall file with the commission each year by October 1, a report that contains detailed information concerning all of the following:

- (a) The payment performance of its customers in relation to established due and payable periods.
- (b) The number and general description of all complaints registered with the utility.
- (c) The number of shutoff notices issued by the utility and the reasons for the notices.
- (d) The number of hearings held by the utility, the types of disputes involved, and the number of complaint determinations issued.
- (e) The number of written settlement agreements entered into by the utility.
- (f) The number of shutoffs of service and the number of reconnections.
- (g) Any other customer service quality information requested by the commission staff.

**R 460.134 Inspection.**

**Rule 34.** A utility shall permit authorized staff of the commission to inspect all of the utility's operations that relate to customer service.

**R 460.135 Customer access to consumption data.**

**Rule 35.** A utility shall provide to each customer, upon request, a clear and concise statement of the customer's actual energy usage, and/or weather adjusted consumption data for each billing period during the last 12 months. A utility shall notify its customers at least once each year by whatever method is used to transmit the customers' bills, that a customer may request energy usage and weather adjusted consumption data.

## **PART 8. PROCEDURES FOR SHUTOFF, INVOLUNTARY TERMINATION, AND RESTORATION OF SERVICE**

**R 460.136 Emergency shutoff.**

**Rule 36.** Notwithstanding any other provision of these rules, a utility may shut off service temporarily for reasons of health or safety or in a state or national emergency. When a utility shuts off service for reasons of health or safety, the utility shall leave a notice at the premises in accordance with the provisions of R 460.139(a), (b), and (i).

**R 460.137 Shutoff permitted.**

**Rule 37.** Subject to the requirements of these rules, a utility may shut off or terminate service to a residential customer for any of the following reasons:

- (a) The customer has not paid a delinquent account that accrued within the last 6 years.
- (b) The customer has failed to provide a deposit or guarantee permitted by these rules.
- (c) The customer has engaged in unauthorized use of utility service.
- (d) The customer has failed to comply with the terms and conditions of a settlement agreement.
- (e) The customer has refused to arrange access at reasonable times for the purpose of inspection, meter reading, maintenance, or replacement of equipment that is installed upon the premises, or for the removal of a meter.
- (f) The customer misrepresented his or her identity for the purpose of obtaining utility service or put service in another person's name without permission of the other person.

(g) The customer has violated any rules of the utility approved by the commission so as to adversely affect the safety of the customer or other persons or the integrity of the utility system.

(h) A person living in the customer's residence is both of the following:

(i) Has a delinquent account for service with the utility within the past 3 years that remains unpaid and is not in dispute.

(ii) The customer lived in the person's residence when all or part of the debt was incurred. The utility may transfer a prorated amount of the debt to the customer's account, based upon the length of time that the customer resided at the person's residence. This provision does not apply if the customer was a minor while living in the person's residence.

#### **R 460.138 Notice of shutoff.**

**Rule 38. (1)** A utility shall not shut off service pursuant to the provisions of R 460.141 or R 460.142 unless it sends a notice to the customer by first-class mail or personally serves the notice not less than 10 days before the date of the proposed shut off. The utility shall send notice to the account name and address and to the address where service is provided if the service address is different and the notice can be delivered at that address. A utility shall maintain a record of the date the notice was sent.

(2) A utility shall permit a customer to designate a consenting individual or agency to receive a copy of a notice of shutoff.

(3) Not less than 30 days before the proposed shutoff of service to a single-metered dwelling that is used as a residence for 3 or more separate households, a utility shall transmit a notice to each dwelling unit that indicates that the customer of record, the landlord, has failed to pay an outstanding bill and is subject to shutoff of service on or after a specified date.

#### **R 460.139 Form of notice.**

**Rule 39.** A notice of shutoff of service shall contain all of the following information:

(a) The name and address of the customer, and the address at which service is provided, if different.

(b) A clear and concise statement of the reason for the proposed shutoff of service.

(c) The date on or after which the utility may shut off service, unless the customer takes appropriate action.

(d) That the customer has the right to enter into a settlement agreement with the utility if the claim is for an amount that is not in dispute and the customer is presently unable to pay in full.

(e) That the customer has the right to file a complaint disputing the claim of the utility before the proposed date of the shutoff of service.

(f) That the customer has the right to request a hearing before a hearing officer if the customer disputes the reasonableness of the settlement agreement offered by the utility or if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 10 business days of the date that the customer requests a hearing.

(g) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.

(h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility or the commission in accordance with these rules.

(i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.

(j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for an energy assistance program or other emergency economic assistance and should inform the utility of any efforts being made to obtain payment assistance.

(k) That customers who believe they may be eligible for assistance from an energy assistance program should determine if assistance is available before signing a settlement agreement because many agencies will not provide assistance if shutoff is avoided by signing a settlement agreement.

(l) That the utility will postpone the shutoff of service if a certified medical emergency exists at the customer's residence or the customer is an eligible low-income customer who is actively seeking emergency assistance from an energy assistance program.

(m) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of a delinquent account or for unauthorized use of utility service.

(n) That the customer should contact the utility for information about the winter protection plan if the date on or after which shutoff of service may occur is between November 1 and March 31.

#### **R 460.140 Time of shutoff.**

**Rule 40. (1)** Subject to the requirements of these rules, a utility may shut off service to a customer on the date specified in the notice of shutoff or at a reasonable time following that date. If a utility does not shut off service and mails a subsequent notice, then the utility shall not shut off service before the date specified in the subsequent notice. Shutoff shall occur only between the hours of 8 a.m. and 4 p.m.

(2) A utility shall not shut off service on a day, or a day immediately preceding a day, when the services of the utility are not available to the general public for the purpose of restoring service and shall not shut off service on a Friday during the space heating season to a customer who has defaulted on the winter protection plan as defined in these rules.

#### **R 460.141 Manner of shutoff.**

**Rule 41. (1)** For an involuntary shutoff, at least 1 day before shutoff of service, the utility shall make not less than 2 attempts to contact the customer by telephone, if a telephone number is available to the utility, to advise the customer of the shutoff and what steps the customer must take to avoid shutoff. If the utility uses an automated notification system, it shall document the process for ensuring that at least 2 attempts are made to notify the customer of the pending shutoff. If the telephone number is not available, the customer has no telephone, or the telephone contacts are not made, the utility shall either leave a notice at the premises advising the customer that service will be shutoff on or after the next business day or send notice by first-class mail postmarked at least 5 business days before shutoff of service is scheduled. The utility shall document all attempts to contact the customer.

(2) Immediately preceding the shutoff of service, an employee of the utility who is designated to perform that function may identify himself or herself to the customer or another responsible person at the premises and may announce the purpose of his or her presence.

(3) The employee shall have in his or her possession a copy of the delinquent account of the customer and request any available verification that the outstanding claims have been satisfied or are currently in dispute. Unless the customer presents evidence that reasonably indicates that the claim has been satisfied or is currently in dispute, the employee may shut off service.

(4) The employee may be authorized to accept payment and shall not shut off service if the customer offers payment in full, together with a commission-approved collection charge for sending the employee to the premises, if provided in the utility's schedule of rates and tariffs.

(5) The customer may pay in any reasonable manner, including by personal check or by credit or debit card. Payment by personal check, credit or debit card is not reasonable if the customer has paid with a personal check, credit or debit card within the last 12 months and at least 1 check has been returned for insufficient funds or no account, or at least 1 credit or debit card payment has been denied excluding financial institution error.

(6) After notice has been provided in accordance with subrule (1) of this rule, and if the customer does not respond, the employee may shut off service.

(7) When the utility employee shuts off service, the employee shall leave a notice in a conspicuous place upon the premises. For all forms printed after the effective date of these rules, the notice shall state that service has been shut off, the address and telephone number of the utility where the customer may arrange to have service restored, and that any efforts by the customer to restore his or her own service are unlawful and dangerous.

#### **R 460.142 Manner of shutoff for service provided with remote shutoff and restoration capability.**

**Rule 42. (1)** For an involuntary shutoff, at least 1 day before shutoff of service, the utility shall make at least 2 attempts to contact the customer by telephone, if a telephone number is available to the utility, to advise the customer of the pending shutoff and what steps the customer must take to avoid shutoff. If the utility uses an automated notification system, it shall document the process for ensuring that at least 2 attempts are made to notify the customer of the pending shutoff. If the telephone number is not available, the customer has no telephone, or the telephone contacts are not made, the utility shall either leave a notice at the premises advising the customer that service will be shutoff on or after the next business day or send notice by first-class mail postmarked at least 5 business days before shutoff of service is scheduled. The notice shall conspicuously state that the disconnection of service will be done remotely and that a utility representative will not return to the premises before disconnection. The utility shall document all attempts to contact the customer.

(2) On the day service is scheduled to be shutoff, in accordance with the notice provision of subrule (1) of this rule, the utility shall make at least 1 attempt to contact the customer by telephone, if a telephone number is available to the utility, to advise the customer of the shutoff and what steps the customer must take to avoid shutoff. The utility shall document all attempts to contact the customer.

(3) If the utility contacts the customer or other responsible person in the customer's household by telephone on the day service is to be shutoff, the utility shall inform the customer or other responsible person that shutoff of service is imminent and the steps necessary to avoid shutoff. Unless the customer presents evidence that reasonably

demonstrates that the claim is satisfied or is in dispute, or the customer makes payment, the employee may shutoff service.

(4) If the utility mailed the notice of shutoff to the customer as provided in subrule (1) of this rule, and if telephone contact with the customer cannot be made or if the customer did not respond to the notice provided in accordance with subrules (1) and (2)(a) of this rule, no further customer contact is required on the day service is to be shutoff and the utility may shutoff service.

#### **R 460.143 Shutoff prohibited.**

**Rule 43.** A utility shall not shut off service for any of the following reasons:

(a) The customer has not paid for items, such as merchandise, appliances, or services that are not approved by the commission as an integral part of the utility service that is provided by the utility.

(b) The customer has not paid for concurrent service received at a separate metering point, residence, or location.

(c) The customer has not paid for a different class of service received at the same or a different location. The placing of more than 1 meter at the same location for the purpose of billing the usage of specific residential energy-using devices under optional rate schedules or provisions is not a different class of service for the purposes of this rule.

(d) The customer, such as a landlord, has not paid for service used by another person, such as a tenant. A utility may shutoff service, however, in any of the following circumstances where proper notice has been given:

(i) If the customer supplies a written, notarized statement that the premises are unoccupied.

(ii) If the premises are occupied and the occupant agrees, in writing, to the shutoff of service.

(iii) If it is not feasible to provide service to the occupant as a customer without a major revision of existing distribution facilities. Where it is feasible to provide service, the utility shall offer the occupant the opportunity to subscribe for service in his or her own name. If the occupant refuses, the utility may shut off service pursuant to these rules.

(e) A customer, the spouse of a customer or a customer with a spouse who is called to full-time active military service by the president of the United States or the governor of Michigan during a time of declared national or state emergency or war, except as otherwise provided in R 460.150.

#### **R 460.144 Restoration of service.**

**Rule 44.** (1) After a utility has shut off service, it shall restore service promptly upon the customer's request when the cause has been cured or credit arrangements satisfactory to the utility have been made.

(2) When a utility is required to restore service at the customer's meter manually, the utility shall make every effort to restore service on the day the customer requests restoration. Except for reasons beyond its control, the utility shall restore service not later than the first working day after the customer's request.

(3) For utilities using meter technology with remote shutoff and restoration capability, service shall be restored on the day the customer requests restoration, except in the case of documented equipment failure.

(4) The utility may assess the customer a charge, including reasonable costs, for restoring service and relocating the customer's meter as specified in the utility's approved schedule of rates and tariffs.

## **PART 9. ENERGY ASSISTANCE AND SHUTOFF PROTECTION PROGRAMS**

### **R 460.145 Listing of energy assistance programs.**

**Rule 45.** The commission shall provide a listing of all federal and state energy assistance programs and the eligibility requirements of each program to all utilities.

### **R 460.146 Notice of energy assistance programs.**

**Rule 46. (1)** A utility shall annually inform each customer of the following information:

(a) The federal and state energy assistance programs that are available and the eligibility requirements of the programs, as provided to the utility by the commission.

(b) The medical emergency provisions of R 460.147.

(c) The winter protection plan described in the provisions of R 460.148 and R 460.149.

(d) The military shutoff protections of R 460.150.

(2) The utility shall provide the information required by the provisions of subrule (1) of this rule to residential customers. The information in subrule (1) of this rule may be explained on the customer's bill, or provided as a bill insert, or other transmittal. This information shall also be posted on the company's website. If the utility does not print an explanation on the customer's bill, then the utility shall, on the customer's bill, direct the customer to the bill insert or other transmittal.

(3) If additional information regarding energy assistance programs becomes available after the utility's initial notice to customers, the commission shall provide that information to all utilities. Within 60 days of receiving the information, the utility shall provide the new eligibility requirements or benefits levels for energy assistance programs to all of its customers and the new benefit levels to all customers currently enrolled in the programs.

(4) When a customer receives a past-due notice from the utility, the utility shall provide the customer access to information about energy assistance programs referenced in subrules (1) and (3) of this rule, which shall, at minimum, include a telephone number of a utility representative able to provide this information.

### **R 460.147 Medical emergency.**

**Rule 47.** Notwithstanding any other provision of these rules, a utility shall postpone the shutoff of service for not more than 21 days if the customer or a member of the customer's household is a critical care customer or has a certified medical emergency as defined in R 460.102. The certificate shall identify the medical condition, any medical or life supporting equipment being used, and the specific time period during which the shutoff of service will aggravate the medical emergency. The utility shall extend the postponement for further periods of not more than 21 days, not to exceed a total postponement of shutoff of service of 63 days, only if the customer provides additional certificates. If shutoff of service has occurred without any postponement being obtained, the utility shall unconditionally restore service for not more than 21 days, and shall continue the restoration for further periods of not more than 21 days, not to exceed a total restoration of service of 63 days in

any 12-month period at any residence. This rule will not be construed to apply separately and individually to each qualifying resident of the premises receiving service.

**R 460.148 Winter protection plan for low-income customers.**

**Rule 48. (1) Except where unauthorized use of utility service has occurred, a utility shall not shut off service to an eligible low-income customer during the space heating season for nonpayment of a delinquent account if the customer pays to the utility a monthly amount equal to 7% of the estimated annual bill for the eligible customer and the eligible customer demonstrates, within 14 days of requesting shutoff protection, that he or she has made application for state or federal heating assistance. If an arrearage exists at the time an eligible low-income customer applies for protection from shutoff of service during the space heating season, the utility shall permit the customer to pay the arrearage in equal monthly installments between the date of application and the start of the subsequent space heating season. A utility may provide shut-off protection to additional customers who do not meet the eligibility criteria under these rules.**

**(2) A utility may shut off service to an eligible low-income customer who does not pay the monthly amounts referred to in subrule (1) of this rule after giving notice in the manner required by these rules. The utility is not required to offer a settlement agreement to an eligible low-income customer who fails to make the monthly payments referred to in subrule (1) of this rule.**

**(3) If an eligible low-income customer fails to comply with the terms and conditions of this rule, a utility may shut off service after giving the customer notice, by personal service or first-class mail, which contains all of the following information:**

- (a) The eligible low-income customer has defaulted on the winter protection plan.**
- (b) The nature of the default.**
- (c) That unless the customer makes the payments that are past due under this rule within 10 days of the date of mailing, the utility may shut off service.**
- (d) The date on or after which the utility may shut off service, unless the customer takes appropriate action.**
- (e) That the customer has the right to file a complaint disputing the claim of the utility before the date of the proposed shutoff of service by calling the company.**
- (f) That the customer has the right to request a hearing before a hearing officer if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 7 business days of the date that the customer requests a hearing.**
- (g) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.**
- (h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility or the commission in accordance with these rules.**
- (i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.**
- (j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for emergency economic assistance.**
- (k) That the utility will postpone shutoff of service if a medical emergency exists at the customer's residence and the customer provides the documentation as specified in R 460.147.**

(l) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of winter protection monthly amounts.

(m) That the utility will not shut off service if the customer or the spouse of the customer is on active military duty.

(4) At the conclusion of the space heating season, the utility shall reconcile the accounts of eligible low-income customers and permit customers to pay any amounts owing in equal monthly installments between April 1 and October 31. A utility may shut off service to eligible customers who fail to make installment payments on a timely basis in the manner required by these rules.

(5) Except where unauthorized use of utility service has occurred at a customer's premises within the past 2 years and the bill remains unpaid, during the space heating season a utility shall not require an eligible low-income customer, whose utility service has been shut off, to pay a fee for restoring service or a security deposit pursuant to the provisions of R 460.109 or R 460.110, before applying for protection under this rule.

(6) Except where unauthorized use of utility service has occurred within the past 2 years at the premises where the customer has resided and the bill remains unpaid or safety is a concern, a utility may not require an amount greater than 1/12 of an arrearage owed in order to restore service or initiate participation in the winter protection plan

(7) Winter protection provisions of these rules do not apply to customers who have been shut off or who have a pending shutoff for unauthorized use of utility service within the past 2 years at the customer's current premises until all charges are paid in accordance with these rules or satisfactory payment arrangements are made with the utility.

(8) Upon request, the utility shall provide customers who enroll in the winter protection program with documentation that they are participating in the program.

(9) Bills issued to customers participating in the winter protection program shall clearly identify the minimum amount that the customer must pay to prevent shutoff of service. Utilities may bill at higher amounts to recover past due amounts and the utility may encourage customers to pay amounts in excess of the minimum provided that the minimum payment is clearly designated on the bill.

#### **R 460.149 Winter protection plan for senior citizens.**

**Rule 49. (1) A utility shall not shutoff service to an eligible senior citizen customer during the winter heating season.**

**(2) At the customer's request, a utility shall restore service to an eligible senior citizen customer during the space heating season without payment of the amount due, deposits, reconnection fees, or other charges.**

**(3) At the conclusion of the space heating season, the utility shall reconcile the accounts of eligible senior citizen customers and permit them to pay any amounts owing in equal monthly installments between April 1 and October 31.**

#### **R 460.150 Military protections.**

**Rule 50. (1) The utility shall not shutoff service to an eligible military customer for a period of 90 days. The utility shall continue to provide shutoff protection for at least one additional 90-day period as long as the customer meets all of the conditions for an eligible military customer and requests the utility to do so. After the close of the last 90-day period, the utility shall require the customer to pay any past due amounts in equal monthly**

payments over a period of up to 12 months.

(2) The utility shall provide the eligible military customer with information on payment assistance programs.

## **PART 10. DISPUTED CLAIM, HEARING AND SETTLEMENT AGREEMENT**

### **R 460.151 Disputed claim.**

**Rule 51. (1) If a customer advises a utility, or if the utility is notified by a regulation officer on behalf of a customer, before the date of the proposed shutoff of service that all or part of a bill is in dispute, then the utility shall do all of the following:**

(a) Immediately record the date, time, and place the customer made the complaint and transmit verification to the customer.

(b) Investigate the dispute promptly and completely.

(c) Advise the customer of the results of the investigation.

(d) Attempt to resolve the dispute informally in a manner that is satisfactory to both parties.

(e) Provide the opportunity for the customer to settle the disputed claim or to satisfy any liability that is not in dispute.

(2) A customer may advise a utility that a claim is in dispute in any reasonable manner, such as by written notice, in person, by a telephone call directed to the utility, or through a regulation officer.

(3) A utility, in attempting to resolve the dispute, may employ telephone communication, personal meetings, on-site visits, or any other method that is reasonably conducive to obtaining a settlement.

### **R 460.152 Utility hearing and hearing officers.**

**Rule 52. (1) If the parties are unable to resolve the dispute, the utility shall offer the customer the opportunity for an informal hearing before a hearing officer selected from a list of hearing officers filed with the commission.**

(2) If the customer chooses to have an informal hearing, the customer shall do both of the following:

(a) Notify the utility within 3 business days of the utility offer for a hearing.

(b) Pay the amount not in dispute or if the utility and customer cannot agree, pay 50% of the disputed amount not to exceed \$100.

(3) If the customer notifies the utility of the intent to pursue an informal hearing, then the utility shall do both of the following:

(a) Complete the necessary investigation.

(b) Schedule the hearing within 10 business days.

(c) Hold the hearing within 30 business days of the customer's request for a hearing.

(4) If the customer fails to pay the part of the bill that is determined under subrule (2)(b) of this rule within 10 business days of the date that the utility sends the hearing notice, the utility may exercise its right to shut off service pursuant to these rules.

(5) A utility shall select hearing officers on the basis of all of the following:

(a) They are on the list of hearing officers on file with the commission.

(b) They shall be notaries public qualified to administer oaths.

- (c) They shall not be engaged in any other activities for or on behalf of the utility.
- (d) They shall comply with part 10 of these rules.
- (7) If the dispute is ultimately resolved in favor of the customer, in whole or in part, the utility shall return promptly any excess amount paid by the customer, with interest at the rate specified pursuant to the provisions of R 460.111(6).

**R 460.153 Notice of hearing.**

**Rule 53. (1)** The utility shall send or personally serve the customer with written notice of the time, date, and place of the hearing on the day scheduling is determined.

- (2) The notice shall describe the hearing procedures as contained in these rules.
- (3) Notice shall include amount of required payment and due date of 10 business days from the date of notice.

**R 460.154 Hearing procedures.**

**Rule 54. (1)** A utility shall establish hearing procedures that, at a minimum, shall be subject to investigation and review by the commission to ensure the impartiality and integrity of the hearing process and that provide the customer and the utility with all of the following rights:

- (a) The right to represent themselves, to be represented by counsel, or to be assisted by persons of their choice.
- (b) The right to examine, not less than 2 business days before a scheduled hearing, a list of all witnesses who will testify and all documents, records, files, account data, and similar material that may be relevant to the issues to be raised at the hearing.
- (c) The right to present evidence, testimony, and oral and written argument.
- (d) The right to question witnesses appearing on behalf of the other party.
- (2) A hearing shall be held during normal business hours. A utility shall take reasonable steps to ensure that a customer who is unable to attend a hearing due to physical incapacity is not denied the right to a hearing. Failure of the customer, or the utility, to attend the hearing without a good reason, or without having requested an adjournment, constitutes a waiver of the right of that party to the hearing.
- (3) The utility has the burden of proof by a preponderance of the evidence.
- (4) All witnesses who appear for either party shall testify under oath.
- (5) A hearing shall be informal and the proceedings need not be recorded or transcribed. All relevant evidence shall be received and the formal rules of evidence shall not apply.

(6) For each hearing, the hearing officer shall compile a record that contains all of the following:

- (a) A concise statement, in writing, of the position of the utility.
- (b) A concise statement, in writing, of the position of the customer. If the customer has not put his or her position in writing, then the hearing process shall provide a method for accomplishing this writing with the opportunity for proper acknowledgment by the customer.
- (c) Copies of all evidence submitted by the parties.
- (7) At the conclusion of the hearing, the hearing officer may orally state his or her findings, the decision, or adjourn the hearing and inform the parties that the decision will be transmitted within 7 business days. At the request of the customer, the hearing officer shall adjourn the hearing and transmit the decision within 7 business days. In all cases, the hearing officer shall issue a complaint determination in a form that is approved by the

commission. The complaint determination shall contain both of the following:

- (a) A concise summary of the evidence and arguments presented by the parties.
- (b) The decision, and the reasons for the decision, of the hearing officer based solely upon the evidence received.

(8) At the conclusion of the hearing and again upon issuance of the complaint determination, the hearing officer shall advise the customer and the utility of all of the following:

(a) That each party has a right to make an informal appeal to the commission staff, by mail, telephone, internet, fax, or in person, within 7 business days of issuance of the complaint determination.

(b) That, if appealed, the decision of the hearing officer, including a finding that service may be shut off, cannot be implemented until a review by the commission staff is completed.

(c) The address and telephone number where the customer or the utility may make an informal appeal to the commission staff.

(9) Before issuance of a complaint determination, the hearing officer may propose a settlement to the parties. If both parties accept the settlement, it shall be put in writing and signed by both parties.

(10) Within 7 business days of the conclusion of the hearing, the hearing officer shall serve the parties with all of the following:

(a) A copy of the complaint determination.

(b) Appeal information as provided in subrule (8) of this rule.

(c) If applicable, a copy of the signed settlement agreement.

(11) The complaint determination and a copy of the signed settlement agreement, if any, shall be made part of the hearing record. The hearing officer shall certify the hearing record.

(12) The complaint determination is binding upon the parties, unless appealed, as provided in these rules.

#### **R 460.155 Settlement agreement.**

**Rule 55. (1)** If the utility and the customer arrive at a mutually satisfactory settlement of a claim in dispute or if the customer does not dispute liability to the utility, but claims the inability to pay the outstanding bill in full, then a utility shall offer the customer the opportunity to enter into a settlement agreement.

(2) The utility shall confirm the terms of the settlement agreement with the customer and shall send a signed copy of the settlement to the customer or the customer's authorized representative. The utility shall retain documentation of the original settlement agreement for 2 years. In case of a dispute over the terms of a settlement agreement, the utility shall have the burden of proving that the customer understood and accepted the terms of the settlement agreement.

(3) In negotiating a settlement agreement due to the customer's inability to pay an outstanding bill in full, the utility shall not require the customer to pay more than a reasonable amount of the outstanding bill upon signing the agreement and not more than reasonable installments until the remaining balance is paid.

(4) For purposes of determining reasonableness, the parties shall consider all of the following factors:

- (a) The size of the delinquent account.
- (b) The customer's ability to pay.
- (c) The time that the debt has been outstanding.
- (d) The reasons that the customer has not paid the bill.
- (e) The customer's payment history.
- (f) Any other relevant factors concerning the circumstances of the customer.

(5) A settlement agreement that is offered by a utility shall state, immediately preceding the space provided for the customer's signature and in bold print that is not less than 2 sizes larger than any other print that is used on the form:

**"IF YOU ARE SEEKING PAYMENT ASSISTANCE FROM A SOCIAL SERVICE AGENCY, SIGNING THIS AGREEMENT MAY PREVENT YOU FROM GETTING EMERGENCY ASSISTANCE. LET US KNOW IF YOU ARE WORKING WITH AN AGENCY. IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. YOU MAY FILE AN INFORMAL COMPLAINT AND HAVE A HEARING BEFORE A HEARING OFFICER BEFORE YOUR SERVICE MAY BE SHUT OFF. IF YOU DO SIGN THIS AGREEMENT, YOU GIVE UP YOUR RIGHT TO AN INFORMAL HEARING BEFORE A HEARING OFFICER ON ANY MATTER INVOLVED IN THIS DISPUTE EXCEPT THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT. IF YOU HAVE AN UNEXPECTED LOSS OR REDUCTION OF INCOME AFTER THIS AGREEMENT IS SIGNED, YOU MAY REQUEST A REVIEW AND MODIFICATION OF THIS AGREEMENT"**

(6) A settlement agreement that is offered during the space heating season to an eligible customer shall not require a monthly payment that exceeds \$50 which will be credited to the arrearage plus the amount of the customer's current monthly gas, electric, or combined gas and electric bill. If the customer entered into the settlement prior to the space heating season, the utility shall allow the customer to pay the \$50 payment, along with the monthly gas or electric bill, and avoid termination of service. Payment of the \$50 amount does not constitute a default of the settlement agreement even if a higher amount was originally negotiated.

#### **R 460.156 Default of settlement agreement.**

Rule 56.(1) If a customer fails to comply with the terms and conditions of a settlement agreement, a utility may shut off service after giving the customer a notice, by personal service or first-class mail, that contains all of the following information:

- (a) That the customer is in default of the settlement agreement.
- (b) The nature of the default.
- (c) That unless the customer pays in full within 10 business days of the date of mailing, the utility may shut off service.
- (d) The date on or after which the utility may shut off service.
- (e) That the customer has a right to request a hearing before a hearing officer selected from a list on file with the commission, only if the customer alleges that the utility has failed or refused to follow the terms of the settlement agreement.
- (f) The address and telephone number where the customer may file the request for a hearing with the utility.

(2) A utility is not required to enter into a subsequent settlement agreement with a customer until he or she has complied fully with the terms of a previous settlement

agreement.

(3) A utility is not required to enter into a subsequent settlement agreement with a customer who defaulted on the terms and conditions of an agreement within the last 2 years.

(4) If the customer and utility reach a settlement agreement following a notice of shutoff, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days of the agreement constitutes a waiver of the notice required by subrule (1) of this rule. The utility may shut off service after notice as described in the provisions of R 460.138, R 460.139, or R 460.142, if applicable.

**R 460.157 Same dispute.**

**Rule 57.** A utility may choose not to respond to a customer complaint or dispute that involves the same question or issue based upon the same facts, and is not required to comply with these rules more than once before shutoff of service. The utility shall provide notice to the customer that the complaint has been dismissed under this rule.

## **PART 11. COMMISSION APPEAL PROCEDURES**

**R 460.158 Informal appeal.**

**Rule 58.** Within 7 business days after a hearing officer issues a written complaint determination, either party may make an informal appeal to the commission staff.

**R 460.159 Filing procedures.**

**Rule 59. (1)** A party may make an informal appeal in any reasonable manner. The informal appeal need not be in writing and may be initiated by telephone, by internet, by mail, by fax, or in person at the offices of the commission.

**(2)** The appealing party shall provide all of the following information:

- (a)** Name and address of the customer.
- (b)** Name of the utility involved.
- (c)** The nature of the original complaint in a clear and concise manner.
- (d)** The hearing officer's decision.
- (e)** The relief requested.

**R 460.160 Informal appeal procedures.**

**Rule 60. (1)** The commission staff shall assign the informal appeal to a regulation officer. The officer shall have all of the following responsibilities:

**(a)** Advising the appealing party of the procedures of the commission by telephone or in writing.

**(b)** Advising the other party that an informal appeal has been filed.

**(c)** Issuing interim determinations as necessary.

**(d)** Reviewing or investigating the appeal as provided in these rules.

**(e)** Issuing an informal appeal decision.

**(2)** Upon notification by the commission staff that an informal appeal has been made, the utility shall promptly file, with the commission staff, the certified hearing record. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record. In arriving at the informal appeal decision, the regulation officer shall not

be required to receive or consider any additional evidence or information.

(3) In all informal appeals, the utility has the burden of proof by a preponderance of the evidence.

#### **R 460.161 Interim determination.**

**Rule 61. (1)** After receiving the hearing record and pending the final resolution of an informal appeal, the regulation officer may issue an interim determination with appropriate terms and conditions. In the case of an appeal regarding a bill or deposit, the regulation officer may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the shutoff of service as provided in these rules. The regulation officer may consider the amounts that reasonably appear to reflect the cost of utility service in determining the undisputed portion of a claim.

(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing of the interim determination by first-class mail, then the utility may shut off service as provided in these rules.

#### **R 460.162 Appeal review.**

**Rule 62.** The regulation officer shall review the informal appeal thoroughly and, when necessary, conduct further investigation. A party may offer new evidence if the regulation officer determines that it is relevant. When further investigation is necessary, the regulation officer may request additional evidence or, at his or her own initiative, may hold an informal appeal conference with the parties or their representatives at a time and place designated by the officer. If either party fails to appear at the informal conference without a good reason or without having requested an adjournment, the right of the absent party to appear at the conference shall be waived. At an informal appeal conference, the parties may do all of the following:

(a) Represent themselves, be represented by counsel, or be assisted by other persons of their choice.

(b) Offer oral and documentary evidence, which may be considered at the discretion of the regulation officer.

(c) Refute, in a reasonable manner, the evidence of the other party.

(d) Submit an oral or written statement of position.

#### **R 460.163 Shutoff pending decision.**

**Rule 63.** A utility shall not shut off service or issue a notice of shutoff related to the matter in dispute pending the decision of the commission staff, except pursuant to the terms of an interim determination.

#### **R 460.164 Informal appeal decision.**

**Rule 64.** The regulation officer shall, within 30 days after the utility files the certified record, issue a written informal appeal decision affirming, modifying, or reversing the informal hearing determination. In reversing or modifying the informal hearing determination, the decision shall set forth the terms and conditions for continued service, shutoff, or a proposed settlement agreement as required by the facts and circumstances. The decision shall state the relevant findings of fact, the reasons for the decision, and remedies for failure to comply with the informal appeal decision. A copy of the informal

appeal decision shall be served personally, or by first-class mail, on the parties.

**R 460.165 Failure to comply with informal appeal decision.**

**Rule 65.** Failure of either party to comply with the decision within 10 days from the date of service by mailing shall permit implementation of the action or remedy provided by the decision.

**R 460.166 Same dispute.**

**Rule 66.** The commission staff may dismiss a subsequent informal appeal that involves the same question or issue based upon the same facts without following every procedure set forth in these rules.

**R 460.167 Formal appeal.**

**Rule 67.** Either party may appeal the decision of the regulation officer by filing a formal hearing request in accordance with the rules of practice and procedure before the commission. If a formal hearing request is filed, the terms of the informal appeal decision shall be held in abeyance unless otherwise ordered by the commission or the presiding officer who is assigned to the formal complaint.

**R 460.168 Other remedies.**

**Rule 68.** Nothing in these provisions shall be construed to prevent a party from pursuing appropriate legal and equitable remedies at any time.

**R 460.169 Scope of rules.**

**Rule 69. (1)** Nothing contained in these rules covering consumer standards and billing practices shall be implemented in a manner that circumvents or is inconsistent with utility rules, orders, or tariffs approved by the commission to ensure the safe and reliable delivery of energy service.

**(2)** After notice and an opportunity to be heard, utilities determined by the commission to be in violation of these rules shall be subject to all damages and fines contained within the statutes under which these rules are promulgated.

**(3)** Upon written request of a person, utility, or on its own motion, the commission may temporarily waive any requirements of these rules when it determines the waiver will further the effective and efficient administration of these rules and is in the public interest.