

Procedural Policy to Resolve Utility Bill

I. Right to Disconnect

The City of Bennet may disconnect utility service for any of the following reasons or for any other reason permitted by federal, state or municipal law.

- A. Failure to meet the applicable provisions of law.
- B. Violation of the ordinances or regulations pertaining to utility service.
- C. Nonpayment of past or present utility bills.
- D. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.
- E. Tampering with any meter, seal or other equipment controlling or regulating the supply of utility service.
- F. Theft or diversion and/or use of service with payment therefor.
- G. Vacancy or abandonment of premises.
- H. Change in name of person to be billed.
- I. Failure of property owner or customer to pay required deposits or provide required guarantees.
- J. Failure to comply with backflow prevention requirements.

II. Delinquent Bills

- 1. All bills for utility service are due and payable upon receipt.
- 2. Bills not paid by the 15th of the month shall be deemed delinquent and a late fee equal to 10% of the amount due will be charged against the account.
- 3. Disconnect notices shall normally be issued on the 16th day of the month to any domestic subscriber on all delinquent accounts, in compliance with Section III and IV of this procedural policy.

III. Serving Disconnect Notice

Before disconnection of utility service, the City of Bennet shall give notice by first class mail or in person to the domestic subscriber whose utility service is to be disconnected. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. The City also has available to domestic subscribers third party notice whereby the City will serve the notice of disconnection on the designated third party by first class mail or in person.

IV. Contents of Disconnect Notice

The disconnection notice, by state law, must contain at least the following information.
The reason for the proposed disconnection:

1. A statement of intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill.
2. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action.
3. The name, address and telephone number of an employee designated by the City of Bennet to whom the domestic subscriber may address an inquiry or complaint.
4. A statement explaining that the domestic subscriber has a right, prior to the disconnection date, to request a conference regarding any dispute over the proposed disconnection.
5. A statement that the utility will not be disconnected until the conference is concluded.
6. A statement to the effect that disconnection shall be postponed or prevented upon presentation of a duly licensed physician's, physician's assistant's, or advanced practice registered nurse's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate must be filed with the City of Bennet within five (5) days of receiving notice of disconnection, excluding holidays and weekends, and will prevent the disconnection of utility service for a period of at least thirty (30) days from such filing. Only one (1) postponement of disconnection shall be allowed for each incidence of non-payment of any past due account.
7. A list of all monies that must be remitted to the City of Bennet for reconnection, including any reconnect charges and payment of all past due accounts. Reconnection fees cannot exceed the reasonable cost of the reconnection.
8. A statement explaining that the domestic subscriber may arrange with the City of Bennet for an installment payment plan.
9. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard.

V. Conference with Utility Domestic Subscriber

Upon a written request by a customer for a conference, the City of Bennet shall:

1. Designate an employee to hear and decide all matters at the conference.
2. Schedule a conference within fourteen (14) days of the receipt of the customer's request for a conference.
3. Notify the domestic subscriber in writing of the time, place and date scheduled for the conference.

The conference shall be informal and not governed by the Nebraska Rules of Evidence.

Failure by the customer to attend the conference shall relieve the City of Bennet of any further action prior to the disconnection of utility service.

The domestic subscriber may, prior to the scheduled conference, give good and sufficient reason that they will be unable to attend the conference at the appointed time and date. The City of Bennet shall make a reasonable effort to reschedule the conference.

The designated employee shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any part of the disconnection notice which is a result of a disputed billing. The employee shall allow disconnection of utility service only when all less drastic remedies have been exhausted.

If the employee determines at the conference that the domestic subscriber did not receive proper notice or was denied any other legal right, the employee shall recess and continue the conference at such time as the subscriber has been afforded his or her rights.

VI. Appeals

If the designated employee issues an opinion that is adverse to the domestic subscriber, the domestic subscriber may, within 10 days after the date the decision is issued, appeal in writing. The appeal will be heard by the board of trustees or the utilities superintendent, whichever is designated by the utility.

Upon receiving a written request for an appeal, the utility will notify the domestic subscriber of the location, date, and time of the hearing in writing. The date of the hearing will be at least 7 days after the day the appeal request is received by the utility.

The domestic subscriber may examine and copy, not less than three (3) days prior to the hearing, the utility's file and records pertaining to the dispute.

At an appeal hearing, the domestic subscriber may be represented by legal counsel or other representative or spokesperson.

The appeal hearing will be conducted as follows:

1. A representative of the utility will present the reason or reasons the utility issued the disconnect notice, a summary of the proceedings at the conference, and the decision by the designated employee.
2. The domestic subscriber will next present his or her reasons for appealing the decision.
3. The representative of the utility will then have an opportunity to present any other information in response to the domestic subscriber's presentation.
4. The domestic subscriber will have a last opportunity to present information regarding why he or she feels the designated employee's decision should be reversed.

The domestic subscriber may present witnesses and offer evidence. All witnesses may be cross-examined and confronted.

The domestic subscriber may make or have made a record of the proceedings at his or her own expense.

A written copy of this appeal policy will be furnished to a domestic subscriber upon request.

VII. Repairs

Interruptions of service or disconnections made pursuant to repair, maintenance, health, or safety reasons shall not constitute a disconnection for the purposes of this procedural policy.

City of Bennet
Utility Conference Notice

Subscriber's Name: _____

A conference to discuss matters regarding your utility bill has been scheduled before this employee designated by the utility.

Name: _____

Place: _____

Date: _____ **Time:** _____

The employee designated by the utility will hear and decide all matters relating to the disputed bill. Such conference shall be informal and not governed by the Nebraska Rules of Evidence.

Failure of a domestic subscriber to attend a scheduled conference shall relieve the Utility of any further action prior to the discontinuance of service.

If a domestic subscriber contacts the utility prior to the scheduled conference and demonstrates that failure to attend is for a legitimate reason, the City shall make a reasonable effort to reschedule the conference.

City of Bennet
Notice of Appeal Hearing

Name: _____

An appeal hearing to discuss matters relating to your utility bill has been scheduled before the
___ Board of Trustees ___ Utilities Superintendent.

Place: _____

Date: _____ **Time:** _____

You may examine and copy, not less than three (3) days prior to the hearing, the utility’s file and records pertaining to the dispute.

At an appeal hearing, you may be represented by legal counsel or other representative or spokesperson.

The appeal hearing will be conducted as follows:

1. A representative of the utility will present the reason or reasons the utility issued the disconnect notice, a summary of the proceedings at the conference, and the decision by the designated employee.
2. You may next present your reasons for appealing the decision.
3. The representative of the utility will then have an opportunity to present any other information in response to your presentation.
4. You will have a last opportunity to present information regarding why you feel the designated employee’s decision should be reversed.

You may present witnesses and offer evidence. All witnesses may be cross-examined and confronted.

You may make or have made a record of the proceedings at your own expense.

PERMISSION TO SEND DISCONNECT NOTICE VIA EMAIL

I hereby give permission to have any notice that utility service will be terminated be sent via electronic mail. Any electronic mail that serves as a notice of utility termination will be conspicuously marked as to its importance and no termination shall occur for at least seven days, weekends and holidays excepted, following the dispatch of the electronic email.

Name _____

Date _____