

Readopt with amendments Puc 1200, effective 9-16-11 (Document #9990), to read as follows:

CHAPTER Puc 1200 UNIFORM ADMINISTRATION OF UTILITY CUSTOMER RELATIONS

PART Puc 1201 PURPOSE AND SCOPE OF RULES

Puc 1201.01 Purpose. The purpose of these rules is to simplify and standardize the administrative processes by which customers and utilities interact in order to increase the level of information and protection provided to both and ensure, as far as is possible, the equal application of these rules by all utilities.

Puc 1201.02 Scope of Rules. With the exception of Puc 1204 and where otherwise noted, these rules shall apply to any public utility providing electric, gas, sewer, or water service to the public in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A. With the exception of Puc 1203.07, Puc 1203.11, Puc 1203.12, Puc 1203.16, Puc 1204.01, Puc 1204.02, Puc 1204.03, Puc 1204.04, Puc 1204.05 and Puc 1205, these rules shall not apply to rural electric cooperatives for which a certificate of deregulation is on file with the Commission.

PART Puc 1202 DEFINITIONS

Puc 1202.01 "Arrearage" means any amount due to the utility for utility service which remains unpaid after the due date printed on the original bill.

Puc 1202.02 "Commission" means the New Hampshire public utilities commission.

Puc 1202.03 "Complaint" means an expression of dissatisfaction by a customer which the utility has failed to resolve to the customer's satisfaction after the intervention of a supervisory employee of the utility or after the customer has requested such intervention.

Puc 1202.04 "Conference" means a meeting held in person or by telephone in which the customer, utility and commission staff participate.

Puc 1202.05 "Current bill" means the amount of money due to the utility for utility service, including all applicable state and federal taxes, rendered in the most recent billing period.

Puc 1202.06 "Customer" means any person, firm, partnership, corporation, cooperative marketing association, tenant, governmental unit, or a subdivision of a municipality, or the State of New Hampshire, who has contracted for electric, gas, sewer or water service from a utility.

Puc 1202.07 "Disconnection" means a technological function which occurs when a customer is physically or effectively separated or shut off from a utility service.

Puc 1202.08 "Due date" means the date no less than 25 calendar days from the bill date when the bill is sent electronically or via first class mail.

Puc 1202.09 "Financial hardship" means a residential customer has provided the utility with evidence of current enrollment of the customer or the customer's household in the Low Income Home Energy Assistance Program, the Electric Assistance Program, the Gas Residential Low Income Assistance Program, the Neighbor Helping Neighbor Program, their successor programs or any other federal, state or local government program or government funded program of any social service agency which provides financial assistance or subsidy assistance for low income households based upon a written determination of household financial eligibility.

Puc 1202.10 "Late payment" means any payment made to the utility or its authorized agent after the due date printed on the bill.

Puc 1202.11 "Medical emergency" means a situation where a utility customer or member of the customer's household has a physical or mental health condition that would become a danger to the customer's or household member's physical or mental health in the absence of utility service as certified to the utility by a licensed physician, advanced practice registered nurse, physician's assistant or mental health practitioner as defined in RSA 330-A:2, VII.

Puc 1202.12 "Meter" means a device installed by a utility to measure the amount of use.

Puc 1202.13 "Prime rate" means the rate reported in the Wall Street Journal on the first business day of the month preceding the beginning of each calendar quarter, or the average of the rates so reported on that day.

Puc 1202.14 "Tariff" means the current schedule of rates, charges, terms and conditions filed by a utility and either approved by the commission or effective by operation of law.

Puc 1202.15 "Termination" means a bookkeeping function which occurs when a customer account is closed permanently.

Puc 1202.16 "Undue delay" means more than 3 business days from the later of the date by which the customer complies with all application requirements or the date for which service was requested, except during severe storms, heavy seasonal activity, and other similar unforeseeable circumstances.

Puc 1202.17 "Utility" means every electric, gas, sewer, and water individual or business entity determined to be a public utility under New Hampshire statutes, and every municipal authority furnishing any of the above services outside its municipal boundaries excluding those municipalities exempted from regulation by RSA 362:4.

Puc 1202.18 "Utility service" means the provision of electric, gas, water or sewer service in accordance with the terms and conditions of a tariff filed with and approved by the Commission, or by a rural electric cooperative for which a certificate of deregulation is on file with the Commission in accordance with its terms and conditions of service.

Puc 1202.19 "Winter period" means the period beginning November 15th and extending up to and including March 31st.

PART Puc 1203 SERVICE PROVISIONS

Puc 1203.01 Initiation of Utility Service.

(a) The utility may require all applicants for service under a utility's filed tariff to make application to the utility in writing, in accordance with the forms prescribed by the utility.

(b) An applicant for service may initially make an oral application for service. If the utility requires written confirmation as provided for in (a) above, the utility shall require such written confirmation of the oral application to be made within 10 calendar days.

(c) The location to which an applicant requests service shall be:

(1) Within the utility's authorized franchise area; and

(2) Equipped with existing utility facilities in compliance with local occupancy requirements.

(d) The utility shall make reasonable efforts to determine if the applicant has an outstanding balance with the utility at the time of the applicant's request for service.

(e) An applicant for residential service shall not be held responsible for an outstanding balance incurred in the name of someone other than the applicant unless:

(1) The applicant and the individual in whose name the balance was incurred resided together at the time the balance was incurred; and

(2) The applicant and the individual in whose name the balance was incurred will continue to reside together at the location for which new service has been requested.

(f) Notwithstanding (c) (2) above, upon receiving a request for service to a location where facilities do not exist, all utilities shall provide all facilities necessary for service, or initiate a request for such facilities, where the provision of service to the location is economically feasible and the customer has obtained all necessary easements and permits and paid all applicable fees under the utility's tariff, and those facilities shall be exempt from the timing constraints of Puc 1203.01(h) below.

(g) The utility may charge for connection of service as specified in its tariff.

(h) Upon compliance by an applicant with all application requirements, the utility shall complete the service connection, where facilities exist which support the requested service, without undue delay.

(i) At the time a customer contracts for construction involving the installation or modification of utility services, the utility shall provide the customer with written or electronic notice stating that there might be additional charges assessed by other providers for service requested by the customer from those providers.

(j) A utility shall not connect service at a rate other than the applicable tariffed rate or rate schedule unless a special contract for such service is in effect.

(k) A gas utility shall ask the customer applying for new service whether the service will be used to heat the location and for any other information necessary to determine if the appropriate rate will be a heating or non-heating rate.

(l) The utility shall not deny service to any otherwise qualified applicant based upon any of the following characteristics:

(1) Income;

(2) Home ownership;

(3) Race;

(4) Color;

(5) Creed;

(6) Sex;

(7) Gender identity;

(8) Sexual orientation;

(9) Marital status;

(10) Age, with the exception of unemancipated minors;

(11) National origin; or

(12) Disability.

Puc 1203.02 Information to Customers.

(a) Upon receiving a request for new service, the utility shall provide information as to what might be the most advantageous rate or rates available to that customer.

(b) Upon a customer's request, each utility shall provide a written description of the utility's method of reading meters and deriving billing therefrom.

(c) All utilities that file an application with the commission for a general rate change shall send to each of its customers a clear and concise statement of the rate schedules applied for and indicate which schedules are applicable to that customer.

(d) The information required to be distributed to customers under (c) above shall be distributed no later than 45 calendar days from the date of filing.

(e) Upon application for service and no less frequently than annually, each customer shall be provided with the existing rate schedules or notified of how to obtain the existing rate schedules.

(f) If a utility provides the existing rate schedules in (e) above, the rate schedules shall be provided using one of the following methods:

- (1) Bill insert; or
- (2) Separate mailing.

(g) If a utility provides notice of how to obtain rate schedules in (e) above, notice shall be provided using one of the following methods:

- (1) Bill message;
- (2) Bill insert; or
- (3) Separate mailing

(h) Gas and electric utilities shall indicate in the statements required by (e) above:

- (1) Whether the rate schedules are subject to any periodic rate adjustment clause; and
- (2) The frequency with which rates under these clauses are subject to change.

(i) The statements required by (c) and (e) above shall include the toll-free number of the commission's consumer division.

(j) With the exception of sewer utilities, each utility shall provide notice on or with customer bills no less frequently than 2 times a year regarding medical emergency certification. The notice shall be consistent with the statement contained in Puc 1203.11(b)(2)l.

(k) All information required under Puc 1203.02 shall also be provided in a particular foreign language when 25% or more of the population within the utility's franchise area speaks that particular foreign language as its primary language. The determination of the percentage shall be made by the commission based upon data obtained from the state agency responsible for maintaining the state data center.

(l) Electric and gas utilities shall provide residential customers with copies of the commission-prepared pamphlet "Consumers' Rights and Responsibilities" in the following manner:

- (1) The pamphlet shall be available and displayed prominently on the website of each electric and gas utility;
 - (2) Printed copies of the pamphlet shall be available and provided to any person requesting a copy at no charge;
 - (3) Notice that the pamphlet is available on the utility website and in printed form shall be provided a minimum of 3 times each year in or on all residential bills;
 - (4) The cost of printing and distributing the pamphlets shall be borne by the gas and electric utilities in percentage amounts equal to the ratio representing the individual utility's gross revenues compared to the total gross revenues for all gas and electric utilities; and
 - (5) A gas or electric utility's decision to independently incur additional costs to distribute copies or provide notice of the pamphlet's availability more frequently than required by these rules shall be deemed by the commission an appropriate expense of doing business.
- (m) Water and sewer utilities shall provide residential customers with notice of the commission-prepared pamphlet "Consumers' Rights and Responsibilities" in the following manner:
- (1) The pamphlet shall be available and displayed prominently on the website of each water and sewer utility if the utility maintains a website; and
 - (2) Notice that the pamphlet is available on the commission's website, and the utility website where applicable, shall be provided a minimum of 2 times each year in or on all residential bills.

Puc 1203.03 Deposits.

- (a) As a condition of new residential service, a utility may require a deposit, or a written guarantee or direct debit account as provided for in (i) below, in the following circumstances:
- (1) When the customer has an undisputed overdue balance, incurred within the last 3 years, on a prior account with the utility or any similar type of utility, as described in (c) below;
 - (2) When any utility has successfully obtained a judgment against the customer during the past 2 years for non-payment of a delinquent account for utility service;
 - (3) When the utility has disconnected the customer's service within the last 3 years because the customer interfered with, or diverted, the service of the utility situated on or about the customer's premises; or
 - (4) When the customer is unable to provide satisfactory evidence to the utility that he or she intends to remain at the location for which service is being requested for a period of 12 consecutive months, as described in (b) below, unless he or she provides satisfactory evidence that he or she has not been delinquent in his or her similar utility service accounts for a period of 12 months, as described in (b) below, in which case no deposit shall be required.
- (b) For purposes of (a)(4) above, the following shall apply:
- (1) Satisfactory evidence of intent shall consist of a copy of the customer's deed, lease or letter from a landlord and shall be provided within 30 days of the deposit request; and
 - (2) Satisfactory evidence of non-delinquency shall consist of written statements by a representative of the similar utility service.

(c) For purposes of (a) and (b) above, the following utilities shall be considered to be similar utilities:

- (1) For electric utilities, gas or electric utilities;
- (2) For gas utilities, gas or electric utilities;
- (3) For water utilities, water utilities; and
- (4) For sewer utilities, sewer utilities.

(d) A utility's request for a deposit, as a condition of new residential service, shall be made within 30 calendar days of initiating new service.

(e) As a condition of existing residential service, a utility may require a deposit or a written guarantee or a direct debit account as provided for in (i) below, in the following circumstances:

- (1) When the customer has received the following number of disconnect notices for nonpayment from the utility within a 12 month period:
 - a. For customers billed monthly, 4 disconnect notices; and
 - b. For customers billed quarterly, 2 disconnect notices;
- (2) When the customer's service has been disconnected for non-payment of a delinquent account;
- (3) When the utility has disconnected the customer's service because the customer interfered with, or diverted, the service of the utility situated on, or delivered on or about, the customer's premises; or
- (4) When the customer has filed for bankruptcy and listed the utility as a creditor under the filing, and the filing has been accepted, in which case the deposit requirement shall be in accordance with 11 U.S.C. 366.

(f) As a condition of any service other than residential service, a utility may require a deposit.

(g) As part of any residential deposit request, the utility shall inform the customer, orally and in writing, of the following:

- (1) That the deposit shall be waived if the customer provides evidence of financial hardship unless the customer has previously interfered with, or diverted, the service of the utility situated on, or delivered on or about, the customer's premises;
- (2) That a customer claiming financial hardship shall present evidence of financial hardship to the utility on an annual basis; and
- (3) The option to provide a third-party guarantee in lieu of a deposit pursuant to (i)(1) below or, if offered by the utility, establish a direct debit account in lieu of a deposit pursuant to (i)(2).

(h) As part of any deposit request to a customer other than a residential customer, the utility shall inform the customer, orally and in writing, of the option to provide a third-party guarantee in lieu of deposit pursuant to (i)(1) below, or, if offered by the utility, establish a direct debit account pursuant to (i)(2) below in lieu of a deposit.

(i) In lieu of a deposit, a utility shall:

(1) Accept the irrevocable written guarantee of a responsible party such as a social service organization, a municipal welfare agency, a bank or a customer in good standing of the utility as a surety for a customer service account. For purposes of this section, "customer in good standing" means a customer who has not received any disconnection notices during the preceding 12 months. Any such guarantee shall:

- a. Be in writing;
- b. Include the maximum amount guaranteed; and
- c. Specify that the utility shall not hold the guarantor liable for the sums in excess of the maximum amount guaranteed unless agreed to in a separate written agreement; or

(2) With the agreement of both the utility and the customer, establish a direct debit account whereby the customer's payment shall be automatically debited from his or her bank account each month.

(j) The responsible party assuring the guarantee referenced in (i)(1) above shall be released from liability and no further deposit shall be required from the customer at the point in time when all bills have been paid without delinquency for 12 consecutive months for a residential customer and 24 consecutive months for a non-residential customer.

(k) When a direct debit account is established in lieu of a deposit in accordance with (i)(2) above, the utility shall have the right to go back to the customer and request a deposit if the automatic withdrawal from the customer's account fails for 2 successive months as a result of insufficient funds in the customer's bank account.

(l) Any deposit required pursuant to Puc 1203.03 shall be subject to the following terms and conditions:

(1) The amount of deposit shall be:

- a. No less than \$10; and
- b. No more than 2 times the average monthly bill, calculated as described below:
 1. For new utility customers, the average monthly bill shall be determined by estimation based on the following:
 - (i) Customer information about the prior customer at that service address; and
 - (ii) Customer specific characteristics; and
 2. For current utility customers, the average monthly bill shall be based on either:
 - (i) Actual past bills from the prior 12 months; or
 - (ii) If current utility customers have less than 12 months of actual service, the average monthly bill shall be determined pursuant to 1. above;

(2) All deposits shall accrue simple annual interest from the date of deposit to the date of termination;

(3) Interest shall accrue at a rate equal to the prime rate;

(4) When a deposit has been held longer than 12 months, interest shall be credited to the customer's current bill not less than annually;

- (5) The entire deposit plus interest accrued shall be refunded when all bills have been paid without arrearage for 12 consecutive months for a residential customer and 24 consecutive months for a non-residential customer;
- (6) With the agreement of the customer, deposits plus the interest accrued thereon may be applied against the current bills until the balance of the deposit is exhausted;
- (7) Upon termination of service, the deposit plus interest accrued less any amount due the utility shall be refunded within 60 calendar days of the date of termination;
- (8) A utility shall maintain a detailed record of all deposits received from customers showing:
- a. The name of the customer or customers;
 - b. The location of the service;
 - c. The date the deposit was made;
 - d. The amount of the deposit;
 - e. The amount of interest accrued;
 - f. The date refunded to the customer; and
 - g. Any amount credited to the customer's account;
- (9) The record required by (8) above shall be maintained by the utility for a period of 3 years subsequent to refunding the customer's deposit;
- (10) Either by mail or in person, a utility shall provide each customer with a receipt for any deposit, containing, at a minimum:
- a. The name of the customer or customers;
 - b. The location of the service;
 - c. The date and amount of the deposit payment; and
 - d. A statement of the terms and conditions governing the receipt, retention, refund, and payment of interest, and the payment and refund of deposits, pursuant to Puc 1203.03; and
- (11) The utility shall offer the customer the opportunity to pay the deposit in installments as follows:
- a. Except as otherwise negotiated pursuant to b. and c. below, payment shall be in 3 monthly installments with the first payment due upon demand, the second payment due within 30 calendar days, and the final payment due within 60 calendar days, provided that:
 1. The first payment shall be for no more than the average monthly bill for utility service calculated as provided in Puc 1203.03(1)(1)b; and
 2. The second and third payments shall be in equal installments of the remainder due.
 - b. Nothing shall prohibit the utility from negotiating payment of the deposit over a period longer than 3 months;

c. Nothing shall prohibit the customer from negotiating payment of the deposit over a period shorter than 3 months; and

d. Payment of the deposit in installments shall not relieve the customer of the obligation to pay the current bill in a timely manner.

(m) A utility shall not require a residential customer to make a deposit or furnish a guarantee as a condition of new or continued service based upon income, home ownership, residential location, race, color, creed, sex, gender identity, sexual orientation, marital status, age, national origin or disability and shall make such requirement only in accordance with Puc 1203.03.

(n) A customer may request a conference with the commission staff within 7 calendar days from receipt of the utility's request for a deposit if he or she is dissatisfied with a utility's request for deposit.

(o) Service disconnections resulting from the enforcement of Puc 1203.03 shall be delayed pending commission resolution of the customer's request for a conference pursuant to (n) above.

(p) As part of any deposit request, the utility shall inform the customer, orally and in writing, of his or her rights and responsibilities as described in (n) above.

Puc 1203.04 Meter Reading.

(a) Utilities which use meters shall read all service meters at regular intervals and on the corresponding day of each meter reading period insofar as practicable within regularly scheduled work days.

(b) Specific rules regarding meter readings for the utilities shall be found in Puc 300 for electric utilities, Puc 500 for gas utilities, and Puc 600 for water utilities.

Puc 1203.05 Implementation of Rate Changes.

(a) For purposes of this section, "unbilled revenues" means under collection of approved rates resulting from failure on the part of the utility to implement the rate on its effective date.

(b) Unless a utility petitions the commission for a waiver, all rate changes implemented as a result of a commission order, including changes occurring as a result of a default energy service, rate reconciliation, or cost of gas adjustment proceeding, shall be implemented on the basis of service rendered on or after the effective date of the approved rate change.

(c) When petitioning pursuant to Puc 201.05 for a waiver of the service-rendered basis presumption of (b) above, the utility shall, in addition to whatever else it might provide in making its petition, describe how, to the extent applicable, collection of the rate change on an other than service-rendered basis will:

- (1) Be less confusing to customers;
- (2) Cost less to implement;
- (3) Allow the utility to more closely match its revenue to its expenses; and
- (4) Give customers adequate notice of the changes in rates applicable to their usage.

(d) In the event of unbilled revenues, a utility may collect the unbilled, unpaid balance only after:

- (1) Providing the commission with the information listed in (e) below; and
- (2) Petitioning in writing for and obtaining commission authorization.

(e) A utility seeking approval to collect unbilled revenues shall provide to the commission in writing, the following:

- (1) A description of the failure to bill;
- (2) An explanation of why the failure occurred;
- (3) The amount of unbilled revenues the utility is seeking to collect;
- (4) The proposed time period over which the utility proposes to recover the unbilled, unpaid balance and the utility's rationale for such action;
- (5) The impact on the monthly bills of customers; and
- (6) The number and percentage of customers included in the approved rate change who are affected by the error.

(f) The commission shall not authorize collection of unbilled revenues unless it determines that:

- (1) The utility's error was inadvertent;
- (2) The time period for collection of the unbilled revenues does not impose undue hardship on ratepayers; and
- (3) The proposed collection meets the standards contained in RSA 378:7.

Puc 1203.06 Bill Forms.

(a) Bills shall be rendered at regular intervals.

(b) For utilities providing metered service, bills shall indicate at a minimum:

- (1) The date of the current meter reading;
- (2) The current meter reading;
- (3) The prior meter reading;
- (4) Any applicable penalty date;
- (5) The approximate date of the next meter reading;
- (6) All factors necessary to compute the charges;
- (7) The charges;
- (8) The utility's customer service phone number;
- (9) A statement that customers should call the utility regarding billing questions; and
- (10) A statement that customers may call the commission for further assistance after first attempting to resolve disputes with the utility, which statement shall include the commission's toll-free telephone number.

(c) For utilities providing non-metered service, bills shall indicate at a minimum:

- (1) The beginning and ending dates of the billing period;

- (2) Any applicable penalty date;
 - (3) The beginning and ending dates of the next billing period;
 - (4) All factors necessary to compute the charges;
 - (5) The charges;
 - (6) The utility's customer service phone number;
 - (7) A statement that customers should call the utility regarding billing questions; and
 - (8) A statement that customers may call the commission for further assistance after first attempting to resolve disputes with the utility, which statement shall include the commission's toll-free telephone number.
- (d) Bills for residential and non-residential service customers shall include one of the following:
- (1) Summary of the current applicable rate; or
 - (2) Notice that a printed copy of the current applicable rate shall be furnished upon request.
- (e) Bills shall be delivered:
- (1) Via first class mail; or
 - (2) Via an electronic billing system when offered by the utility and elected by the customer.
- (f) Each utility shall keep an accurate account of all charges for service billed to each customer and shall maintain records showing information from which each bill rendered may be readily computed.
- (g) Upon request of a customer, a utility shall provide the customer with a clear and concise statement of the actual consumption of service by the customer for each billing period during the prior year.

Puc 1203.07 Payment Arrangements.

- (a) With the exception stated in (b) below, when a residential customer is unable to pay the total arrearage due, the utility shall continue to provide service to the customer if the customer agrees to a payment arrangement wherein the customer shall:
- (1) Pay a reasonable portion of the arrearage as agreed to by the customer and the utility;
 - (2) Pay the balance of the arrearage in reasonable installments as agreed to by the customer and the utility; and
 - (3) Pay the current bill and all future bills by the due date printed on the bill.
- (b) When a residential customer is unable to pay the total arrearage due and the utility has been notified that a medical emergency exists pursuant to Puc 1205, the utility shall continue to provide service to the customer if the customer agrees to a payment arrangement wherein additional flexibility is built into the payment arrangement, including but not limited to negotiating a flat monthly payment, for application to both the arrearage and the customer's current and future bills.
- (c) In deciding upon the reasonableness of a payment arrangement, the customer and the utility shall consider the:
- (1) Size of the arrearage;

- (2) Estimated size of the customer's future monthly bills;
- (3) Customer's payment history;
- (4) Amount of time that the arrearage has been outstanding;
- (5) Reasons why the arrearage is outstanding and whether those reasons will or will not continue during the course of payment; and
- (6) Customer's ability to pay.

(d) For an arrearage resulting from a non-registering meter, inaccurate meter, meter reading error, or a reconciliation between estimated billings and actual usage, the payment arrangement shall extend for a minimum period of time equal to the period of time for which the error is being re-billed.

(e) For billing adjustments due to specific meter inaccuracies, Puc 305.05, Puc 505.06, and Puc 605.05 shall apply.

(f) The utility may require payment at shorter than monthly intervals if the payment arrangements are made in lieu of disconnection or upon reconnection without a deposit.

(g) The utility shall confirm all payment arrangements in writing and issue a copy to the customer by mail or by hand within 5 business days of the date the arrangement is made.

(h) Written confirmation, pursuant to (g) above, shall include a statement that:

- (1) Failure to comply with the payment arrangement can result in disconnection;
- (2) The customer can contact the commission's consumer division if the customer disagrees with the confirmation; and
- (3) Provides the toll-free telephone number for the commission's consumer division.

(i) The purpose of written confirmation as required by (g) above shall be to assure the customer of an opportunity to review and verify the terms of the payment arrangement.

(j) The utility shall not disconnect any customer for failure to comply with a payment arrangement which has not been timely confirmed in writing and received by the customer. For purposes of this section, receipt by the customer of a mailed confirmation shall be presumed 3 calendar days subsequent to mailing, or the actual date of delivery when known.

(k) Written notice of disconnection resulting from failure to comply with a payment arrangement is required if delivery of any previous disconnection notice occurred more than 45 days prior to the proposed date of disconnection.

(l) Notice required pursuant to (k) above shall be provided by U.S. Mail with a postmarked date no less than 14 calendar days prior to the proposed date of disconnection.

(m) Unless otherwise required by (k) above, the utility may disconnect without additional notice any customer for failure to comply with a properly confirmed payment arrangement, except as limited by Puc 1204 and Puc 1205.

(n) A customer may make payments pursuant to a properly confirmed payment arrangement to an authorized agent of the utility.

(o) At the conclusion of every payment arrangement negotiation, the utility representative shall advise the customer that the customer may contact a member of the commission's consumer division for review of the reasonableness of the arrangement offered by the utility and provide the toll-free number for the commission's consumer division.

(p) After reviewing the information provided pursuant to (c) above, the commission's consumer division shall waive the requirement of Puc 1203.07(a)(1), Puc 1203.07(a)(3) or both where necessary given the customer's financial circumstances, the amount due, and the customer's payment history with the utility.

Puc 1203.08 Penalties and Charges.

(a) Subject to the following requirements, a utility may charge and collect a late payment charge for overdue bills of all non-financial hardship customers:

- (1) A late payment charge may be imposed only after the due date printed on the bill;
- (2) The date of payment to the utility's authorized agent shall be considered the payment date for purposes of this section; and
- (3) A customer claiming financial hardship under this section shall provide evidence of financial hardship to the utility on an annual basis.

(b) The late payment charge on any overdue bill shall not exceed the amount set forth in the utility's tariff approved by the commission;

(c) The commission shall approve proposed late payment charges if the utility demonstrates that the proposed charge does not exceed the actual costs incurred by the utility due to lateness;

(d) To demonstrate that a proposed charge does not exceed costs, the utility shall provide the commission with:

1. Aggregate carrying cost information;
2. Aggregate administrative cost information; and
3. Other relevant information in the aggregate or with respect to the individual customer;

(e) A utility may impose a charge on a customer account whenever a check or draft presented for payment of service is not accepted by the institution on which it is written.

(f) The amount of the charge permitted by (e), above, shall be the greater of \$5 or the actual administrative cost of recovery as specified in the utility's tariff.

Puc 1203.09 Complaints by Customers.

(a) Each utility shall make a full and prompt investigation of customer complaints made either directly to the utility or through the commission.

(b) A utility shall keep a record of complaints received for at least 2 years.

(c) The record of each complaint shall show:

- (1) The name, address, and telephone number, if known and available, of the complainant;
- (2) The date and character of the complaint; and

(2) The unpaid bill results from service other than utility service, such as merchandise, appliance sales, or repairs;

(3) A municipal welfare office has guaranteed payment of the average monthly bill on behalf of the customer, pursuant to the town's public welfare obligations under RSA 165, and the customer agrees to enter into a reasonable arrangement for repayment of the amount in arrears pursuant to Puc 1203.07; or

(4) The arrearage is for prior residential service furnished in the name of someone other than the customer of record unless:

a. The customer of record and the above mentioned person other than the customer of record resided together at the address where the arrearage was incurred;

b. Both that person and the customer of record received the benefit of the utility service;

c. Both that person and the customer of record reside together at the current service address and receive the benefit of the current utility service; and

d. The person other than the customer of record refuses to enter into a payment arrangement subject to all the provisions of Puc 1203.07.

(i) A utility may disconnect service to a non-residential customer after proper notice if any of the following conditions exist:

(1) The customer has failed to pay any arrearage remaining unpaid after proper demand therefore;

(2) The customer has violated any tariff provision;

(3) The customer has failed to pay a properly requested deposit, establish a direct debit account or provide an acceptable third party guarantee; or

(4) The customer refuses access to the premises for a necessary inspection of utility property, including but not limited to the reading of meters.

(j) Unless special arrangements are made with the customer, a utility shall only disconnect service to its residential customers from 8:00 am to 3:30 pm Monday through Thursday.

(k) The utility shall not disconnect service to its residential customers during the time specified by (j) above if the proposed disconnection would occur on:

(1) A state or federal holiday;

(2) The day preceding a state or federal holiday;

(3) A day the commission is closed to the public; or

(4) The day preceding a day the commission is closed to the public.

(l) Unless special arrangements are made with the customer, a utility shall only disconnect service to its non-residential customers from 8:00 am to 3:30 pm Monday through Friday.

(m) The utility shall not disconnect service to its non-residential customers during the time specified by (l) above if the proposed disconnection would occur on:

(1) A state or federal holiday; or

