

## SEWER POLICY

### DEFINITIONS

The following definitions apply whenever said terms appear in these rules.

1. Consumer: Any person who in the ultimate residential user of utility services provided by the Service Provider.
2. Customer: Any person who enters into a contractual agreement with the Service Provider to receive or to pay for residential utility services provided by the Service Provider. Customers may, but need not be consumers of the services provided under such a contractual agreement
3. Consumer Household: Any service address in which the customer who is contractually liable for utility services furnished to that address does not resides.
4. Customer Household: Any service address in which the customer contractually liable for utility services furnished to that address resides.
5. Billing Address: The address at which the customer contractually liable for utility services furnished to a service address receives billings from the Service Provider. Billing addresses may, but need not, be the address at which said services are received.
6. Service Address: Any individual residential address at which utility services are furnished a consumer or customer household. The singular may include the plural. Most service addresses will be individually metered. However, in apartment buildings, apartment complexes, duplex apartments, etc., one meter may supply more than one household. In such circumstances, each individual apartment is a separate service address as that *term* is used herein.
7. Service Representative: An appropriate impartial supervisory or managerial employee whose other job duties do not include day-to-day responsibility for collecting accounts or screening service applications. The Service Representative must also possess the abilities and knowledge required for the duties of the Service Representative. An Alternative Service Representative, with similar qualifications, will be designated for those times when the Service Representative is unavailable, was previously resolved in the matter on appeal, or otherwise is unable to fulfill this important roll. The Services Representative shall be empowered and required (when good cause in shown) to compromise and adjust billings; negotiate, defer and compromise disputes as to service requirements or payment demands and to cancel disconnection and/or order reconnection. The Service Representative shall strive to arrange reasonable alternate methods of payment, Or reasonable security for payment, in order to preserve utility service, and shall maintain residential utility service without discrimination. The Service Representative shall preside at hearings held pursuant to these rules.

8. Provider: A utility company (as defined in Chapter 6119, Revised Code) or a municipal utility company is a "provider" of utility services as that term is used in the rules, if it (1) delivers and/or controls the delivery of utility services to that service address; (2) decides if utility services to that service address are to be provided or terminated; or (3) bills or collects utility services charges for that service address. A public or municipal utility company which merely sells bulk utility service to a provider (as that term is defined in these rules) does not, for that reason alone, thereby become a provider itself.

## **II. UTILITY SERVICE TERMINATION POLICY**

Utility service to customer or consumer households may be disconnected or terminated (Hereinafter "disconnection") by the Provider only for the following reasons:

- a. Non-payment;
- b. Emergencies and repairs;
- c. At customer request, provided that the approval of both the customer and consumer of services for that service address is necessary if any service address affected by the request is a consumer household.
- d. If, upon physical examination, a provider obtains reasonable grounds for and has a good faith belief that, Ohio Revised Code Sections 4933.18 or 4933.19 have been violated by use of a jumper or other by-pass mechanism (1) prior to installation of check valves or backflow protection or (2) which results in bypassing and negating such valves or protection. While the provider must otherwise satisfy the requirements of these rules, utility service may be terminated immediately upon that discovery, without notice or opportunity for hearing prior to termination. However, in such circumstances, if a customer or consumer household affected by such termination thereafter requests a hearing, and establishes that the offending condition has been remedied, utility service will be reinstated, conditioned on continuing good behavior, although the provider does not thereby waive any right of prosecution otherwise granted under the law.

Except as set forth in (d) above, disconnections other than those with approval of both the customer and consumer of service may not occur without proper notice and adequate opportunity for hearing before termination. These rules shall be complied with by all utility department employees.

No disconnection of service shall occur except after compliance with these rules.

## **III. NOTICE PROCEDURES**

Written notice of proposed disconnection of service, for any reason other than voluntary disconnection as described here, must be sent by the Provider at least 14 days, and no more than 30 days, prior to the *date* for proposed disconnection. Notices may be mailed with first class postage prepaid to reasonably assure delivery within that time. The date of the notice shall be the date of mailing, and a dated copy of any notice sent shall be returned by the Provider in the business file relating to each service address referred to

in the notice. Notices shall clearly and conspicuously advise any recipient of each of the following facts:

- a. Identifying information, including the service address to be affected, the account number, the customer's name and address, and the identity and address of the Provider;
- b. The date proposed for disconnection if the account is not paid, or hearing requested, or a separate account established.
- c. The reason for the proposed termination, including (if applicable) the amount claimed to be due; the location and hours at which payment in person can be made; and the minimum payment which, tendered at or before disconnection, is necessary to avoid disconnection.
- d. The notice that a consumer of utility services may avoid disconnection by paying current charges and assuming responsibility for payment of future charges, if the consumer does not owe a delinquent utility bill or if that bill is now paid in full;
- e. A notice that a customer or consumer of utility services has the right to a hearing to contest the reasons for the proposed disconnection, and that if a hearing is requested, the disconnection will not take place until the hearing process is completed;
- f. The name, title, address, telephone number, find hours during which the Service Representative may be contacted to request a hearing, explore payment alternatives or special consideration in hardship cases, or to assume responsibility for future utility charges. This information will appear in all capital letters at the bottom of the notice, after the words, "FINAL NOTICE IF YOU HAVE ANY QUESTION OR DISPUTE ABOUT THIS BILL CALL 740-446-4612 Ext. 226.

The notice attached hereto as Exhibit 1 satisfies these requirements.

In the event any service address that would be affected by disconnection is a consumer household, notice of disconnection of service, in this form and manner, must be delivered to each service address so affected, in addition to delivery to the customer household.

#### **IV. EMERGENCIES AND REPAIRS**

Disconnection of service may occur without prior notice if emergency circumstances involve imminent danger to persons or property including a break in a utility service line. Prior notice shall be given by the Provider where utility service shall be lost for more than eight hours as the result of routine or scheduled maintenance, so that consumers of utility service may plan accordingly. If the loss of utility service results from a utility line break or other emergency circumstances, and is expected to, or does, last for more than four hours, the Provider shall make reasonable attempts to give notice to service addresses affected by such loss of service by asking one or more primary radio media in each county affected by the loss of service to publicize the loss of service, the reason for it, and the expected date and time by which the Provider expects to restore service. If a service must be temporarily disconnected on a non-emergency basis for the purpose of repairs within the service address, a "disconnection request" in the form attached hereto as Exhibit 2 must be completed in writing by the customer contractually

obligated to pay for service at the address. If any service address that would be affected by disconnection is a consumer household, disconnection for repair shall not be processed unless the request is also approved by an adult consumer residing at each service address that would be affected by disconnection. A copy of the disconnection request shall be retained in the Provider's business records relating to any service address so affected. The Provider shall reconnect service disconnected for the purpose of non-emergency repair upon the demand of the customer or owner or of an adult consumer residing at any service address so affected.

#### **V. VOLUNTARY TERMINATION OF SERVICE**

Requests for voluntary disconnection of utility service shall be made at the Provider's office; shall be made in writing on the "disconnection request" form attached as Exhibit 2 by the customer contractually obligated to pay charges incurred at each service address affected by the disconnection; and shall also be approved in writing by an adult consumer actually residing at each affected service address if any service address containing a consumer household will be affected by disconnection.

Upon receiving a request for voluntary disconnection, if the Provider's records reveal that the service address is different from the billing address for that account, or if there is other reason to believe disconnection may affect a service address comprised of a household other than, or in addition to, the customer's household, no voluntary disconnection will be processed (1) until a disconnection request form is signed by an adult consumer actually residing in each service address that will be affected by disconnection; or (2) until a service department employee personally visits each service address that will be affected by disconnection and verifies its un-occupancy.

Service department employees performing such verification shall make reasonable efforts to determine whether the service address is occupied or unoccupied, including but not necessarily limited to, checking with neighbors and other utility providers. Service employees performing such verification shall note in writing his/her identity; the date and time of the visit; the efforts utilized to determine the occupancy status of the premises, and his/her conclusions as to occupancy. This investigation may occur during the same visit at which the service employee will comply with the disconnection procedures of Part VI, below, if the employee reasonably concludes the address is unoccupied.

Service employee notations as to this investigation and all request forms executed under this provision, shall be retained in the business file kept by the Provider relating to any service address so affected. The Provider will reconnect service upon demand of any adult consumer of utility service at any service address so affected, if this voluntary disconnection provision was not complied with, or if the Provider's verification of un-occupancy was in error.

#### **VI. DISCONNECTION PROCEDURES**

Except for emergency disconnections pursuant to Part IV above, disconnection of utility service shall not occur after 12:30 p.m. on any day which precedes a holiday or weekend, or any other day on which all services necessary to reconnect service are not

available. All disconnections of service shall be documented by a written service order recording the date, time, and identity of the service employee effectuating disconnection; such documentation shall be retained in the business file kept by the Provider relating to any service address so affected.

Service employees dispatched to disconnect service shall not disconnect service until he/she makes reasonable efforts to personally contact the occupants, if any, of each service address affected by disconnection to (1) advise of the disconnection; and (2) verify the propriety of the disconnection. Reasonable efforts shall include, but not necessarily be limited to, knocking at the entry to each individual service address, or otherwise attempting to gain the attention of any occupants. If the service employee makes personal contact with the occupants of any such service address, and then is able to verify the propriety of the disconnection (which includes but is not limited to verifying the receipt of notice, as required by Part III, above), the service employee shall then deliver to the occupants a turn-off notice which shall clearly and conspicuously advise the occupant(s) of:

- a. the date and time of the termination;
- b. the reason for termination;
- c. If the termination is for non-payment, the amount which must be paid, including any reconnection fee, to have service re-established,
- d. The location and hours of the office at which payment can be made to obtain reconnection;
- e. The name, title, address, telephone number, and hours during which the Service Representative may be contacted to discuss reconnection;
- f. A consumer's ability to obtain utility service in their own account, if service was terminated due to non-payment of utility charges, if the consumer does not owe a delinquent utility bill or the bill is now paid in full; and
- g. a consumer or customer's right to a hearing to contest disconnection or a refusal to reconnect service, although that request will not now postpone disconnection unless it can be established that prior notice of proposed disconnection was not given.

The notice attached hereto as Exhibit 3 satisfies these requirements.

If a service employee's efforts to make personal contact with the occupants of any such service address immediately prior to disconnection are not successful, the service employee shall post the turn-off notice in a prominent place at the entry to each service address affected by disconnection. The service employee shall document on the service order the efforts made to personally contact the occupants prior to disconnection and the delivery of the turn-off notice, including the date and time such acts were performed and his/her identity.

## **VII. HEARING PROCEDURES**

Persons who wish to contest a denial of utility service, or the Provider's decision as to billing or a proposed disconnection of utility services (hereafter "the person") shall be afforded a due process opportunity to contest the Provider's action or inaction prior to termination of service. Due process shall include the right to a face-to-face meeting with the Service Representative, at which time a person may (1) have the assistance of

a representative; and (2) may present documentary and/or oral information and/or the testimony of witnesses for the Service Representative's consideration. These persons shall be entitled to reasonable access to the Provider's business records concerning the affected service address in order to prepare for the meeting, which right of access includes the right to obtain copies of documents found therein upon payment of the actual cost of copying. The Service representative shall make a written decision after the hearing and the reasons for the decision. A copy of the decision shall be delivered to the person; a copy shall be retained in a special decisions file; and a copy retained in the business files kept by the Provider relating to any service address affected by the hearing.

Due process hearing shall be held within a reasonable time after a verbal or written hearing request has been made, but will not be held so quickly as to deny the person an adequate opportunity to seek assistance or to prepare for the bearing, in light of the person's circumstances. Five business days shall generally constitute a reasonable time. The hearing decision shall be sent to the person within a reasonable time after the hearing. If a hearing has been requested prior to actual disconnection of service, no disconnection may occur until seven (7) days after the hearing decision is delivered to the person who requested the hearing.

#### **VIII. NONDISCRIMINATION AGAINST CONSUMERS**

If service is disconnected, or if disconnection is proposed, due to a customer's nonpayment of service charges for a consumer household, an adult consumer of utility services in said household shall have the right to avoid disconnection, or obtain reconnection, if the consumer pays a deposit that portion of the bill that is not past due and assumes written responsibility for timely payment of future charges for service provided the household at the service address. Consumer assumption does not relieve the customer of contractual liability for charges incurred. The assumption obligation shall terminate upon the consumer's delivery to the Provider of a written notice canceling that assumption.

This section does not apply to any customer \_\_\_\_\_ any service address in which resides the customer obligated for payment of the account for that service address.

However, in circumstances in which one meter serves more than one service address, consumer households will not be penalized in any way, or denied the benefit of this provision, because the defaulting customer's benefited unit might also benefit from a continuation or restoration of service.

The Provider shall not refuse to furnish utility service and/or propose to or disconnect utility service to any customer or consumer household on account of arrearages due Provider for utility services furnished to persons formerly receiving services at the same premises, provided the customers obligated on that delinquent account do not continue to reside at such premises. Applicants who are denied utility service shall be notified of that decision, and the reason for it, by use of the form attached as Exhibit 4. No consumer of utility may be denied-services because of, or billed for or required to pay for utility services furnished on the account of another individual, except to the extent of any assumption obligation previously assumed by that consumer pursuant to this paragraph.

## **IX. ADDITIONAL PROCEDURES**

The utility office must give sixteen (16) calendar days for customers to make payment.

Regular bills are scheduled to be mailed by the 19th of each month with bill due by the 7<sup>th</sup> of the following month.

Past due (turn-off) notices are scheduled to be mailed by the 13th day of each month and due on the 28th of each month.

The same days past due bills are mailed, our service representative is to go to the door of the customer and give a copy of Exhibit #1 if the past due notice is in the name of the property owner and mailed to another address. If the tenant is not home, the notice must be posted in a conspicuous place.

If a customer requests a hearing, a hearing must be scheduled within five (5) days. The County Commissioners and City Solicitor are to hear these requests. One sewer department employee will also attend. The petition will be either accepted or denied. The customer will be given written notification at the meeting.

## EXHIBIT 1

### SHUT-OFF NOTICE

Gallia County  
Sewer Department  
18 Locust Street  
Gallipolis, OH 45631  
(740) 446-4612 Ext. 226

Account #: \_\_\_\_\_  
Delinquent Balance: \_\_\_\_\_  
Office Hours: 8 TO 4 P.M  
Monday - Friday

This notice is a reminder that we have not received payment for your previous month's utility billing. Consumers of utility service may avoid disconnection by paying current charges and assuming responsibility for payment of future charges, if the customer owing the current balance does not reside in the service address with the consumer.

Failure to respond to this delinquency notice shall result in discontinuance of service. (Ord. 925.10) Service shall be reinstated upon full payment of delinquent bill and a \$10.00 administrative delinquent fee. Payment must be made by 3:00 p.m. for same day turn-on.

A customer or consumer of utility services has the right to a hearing to contest the reasons for the proposed disconnection and that if a hearing is requested; the disconnection will not take place until the hearing process is completed.

**FINAL NOTICE: IF YOU HAVE ANY QUESTIONS OR DISPUTE ABOUT THIS BILL, CALL THE SEWER DEPARTMENT, 18 LOCUST STREET, GALLIPOLIS, OH 45631, TELEPHONE NUMBER (740) 446-4612, EXT. 226 FROM 8:00 A.M. TO 4:00 P.M. MONDAY THROUGH FRIDAY TO REQUEST A HEARING. OR TO EXPLORE PAYMENT ALTERNATIVES OR SPECIAL CONSIDERATION IN HARDSHIP CASES, OR TO ASSUME RESPONSIBILITY FOR FUTURE UTILITY CHARGES**

**EXHIBIT 2 (BACK)**

**REVERSE SIDE TO BE COMPLETED IF THE SUSPENSION REQUEST DOES NOT CONCERN A SINGLE FAMILY RESIDENCE AT THE CUSTOMER'S BILLING ADDRESS**

The undersigned hereby certifies under penalty of perjury that they are the customer responsible for utility service at or the owner of the service address herein and that at least one of the following is true as marked:

Each service address affected by the requested suspension is now unoccupied and no consumer resides therein.

Each service address affected by the requested suspension will be unoccupied during the suspension, no consumer will be affected by the suspension, and the occupants of each unit have received written notice at least 24 hours in advance of the suspension of the proposed suspension. Copies of such notices must be attached.

An adult consumer residing at each service address affected by the requested suspension has approved the suspension below:

Signature: \_\_\_\_\_

Service Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Service Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Service Address: \_\_\_\_\_

(Additional consumers may sign on the back of this form.)

\_\_\_\_\_  
Signature of Customer of Owner

Please note: A responsible adult must have access to each service address at the time service is to be restored.

EXHIBIT 3

As of \_\_\_\_\_ all  
service at this address has  
been discontinued because  
of delinquent account.

Please contact the sewer  
office at 446-4612 Ext. 226  
between the hours of 8:00  
a.m. and 4:00 p.m.

Thank you very much.  
Gallia County Sewer  
Department

**Exhibit 4**  
**DENIAL OF SERVICE**

To: \_\_\_\_\_  
(Insert Name of Applicant)

Date: \_\_\_\_\_

Your application for utility service \_\_\_\_\_ is denied for the following reason (s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We will agree to provide utility service at that address under the following conditions:  
\_\_\_\_\_  
\_\_\_\_\_

If you disagree with this decision or the conditions we ask, you may request a hearing to appeal this denial. If you request a hearing, you have the right to examine utility department records concerning this denial; to bring a representative to help you with the hearing; and to bring witnesses to testify at the hearing. You may request a hearing now, orally or in writing, or by contacting the Service Representative at

\_\_\_\_\_  
(Address and Telephone Number of Service Representative)

\_\_\_\_\_  
(Signature of Employee Making Decision)

Orig: To Applicant  
cc: Attached to Service Address File