



City of Rocky Mount Administrative Policy

Policy: Customer Service Policy

Section:	Finance	Policy No. III.2
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Approved By:	City Council	
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SECTION 1. Purpose

The City of Rocky Mount (the “City”) wants to treat its citizens in a fair and nondiscriminatory manner, while recognizing the distinct needs and requirements of each customer. To provide some uniformity of service, the City has adopted a customer service policy. This most recently adopted version of the Customer Service Policy will serve as a reasonable response to customer needs while meeting the requirements of good business practices for the City.

The intent of this policy is to provide uniform procedures and policies for utility service provided to utility customers of the City.

Policy will refer to the most recently adopted version of the Customer Service Policy as being the guiding principle of customer contact. These policies apply to every customer or applicant for utility service. Copies of these policies are available at the City’s offices and on the city website

This policy may be revised, amended, supplemented, or otherwise changed from time to time by action of the City Council. Customers are encouraged to seek answers to any questions by calling the Business Office or visiting the Customer Service website at www.rockymountnc.gov

SECTION 2. Definitions

For the purpose of this section, the following definitions shall apply:

- a. Applicant is any person, group of persons, association, partnership, firm or corporation, requesting from the City electricity, natural gas, water, or sewerage.
- b. City means the City of Rocky Mount, North Carolina.
- c. Utility is one or more of the following services: electricity, natural gas, water, sewerage or stormwater.
- d. Customer is any person, group of persons, association, partnership, firm or corporation, purchasing utilities from the City.
- e. Delivery Point is the point where the City's lines for supplying utilities are connected to the customer's lines for receiving utilities, unless otherwise specified in the agreement with the customer for the purchase of utilities.
- f. Lines mean the City's conductors (i.e. wire, pipe, etc.) for supplying and/or the customer's conductors for receiving (i.e. wire, pipe, etc.) utilities.

SECTION 3. Applications for Utility Services

The City's Business Office is located in Rocky Mount in the Frederick E. Turnage Administrative Complex. The City is open from 8:30 a.m. to 5:00 p.m. Monday through Friday. Routine and regular service work will be performed from 8:30 a.m. to 5:00 p.m. Monday through Friday, except for municipal holidays. Service work for unusual conditions may be arranged at other times upon request. The

drive-in window is open from 8:00 a.m. to 5:30 p.m. weekdays. The Business Office Call Center is open from 8:30 a.m. to 7:00 p.m. Monday through Thursday, and 8:30 a.m. to 5:00 p.m. on Friday.

Emergency restoration work is performed 24 hours a day, seven days a week. Please call us at 467-4800 for emergency service.

3.1 Each applicant for utility services shall execute an application or agreement for the purchase of utilities and provide the documentation or information required by this Section. The information required will be authentic and complete documentation and/or verification that the applicant is the owner of the property or authorized by the owner of the property to obtain utility service. A licensed realtor or property manager who is acting on behalf of an owner of property may execute a *City of Rocky Mount Public Utilities Master Property Management Agreement* which will allow them to make application for utility services for any and all properties for which they have been retained to manage without requiring the owner of the property to make application. An applicant must be legally competent in order to establish an account with the City. Whether or not a written application or agreement is executed, any person, by accepting the utilities, agrees to be bound by the applicable schedule of rates and the terms and conditions of this Policy in effect at the time service is received.

- a. Residential Accounts - The City recognizes a joint application for utility service which allows credit to be established for all parties determined to be financially responsible. Each applicant shall be jointly and severally liable for all utilities supplied to the premises listed on the application. A separate application will be required if more than one connection is requested.

The Federal Privacy Act of 1974 prohibits municipalities from denying "to any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose his or her social security account number." The City requests a social security card to verify an applicant's identity, to perform a credit check, and to participate in the North Carolina debt setoff program. An applicant is not required to provide the City with a social security card in order to receive utilities. If an applicant does not provide a social security card he or she will be required to provide an alternative method of identification. If the City cannot perform an adequate credit check by using the information furnished and the applicant

does not furnish an acceptable letter of credit from a public utility company or other documentation that will enable the City to perform an adequate credit check, then the applicant will be required to post a maximum deposit.

- b. Non-Residential Accounts - Accounts established for non-residential service will require a Federal Tax ID number and a signature by a duly authorized representative of a business entity. For a business not operated by a recognized legal entity, the account will be listed in the name of a responsible person (owner, manager, etc.). The person in whose name the account is listed shall be personally liable for payment of the account. The requirements for residential accounts shall apply for a non-residential account listed in the name of an individual.

3.2 The following procedures apply to residential and non-residential accounts:

- a. The billing department will search the files to determine if there is an existing account for a new applicant. If there is an existing account it must be settled prior to starting a new service.
- b. A customer may move from one address to another and still remain on City utilities. If the customer's account is current, the balance will be transferred to his or her new account. If the account is delinquent, it must be brought current before the new service is turned on.
- c. In accordance with House Bill 1330 (SL 2009-302), the City of Rocky Mount may not suspend or disconnect service to a customer due to an unpaid balance for service incurred by another person who resides with the customer after service has been provided to the customer's household, unless one or more of the following apply:
 - a) The customer and the person were members of the same household at a different location when the unpaid balance for the service was incurred; or

- b) The person was a member of the customer's current household when the service was established, and the person had an unpaid balance for service at that time; or
- c) The person is or becomes responsible for the bill for the service to the customer

Also in accordance with House Bill 1330, the City may not require that in order to continue service, a customer must agree to be liable for the delinquent account of any other person who will reside in the customer's household after the customer receives the service unless one or more of the following apply:

- a) The customer and the person were members of the same household at a different location when the unpaid balance for the service was incurred; or
- b) The person was a member of the customer's current household when the service was established, and the person had an unpaid balance for service at that time.

Lastly, House Bill 1330 enables the city to use existing remedies and powers to collect debts, irrespective of whether the new provisions described above apply, if a person misrepresents his or her identity in a written or verbal agreement for service or receives service using another person's identity.

- d. At time of connection of service, the customer shall be charged a connection fee as set forth in Section X.3.1 in the Fees and Charges Schedule. This charge will be billed for each service address regardless of the number of services being connected at such address.
- e. The City is not responsible for any damage caused by connecting or disconnecting utility services unless caused by the sole negligence of the City.
- f. In order for the City to protect the identity of its utility customers, the City will not discuss or disclose any account information to anyone other than the account holder or his/her designee. In order for the

City to disclose any account information, the City will require verification of identity. Any disclosure of account information to outside agencies will require those agencies to provide a release signed by the customer or his/her designee authorizing release of their utility account information. The exception to this policy will be for authorized agencies providing financial assistance or in response to assisting law enforcement, public safety, fire protection, rescue, emergency management, or judicial officers in the performance of their duties as required by law.

SECTION 4. Selection of Rates

4.1 The City's rates are set by its City Council and are designed to be fair, reasonable, just, uniform and non-discriminatory. Setting rates locally offers rate regulation responsive to the customers of the system. The City's goal is to provide the best possible utility service to all customers at a rate which is competitive with other utility providers.

4.2 The City has the responsibility of helping the customer understand its rate schedules, the terms and conditions under which each utility service is supplied, the meter reading process and other reasonable information regarding the utility billing and servicing process.

The City, upon request, will provide any applicant or customer with a copy of the rate schedule, the Customer Service Policy, or the billing and usage history from their account. All current residential rates are available on the City's website.

4.3 The City will select the appropriate rate schedule of those available, under which the customer will be billed for each service. Any customer who feels he/she is being billed under an inappropriate rate schedule may appeal to the Business Manager for reconsideration.

4.4 When the customer notifies the City in writing of changes in the customer's operating conditions or other factors which may affect the selection of the rate schedule, an investigation will be made by the City and the customer will be advised if a change in the rate schedule is appropriate.

4.5 The City cannot guarantee that the customer will be served under the most favorable applicable schedule, and no refund will be made by the

City to the customer of the difference in the charge made under the schedule assigned and another more favorable schedule.

- 4.6 New and potential business customers are encouraged to provide the City utility department with the load characteristics of their facility. The City may require special conditions and contracts for utility services.

SECTION 5. Metering

- 5.1 When meters are installed by the City to measure utility services used by its customers, all charges for units consumed, except certain base charges, shall be calculated from the readings of such meters.
- 5.2 All metering devices installed for the purpose of metering utility service shall be located on the exterior of structures so that they will be accessible for reading. The type of meter installed at the location shall be determined by the City based on applicable industry standards. (See Policy III.2.1 Electric, Gas or Water Meter Obstruction.)
- 5.3 The customer shall provide suitable space for the installation of the necessary metering apparatus which space shall be:
- a. Substantially free from vibration or obstruction.
 - b. Readily accessible and convenient for testing, servicing, and viewing.
 - c. Such that apparatus will be protected from injury by the elements or the negligent or deliberate acts of persons.
 - d. Located by the City prior to wiring installation. Meter location will be normal point of delivery, which is the side of the structure on which the transformer or pedestal is located that is designated to serve that structure. It may also be located on the back of the structure within eight feet on the corner on the side of the point of normal delivery. The Utility Director or his designee shall be authorized to make reasonable exceptions to this rule if he finds that compliance will create a substantial hardship or is otherwise impractical.

- 5.4 When a residence is being built on zero lot lines, and the meter is located on the side of the structure that abuts the property line, the City shall provide conduit from the meter base to City's transformer or secondary pedestal that is designated to serve it and the customer will pay for cost of conduit.
- 5.5 All electrical metering devices currently installed inside structures for the purpose of metering utility service shall be relocated to the exterior of the structure upon the happening of any of the following events:
- a. When a building, regardless of use, becomes vacant, the owner of such building shall cause the electric meter to be relocated to the exterior prior to electric service being provided to the new occupant.
 - b. When an owner proposes alterations, repairs, or improvements to a structure in the amount of one thousand (\$1,000) dollars or more, the owner shall cause any interior electric meter to be relocated to the exterior in order to continue to receive electric service.
 - c. The City Manager, or his designee, shall be authorized to make reasonable exceptions to this policy where:
 1. Because of the location of the structure on the lot, there is not a location on the exterior where the meter could be located without encroaching on another owner's property, or
 2. When a single owner has multiple structures on the same premises, such as a planned building group, the City Manager, or his designee, shall develop an agreement with the owner providing for the planned relocation of the electric meters in lieu of using the change of occupancy criteria as stated in Section 5.3 of the Customer Service Policy.
- 5.6 The customer shall be responsible at all times for the safekeeping of all City property installed on the customer's premises, and to that end, shall give no one except authorized City employees access to such property.
- 5.7 The customer shall be liable for the cost of repairs or damage to the City property on the customer's property resulting from the negligence or misuse by other than City employees.

- 5.8 Utilities are supplied by the City and purchased by the customer upon the express condition that after it passes the delivery point it becomes the property of the customer to be used only as herein provided; and the City shall not be liable for loss or damage to any person or property whatsoever, resulting directly or indirectly from the use, misuse, or presence of said utility after it passes the delivery point; or for any loss or damage resulting from the presence, character or condition of the lines, equipment of the customer, or for the inspection or repair thereof.
- 5.9 The customer shall be responsible for the maintenance and repair of the customer's lines and equipment.
- a. Water meters larger than 1 inch in diameter will be installed in a standard vault approved by the City of Rocky Mount. The customer is responsible for constructing and maintaining the vault so that meter readers and maintenance personnel will have safe and easy access to the meter and valves housed inside the vault. The customer will reimburse the City for the meter and the City will install and maintain the meter.
 - b. Should the customer fail to maintain the vault as specified above, the City will notify the customer in writing that repairs are needed. This notice shall include an estimate of the cost of the repairs. If the customer does not repair the vault within thirty (30) days after receipt of the written notification, the City reserves the right to make the necessary repairs and bill the customer for the cost.
 - c. Should the customer report trouble with the supply of utilities, the City will endeavor to respond with reasonable dispatch to such call with the purpose only of correcting such trouble as may be in the City's equipment supplying the customer. If the trouble appears to be in the customer's lines or appliances, the City's employees may, if requested by the customer, make such inspection of the customer's lines or equipment as the City's employees are prepared to make, but any inspection of the customer's lines or equipment by the City's employees is made upon the express condition that the customer assumes the entire and sole risk, liability and responsibility for all acts, omissions and negligence of the City's employees. The City retains all responsibility only with respect to the action of its employees in connection with property owned by the City.

SECTION 6. Meter Reading

- 6.1 It is the City's policy to read every utility meter each month. The reading dates are scheduled to fall approximately within the same weekly period each month.
- 6.2 If the reading schedule is interrupted (by inclement weather, unusual illness, etc.) to the extent that the reading cycle is as much as three or four days behind, consumption may be estimated. If the cycle has been interrupted the previous month, the policy is not to estimate the same meters two consecutive months.
- 6.3 There are a number of meters inside dwellings and businesses. If the meter reader cannot gain entry, a returnable card is left on the premises requesting that the customer contact the City to establish a time to allow meter reading personnel access to the meter. If the customer does not contact the City, the meter is automatically estimated.
- 6.4 Because the metering system is based on "continuous read" meters, estimating consumption for a one-month period will not affect total consumption over a two-month period.
- 6.5 If a customer requests a rereading of the meter, one free reread will be granted during a 12-month period. If a customer requests additional rereads, a charge will be levied in accordance with Section X.3.1 in the Fees and Charges Schedule. If in the opinion of the Business Manager, the rereading confirms the accuracy of the prior reading, the fee shall be charged. If the Business Manager determines the prior reading was in error, the fee will be waived for the customer. In lieu of requesting a reread, a customer may furnish a current reading in a format acceptable to the City. If the customer supplied reading, in the opinion of the Business Manager, indicates an error in the prior reading, an appropriate adjustment will be made. There shall be no charge for correcting bills as a result of customer supplied readings.

SECTION 7. Customer Deposits

- 7.1 The City requires applicants or customers to make an initial deposit based on the current Utility Deposit Charges Schedule (see Policy No. X.3.2 of Fees and Charges) as a guarantee of the payment for utilities used. Deposit requirements are as follows:

	Minimum	Maximum
Water and/or Sewer	\$15.00	\$25.00
Electric (basic)	\$75.00	\$150.00
Electric (total home)	\$150.00	\$300.00
Gas	\$75.00	\$150.00

7.2 Residential Customer Deposits

- a. Residential customers will have their credit rating determined by a credit risk assessment made at the time of application for their utilities.

--**Acceptable credit** shall be defined as established, reported credit history with acceptable pay history for the past twelve months and shall require no deposit.

--**Minimal credit** shall be defined as no reported credit history or minimal history with questionable payment records and requires the minimum set deposits as specified in Section 3.2 of the Fees and Charges Schedule (minimum deposit shall not exceed \$165.00).

--**Unacceptable credit** shall be defined as established, reported credit history with an associated history of delinquent collections or unpaid balances. Customers who are determined to have unacceptable credit will be required to pay a deposit equal to 2 times the minimum deposit as specified in Policy No. X.3.2 of the Fees and Charges Schedule (maximum deposit shall not exceed \$325.00).

- b. Residential customers applying for utility service who make a cash deposit may request to have their deposit credited to their utility account after establishing twelve consecutive months of acceptable credit on the City's system.

- c. Residential customers with acceptable credit on the City's system for the past twelve months will not be required to provide an initial deposit at the time of application.
- d. In lieu of a cash deposit, new residential customers subject to the minimum customer deposit will be allowed to furnish an acceptable letter of credit from a public utility providing electric, water and/or gas service stating that the customer's pay history during a recent twelve month period was acceptable. If the letter is not available at the time application for service is requested, the customer may make a temporary deposit, as required in above sections. This deposit will be refunded following the receipt of the letter of acceptable credit by the City.
- e. When a utility customer of the City has a good pay history for at least twenty four months and desires to accept financial responsibility for the utility bills of a new customer, the deposit requirement will be waived. This waiver is subject to the proper execution of the "Acceptance of Financial Responsibility for Utility Bills" form.

7.3 Commercial Customer Deposits

- a. Commercial customers shall, at the time of application for service, pay a deposit equal to two months average bill as estimated by the City. Six billing periods after initial deposit, the customer's usage and billing may be reviewed and either an additional deposit may be required or a partial refund may be made to reduce the deposit to an average of two months billing. A commercial customer that qualifies as a small business may pay a deposit equal to two months average bill or \$400, whichever is less. After two and one half (2 ½) years of good pay history, a commercial customer and small business customer is allowed and may request a reduction in the amount of the deposit required that will be equal to one months average bill.
- b. In lieu of a cash deposit, commercial customers may provide the City with a surety bond or irrevocable letter of credit in the amount

of the specified deposit, written by an insurance company or bank authorized to do business in North Carolina.

- c. Existing City non-residential customers who were not required to make an initial deposit who convert from City electric to City natural gas HVAC systems at the same premise and for the existing premise usage shall not be required to pay a deposit for the new gas service provided:
 - (1) they have good credit standing with the City,
 - (2) Their combined energy usage/consumption at the premise is not increased by more than 25%.
- d. If an existing commercial customer which does not have a deposit on hand equal to two (2) months average bill and has five (5) years of good pay history relocates to a new premise, then no additional deposit is required provided the new premise is generally equivalent to and used for the same purpose as the previous premise. This exception will not apply to existing customers who wish to add an additional premise. In the case of an additional premise, the full deposit is required. However, if the existing customer has a deposit on hand and has two and one half (2 ½) years of good pay history, the deposit may be reduced to (1) one month average bill for the additional location.
- e. Section 7.3 (a) and (d) is not applicable to commercial customers on a large general service (LGS) rate or Coordinated Demand Control (CDC) rate.

7.4 Industrial Customer Deposits

- a. Industrial customers, manufacturers, or processors shall pay a deposit at the time of application for service as specified for commercial customers. Section 7.3(a) and (d) is not applicable to industrial customers.

7.5 Deposits and Service Disconnects

- a. A customer who is involved with more than one premise at one time may be allowed to provide only one master deposit for several service locations.
- b. Notwithstanding the initial deposits specified in the above sections, any customer whose credit history becomes unacceptable shall pay such deposit as required to protect the City from loss of revenue. Within ten days of written notice, any customer who fails to make required deposits or provide surety bonds, when specified, shall be subject to disconnection of service until such deposit has been made or surety bond provided.
- c. Any customer whose service has been disconnected because the meter, wires, or other apparatus have been tampered with in any manner shall pay such deposit as required to protect the City from loss of revenue, in addition to penalties and reconnection fees.

7.6 Final Disposition of Deposit

- a. When a customer who furnished a deposit to guarantee payment discontinues service, the deposit will be applied to any unpaid charges due the City and the balance will be refunded.
- b. The deposit will not be refunded if the customer has another account with a past due balance. The remaining credit on the account will be transferred to the account(s) with a balance.

SECTION 8. Payment Requirements for Utility Services

- 8.1 All bills are due and payable upon receipt. (See Section 13 of the Customer Service Policy for exceptions to these requirements.)
- 8.2 On the date a bill becomes delinquent, the account is charged a 1-1/2% late fee on the unpaid balance.
- 8.3 Any bill for residential services not paid within twenty-eight days of the billing date is considered delinquent. Any bill for any other class of service not paid within twenty-one days of the billing date is considered delinquent.

The delinquent amount will appear on the current month's bill as a previous balance with a notice that the previous balance must be paid within seven days of the billing date or service will be discontinued.

- 8.4 Bills are payable at the business office of the City, online at the City website, or by telephone or to any collector or collection agency duly authorized by the City; except that, when service has been discontinued due to nonpayment, payment must be made at the City office or online at the City website or by telephone. Payments shall be made without regard to any set off or counterclaim whatever.
- 8.5 The City reserves the right to apply any payment or payments made by the customer in whole or in part to any account due the City by the customer in connection with the furnishing of utility services.
- 8.6 Any customer disputing the correctness of the bill shall have the right to a hearing as stated in Section 13 of the Customer Service Policy.
- 8.7 Only questions of proper billing will be considered. Requests for delay or waiver of payment will not be considered except under the requirements specified in Section 13 of the Customer Service Policy.

SECTION 9. Credit History

- 9.1 The City will maintain a confidential credit history on all customers based on payment of utility bills. A customer's credit history shall be classified "acceptable" unless the customer has appeared on the cut off list, though not necessarily cut off, once during any preceding twelve month period or had a check returned to the bank. A credit history of "unacceptable" shall be recorded for customers appearing twice on the cut off list or having more than one check not honored by the bank on which it is drawn in a twelve month period.
- 9.2 The cut-off list will be prepared by the City each month from customers who fail to pay utility accounts within seven days of the second notice mailing.
- 9.3 Contact with a Customer Service Representative prior to disconnection is always preferable to making arrangements after service is involuntarily interrupted. Payment options may be available prior to disconnection

which will save the customer from additional higher deposit amounts and additional fees.

SECTION 10. Returned Checks

- 10.1 When a customer's check is returned by the bank on which it is drawn because the bank will not pay or honor the check, for any reason, the customer will be notified by mail that the check was not honored and that a fee will be charged and service will be terminated, on a specified date, unless the check is made good. The full amount of the check plus fees must be remitted in cash, money order or certified check to make the check good.
- 10.2 On the first occasion that a check is returned, the customer will be given five days in which to make the check good. After receipt of two or more returned checks within the previous twelve month period, notification will be given that service will be terminated in five days and the check will be turned over to the proper authorities. If a customer's utility service has been terminated for nonpayment and payment for restoration is made with a check which is subsequently returned, service will be terminated without notification.
- 10.3 When a customer has a check returned, a service charge will apply in addition to any other charges and fees. (See Policy No. X.3.1 of the Fees and Charges Schedule.)
- 10.4 The City reserves the right to require a customer to pay utility bills in cash when two or more returned checks are received during the previous twelve month period.
- 10.5 The City reserves the right to require a deposit equal to two months of a customer's estimated highest utility bills, when two or more returned checks are received in the previous twelve month period.

SECTION 11. Draft Accounts

- 11.1 The City makes available a plan that will insure that a bill is never delinquent and that a customer will never have to pay a delinquent charge. At the customer's option, the City will draft his/her bank account

each month for the amount of his bill. The draft will occur within 5 days of the due date on the bill. By allowing the draft, a customer does not forego his right to contest a bill or to have a correction for a billing error. The correction would be made in the form of a refund, a credit, or a charge to the account.

SECTION 12. Voluntary Discontinuance of Service

12.1 In order to insure discontinuation of service at a time requested by the customer, notice to the City in advance is required. When a customer desires to discontinue service, notice must be given to the City at least twenty four hours in advance on a work day and the customer will be responsible for all service consumed within the twenty four hours following the time of his/her notice to the City.

a. Any customer requesting discontinuance of service will inform the City's employee of the location, date service is to be disconnected and the forwarding mailing address for the final bill.

b. Within one month after termination of utility service, the account will be closed. All fees and credits are then added to the balance and a "final" bill will be issued to the customer. Any balance owed to the City will remain open until the balance is paid.

c. All legal means of collection for an account in arrears will be taken regardless, even if the account is not in "closed" status.

SECTION 13. Involuntary Discontinuance of Service.

13.1 It is the policy of the City to discontinue utility service to customers by reason of nonpayment of bill only after proper notice and a meaningful opportunity to be heard on disputed bills.

a. If the City plans to interrupt the customer's service due to failure to pay, and if the customer can show that he/she is unable to pay the account in full at once, the customer may make installment payments designed to pay the delinquent account in full within 3 months and to keep all present and future accounts current. Under extraordinary circumstances, the Director of Finance may extend this period to 6

months. Under special circumstances, the City will not interrupt service during the winter [between November 1 and March 31]. (See Section 14 of the Customer Service Policy.)

- b. The City will not interrupt the customer's service after 1:00 p.m. on a Friday or on a weekend or a holiday.
 - c. If any customer disputes the accuracy of his/her bill, they have a right to a hearing at which they may be represented in person or by any other person of their choosing and may present, orally or in writing, their complaint and contentions.
 - d. Any customer desiring a hearing should contact the Business Office Manager at the Frederick E. Turnage Administrative Complex, 331 S. Franklin Street, Rocky Mount, North Carolina. Hearings are held between 8:30 a.m. and 5:00 p.m., Monday through Friday. The Business Office Manager is authorized to make a final determination of the complaint and has the authority to order that service not be discontinued.
 - e. A customer who feels the staff has not followed the Customer Service Policy as defined in Section III.2 of the Administrative Policy Manual may appeal to the Utility Services Review Board. If the case is eligible for consideration in accordance with City Code Section 2-178a (1 and 2), the Board will review it and render a decision.
- 13.2 The City reserves the right to discontinue furnishing utility services to a customer, at any time without notice, upon the occurrence of any one or more of the following events:
- a. Whenever the City, in its opinion, has reason to cause to believe that the customer is receiving utilities without proper application or that its meter, lines, or other apparatus have in any manner been tampered with.
 - b. Whenever, in the City's opinions, the condition of the customer's lines, equipment and appliances are either unsafe or unsuitable for receiving service, or is a potential safety or health hazard to the City's property or personnel, or to the public, or when the customer's use of utilities or equipment interferes with or may be detrimental to the City's utilities' systems or to the supply of utilities by the City to any other customer.

- c. Whenever, in the City's opinion, utilities that are being furnished with a line that is not owned or leased by the City is either not in a safe and suitable condition or is inadequate to receive utilities.
 - d. Whenever the customer has denied an authorized City representative access to the City's meter, wires, or other apparatus installed on the customer's premises.
 - e. Whenever, in the City's opinion, it is necessary to prevent fraud upon the City.
 - f. For failure of the customer to make a deposit or guarantee payment of charges or to increase a deposit as required.
 - g. For failure to comply with any of the City's terms and conditions, or with any of the conditions or obligations of any agreement with the City for the purpose of utilities.
- 13.3 When it becomes necessary for the City to discontinue utility service for any reason, the City reserves the right to require payment of all bills for service due, any deposit required by Section 7 of the Customer Service Policy, and the reconnection fee in effect at the time of discontinuance of service.
- 13.4 If a customer is receiving service at more than one location, service at any or all locations may be discontinued if bills for service at any one or more locations are not paid within the time specified by Section 8 of the Customer Service Policy.
- 13.5 The City will discontinue the supply of utilities to a customer whenever instructed by any public authority having jurisdiction.
- 13.6 The City reserves the right to discontinue the supply of utilities under any of the above conditions irrespective of any claims of a customer pending against the City, or any amounts of money on deposit with the City as required in Section 7 of the Customer Service Policy.
- 13.7 Whenever the supply of utilities is discontinued in accordance herewith, the City shall not be liable for any damages, direct or indirect, that may result from such discontinuance. In all cases where the supply of utilities is discontinued by reason of violation by the customer of any of the provisions hereof or of any agreement with the City for the purchase of

utilities, there shall then become due and payable, in addition to the bills in default, an amount equal to the monthly minimum charges for the unexpired term of the agreement, not as a penalty, but in lieu of the income reasonably to be expected during the unexpired term of the agreement.

- 13.8 The City will follow the Federal bankruptcy law when terminating and reestablishing utility service to customers who are in bankruptcy or have filed for bankruptcy with the Bankruptcy court. The City has the right to demand assurance of payment (a deposit or other security) for future service for any customers in bankruptcy proceedings.

SECTION 14. Moratorium on Discontinuance of Utility Service

- 14.1 During the period from November 15 to March 15, the City will place a limited moratorium on the discontinuance of electric and/or gas service to a residential household when such electric and/or gas service is necessary to provide the primary source of heat in the residence if all of the following conditions are met:
- a. There is a member of the household who is age 65 or over or a member of the household who is physically or mentally handicapped.
 - b. The persons in the household are unable to pay the electric and/or gas bill in full.
 - c. The person or persons in the household have been certified as eligible for aid under an energy assistance program by the appropriate County Social Services Department or the WARM Program whether such person is receiving aid or not.
 - d. The person responsible for the account agrees to terms for payment in full of the account on an installment basis with the last such installment being due and payable by the last day of October of the same year for which the moratorium period ended.
- 14.2 To receive this limited moratorium, the person responsible for the utility account must satisfy all conditions as stated above and apply for the limited moratorium with the Business Manager, or his designee, and have

such application approved. The burden of proving the need is placed upon the person responsible for the utility account.

- 14.3 The City may not exercise its right to disconnect service for non-payment of any bill due to extreme weather conditions. Winter temperatures that stay below 30 degrees for several days or summer temperatures that exceed 90 degrees for multiple days are considered extreme weather conditions.
- 14.4 The customer has the responsibility of notifying the City if there is someone in his/her household who is either chronically or seriously ill, handicapped or on a life support system. The notification must be supplied in writing by the attending medical personnel and must specify the medical need for the utility service. The notification must be renewed annually. The City will flag the account and tag the meter as medical but this does not prevent the disconnection of service. In that case, the customer has the responsibility of careful handling of his/her account should service become subject to interruption for failure to pay. With the medical alert designation, the City will make a good faith effort to make personal contact with the customer or member of the customer's household before service is terminated. After the City has notified a customer with a medical alert designation that service will be interrupted, the customer has 24 hours before the City will turn off services once notified of the City's intent to interrupt services.

SECTION 15. Reconnection of Utility Service

- 15.1 If utility services have been discontinued for any of the reasons covered by Section 12 or 13 of the Customer Service Policy, the City shall have a reasonable period of time in which to reconnect the customer's service after the conditions causing discontinuance have been corrected.
- 15.2 If utilities have been discontinued because of improper use, or in the City's opinion, its meters or lines or other apparatus have been tampered with, the City may refuse to reconnect the customer's service until the customer has done the following:
- a. Paid all delinquent bills.

- b. Paid to the City an amount estimated by the City to be sufficient to cover the utilities used but not recorded by the meter and not previously paid for, plus a special reconnection charge. (See Policy No. X.3.1 of the Fees and Charges Schedule.)
 - c. Made such changes in lines or equipment as may be, in the opinion of the City, proper for its protection.
- 15.3 If utility service has been discontinued by the City, at the request of any public authority having jurisdiction, the customer's service will not be reconnected until authorization to do so has been obtained from said public authority.
- 15.4 If utility service has been disconnected by the City for nonpayment of past due bills, the customer's service will be re-instated after payment of the applicable reconnection fee. (See Policy No. X.3.1 of the Fees and Charges Schedule.)

SECTION 16. Adjustments to Prior Billings

- 16.1 Whenever it is found that, for any reason other than incorrect calibration, the metering apparatus has not registered the true amount of utilities that have been used by the customer or if nonmetered services are incorrectly billed, billing adjustments will be made as follows:
- a. Overcharge - Payment will be made for the entire interval of the overcharge, if it can be determined, up to the available 24 months of history retained by the City and subject to applicable statutes of limitations. If the interval cannot be determined, payment will be made for the prior 24 months. Usage and demand (when applicable) will be estimated if exact usage cannot be determined.
 - b. Undercharge - If the interval can be determined, the City can collect the deficient amount for up to a maximum of 12 months. If the interval cannot be determined, the City can collect the deficient amount for 12 months preceding the billing date that the error was discovered. If exact usage cannot be determined, usage and demand (when applicable) will be estimated.
 - c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills, over the same number of billing periods during which the undercharge occurred.

- 16.2 If, during the term of agreement for furnishing utilities to a customer, the customer is unable to operate his facilities in whole or in part, because of an accident, act of God, or fire occurring at the location where utilities are supplied, the charge for units during the period reasonably necessary to correct any such conditions may, in the City's discretion, be reasonably adjusted in accordance with all pertinent facts and conditions.
- 16.3 A customer who feels he/she has been overcharged for utilities consumption may appeal to the Utilities Review Board. If the case is eligible for consideration in accordance with City Code Section 2-178a (1 and 2), the Board will review it and render a decision.

SECTION 17. Requests for Meter Tests

- 17.1 Meter tests requested by customers will be made in accordance with the following:
- a. The City will test the customer's meter for accuracy upon request and charge the fee to the customer's account. (See Policy No. X.3.1 of the Fees and Charges Schedule.)
 - b. Meters in service may be tested by the City, or any other lawfully constituted authority having jurisdiction. When, as the result of such a test, a meter is found to be no more than two percent fast or slow, no adjustment will be made in the customer's bill. If the meter is found to be more than two percent fast or slow because of incorrect calibration, the City will re-bill the customer for the correct amount as calculated for a period of such inaccuracy but not more than 12 months and no fee is charged.
 - c. The customer, or his representative, may be present when his/her meter is tested.
 - d. Upon request, a written report of the results of the test will be made to the customer within ten days after the completion of the test.

SECTION 18. Meter Tampering

18.1 Tampering with utility meters is prohibited by N.C. General Statute 14-159.1 as follows:

- a. It shall be unlawful for any unauthorized person to alter, tamper with, or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas, or water bypassing a meter provided by an electric, gas, or water supplier for the purpose of measuring and registering the quantity of electricity, gas, or water consumed.
- b. Any meter or service entrance facility found to have been altered, tampered with or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas, or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this section by the person in whose name such meter is installed, or the person or persons so using or receiving the benefits of such unmeasured, unregistered, or diverted electricity, gas, or water.
- c. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned longer than two years, or both fined and imprisoned, at the discretion of the court.
- d. Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas, or water supplier in triple the amount of losses and damages sustained or five hundred dollars, whichever is greater.
- e. Nothing in this policy shall be construed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards.
- f. The minimum penalty for meter tampering shall be twenty-five dollars (\$25.00).

SECTION 19. Equal Pay Program

- 19.1 The purpose of Equal Pay program is to spread the cost of utility services as evenly as possible on a monthly basis over an annual period. This program is designed for those customers who wish to ease the impact of fluctuations in seasonal billings and level their monthly payments. The

- program does not raise or lower your annual utility billings; it does allow you to plan ahead by establishing a fixed monthly payment amount.
- 19.2 Only qualified residential customers may enroll in the program. In order to qualify, the customer must have an acceptable payment history.
- 19.3 Due to the seasonal nature of utility billings, customers may enroll in the program in the months of April through November. Requests to enroll in the program during other months will be evaluated by the Business Office Manager subject to the customer's credit history.
- 19.4 The City will calculate the Equal Pay Program amount by taking the customer's past 12 months' consumption, apply the current rates plus any expected increases, and divide the result by 11 months. The result is the fixed, equal pay amount due for the utility account for 11 months. If 12 months of consumption is not available, the City may estimate using available historical data.
- 19.5 The 12th month of the program is the settlement month. During the 12th month, the account will be evaluated and any overpayment will be credited to the customer's account or any underpayment must be paid by the customer.
- 19.6 Utility billings will continue to show the actual consumption and dollar amounts, but the amount due shown will be the Equal Pay program amount. There will be a summary of Equal Pay to actual billing that the customer should closely monitor as this is the running settlement amount. If the customer anticipates that the 12th month settlement amount may be large, they may make payments beyond the equal pay amount at any time and/or contact our office for further evaluation and arrangements.
- 19.7 Should an equal pay program customer move to another location within the City of Rocky Mount service area, the customer may continue in the program; however, the equal pay program amount may be adjusted to compensate for additional services or expected changes in consumption.

- 19.8 The program is voluntary. To discontinue in the equal pay program, the customer may call Customer Service at 972-1250. Once discontinuing in the program, the customer's next utility bill is the settlement month bill.
- 19.9 Equal pay program customers will automatically be re-enrolled in the program annually unless the customer gives notice to discontinue.
- 19.10 Any late penalty authorized by City Council will be applicable to Equal Pay program customers in the same manner that it applies to non-Equal Pay program customers.
- 19.11 If the customer becomes eligible for disconnection, they may no longer be eligible to participate in the program and all charges including the settlement balance become due and payable before utility service(s) is(are) restored. If the customer has a payment returned for insufficient funds, they may no longer be eligible to participate in the program.
- 19.12 The City will monitor Equal Pay program accounts and reserves the right to adjust any equal pay amount where circumstances warrant. The customer will be notified of any necessary change.

SECTION 20. Records and Data

- 20.1 All customer billing and account data is the property of the City. Information may be shared at the discretion of the City with another agency that is included under the limitation of the privacy legislation.
- a. Residential customers. Billing and account information will not be provided to the media, businesses, agencies or individuals not included on the account without the permission of the account holder. Current billing information may be released (without any account history) when it is deemed in the best interest of the City and the individual account holder in order to aid the account holder in paying the current bill. The City will share information with assistance agencies for the purpose of assisting the customer with payment on a City of Rocky Mount utility bill.
 - b. Commercial customers. Billing and account information will not be disclosed to the media, other businesses, agencies or individuals without the expressed consent of the individual business account holder.

Section 21. North Carolina Setoff Debt Collection Act

- 21.1 The North Carolina Setoff Debt Collection Act (“Act”)⁷ provides an administrative procedure for the City to collect amounts due for utility service from the state tax refunds of its customers.
- 21.2 The Act only applies to debts and refunds of at least fifty dollars. The debt to be paid can be one debt owed the City or the sum of any number of valid debts owed the City. Before submitting the debt for collection, the City must first give the customer notice of its intent and the claim for offset must be finally determined as provided in the Act. The notice must explain the basis for the claim and that the City intends to apply the customer’s state tax refund against the amount owed for utility service. The Notice must inform the customer of his rights to contest the matter by filing a request for hearing with the City within thirty (30) days after the date the notice is mailed. The notice must also state that the failure to request a hearing within thirty (30) days will result in setoff of the customer’s debt.
- 21.3 If the customer timely files a written request for a hearing the governing body of the City, or a person designated thereby (Finance Director), must hold a local hearing. If the customer wishes to dispute the decision following a local hearing, the customer must file a petition for a contested hearing under Article 3 of the Administrative Procedures Act, within thirty (30) days of receiving a copy of the local decision. Further appeals shall be in accordance with the Administrative Procedure Act, except that the place of initial judicial review will be the Superior Court for the county in which the customer resides.
- 21.4 If the City has complied with the notice provisions and the debt has been finally determined to be owed, the City may submit the debt for collection by setoff. The debt must be submitted through a clearing house established pursuant to an inter-local agreement or through the North Carolina League of Municipalities. A collection assistance fee of no more than fifteen dollars (\$15.00) is imposed on the customer on each debt collected through setoff. The claimant agency must notify the Department of Revenue in writing and supply information necessary to identify the customer. If the Department of Revenue determines that the customer is entitled to a refund of at least fifty dollars, then the Department of
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Revenue must setoff the debt owed the City against the refund. The City must notify the Department of Revenue when a debt has been paid or is no longer owed. The amount to be setoff is subject to the priorities and claims of other agencies, with the Department of Revenue having priority over all other claimants and State Agency having priority over local agencies.

- 21.5 While the Act provides an alternative way to collect past due utility bills, it is suggested that it be a remedy used together with other debt collection methods. The collection proceedings under the Act do not toll the statute of limitations covering the collection of the debt. Therefore, alternative debt collection efforts must still be pursued in a timely fashion.