

WATER RULE 7

DISCONTINUANCE AND RESTORATION OF WATER SERVICE

A. CUSTOMER'S REQUEST FOR SERVICE DISCONTINUANCE

When Customers desire to terminate their responsibility for service, they shall give the Utility not less than two working days' advance notice of their intention, state the date on which they wish the termination to become effective and provide access to the water meter. A field visit service charge will be assessed for each additional trip (after original attempt to turn service off) required to complete the turn-off request.

If a new application is not made for service, and the water meter serves more than one Premises, and Premises are occupied, the Utility will read the meter on the date requested and notify the occupants of their rights by posting of a 15-day notice, except as otherwise stated in this Rule. Any resident has the right to prevent this discontinuance by applying for service to the master meter in their own name. Responsibility for service, for any Customer making application, will begin with that date and reading. There will be a charge for posting of the notice which will be the liability of the Customer making application.

Customers may be held responsible for all services furnished at the Premises until two working days after receiving a request for discontinuance of service by the Utility or until such time as the Utility has received an application for new service, provided access is available.

In the event access is not provided, the Customer discontinuing shall be held liable for all consumption until access is provided.

B. DISCONTINUANCE FOR UNSAFE EQUIPMENT

Service Detrimental to Other Customers

The Utility shall not provide service to any Premises where the use or connections made may be detrimental to the water service rendered by the Utility to other Customers or to the Utility's facilities.

C. DISCONTINUANCE FOR USE OF WATER WITHOUT APPLICATION

Use of Water Without Application For Service

When a new occupant who has not applied for water service, takes possession of a Premises and finds the water service turned on, the occupant shall notify the Utility of such findings within one working day.

In the event the occupant turns on the water service, or fails to notify the Utility of finding the water service turned on within one working day of occupancy, the occupant will be billed for consumption back to their move in date and the owner shall be billed for any unresolved usage. If the Premises are unoccupied, or the Utility has not been notified of a new tenant by the owner, property manager, occupant or other representative of the owner, and water service is in use, the owner of the property shall be held responsible for payment of the bill. It is the responsibility of the owner to verify that the utility service has been transferred into the name of the new occupant and to settle disputes of responsibility between the occupant and the owner.

In the event that the occupant is charged for usage where the amount charged will be determined by the Utility, the amount billed will be based upon either the meter reading or on the basis of the estimated consumption for the length of time service was received by the occupant without proper application.

When the Utility finds that water is being used without proper application, the Utility may terminate the service without further notice. Any amount due in excess of the amount billed to the occupant shall be billed to the owner.

Only authorized Utility personnel are permitted to turn the service on at the meter. If the occupant restores water service, a self-restoration fee may be imposed.

D. DISCONTINUANCE FOR NONPAYMENT OF BILLS

1. Past Due (Delinquent) Bills

Bills will be considered past due (delinquent) if not paid within 19 days after the date of mailing. Reference PUC 10010.1(a)

2. Discontinuance of Service Notice

When a bill for water service has become past due and a discontinuance of service notice has been issued, service may be discontinued if the bill is not paid within the time required by such notice. A Customer's deposit to establish credit will not be used as payment to avoid discontinuance of service. Reference PUC 10010.1(a)

If a bill is past due as set forth in Section 1 above, a Customer's service may be discontinued for nonpayment of a bill provided the Utility first gives a discontinuance of service notice to the Customer at least ten (10) working days prior to the proposed discontinuance. Such ten-day period shall not commence until five (5) working days after the mailing of the notice. However, in no case shall residential service be discontinued for nonpayment until payment has been delinquent for at least sixty (60) calendar days. No less than seven (7) working days before discontinuation of service for nonpayment, the Utility shall contact the Customer named on the account by telephone or provide written notice. If the Utility is unable to contact the Customer by mail or telephone, the

Utility will provide a notice of imminent discontinuation of service for nonpayment. There shall be a charge for posting this notice of termination at the Premise. Notwithstanding the foregoing, residential Customers who are delinquent under the terms of an amortization agreement shall be subject to disconnection procedures required by State law.

Reference PUC 10010.1(a), HSC 116908 (a)(1)

Any residential Customer who has initiated a complaint or requested an investigation within 5 working days of receiving a contested bill shall not have service discontinued for nonpayment during the pendency of an investigation. Customer may be required to pay an estimated bill per Rule No. 21.

Reference PUC 10010. (c)

3. Discontinuance of Residential Service Dangerous to the Health of the Customer

The Utility will not terminate residential service for nonpayment upon certification by a primary care provider that said termination will be life threatening and the Customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the Utility for the delinquent amount due.

Reference PUC 10010. (3), HSC 116910 (a)

4. Inability to Pay Residential Utility Bill

Any residential Customer who has, within 13 days of mailing the Urgent Notice, made a request for an extension of the Payment period of a bill asserted to be beyond the means of the Customer to pay in full during the normal period for payment, shall be given an opportunity for review of the request by a review manager of the Utility. The review shall include consideration of whether the Customer shall be permitted to amortize the unpaid balance of the account over a reasonable time, not to exceed 12 months.

Reference PUC 10010. (c), HSC 116910(a)

A Customer shall not have utility services discontinued for nonpayment if they are complying with an amortization agreement entered into with the Utility, provided the Customer also keeps current their account for utility services as charges accrue in each subsequent billing period.

Reference PUC 10010. (c)

However, service may be terminated to any Customer who does not comply with an installment payment agreement or keep current the account for utility services as charges accrue in each subsequent billing period.

Reference PUC 10010. (c), HSC 116910(b)

The Utility shall make available to Customers, upon request, information regarding agencies and/or organizations that may provide financial assistance.

If a residential Customer fails to comply with an amortization agreement, the Utility shall not terminate service without giving notice to the Customer at least five (5) working days prior to termination of the conditions the Customer is required to meet to avoid termination, but, such notice shall not entitle the Customer to further investigation by the Utility.

Reference PUC 10010.1 (e), HSC 116910 (b)(3)

5. Discontinuance for Unpaid Utility Bill at a Previous Address

A Customer's service may be discontinued for nonpayment of a bill for service previously rendered them at any location served by the Utility provided such bill is not paid within 13 days after presentation of an Urgent Notice.

Reference PUC 10010.1(a)

In no case will residential service be discontinued because of nonpayment of bills for non-residential service.

6. Discontinuance of Service when Trying to Avoid Payment of Utility Bill

The Utility may discontinue or deny service for nonpayment of a bill where the Utility determines that the same person or persons continue to occupy the service address. However, the Utility will not deny service to the renters of a Premises whose owners or prior unrelated tenants have delinquent unpaid bills.

7. Discontinuance of Service Due to Fraud

The Utility may refuse or discontinue service if the acts of the Customer or the conditions upon the Customer's Premises are such as to indicate an intent to defraud the Utility.

8. Discontinuance of Service at More Than One Location

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 location are not paid within the time specified above, except that a residential service account shall not be discontinued for failure to pay bills for non-residential service.

9. Discontinuance of Service when Utility's Business Office is Closed

Service will not be discontinued by reason of delinquency in payment for utility services on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the Utility are not open to the public.

Reference PUC 10011.

10. Discontinuance of Residential Service at Individually Metered Detached Single-Family Dwelling, Multiunit Residential Structure, Mobile Home Park, or Labor Camp

This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.
Reference PUC 10009. (a)

Where utility service is provided to individually metered residential occupants in a detached single-family dwelling, a multiunit residential structure, mobile home park, or permanent residential structure in a labor camp, as defined in Section 17008 of the Health and Safety Code, and the owner, manager, or operator of the dwelling, structure, or park is listed by the Utility as the Customer of record, the Utility shall make every good faith effort, when the account is in arrears, to inform the residential occupants by means of written notice that service will be discontinued.

Reference PUC 10009. (b)

(1) A 10-day notice of discontinuance shall inform the residential occupants of their right to become Customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account. The notice shall be written in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean, as specified in Section 1632 of the Civil Code.

Reference PUC 10009. (b)

(2) The Utility is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the Utility's Rules and Schedules. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the Utility, or if there is a physical means, legally available to the Utility, of selectively terminating service to those residential occupants who have not met the requirements of the Utility's Rules and Schedules, the Utility shall make service available to the residential occupants who have met those requirements.

Reference PUC 10009. (c)

(3) The residential occupant must establish credit to the satisfaction of the Utility. However, where a residential occupant is establishing service under the provisions of this section and prior service for a period of time is a condition for establishing credit with the Utility, residence and proof of prompt payment of rent or other credit obligation acceptable to the Utility for that period of time is a satisfactory equivalent.

Reference PUC 10009. (d)

- (4) Any residential occupant who becomes a Customer of the Utility pursuant to this section whose periodic payments, such as rental payments, include charges for residential water service, where these charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the Utility for water service during the preceding payment period.
Reference PUC 10009. (e)

There will be a trip charge for posting of the field notification.

11. Discontinuance of Service at a Master Metered Multiunit Residential Structure, Mobile Home Park, or Labor Camp.

For discontinuance of service to residential occupants in a multiunit residential structure, mobile home park, or labor camp, as defined in section 17008 of the Health and Safety Code, who are master metered by the Utility, and the owner, manager, or operator of the structure or park is listed by the Utility as the Customer of record, the Utility shall make every good faith effort to inform the residential occupants, when the account is in arrears, to inform by means of written notice, that service will be discontinued .

Reference PUC 10009.1 (a)

- (1) A written 15-day notice of discontinuance shall be posted on the door of each residential unit prior to discontinuance; except that, if it is not reasonable or practicable to post the notice on the door of each residential unit, the Utility shall post two copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice shall be written in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean, as specified in Section 1632 of the Civil Code.
Reference PUC 10009.1 (a)

The notice will specify:

- (a) The date on which service will be discontinued.
- (b) That the residential occupants have the right to become Customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.
- (c) What the residential occupants are required to do in order to prevent the termination of service or to reestablish service.
- (d) The estimated monthly cost of service.
- (e) The title, address, and telephone number of a representative of the Utility who can assist the residential occupants in continuing service.

- (f) The address and telephone number of a legal services project as defined in Section 6213 of the Business and Professions Code, which has been recommended by the local county bar association. Reference PUC 10009.1 (a)
- (2) The Utility is not required to make service available to the residential occupants unless each residential occupant or a “representative of the residential occupants” agrees to the terms and conditions of service and meets the requirements of law and the Utility’s Rules and Schedules. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the account to the satisfaction of the Utility, or if there is a physical means, legally available to the Utility, of selectively terminating service to those residential occupants who have not met the requirements of the Utility’s Rules and Schedules or for whom the representative of the residential occupants is not responsible, the Utility shall make service available to those residential occupants who have met those requirements or on whose behalf those requirements have been met. As used herein, “representative of the residential occupants” does not include a tenants’ association. Reference PUC 10009.1(b)
- (3) Credit must be established to the satisfaction of the Utility. Where prior service for a period of time or other demonstration of credit worthiness is a condition for establishing credit with the Utility, residence and proof of prompt payment of rent or other obligation during that period of time acceptable to the Utility is a satisfactory equivalent. Reference PUC 10009.1(c)
- (4) Any residential occupant who becomes a Customer of the Utility pursuant to this section whose periodic payments, such as rental payments, includes charges for residential water service, where these charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the Utility for water service during the preceding payment period. Reference PUC 10009.1(d)
- (5) Where the Utility furnished service under a Residential Rate Schedule to a multiunit residential structure, mobile home park or labor camp, through a master meter, the Utility may not discontinue service in any of the following situations:
- (a) During the pendency of an investigation by the Utility of a Customer dispute or complaint. Reference PUC 10009.1(e)
- (b) When the Customer has been granted an extension of the period for payment of a bill. Reference PUC 10009.1(e)

- (c) For an indebtedness owed by the Customer to any other public agency or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the Utility. Reference PUC 10009.1(e)
- (d) When a delinquent account relates to another property owned, managed, or operated by the Customer. Reference PUC 10009.1(e)
- (e) When a public health or building officer certifies that disconnection would result in a significant threat to the health or safety of the residential occupants or the public. Reference PUC 10009.1(e)

There will be a trip charge for posting of the field notification.

12. State law pertaining to Discontinuance of Service

Should there be a conflict between this Rule No. 7 and State law, as amended from time to time, State law shall govern, except to the extent that the provisions of this Rule are more favorable for the Customer or a residential occupant.

E. RESTORATION OF SERVICE

1. Amount Due to Restore Service

All past due bills at the time of reconnect, applicable service charges, and deposit shall be paid by Customer prior to restoration of service. In addition, the City and/or Utility may require inspection of water facilities prior to reconnect at the Customer's expense. After hours for fee assessment purposes are hours outside the following windows: 8AM to 4PM Monday through Friday and 9AM to 1PM Saturdays and legal holidays.

2. Fund Verification Fee

If it is necessary to verify funds prior to reconnect, an additional service charge may be assessed. If funds cannot be verified, the Utility may require secured funds prior to reconnect.

3. Re-establishment of Service Deposit

If service is terminated, or if a notice of discontinuance has been given, the Utility will require the Customer to pay a deposit or an additional deposit up to an estimated average three month bill.

4. Reconnect Service Charge

All charges are cumulative and each trip to the Premises will incur additional charges. In order to restore service discontinued under the provisions above, there shall be a charge for the expense of turning the service on.

5. Self-Restoration Service Charge

In the event anyone has turned on the water service after it has been turned off for any of the above reasons, there shall be a charge in addition to other amounts due from the Customer before service is restored.

6. Administrative Fee

If water diversion occurs, an additional service charge will be assessed, as prescribed in Rule No. 19, WATER DIVERSION.

7. Water Meter Removal

If the meter is removed, a service charge will be billed in addition to other amounts due.